Hearing Date: May 22, 2020
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ITEM 3

TEST CLAIM

PROPOSED DECISION

Government Code Section 12525.5 and Penal Code Sections 13012 and 13519.4; as added or amended by 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 as added by Register 2017, No. 46[1]

Racial and Identity Profiling

18-TC-02

City of San Diego, Claimant

TABLE OF CONTENTS

Exhibit A

Test Claim, filed June 14, 2019 1-306

Exhibit B

Department of Finance's (Finance's) Comments on the Test Claim, filed September 19, 2019 1-9

Exhibit C

Interested Person's (San Bernardino County Sherriff's Department's) Comments on the Test Claim, filed September 19, 2019 1-8

Exhibit D

Interested Person's (Riverside County Sheriff's Department's) Comments on the Test Claim, filed September 19, 2019 1-25

Exhibit E

Interested Person's (Peace Officers Research Association of California's (PORAC's)) Late Comments on the Test Claim, filed September 20, 2019 1-8

[1] Note that Register 2016, 50-2 was incorrectly cited in the test claim filing due to a Westlaw error. The correct register is Register 2017, No. 46.

Exhibit F

Interested Person's (San Diego County Sheriff's Department's) Late Comments on the Test Claim, filed September 27, 2019.....1-8

Exhibit G

Claimant's Rebuttal Comments, filed October 16, 2019.....1-11

Exhibit H

Draft Proposed Decision, issued December 31, 2019.....1-78

Exhibit I

Supporting Documentation

Senate Committee on Public Safety Analysis of AB 953, (2015-2016 Reg. Sess.), as amended June 30, 2015.....1-9

Senate Rules Committee, Office of Senate Floor Analyses, Third Reading Analysis of AB 953, (2015-2016 Reg. Sess.), as amended August 31, 2015.....1-10

Governor's Veto Message (SB 78, 1999-2000 Reg. Sess.), http://www.leginfo.ca.gov/pub/99-00/bill/sen/sb_0051-0100/sb_78_vt_19990928.html (accessed on December 6, 2019). 1-2

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Commission on State Mandates, Test Claim Decision, *Racial Profiling: Law Enforcement Training*, 01-TC-01, adopted October 26, 2006, https://csm.ca.gov/decisions/01tc01sod.pdf 1-25

Commission on State Mandates, Test Claim Decision, *Crime Statistics Reports for the Department of Justice*, 02-TC-04 and 02-TC-11, adopted June 26, 2008, https://csm.ca.gov/matters/02-TC-04/doc1.pdf. 1-19

Commission on State Mandates, Test Claim Decision, *Crime Statistics Reports for the Department of Justice*, 07-TC-10, adopted July 31, 2009, https://csm.ca.gov/matters/02-TC-04/doc2.pdf.....1-16

Notice of Corrected Statement of Decision, *Crime Statistics Reports for the Department of Justice (Amendment to 02-TC-04 and 02-TC-11)*, 07-TC-10 https://csm.ca.gov/matters/02-TC-04/07-tc-10correctedsodtrans041210.pdf 1-1

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Stanislaus County Sheriff's Department, Contract Cities, https://www.scsdonline.com/ops/contract-cities.html (accessed on December 5, 2019). 1-1

Excerpt from the L. Baca, Contract Law Enforcement Services, Los Angeles Sheriff's Department, Contract Law Enforcement Bureau (revised January 2009), page 3, https://www.sheriffs.org/sites/default/files/uploads/CLESDocument.pdf (accessed on October 14, 2019). 1-3

STATE of CALIFORNIA
COMMISSION ON STATE MANDATES

For CSM Use Only
Filing Date:
RECEIVED June 14, 2019 Commission on State Mandates
Test Claim #: 18-TC-02

TEST CLAIM FORM

Section 1

Proposed Test Claim Title:

The Racial and Identity Profiling Act of 2015

Section 2

Local Government (Local Agency/School District) Name:

City of San Diego

Name and Title of Claimant's Authorized Official pursuant to CCR, tit.2, § 1183.1(a) (1-5):

Rolando Charvel – Chief Financial Officer

Street Address, City, State, and Zip:

202 C Street, 9th Floor, San Diego, CA, 92101

Telephone Number	Fax Number	Email Address
619 236 5941	619 533 4669	RCharvel@sandiego.gov

Section 3

Claimant Representative: Jeffrey Jordon Title Lieutenant

Organization: City of San Diego – San Diego Police Department

Street Address, City, State, Zip:

1401 Broadway, San Diego, CA 92101

Telephone Number	Fax Number	Email Address
619 756 5264	619 531 2530	jjordon@pd.sandiego.gov

Section 4 – Please identify all code sections (include statutes, chapters, and bill numbers; e.g., Penal Code section 2045, Statutes 2004, Chapter 54 [AB 290]), regulatory sections (include register number and effective date; e.g., California Code of Regulations, title 5, section 60100 (Register 1998, No. 44, effective 10/29/98), and other executive orders (include effective date) that impose the alleged mandate pursuant to Government Code section 17553 and don't forget to check whether the code section has since been amended or a regulation adopted to implement it (refer to your completed WORKSHEET on page 7 of this form):

Government Code 12525.5, Statutes of 2015, Chapter 466 [AB 953], effective date 01/01/16, amending Penal Code Sections 13012 and 13519.4.

Associated regulatory action is Title 11, California Code of Regulations. CA DOJ Adopted Sections 999.224, 999.225, 999.226, 999.227, 999.228, and 999.229. (Notice Register Number 2016, 50-2) (Regulatory Action 11/7/17).

AB 1518, Statutes of 2017, Chapter 328, amended the effective date of Government Code 12525.5, as well as Penal Code 13012, to 01/01/18.

☒ Test Claim is Timely Filed on [Insert Filing Date] [select either A or B]: 06 /14 / 2019

☐ A: Which is not later than 12 months following [insert the effective date of the test claim statute(s) or executive order(s)]____/___/_____, the effective date of the statute(s) or executive order(s) pled; or

☒ B: Which is within 12 months of [insert the date costs were *first* incurred to implement the alleged mandate] 06 / 15 / 2018 , which is the date of first incurring costs as a result of the statute(s) or executive order(s) pled. *This filing includes evidence which would be admissible over an objection in a civil proceeding to support the assertion of fact regarding the date that costs were first incurred.*

(Gov. Code § 17551(c); Cal. Code Regs., tit. 2, §§ 1183.1(c) and 1187.5.)

Section 5 – Written Narrative:

☒ Includes a statement that actual and/or estimated costs exceed one thousand dollars ($1,000). (Gov. Code § 17564.)

☒ Includes all of the following elements for each statute or executive order alleged ***pursuant to Government Code section 17553(b)(1) (refer to your completed WORKSHEET on page 7 of this form)***:

☒ Identifies all sections of statutes or executive orders and the effective date and register number of regulations alleged to contain a mandate, including a detailed description of the *new* activities and costs that arise from the alleged mandate and the existing activities and costs that are *modified* by the alleged mandate;

☒ Identifies *actual* increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the alleged mandate;

☒ Identifies *actual or estimated* annual costs that will be incurred by the claimant to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed;

☒ Contains a statewide cost estimate of increased costs that all local agencies or school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed;
Following FY: 2018-2019 Total Costs: $18,000,000

☒ Identifies all dedicated funding sources for this program; State: None

Federal: None Local agency's general purpose funds: None

Other nonlocal agency funds: None

Fee authority to offset costs: None

☒ Identifies prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate: None

☒ Identifies a legislatively determined mandate that is on the same statute or executive order: None

Section 6 – The Written Narrative Shall be Supported with Declarations Under Penalty of Perjury Pursuant to Government Code Section 17553(b)(2) and California Code of Regulations, title 2, section 1187.5, as follows (refer to your completed WORKSHEET on page 7 of this form):

☒ Declarations of actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate.

☒ Declarations identifying all local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs.

☒ Declarations describing new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program (specific references shall be made to chapters, articles, sections, or page numbers alleged to impose a reimbursable state-mandated program).

☐ If applicable, declarations describing the period of reimbursement and payments received for full reimbursement of costs for a legislatively determined mandate pursuant to Government Code section 17573, and the authority to file a test claim pursuant to paragraph (1) of subdivision (c) of Government Code section 17574.

☒ The declarations are signed under penalty of perjury, based on the declarant's personal knowledge, information, or belief, by persons who are authorized and competent to do so.

Section 7 – The Written Narrative Shall be Supported with Copies of the Following Documentation Pursuant to Government Code section 17553(b)(3) and California Code of Regulations, title 2, § 1187.5 (refer to your completed WORKSHEET on page 7 of this form):

☒ The test claim statute that includes the bill number, and/or executive order identified by its effective date and register number (if a regulation), alleged to impose or impact a mandate. Pages 23 to 93.

☐ Relevant portions of state constitutional provisions, federal statutes, and executive orders that may impact the alleged mandate. Pages_____to_____.

☐ Administrative decisions and court decisions cited in the narrative. (Published court decisions arising from a state mandate determination by the Board of Control or the Commission are exempt from this requirement.) Pages_____to_____.

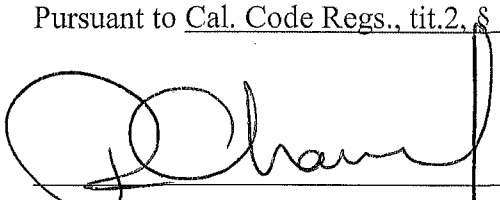
☒ Evidence to support any written representation of fact. *Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.* (*Cal. Code Regs., tit. 2, § 1187.5*). Pages 20 to 22.

Section 8 –TEST CLAIM CERTIFICATION Pursuant to Government Code section 17553

☒ The test claim form is signed and dated at the end of the document, under penalty of perjury by the eligible claimant, with the declaration that the test claim is true and complete to the best of the declarant's personal knowledge, information, or belief.

Read, sign, and date this section. Test claims that are not signed by authorized claimant officials pursuant to California Code of Regulations, title 2, section 1183.1(a) (1-5) will be returned as incomplete. In addition, please note that this form also serves to designate a claimant representative for the matter (if desired) and for that reason may only be signed by an authorized local government official as defined in section 1183.1(a)(1-5) of the Commission's regulations, and not by the representative.

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim is true and complete to the best of my own personal knowledge, information, or belief. All representations of fact are supported by documentary or testimonial evidence and are submitted in accordance with the Commission's regulations. (Cal. Code Regs., tit.2, §§ 1183.1 and 1187.5.)

Rolando Charvel	Chief Financial Officer
Name of Authorized Local Government Official Pursuant to Cal. Code Regs., tit.2, § 1183.1(a) (1-5)	**Print or Type Title**
	July 30, 2019
Signature of Authorized Local Government Official Pursuant to Cal. Code Regs., tit.2, § 1183.1(a) (1-5)	**Date**

Test Claim Form Sections 4-7 WORKSHEET

Complete Worksheets for Each New Activity and Modified Existing Activity Alleged to Be Mandated by the State, and Include the Completed Worksheets With Your Filing.

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number:

Government Code 12525.5, Statutes of 2015, Chapter 466 [AB 953], effective 01/01/16.

AB 1518, Statutes of 2017, Chapter 328, amended the effective date of Government Code 12525.5 to 01/01/18.

Activity: GC 12525.5 (a) (1), creates an alleged statutory mandate requiring local law enforcement agencies to collect data on all "stops" by officers and report that data to the DOJ at least annually. New collection and reporting activities alleged in GC 12525.5(a) (1) were standardized by DOJ issuing regulations in Title 11, Cal. Code Regs. - Sections 999.224 through 999.229.

Initial FY2017-2018 cost: $97,367.95 Following FY: 2018- 2019 Cost: $871,675.56

Evidence (if required): Declaration of Lt. Jeffrey Jordon

All dedicated funding sources; State: None Federal: None

Local agency's general purpose funds: None

Other nonlocal agency funds: None

Fee authority to offset costs: None

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: _____

Activity: _____

Initial FY:____-____Cost:_____Following FY:___Cost: _____

Evidence (if required): _____

All dedicated funding sources; State:_____Federal:_____

Local agency's general purpose funds: _____

Other nonlocal agency funds: _____

Fee authority to offset costs: _____

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: _____

Activity: _____

Initial FY:____-____Cost:_____Following FY:___-__Cost: _____

Evidence (if required): _____

All dedicated funding sources; State:_____Federal:_____

Local agency's general purpose funds: _____

Table of Contents:

Written Narrative..... pages 7-19

Declaration..... pages 20-22

Exhibits and Documentation

1) Assembly Bill 953, Chapter 466, Statutes of 2015, adding Government Code Section 12525.5 and Amending Penal Codes 13012 and 13519.4..... pages 23-29

2) Assembly Bill 1518, Chapter 328, Statutes of 2017, Amended Effective Date of Government Code 12525.5 and Penal Code 13012 to January 1, 2018.....pages 30-34

3) Government Code 12525.5 – Current Version.....pages 35-37

4) AB 953, Assembly Comm. on Public Safety, Date of Hearing, April 21, 2015.....pages 38-49

5) AB 953, Assembly Comm. on Appropriations, Date of Hearing, May 13, 2015.....pages 50-53

6) AB 953, Senate Comm. on Appropriations, Date of Hearing, August 7, 2015.....pages 54-61

7) CA Code of Regulations, Title 11, Sections 999.224 through 999.229, established per Government Code Section 12525.5 (e).....pages 62-86

8) Penal Code 13519.4, modified by Assembly Bill 953..... pages 87-90

9) Penal Code 13012, modified by Assembly Bill 953..... pages 91-93

10) California Economic and Fiscal Impact – STD 399.....pages 94-121

11) RIPA Stop Data Report – Dates 06-27-2018 through 06-30-19- SDPD.....pages 122-134

12) Command Training Schedule and Attendance Roster..... pages 135-159

13) Department Training Roster – Online..... pages 160-273

14) Department Orders, Training Bulletin and Memorandum..... pages 274-290

15) Work Log for Private Contractor on AB 953.....pages 291-292

16) Sample SDPD "After AB 953" Data Collection Form.....pages 293-295

17) Sample SDPD "Pre-AB 953" Data Collection Form.....pages 296-297

Test Claim Certification.....pages 298-299

Test Claim of City of San Diego

Racial and Identity Profiling Act of 2015

Government Code 12525.5, Statutes of 2015, Chapter 466 [AB 953]
Amending Penal Code Sections 13012 and 13519.4.

STATEMENT OF CLAIM

NARRATIVE SUMMARY:

AB 953 **(Exhibit 1)** is an exceptionally complex bill. After it was approved by the governor on October 03, 2015 and became effective January 1, 2016, it enacted the following: the Racial and Identity Profiling Act of 2015, the establishment of the Racial and Identity Profiling Board (RIPA), and added Government Code 12525.5.

For purposes of this test claim, it is alleged that Government Code 12525.5, Statutes of 2015, Chapter 466 [AB 953] contains a statutory mandate that requires local agencies that employ peace officers to provide a higher level of service by performing new activities related to the collection and reporting of stop data. As a result, local agencies will incur annual costs from those activities that will exceed $1,000.00.

AB 953 had initially directed the Attorney General to issue regulations by January 1, 2017 to facilitate the collection and reporting of stop data allegedly mandated by GC 12525.5, but that deadline was altered. AB 1518 **(Exhibit 2)**, Statutes of 2017, Chapter 328, amended Government Code 12525.5, as well as Penal Code 13012, and extended the "date by which the Attorney General is required to issue regulations for the collection and reporting of data to January 1, 2018." AB 1518 also modified the compliance schedule for local law enforcement agencies, with the San Diego Police Department (SDPD) being instructed to collect data on or before July 1, 2018 and reporting it to the Department of Justice on or before April 1, 2019 pursuant to Government Code 12525.5.

Sections 13519.4 **(Exhibit 8)** and 13012 **(Exhibit 9)** of the Penal Code related to racial profiling provide additional details regarding who is required to analyze the data, the frequency of that analysis, and the manner in which the collected data shall be reported and published. An explanation of these penal codes is being provided for informational purposes only.

SPECIFIC STATUTORY SECTION THAT CONTAIN THE MANDATED ACTIVITIES:

The new activities and costs result from the addition of Government Code 12525.5. Specifically, Government Code 12525.5 (a) (1) **(Exhibit 3)** requires "each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year." Government Code 12525.5 (a) (2), established a compliance schedule based on the size of each local agency, with the San Diego Police Department, and other local law enforcement agencies that employ at least 1,000 peace officers, being instructed to collect stop data pursuant to GC 12525.5(a) (1) on or before July 1, 2018 and submit the data to the Attorney General on or before April 1, 2019.

The minimal reporting requirements allegedly mandated by Government Code 12525.5 (a) (1) are found in subdivisions 12525.5 (b) and 12525.5 (c), and the Attorney General was directed to issue regulations that specify all data to be reported, and provide standards, definitions, and technical specifications to ensure

uniform reporting practices across all reporting agencies pursuant to Government Code 12525.5 (e). Those regulations are found in Title 11 of the California Code of Regulations under sections 999.224, 999.225, 999.226, 999.227, 999.228, and 999.229 **(Exhibit 7)** (Notice Register Number 2016, 50-2) (Regulatory Action 11/7/17).

Again, Government Code 12525.5 (a) (1) is the specific statute section alleged to mandate the new activities by the state related to the collection and reporting of stop data, with information found under subdivisions 12525.5 (b), 12525.5 (c) and 12525.5 (e) describing how the new mandated activities are accomplished.

A) DETAILED DESCRIPTION OF NEW ACTIVITIES AND COSTS THAT ARISE FROM MANDATE:

Government Code 12525.5 (a) (1) mandates "each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year."

In order to comply with this alleged statutory mandate, law enforcement agencies must perform new activities and incur costs from them in many categories as follows:

1) **Training** – AB 953, the bill which enacted the alleged mandated statutory section of Government Code 12525.5 (a) (1), requires law enforcement personnel to learn new definitions, software applications for the collection and submission of data, and extensive rules governing exceptions to data collection during stops. Initially, local agencies that employ peace officers will need to update their procedures, policies and provide training related to data collection and reporting as a result of this alleged statutory mandate. Specifically, all sworn members of the San Diego Police Department were required to receive at least 15 minutes of training via an online PowerPoint presentation related to new stop data items to be collected and submitted under Government Code 12525.5 (a) (1), while supervisors were required to receive an additional hour of training to ensure officers assigned to them were accurately collecting and submitting the data pursuant to the alleged mandate. Providing this training is necessary to comply with the stop data collection and submission requirements in the alleged statutory mandate Government Code 12525.5 (a) (1) and the San Diego Police Department's training costs are detailed later in the narrative by the fiscal years in which costs were incurred **(Chart 2, Chart 4, Chart 6, Chart 7).**

2) **Data Collection** – law enforcement personnel have many duties required of them pursuant to federal, state, and local laws, as well as agency specific regulations. Government Code 12525.5 (a) (1) provides additional new duties by requiring officers to document and submit information on every stop they make as described under subdivisions 12525.5 (b), 12525.5 (c) and 12525.5 (e). Stop data that must now be collected by law enforcement agencies and submitted per the alleged mandate in GC 12525.5 (a)(1) includes the following: date, time, location and duration of the stop; "perceived" subject information of the person stopped, detained, searched or arrested; reasons provided for the stop, detention, or search, along with a brief narrative description of those reasons; event actions; basis for search and associated narrative; contraband or evidence discovered; basis for property seizure and types of property seized; and final result of the stop or detention.

To determine the activity costs to collect data under the alleged mandate, SDPD's methodology tracked temporal data in the Racial and Identity Profiling Act (RIPA) software application for each step completed. If the application is left open while a RIPA data entry is in progress, the temporal data will reflect additional time that is not reflective of the actual time the officer spent on the RIPA entry process. For this reason, this analysis does not report the total out of service time tracked in the temporal data for RIPA stops, since it would over-report actual time spent by officers. Instead, total activity time for a RIPA stop data entry is derived by multiplying the median out of service time for RIPA stops by the total number of RIPA stops during the period. Based on statistical theory, for data in which outliers will have a significant skewing affect, the median is a more appropriate measure of central tendency (average) than mean.

SDPD's analysis shows data collection and submission required pursuant to Government Code 12525.5 (a) (1) produces a new median activity time of 2.53 minutes for each stop conducted by an SDPD officer. The DOJ confirmed through field testing that it does take approximately 2.5 minutes to collect the stop data allegedly mandated by GC 12525.5 (a) (1). The DOJ documented their findings in an Economic and Fiscal Impact Statement (STD 399) entitled, "AB 953 Stop Data Reporting Regulations to Implement Gov. Code Section 12525.5" **(Exhibit 10)**. The extended out of service time for officers to perform this activity did not exist prior to the implementation of this alleged state-mandated legislative program and SDPD's new costs related to this activity will be shown later in the narrative by the fiscal years in which costs were incurred **(Chart 3, Chart 5)**.

3) **Information Technology** – these costs will rise under the statutory mandate, GC 12525.5 (a) (1), in order to obtain, test, process and validate the collected data through hardware and software applications. Different contingency methods, such as paper data collection, also have to be in place in case of computer system failures.

Information Technology costs were relatively minor for the San Diego Police Department, because the San Diego Sheriff's Department provided it with substantial technical support and assistance. Specifically, the Sheriff's Department provided its custom data collection application and submission tools free of charge to SDPD, as well as to other law enforcement agencies required to collect data under the statutory mandate. The application was loaded by Data Systems members onto the San Diego Police Department's desktop and mobile computers so officers could use it to submit the data they collected. Additional testing was done to make sure the software worked properly and all of these activities were needed to comply with GC 12525.5 (a) (1). The specific costs will be explained later in the narrative detailed by fiscal years **(Chart 1, Chart 8)**.

4) **Reporting** – refers to process of actually reporting the collected data to the DOJ as required by GC 12525.5 (a) (1). However, before data can be reported, it must be reviewed and validated. Also, that data has to be accurate and free of personal identifying information (PII). It took SDPD personnel approximately 240 hours to ensure collected stop data was reported correctly to the DOJ. Again, these costs will be detailed later in the narrative. Reporting to the DOJ was only required in FY2018-2019 and these costs are included with IT staff costs **(Chart 8)**.

5) **Data storage and release** - Data collected per the alleged mandated is constantly being sought through California Public Records Act requests. SDPD is not submitting for costs related to storing stop data locally or releasing it publicly, but this is an activity some agencies will undoubtedly incur and quantify costs as a result of GC 12525.5 (a) (1). Data storage can possibly be mitigated by the type of application used to collect and submit data, for instance if data is submitted directly to the DOJ instead of being stored at a local law enforcement agency first to allow for validation and review. Local agencies have discretion over which data collection tools they utilize to comply with the alleged mandate in GC 12525.5 (a) (1).

The new activities described, and costs stemming from them, were not performed by local law enforcement agencies before AB 953 enacted the alleged statutory mandate found in Government Code 12525.5 (a) (1).

B) *DETAILED DESCRIPTION OF THE EXISTING ACTIVITIES AND COSTS BEING MODIFIED BY THIS MANDATE*:

While some law enforcement agencies already engaged voluntarily in stop data collection, many did not, and the alleged statutory mandate in GC 12525.5 (a) (1) required the collection and submission of data in ways no local law enforcement agency in the State of California was in compliance with prior to its implementation. This is a result of the regulations, developed per Government 12525.5 (e), that were issued to provide detailed guidance to local law enforcement agencies. This enables them to comply with the specific statutory section that created an alleged state mandate per GC12525.5 (a) (1), "each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year."

Existing activities and costs modified by this mandate will be unique to every agency mostly depending on their staffing, volume of stops conducted, technical capabilities, and whether they were already collecting some stop data elements. As it relates to the San Diego Police Department, the Department already collected data on approximately ten elements related to a traffic stop – primarily on paper forms prior to AB 953 and Government Code it enacted that produced the alleged mandate 12525.5 (a) (1). SDPD's collection of data could be accomplished in a matter of seconds by sworn officers in the field and later entered by data entry personnel without significantly increasing out of service time for sworn officers. Prior to AB 953, SDPD officers could also use their mobile computer to enter stop data, but since SDPD collected very limited stop data elements it could be collected and entered almost instantaneously. This SDPD practice was not mandated by any local, state or federal statutes, and conducted voluntarily by the Department. Additionally, costs related to stop data collection and submission by SDPD, prior to the mandate alleged in GC 12525.5 (a) (1), were viewed as de minimis by police department members and they could have been reduced to zero if the Department chose to stop voluntarily collecting data. This is no longer the case with the activities and costs associated with the alleged state mandate.

As a result of the alleged statutory mandate GC 12525.5 (a) (1), the San Diego Police Department ceased to collect data as it had previously done for 18 years **(Exhibit 14)**. On June 27, 2018, all sworn members of SDPD were ordered to collect and submit data per the alleged statutory mandate, which greatly expanded their duties. Government Code 12525.5 (a)(1) requires data collected on all "stops," which meant SDPD officers were required to continue to collect data on vehicle stops, but now had to collect data on all stops (pedestrians and bicyclists), detentions, searches, including consensual searches, along with interactions that resulted in force being used.

Additionally, under AB 953, specifically GC 12525.5 (a) (1), local law enforcement agencies are mandated to collect data on upwards of 60 data elements depending on the circumstances they encounter during a stop. This represents a significant new state mandate on local agencies with peace officers and triggered opposition **(Exhibit 4)** to the bill's enactment over concerns directly related to new costs and activities.

The law also introduced mandatory narrative sections where SDPD officers are required to explain the reason for their stops and searches. Officers must now submit collected data prior to the end of their shift unless exigent circumstances exist, where prior to the statutory mandate officers could submit their vehicle stop data at a later date.

Out of service time will increase for personnel in every local law enforcement agency falling under the provisions of the alleged mandate and produce increased costs to meet activities required under Government Code 12525.5 (a)(1). For example, SDPD has already collected data from over 159,000 stops **(Exhibit 11)** to comply with the alleged mandate. At a median of 2.53 minutes per stop to collect and submit data, this results in nearly 6,800 hours of time SDPD officers spent to comply with the mandate related to data collection and submission. These costs began the day SDPD collected data pursuant to GC 12525.5 (a) (1), June 27, 2018.

In terms of technical cost associated with the alleged mandate, SDPD had to obtain and test a new data collection application, along with reporting stop data to the DOJ for the first time per the alleged statutory mandate, GC 12525.5 (a)(1). The data reporting by SDPD to the DOJ was completed just days before the statutory mandated deadline, April 1, 2019, and costs were incurred to prepare, process and validate the submitted data. These costs will explained in detail later in the narrative **(Chart 8)**.

C. & D. ACTUAL AND/OR ESTIMATED INCREASED COSTS INCURRED BY THE CLAIMANT EXCEEDS ONE THOUSAND DOLLARS ($1,000).

This alleged state-mandated local program imposed a cost to the City of San Diego in excess of $1000.00.

The specific statutory mandate being alleged is Government Code 12525.5 (a)(1), which was enacted by AB 953, and states, "Each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding year."

Since AB 953 was signed by the governor on October 3, 2015, and effective January 1, 2016, confusion has arisen over why local law enforcement agencies were not compelled to immediately collect and submit data with the effective date of this bill. The answer is found in reading section (e) of GC 12525.5, which instructed the Attorney General to issue regulations to "ensure uniform reporting practices across all reporting agencies" by January 1, 2017. In essence, local law enforcement agencies could not begin the collection and submission of stop data, as allegedly mandated by 12525.5 (a) (1), until the regulations defining the data to be collected and submitted were completed. Those regulations became effective November 7, 2017, with AB 1518 setting the dates for local law enforcement agencies, like the San Diego Police Department, to begin collecting stop data on or before July 1, 2018 and reporting data to the DOJ on or before April 1, 2019.

To be clear, 12525.5 (a) (1) is the specific section of the alleged statute which mandated local law enforcement agencies to perform new activities and incur costs directly from them. Also, the Legislative Counsel's Digest recognized these new activities and costs in AB 953 and wrote, "By imposing a higher level of service on local entities that employ peace officers, the bill would impose a state-mandated local program."

For the City of San Diego, this higher level of service resulted in actual costs of $97,367.95 in Fiscal Year (FY) 2017 through 2018 and this is the fiscal year in which the test claim was filed. Those costs are detailed in four charts listed below, with an explanation related to each cost category.

ACTUAL COSTS INCURRED BY THE CLAIMANT TO IMPLEMENT THE ALLEGED MANDATE DURING THE FISCAL YEAR FOR WHICH THE CLAIM WAS FILED

The claimant's costs for FY2017 – 2018 are described and detailed in the following four charts (1 – 4):

Chart 1 – Information Technology Staff Costs

The IT Team plays an essential role in complying with AB 953 and associated regulations. In FY2017 – 2018, efforts were needed to accomplish the following: integrate the data collection software application to SDPD's existing data and reporting systems and testing the software application prior to allowing it to go "live" on June 27, 2018. This took 50 hours and was done during the week before data collection was ordered.

Chart 1 outlines the IT staff costs to implement the data collection application required to comply with the alleged statutory mandate in GC 12525.5 (a) (1).

Chart 2 – Initial Department Wide Training

On June 15, 2018, the San Diego Police Department issued Department Order, OR 18-16 (**Exhibit 14**), which outlined the stop data collection mandate and reporting requirements of Government Code 12525.5 (a) (1). This date marks the start of the San Diego Police Department initiating activities mandated by the statute alleged and incurring costs personnel costs from it.

The order required all sworn personnel to watch a short presentation to learn the legal requirements of the Racial and Identity Profiling Act, between June 15, 2018 and June 26, 2018, so they would be able to comply with the data collection and submission requirements of GC 12525.5 (a) (1). This training took a minimum of 15 minutes to complete and required the viewer to log into a computer, view a training PowerPoint that is 10 minutes and 52 seconds in length, and confirm completion before logging off and resuming their duties.

Additionally, the order encouraged officers to review the data collection application in SDPD's resource library to facilitate the required data collection under the statutory mandate – GC 12525.5 (a) (1).

Chart 2 was developed from training records (**Exhibit 13**), which shows the rank of the officer(s) who completed this training and their salary costs related to this activity.

Chart 3 – Data Collection

GC 12525.5 (a) (1) requires "each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year." Government Code 12525.5 (a) (2), established a compliance schedule based on the size of each local agency, with the San Diego Police Department, and other local law enforcement agencies that employ at least 1,000 peace officers, being mandated to collect stop data pursuant to these new regulations by July 1, 2018 and submit the data to the Attorney General by April 1, 2019.

Stops with data collected by Reserve Officers were not included above, because the Department does not incur a cost for their services. Additionally, stops where the precise rank of the employee could not be determined, were also excluded rather than included in the lowest cost employee. Since the data must be submitted to the Attorney General, per AB 953, the stops where data was collected and already submitted can be verified for accuracy and must be included in annual public reporting by the RIPA Board.

The San Diego Police Department ordered its sworn personnel to start collecting data on June 27, 2018 (**Exhibit 14**) to test the functionality of its data collection application, as well as to ensure it would be in compliance with the alleged statutory mandate GC 12525.5(a) (1) by July 1, 2018. The cost associated with these new activities are detailed in Chart 3 and detailed by the rank, along with hourly wage, and occurred during June 27, 2018 – June 30, 2018.

Chart 4 – Program Manager

The San Diego Police Department's RIPA Program Manager is responsible for overseeing the implementation of AB 953, and the alleged statutory mandate under Government Code 12525.5 (a)(1). In FY2017 – 2018, specifically from June 15, 2018 to June 30, 2018 the program manager focused almost exclusively on training SDPD personnel on the statutory mandate and regulations associated with it.

The hours worked by the RIPA Program Manager, a police lieutenant, included developing training for all Department members, providing line-up training at 9 patrol divisions on all three watches, as well conducting training at traffic and with investigative units spread throughout the Department.

Costs IT Staff – Chart #1

FY2017-2018

Rank	Hours Worked	Avg Loaded Hourly Rate (Rounded)	Total Cost
Police Officer 2	50	$ 115.09	$ 5,754.50
		Subtotal	$ 5,754.50

Initial Training Costs – Chart #2

FY2017-2018

Rank	Completed	Time (in Minutes)	Avg Loaded Hourly Rate (Rounded)	Avg Loaded Rate Per Minute (Rounded)	Total Cost
Police Chief	1	15	$ 343.27	$ 5.72	$ 85.80
Executive Asst. Police Chief	1	15	$ 316.96	$ 5.28	$ 79.20
Asst Police Chief	6	15	$ 296.15	$ 4.94	$ 444.60
Police Captain	16	15	$ 245.05	$ 4.08	$ 979.20
Police Lieutenant	52	15	$ 209.07	$ 3.48	$ 2,714.40
Police Sergeant	269	15	$ 179.58	$ 2.99	$ 12,064.65
Police Detective	241	15	$ 141.77	$ 2.36	$ 8,531.40
Police Officer 3	9	15	$ 148.76	$ 2.48	$ 334.80
Police Officer 2	955	15	$ 115.09	$ 1.92	$ 27,504.00
Police Officer 1	151	15	$ 93.51	$ 1.56	$ 3,533.40
Police Recruit	9	15	$ 78.19	$ 1.30	$ 175.50
Police Invstgtv Serv Ofcr 2	2	15	$ 58.51	$ 0.98	$ 29.40
				Subtotal	$ 56,476.35

Data Collection Costs (Out of Service Time)
Chart #3 – Dates June 27, 2018 through June 30, 2018

FY2017 - 2018

Rank	Stops	Median Time (in Minutes)	Avg Loaded Hourly Rate (Rounded)	Avg Loaded Rate Per Minute (Rounded)	Total Cost
Executive Asst. Police Chief	0	2.53	$ 316.96	$ 5.28	$ -
Police Captain	0	2.53	$ 245.05	$ 4.08	$ -
Police Lieutenant	0	2.53	$ 209.07	$ 3.48	$ -
Police Sergeant	0	2.53	$ 179.58	$ 2.99	$ -
Police Detective	52	2.53	$ 141.77	$ 2.36	$ 310.48
Police Officer 3	23	2.53	$ 148.76	$ 2.48	$ 144.31
Police Officer 2	1,737	2.53	$ 115.09	$ 1.92	$ 8,437.65
Police Officer 1	274	2.53	$ 93.51	$ 1.56	$ 1,081.42
Police Recruit	22	2.53	$ 78.19	$ 1.30	$ 72.36
Police Invstgtv Serv Ofcr 2	1	2.53	$ 58.51	$ 0.98	$ 2.48
				Subtotal	$10,048.70

Program Manager Costs – Chart #4

FY2017-2018

Rank	Hours Worked	Avg Loaded Hourly Rate (Rounded)	Total Cost
Police Lieutenant	120	$ 209.07	$ 25,088.40

Total Costs for FY2017-2018 $97,367.95

ACTUAL COSTS INCURRED BY THE CLAIMANT TO IMPLEMENT THE ALLEGED MANDATE DURING THE FISCAL YEAR IMMEDIATELY FOLLOWING THE FISCAL YEAR FOR WHICH THE CLAIM WAS FILED.

The claimant's costs for FY2018 – 2019 are described and detailed in the following four charts (5 – 8):

The fiscal year following the fiscal year for which the claim was filed by the City of San Diego is FY2018 through 2019. The activities and costs incurred by its peace officers were significantly higher than the prior fiscal year, since it includes costs from the entire fiscal year.

The costs to comply with alleged statutory mandate, GC 12525.5 (a) (1), were $871,675.56 in FY2018 through 2019, with nearly 88% of those costs driven by stop data collection and submission as mandated by Government Code 12525.5 (a) (1). Knowing these costs facilitated the statewide estimate provided later in this narrative.

The City of San Diego's costs for FY2018 – 2019 can be detailed again in four charts.

Chart 5 – Data Collection

As described previously, GC 12525.5 (a) (1) requires "each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year." Government Code 12525.5 (a) (2), established a compliance schedule based on the size of each local agency, with the San Diego Police Department, and other local law enforcement agencies that employ at least 1,000 peace officers, being mandated to collect stop data pursuant to these new regulations on or before July 1, 2018 and submit the data to the Attorney General on or before April 1, 2019.

Chart 5 details over 157,000 stops by San Diego Police Officers, of all ranks, where data was collected and submitted with incurred costs being shown for this new activity allegedly mandated by Government Code 12525.5 (a) (1). All stops included took place from July 1, 2018 – June 30, 2019 or during FY2018-2019.

Chart 6 – Command Training

In addition to the initial basic training provided via an online PowerPoint, one hour of command training was provided to all supervisors, as well as acting supervisors. This enabled supervisory personnel to better mentor and assist officers under their command with understanding the legal requirements of AB 953 and the alleged mandated statute it enacted 12525.5 (a)(1). This training also focused on data collection tools, as well as auditing the data collected and solving problems related to this alleged legislative mandate. Again, more training records were used to determine the 337 supervisors who each received the one hour of command training. This took place from July 23, 2018 – August 30, 2018. **(Exhibit 12)**

Chart 7 – Program Manager

In FY2018 – 2019, the RIPA Program Manager developed and issued Department Orders, amending Department Procedures to comply with GC 12525.5 (a) (1), creating training materials related to auditing/inspection procedures, and reviewing all efforts and work performed by the IT Staff and assigned team members. The Program Manager also instructed the command training sessions related to AB 953.

Chart 8 – IT Staff

In FY2018 – 2019, the IT Staff developed a monthly data compilation for review and to ensure compliance, assist with training, audit creation and support functions, as well as assisting in data submission to the DOJ. Additionally, IT and police personnel, were responsible for creating a report which allows command staff to see the number of data entries being submitted daily to gauge compliance and accuracy against calls for service, and review the data collected to ensure it was free of personal identifying information before

Data Collection Costs (Out of Service Time)
Chart #5 – Dates July 01, 2018 through June 30, 2019
FY2018 - 2019

Rank	Stops	Median Time (in Minutes)	Avg Loaded Hourly Rate (Rounded)	Avg Loaded Rate Per Minute (Rounded)	Total Cost
Executive Asst. Police Chief	2	2.53	$ 316.96	$ 5.28	$ 26.72
Police Captain	3	2.53	$ 245.05	$ 4.08	$ 30.97
Police Lieutenant	70	2.53	$ 209.07	$ 3.48	$ 616.31
Police Sergeant	3,185	2.53	$ 179.58	$ 2.99	$ 24,093.57
Police Detective	1,712	2.53	$ 141.77	$ 2.36	$ 10,222.01
Police Officer 3	1,504	2.53	$ 148.76	$ 2.48	$ 9,436.70
Police Officer 2	115,434	2.53	$ 115.09	$ 1.92	$ 560,732.20
Police Officer 1	33,908	2.53	$ 93.51	$ 1.56	$ 133,828.09
Police Recruit	1,502	2.53	$ 78.19	$ 1.30	$ 4,940.08
Police Invstgtv Serv Ofcr 2	32	2.53	$ 58.51	$ 0.98	$ 79.34
				Subtotal	$ 744,005.98

Training Costs – Chart #6
FY2018-2019

Rank	Hours	Avg Loaded Hourly Rate (Rounded)	Total Cost
Police Captain	18	$ 245.05	$ 4,410.90
Police Lieutenant	48	$ 209.07	$ 10,035.36
Police Sergeant	255	$ 179.58	$ 45,792.90
Police Officer 2	16	$ 115.09	$ 1,841.44
		Subtotal	$ 62,080.60

Program Manager
Costs - Chart #7
FY2018- 2019

Rank	Hours Worked	Avg Loaded Hourly Rate (Rounded)	Total Cost
Police Lieutenant	120	$ 209.07	$ 25,088.40

Costs IT Staff – Chart #8
FY2018 - 2019

Rank	Hours Worked	Avg Loaded Hourly Rate (Rounded)	Total Cost
Police Detective	240	$ 141.77	$ 34,024.80
Police Officer 2	10	$ 115.09	$ 1,150.90
Info Sys Anlyst 4	2	$ 105.76	$ 211.52
CGI - Outside Consultant	56	$ 91.31	$ 5,113.36
		Subtotal	$ 40,500.58
FY2018 - 2019 Total			$ 871,675.56

E. STATEWIDE COST ESTIMATE OF INCREASED COSTS THAT ALL LOCAL AGENCIES WILL INCUR TO IMPLEMENT THE MANDATE DURING THE FISCAL YEAR IMMEDIATELY FOLLOWING THE FISCAL YEAR THE CLAIM WAS FILED:

An estimate of increased costs that all local agencies will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed, required costs to be estimated for FY2018 through 2019.

Local agencies that employ peace officers will be required to perform the same new activities and incur similar costs as the San Diego Police Department, while complying with the alleged statutory mandate in GC 12525.5 (a)(1). Those cost categories are as follows: training, technology adoption and implementation, reporting to DOJ, and the single biggest driver of costs – the collection of stop data by peace officers.

In order to estimate these costs categories, analysis is required of "Wave 1" local law enforcement agencies that had to begin collecting data per the alleged mandate in 12525.5 (a) (1) by July 1, 2018. Those agencies included the following: Los Angeles Police Department, Los Angeles County Sheriff's Department, Riverside County Sheriff's Department, San Bernardino County Sheriff's Department, San Diego County Sheriff's Department, San Diego Police Department, and San Francisco Police Department.

Additionally, "Wave 2" local law enforcement agencies have to be included in this analysis, because they were also required under the same legislative mandate, GC 12525.5 (a) (1) to begin collecting data by January 1, 2019. Those agencies include: Long Beach Police Department, Fresno Police Department, Oakland Police Department, San Jose Police Department, Sacramento Sheriff's Department and Orange County Sheriff's Department.

With the San Diego Police Department's incurred FY2018 -2019 costs at $871,675.56, and nearly the same

size in terms of staff as 4 other law enforcement agencies in "Wave 1," it can be roughly estimated that the Riverside County Sheriff's Department, San Bernardino Sheriff's Department, San Diego County Sheriff's Department and San Francisco Police Department will have similar costs of $1,000,000 each. However, the Los Angeles Police Department and Los Angeles County Sheriff's Department are 5 times larger than SDPD, and it should be reasonably believed their costs will reach 5,000,000 each for FY2018-2019. This results in a cost estimate of $15,000,000 for all "Wave 1" agencies.

With "Wave 2" local agencies smaller in size than the San Diego Police Department, and having to only collect data for half the fiscal year, January 1, 2019 – June 30, 2019, costs are estimated at $500,000 each for these agencies for FY2018 – 2019 for a total of $3,000,000.

The combination of all agencies subject to the alleged statutory mandate established under AB 953, when it enacted Government Code 12525.5 (a) (1), and the new activities and costs from it are estimated in FY2018 – 2019 to be approximately $18,000,000 as described above.

Unfortunately, since the compliance schedule impacts local law enforcement agencies differently under GC 12525.5 (a) (2), it is difficult to estimate costs from all local agencies impacted by the alleged mandate in GC 12525.5 (a) (1) since the 10 "Wave 3" agencies are not required to start collecting data until January 1, 2021, and the 400 plus "Wave 4" agencies are not required to start collecting data until January 1, 2022.

It should be noted the DOJ prepared a fiscal impact statement related costs for the statutory mandate being alleged in Government Code 12525.5 (a) (1). **(Exhibit 10)**

F. *AVAILABLE FUNDING SOURCES*:

There could be potentially some grants and funding sources to partially pay for the mandated regulations associated with AB 953 and the DOJ has spoken to SDPD about limited grant monies to assist purchasing equipment to facilitate data collection. However, claimant, the City of San Diego, is not aware of any current State, Federal, or other non-local agency funds to pay for its substantial costs already incurred and those anticipated going forward from the alleged statutory mandate in Government Code 12525.5 (a) (1), which was enacted by AB 953.

G. *PRIOR MANDATE DETERMINATIONS BY THE BOARD OF CONTROL OR COMMISSION ON STATE MANDATES:*

The claimant, City of San Diego, is not aware of any prior determinations made by the Board of Control or the Commission on State Mandates related to the matter outlined in this narrative.

H. *IDENTIFICATION OF A LEGISLATIVELY DETERMINED MANDATE PURSUANT TO GOVERNMENT CODE SECTION 17573 THAT IS ON THE SAME STATUTE OR EXECUTIVE ORDER:*

The claimant is unaware of any applicable statute or executive order.

CONCLUSION:

The costs incurred by the City of San Diego, as a result of the alleged mandate created by Assembly Bill 953, when it enacted Government Code 12525.5 (a) (1), for which this test claim is based are all reimbursable costs as such costs are "costs mandated by the State" under Article XIII B (6) of the California Constitution, and Government Code §17500 *et seq.* of the Government Code. Section 17514 of

the Government Code defines "costs mandated by the state", and specifies the following three requirements:

1. There are "increased costs which a local agency is required to incur after July 1, 1980."

2. The costs are incurred "as a result of any statute enacted on or after January 1, 1975."

3. The costs are the result of "a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIIIB of the California Constitution."

All three of the above requirements for finding costs mandated by the State are met as described previously herein.

MANDATE MEETS BOTH SUPREME COURT TESTS:

The mandate created by this statute clearly meets both tests that the Supreme Court in the *County of Los Angeles* v. *State of California* (1987) created for determining what constitutes a reimbursable state mandated local program. Those two tests, which the Commission on State Mandates relies upon to determine if a reimbursable mandate exists, are the "unique to government" and the "carry out a state policy" tests. Their application to this test claim is discussed below.

Mandate is Unique to Local Government:

The section of law alleged in this Test Claim are unique to governments as peace officer services are uniquely provided by local government agencies.

Mandate Carries out a State Policy:

The new state statute alleged in this Test Claim impose a higher level of service by requiring local law enforcement agencies to collect detailed data regarding stops of all individuals, including perceived demographic information on the person stopped, and to report this data at least annually to the California Attorney General.

STATE FUNDING DISCLAIMERS ARE NOT APPLICABLE:

There are seven disclaimers specified in Government Code §17556 which could serve to bar recovery of "costs mandated by the State," as defined in Government Code §17556. None of the seven disclaimers apply to this test claim:

1. The claim is submitted by a local agency or school district which requests legislative authority for that local agency or school district to implement the Program specified in the statutes, and that statute imposes costs upon the local agency or school district requesting the legislative authority.

2. The statute or executive order affirmed for the State that which had been declared existing law or regulation by action of the courts.

3. The statute or executive order implemented a federal law or regulation and resulted in costs

mandated by the federal government, unless the statute or executive order mandates costs which exceed the mandate in that federal law or regulation.

4. The local agency or school district has the authority to levy service charges, fees or assessments sufficient to pay for the mandated program or increased level of service.

5. The statute or executive order provides for offsetting savings to local agencies or school districts which result in no net costs to the local agencies or school districts, or includes additional revenue that was specifically intended to fund the costs of the State mandate in an amount sufficient to fund the cost of the State mandate.

6. The statute or executive order imposed duties which were expressly included in a ballot measure approved by the voters in a statewide election.

7. The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.

None of the above disclaimers have any application to the test claim herein stated by the City of San Diego.

The creation of Government Code 12525.5, Statutes of 2015, Chapter 466 [AB 953], and effective 01/01/2016 (amended by statute to 1/1/2018) imposed a new state mandated program that resulted in direct increased costs on claimant, City of San Diego, by imposing a higher level of service required of peace officers from the San Diego Police Department.

DECLARATION OF JEFFREY JORDON

I, Jeffrey Jordon, declare under the penalty of perjury under the laws of the State of California that the following is true and correct based on my personal knowledge, information, and belief:

1) I am a Lieutenant for the City of San Diego (SDPD). I have been employed by the City in this capacity since 2016 and have been a law enforcement officer since 1995. As part of my duties in the Chief's Office, I am responsible for implementation of "special projects" as determined by the Chief of Police - David Nisleit. In June of 2018, I was assigned by him as the Program Manager overseeing the Department's implementation of AB 953, and the Government Code it added 12525.5. I am also responsible for assisting with the recovery of costs mandated by the State.

2) Government Code 12525.5, Statutes of 2015, Chapter 466 [AB 953], effective 1/1/2016, and later amended to have an effective date of 1/1/2018, contains an alleged statutory mandate that requires local agencies that employ peace officers to provide a higher level of service by performing new activities related to the collection and reporting of stop data. As a result, those agencies will incur costs from mandated activities that will exceed $1,000.00. The specific section of the statute alleged to mandate these activities is Government Code 12525.5 (a) (1) and it requires "each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year."

3) As the AB 953 Program Manager for the San Diego Police Department, I am familiar with all new and modified activities and costs stemming from the alleged statutory mandate in Government Code 12525.5 (a) (1). These costs and activities are accurately described in sections A, B, C, & D of the written narrative, as well as summarized here by fiscal year as follows:

FY2017 – 2018 is the fiscal year the alleged mandate in GC 12525.5 (a) (1) was implemented.

Activity	Date(s) Performed	Description	Cost
1) Initial Training	6/15/2018-6/26/2018	Online PowerPoint	$56,476.35
2) IT Activity	6/20/2018-6/27/2018	Software Update/Testing	$5,754.50
3) Data Collection	6/27/2018-6/30/2018	Officers Collecting Stop Data	$10,048.70
4) Program Manager	6/15/2018-6/30/2018	Implement Training	$25,088.40
Total			$97,367.95

FY2018 –2019 is the fiscal year following implementation of the alleged mandate.

Activity	Date(s) Performed	Description	Cost
1) Command Training	7/23/2018-6/30/2019	Advanced Supervisor Trng.	$62,080.60
2) IT Activity	7/1/2018-6/30/2019	Compliance, DOJ Reporting	$40,500.58
3) Data Collection	7/1/2018-6/30/2019	Officers Collecting Stop Data	$744,005.98
4) Program Manager	7/1/2018-6/30/2019	Manage All Mandated Activity	$25,088.40
Total			$871,675.56

4) The City of San Diego first incurred costs to comply with the requirements of the alleged mandated stature, Government Code 12525.5 (a)(1), on June 15, 2018 when SDPD ordered Department members to participate in mandatory training. Interestingly, while there is no specific mandate to train officers in

order to comply with GC 12525.5 (a) (1), the regulations created per 12525.5 (e) consist of 22 pages of information and instruction **(Exhibit 7)** on how to meet the alleged mandated statute requirements. It would not be possible for local agencies employing peace officers to collect stop data and report it to the Attorney General, per the alleged legislative mandate, without being familiar with how a stop is defined and when it must be reported.

Thus, the San Diego Police Department determined that Government Code 12525.5 (a) (1) creates an alleged legislative mandate requiring peace officers to perform training activities in order to collect data per the mandate, supervisors must be trained to determine if their officers are collecting and submitting the required stop data, and a program manager must develop and implement the training, as well as ensure the officers have the tools necessary to comply with the mandate. With SDPD, the program manager makes sure those tools are available and working by coordinating efforts with staff from the Information Technology unit, as well as ensuring that data collected is reported to the Attorney General per GC 12525.5 (a) (1).

5) Government Code 12525.5 (a) (1) provides additional new duties by requiring officers to document and submit information on every stop they make as described under subdivisions 12525.5 (b), 12525.5 (c) and 12525.5 (e). Stop data that must now be collected by local law enforcement agencies and reported to the Attorney General per the alleged mandate in GC 12525.5 (a)(1) includes the following: date, time, location and duration of the stop; "perceived" subject information of the person stopped, detained, searched or arrested; reasons provided for the stop, detention, or search, along with a brief narrative description of those reasons; event actions; basis for search and associated narrative; contraband or evidence discovered; basis for property seizure and types of property seized; and final result of the stop or detention. Prior to AB 953, and the enactment of Government Code 12525.5, no law enforcement agency in California was mandated to collect and report stop data as required by this government code – specifically GC 12525.5 (a) (1). As a result, local law enforcement agencies that employ peace officers must collect and report extensive stop data elements to the Attorney General annually, they must trained and supervised to perform these activities correctly, and the collection and reporting of this data requires specialized expertise in information technologies. Government Code 12525.5 (a) (1) is the alleged statutory mandate requiring these activities and producing costs to local agencies that employ peace officers.

6. The City of San Diego has not received any local, state, or federal funding and does not have fee authority to offset the increased costs the City has incurred to implement Government Code 12525 (a) (1) in FY2017 – 2018 or the costs incurred from the alleged mandate in the following fiscal year FY2018 – 2019. Those cost details and activities are described above and totaled $97,367.95 in FY2017-2018 and $871,675.56 in FY2018-2019.

7. The San Diego Police Department logs all stops where data is collected per the alleged mandate in GC 12525.5 (a) (1) on a daily basis and assembles stop data reports **(Exhibit 11)**. Additionally, these reports give details on the rank for the peace officer who conducted the stop, which provides the basis for fiscal analysis to determine the actual cost of this activity required by the mandate. However, just knowing the activity, stop data collection, and who performed it is insufficient to calculate costs without knowing how much time was spent on it and costs associated with the peace officer who performed the mandated task. Thus, data collection costs are determined by multiplying the number of stops where data collection was mandated, by the median time it takes to perform these activities and the costs associated with the peace officer who performed the task. Similar methods were used to determine training costs, for instance the activity was multiplied by the number of times performed and the cost associated with it. An explanation of why median time is used, along with costs as determined by "average fully loaded rates" is provided next.

8. To determine the time needed to collect data under the alleged mandate, and associated costs, SDPD's methodology tracked temporal data in the Racial and Identity Profiling Act (RIPA) application for each step

completed. If the application is left open while a RIPA data entry is in progress, the temporal data will reflect additional time that is not reflective of the actual time the officer spent on the RIPA entry process. For this reason, this analysis does not report the total out of service time tracked in the temporal data for RIPA stops, since it would over-report actual time spent by officers. Instead, total out of service time for RIPA entry is derived by multiplying the median out of service time for RIPA stops by the total number of RIPA stops during the period. Based on statistical theory, for data in which outliers will have a significant skewing affect, the median is a more appropriate measure of central tendency (average) than mean.

SDPD's analysis shows data collection and submission required pursuant to Government Code 12525.5 (a) (1) produces a new median activity time of 2.53 minutes for each stop conducted by an SDPD officer. The DOJ confirmed through field testing that it does take approximately 2.5 minutes to collect the stop data allegedly mandated by GC 12525.5 (a) (1). The DOJ documented their findings in an Economic and Fiscal Impact Statement (STD 399) entitled, "AB 953 Stop Data Reporting Regulations to Implement Gov. Code Section 12525.5" **(Exhibit 10)**.

9. In recent conversations with the City of San Diego's Department of Finance Director and City Comptroller and San Diego Police Department's Administrative Services Manager, I gained information and knowledge that "average fully loaded rates" include the average of all direct and indirect labor cost by job classification. Direct costs consist of costs that are incurred directly by providing the service, such as staff time spent on service-related activities in addition to salary and benefit expenses. Indirect costs consist of departmental load and overhead such as operating expenses and internal administrative costs, as well as citywide overhead costs. The use of "average fully loaded rates" allows the City of San Diego to accurately reflect the costs for its employees engaged in activities alleged to be mandated by Government Code 12525.5 (a) (1), which is why they were used in this test claim. Additionally, a review of other Test Claims submitted to the Commission on State Mandates indicates the inclusion of direct, as well as indirect costs, is acceptable to determine actual costs imposed by state-mandated programs.

10. I have examined the Racial and Identity Profiling Act of 2015 Test Claim prepared by the City of San Diego and based on my personal knowledge, the costs described in this test claim were incurred to implement Government Code 12525.5 after it was added by AB 953. Based on my information and belief, I find such costs to be correctly computed and are "costs mandated by the State", as defined in Government Code, Section 17514:

> " 'Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

Except as otherwise indicated herein, I have personal knowledge of the foregoing facts and information presented in this Test Claim, and if so required, I could and would testify to the statements made herein.

Executed this 30th day of July in San Diego, CA

Jeffrey Jordon
Lieutenant
San Diego Police Department – City of San Diego

Exhibit 1

AB-953 Law enforcement: racial profiling. (2015-2016)

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Assembly Bill No. 953

CHAPTER 466

An 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.

[Approved by Governor October 03, 2015. Filed with Secretary of State October 03, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 953, Weber. Law enforcement: racial profiling.

Existing law creates the Commission on Peace Officer Standards and Training and requires it to develop and disseminate guidelines and training for all law enforcement officers, as described. Existing law prohibits a peace officer from engaging in racial profiling and requires the training to prescribe patterns, practices, and protocols that prevent racial profiling, as defined. Existing law requires the Legislative Analyst's Office to conduct a study of the data that is voluntarily collected by jurisdictions that have instituted a program of data collection with regard to racial profiling.

This bill would enact the Racial and Identity Profiling Act of 2015, which would, among other changes, revise the definition of racial profiling to instead refer to racial or identity profiling, and make a conforming change to the prohibition against peace officers engaging in that practice.

The bill would require, beginning July 1, 2016, the Attorney General to establish the Racial and Identity Profiling Advisory Board (RIPA) to eliminate racial and identity profiling and improve diversity and racial and identity sensitivity in law enforcement. The bill would specify the composition of the board. The bill would require the board, among other duties, to investigate and analyze state and local law enforcement agencies' racial and identity profiling policies and practices across geographic areas in California, to annually make publicly available its findings and policy recommendations, to hold public meetings annually, as specified, and to issue the board's first annual report no later than January 1, 2018.

The bill would require each state and local agency that employs peace officers to annually report to the Attorney General data on all stops, as defined, conducted by the agency's peace officers, and require that data to include specified information, including the time, date, and location of the stop, and the reason for the stop. The bill would require an agency that employs 1,000 or more peace officers to issue its first annual report by April 1, 2019. The bill would require an agency that employs 667 or more but less than 1,000 peace officers to issue its first annual report by April 1, 2020. The bill would require an agency that employs 334 or more but less than 667 peace officers to issue its first annual report by April 1, 2022. The bill would require an agency that employs one or more but less than 334 peace officers to issue its first annual report by April 1, 2023.

By imposing a higher level of service on local entities that employ peace officers, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known and may be cited as the Racial and Identity Profiling Act of 2015.

SEC. 2. Section 12525.5 is added to the Government Code, to read:

12525.5. (a) (1) Each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year.

(2) Each agency that employs 1,000 or more peace officers shall issue its first round of reports on or before April 1, 2019. Each agency that employs 667 or more but less than 1,000 peace officers shall issue its first round of reports on or before April 1, 2020. Each agency that employs 334 or more but less than 667 peace officers shall issue its first round of reports on or before April 1, 2022. Each agency that employs one or more but less than 334 peace officers shall issue its first round of reports on or before April 1, 2023.

(b) The reporting shall include, at a minimum, the following information for each stop:

(1) The time, date, and location of the stop.

(2) The reason for the stop.

(3) The result of the stop, such as, no action, warning, citation, property seizure, or arrest.

(4) If a warning or citation was issued, the warning provided or violation cited.

(5) If an arrest was made, the offense charged.

(6) The perceived race or ethnicity, gender, and approximate age of the person stopped, provided 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. For motor vehicle stops, this paragraph only applies to the driver, unless any actions specified under paragraph (7) apply in relation to a passenger, in which case the characteristics specified in this paragraph shall also be reported for him or her.

(7) Actions taken by the peace officer during the stop, including, but not limited to, the following:

(A) Whether the peace officer asked for consent to search the person, and, if so, whether consent was provided.

(B) 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.

(C) Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property.

(c) If more than one peace officer performs a stop, only one officer is required to collect and report to his or her agency the information specified under subdivision (b).

(d) State and local law enforcement agencies shall not report the name, address, social security number, or other unique personal identifying information of persons stopped, searched, or subjected to a property seizure, for purposes of this section. Notwithstanding any other law, the data reported shall be available to the public, except for the badge number or other unique identifying information of the peace officer involved, which shall be released to the public only to the extent the release is permissible under state law.

(e) Not later than January 1, 2017, the Attorney General, in consultation with stakeholders, including the Racial and Identity Profiling Advisory Board (RIPA) established pursuant to paragraph (1) of subdivision (j) of Section 13519.4 of the Penal Code, federal, state, and local law enforcement agencies and community, professional, academic, research, and civil and human rights organizations, shall issue regulations for the collection and reporting of data required under subdivision (b). The regulations shall specify all data to be reported, and

provide standards, definitions, and technical specifications to ensure uniform reporting practices across all reporting agencies. To the best extent possible, such regulations should be compatible with any similar federal data collection or reporting program.

(f) All data and reports made pursuant to this section are public records within the meaning of subdivision (e) of Section 6252, and are open to public inspection pursuant to Sections 6253 and 6258.

(g) (1) For purposes of this section, "peace officer," as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, 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.

(2) For purposes of this section, "stop" 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.

SEC. 3. Section 13012 of the Penal Code is amended to read:

13012. (a) The annual report of the department provided for in Section 13010 shall contain statistics showing all of the following:

(1) The amount and the types of offenses known to the public authorities.

(2) The personal and social characteristics of criminals and delinquents.

(3) The administrative actions taken by law enforcement, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with criminals or delinquents.

(4) The administrative actions taken by law enforcement, prosecutorial, judicial, penal, and correctional agencies, including those in the juvenile justice system, in dealing with minors who are the subject of a petition or hearing in the juvenile court to transfer their case to the jurisdiction of an adult criminal court or whose cases are directly filed or otherwise initiated in an adult criminal court.

(5) (A) The total number of each of the following:

(i) Citizen complaints received by law enforcement agencies under Section 832.5.

(ii) Citizen complaints alleging criminal conduct of either a felony or misdemeanor.

(iii) Citizen complaints alleging racial or identity profiling, as defined in subdivision (e) of Section 13519.4. These statistics shall be disaggregated by the specific type of racial or identity profiling alleged, such as based on a consideration of race, color, ethnicity, national origin, religion, gender identity or expression, sexual orientation, or mental or physical disability.

(B) The statistics reported under this paragraph shall provide, for each category of complaint identified under subparagraph (A), the number of complaints within each of the following disposition categories:

(i) "Sustained," which means that the investigation disclosed sufficient evidence to prove the truth of allegation in the complaint by preponderance of evidence.

(ii) "Exonerated," which means that the investigation clearly established that the actions of the personnel that formed the basis of the complaint are not a violation of law or agency policy.

(iii) "Not sustained," which means that the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint.

(iv) "Unfounded," which means that the investigation clearly established that the allegation is not true.

(C) The reports under subparagraphs (A) and (B) shall be made available to the public and disaggregated for each individual law enforcement agency.

(b) It shall be the duty of the department to give adequate interpretation of the statistics and so to present the information that it may be of value in guiding the policies of the Legislature and of those in charge of the apprehension, prosecution, and treatment of the criminals and delinquents, or concerned with the prevention of

crime and delinquency. The report shall also include statistics which are comparable with national uniform criminal statistics published by federal bureaus or departments heretofore mentioned.

(c) Each year, on an annual basis, the Racial and Identity Profiling Board (RIPA), established pursuant to paragraph (1) of subdivision (j) of Section 13519.4, shall analyze the statistics reported pursuant to subparagraphs (A) and (B) of paragraph (5) of subdivision (a) of this section. RIPA's analysis of the complaints shall be incorporated into its annual report as required by paragraph (3) of subdivision (j) of Section 13519.4. The reports shall not disclose the identity of peace officers.

SEC. 4. Section 13519.4 of the Penal Code is amended to read:

13519.4. (a) The commission shall develop and disseminate guidelines and training for all peace officers in California as described in subdivision (a) of Section 13510 and who adhere to the standards approved by the commission, on the racial and cultural differences among the residents of this state. The course or courses of instruction and the guidelines shall stress understanding and respect for racial, identity, and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a diverse racial, identity, and cultural environment.

(b) The course of basic training for peace officers shall include adequate instruction on racial, identity, and cultural diversity in order to foster mutual respect and cooperation between law enforcement and members of all racial, identity, and cultural groups. In developing the training, the commission shall consult with appropriate groups and individuals having an interest and expertise in the field of racial, identity, and cultural awareness and diversity.

(c) For the purposes of this section the following shall apply:

(1) "Disability," "gender," "nationality," "religion," and "sexual orientation" have the same meaning as in Section 422.55.

(2) "Culturally diverse" and "cultural diversity" include, but are not limited to, disability, gender, nationality, religion, and sexual orientation issues.

(3) "Racial" has the same meaning as "race or ethnicity" in Section 422.55.

(4) "Stop" has the same meaning as in paragraph (2) of subdivision (g) of Section 12525.5 of the Government Code.

(d) The Legislature finds and declares as follows:

(1) The working men and women in California law enforcement risk their lives every day. The people of California greatly appreciate the hard work and dedication of peace officers in protecting public safety. The good name of these officers should not be tarnished by the actions of those few who commit discriminatory practices.

(2) Racial or identity profiling is a practice that presents a great danger to the fundamental principles of our Constitution and a democratic society. It is abhorrent and cannot be tolerated.

(3) Racial or identity profiling alienates people from law enforcement, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people whom law enforcement is sworn to protect and serve.

(4) Pedestrians, users of public transportation, and vehicular occupants who have been stopped, searched, interrogated, and subjected to a property seizure by a peace officer for no reason other than the color of their skin, national origin, religion, gender identity or expression, housing status, sexual orientation, or mental or physical disability are the victims of discriminatory practices.

(5) It is the intent of the Legislature in enacting the changes to this section made by the act that added this paragraph that additional training is required to address the pernicious practice of racial or identity profiling and that enactment of this section is in no way dispositive of the issue of how the state should deal with racial or identity profiling.

(e) "Racial or identity profiling," for purposes of this section, 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 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 activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.

(f) A peace officer shall not engage in racial or identity profiling.

(g) Every peace officer in this state shall participate in expanded training as prescribed and certified by the Commission on Peace Officers Standards and Training.

(h) The curriculum shall be evidence-based and shall include and examine evidence-based patterns, practices, and protocols that make up racial or identity profiling, including implicit bias. This training shall prescribe evidenced-based patterns, practices, and protocols that prevent racial or identity profiling. In developing the training, the commission shall consult with the Racial and Identity Profiling Advisory Board established pursuant to subdivision (j). The course of instruction shall include, but not be limited to, significant consideration of each of the following subjects:

(1) Identification of key indices and perspectives that make up racial, identity, and cultural differences among residents in a local community.

(2) Negative impact of intentional and implicit biases, prejudices, and stereotyping on effective law enforcement, including examination of how historical perceptions of discriminatory enforcement practices have harmed police-community relations and contributed to injury, death, disparities in arrest detention and incarceration rights, and wrongful convictions.

(3) The history and role of the civil and human rights movement and struggles and their impact on law enforcement.

(4) Specific obligations of peace officers in preventing, reporting, and responding to discriminatory or biased practices by fellow peace officers.

(5) Perspectives of diverse, local constituency groups and experts on particular racial, identity, and cultural and police-community relations issues in a local area.

(6) The prohibition against racial or identity profiling in subdivision (f).

(i) Once the initial basic training is completed, each peace officer in California as described in subdivision (a) of Section 13510 who adheres to the standards approved by the commission shall be required to complete a refresher course every five years thereafter, or on a more frequent basis if deemed necessary, in order to keep current with changing racial, identity, and cultural trends.

(j) (1) Beginning July 1, 2016, the Attorney General shall establish the Racial and Identity Profiling Advisory Board (RIPA) for the purpose of eliminating racial and identity profiling, and improving diversity and racial and identity sensitivity in law enforcement.

(2) RIPA shall include the following members:

(A) The Attorney General, or his or her designee.

(B) The President of the California Public Defenders Association, or his or her designee.

(C) The President of the California Police Chiefs Association, or his or her designee.

(D) The President of California State Sheriffs' Association, or his or her designee.

(E) The President of the Peace Officers Research Association of California, or his or her designee.

(F) The Commissioner of the California Highway Patrol, or his or her designee.

(G) A university professor who specializes in policing, and racial and identity equity.

(H) Two representatives of human or civil rights tax-exempt organizations who specialize in civil or human rights.

(I) Two representatives of community organizations who specialize in civil or human rights and criminal justice, and work with victims of racial and identity profiling. At least one representative shall be between 16 and 24

years of age.

(J) Two religious clergy members who specialize in addressing and reducing racial and identity bias toward individuals and groups.

(K) Up to two other members that the Governor may prescribe.

(L) Up to two other members that the President Pro Tempore of the Senate may prescribe.

(M) Up to two other members that the Speaker of the Assembly may prescribe.

(3) Each year, on an annual basis, RIPA shall do the following:

(A) Analyze the data reported pursuant to Section 12525.5 of the Government Code and Section 13012 of the Penal Code.

(B) Analyze law enforcement training under this section.

(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 report that provides RIPA's analysis under subparagraphs (A) to (D), inclusive, detailed findings on the past and current status of racial and identity profiling, and makes policy recommendations for eliminating racial and identity profiling. RIPA shall post the report on its Internet Web site. Each report shall include disaggregated statistical data for each reporting law enforcement agency. The report shall include, at minimum, each reporting law enforcement agency's total results for each data collection criteria under subdivision (b) of Section 12525.5 of the Government Code for each calendar year. The reports shall be retained and made available to the public by posting those reports on the Department of Justice's Internet Web site. The first annual report shall be issued no later than January 1, 2018. The reports are public records within the meaning of subdivision (d) of Section 6252 of the Government Code and are open to public inspection pursuant to Sections 6253, 6256, 6257, and 6258 of the Government Code.

(F) Hold at least three public meetings annually to discuss racial and identity profiling, and potential reforms to prevent racial and identity profiling. Each year, one meeting shall be held in northern California, one in central California, and one in southern California. RIPA shall provide the public with notice of at least 60 days before each meeting.

(4) Pursuant to subdivision (e) of Section 12525.5 of the Government Code, RIPA shall advise the Attorney General in developing regulations for the collection and reporting of stop data, and ensuring uniform reporting practices across all reporting agencies.

(5) Members of RIPA shall not receive compensation, nor per diem expenses, for their services as members of RIPA.

(6) No action of RIPA shall be valid unless agreed to by a majority of its members.

(7) The initial terms of RIPA members shall be four years.

(8) Each year, RIPA shall elect two of its members as cochairpersons.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Exhibit 2

AB-1518 Criminal justice information. (2017-2018)

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Date Published: 09/28/2017 09:00 PM

Assembly Bill No. 1518

CHAPTER 328

An act to amend Section 12525.5 of the Government Code, and to amend Section 13012 of the Penal Code, relating to criminal justice.

[Approved by Governor September 27, 2017. Filed with Secretary of State September 27, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1518, Weber. Criminal justice information.

(1) Existing law requires each state and local agency that employs peace officers to annually report to the Attorney General data on all stops, as defined, conducted by the agency's peace officers, and requires that data to include specified information, including the time, date, and location of the stop, and the reason for the stop. Existing law requires agencies of differing staff sizes to issue the first annual report on or before specified dates. Existing law requires the Attorney General, not later than January 1, 2017, and in consultation with specified stakeholders, to issue regulations for the collection and reporting of the required data.

This bill would set dates for the various law enforcement agencies to begin collecting the required data and would make law enforcement agencies solely responsible for ensuring that personally identifiable information of the individual stopped or any other information that is exempt from disclosure is not transmitted to the Attorney General in an open text field. The bill would extend the date by which the Attorney General is required to issue regulations for the collection and reporting of data to January 1, 2018. By expanding the duties of local law enforcement, this bill would impose a state-mandated local program.

(2) Existing law requires the Department of Justice to prepare and present to the Governor an annual report containing the criminal statistics of the preceding calendar year, including, but not limited to, the total number of citizen complaints alleging racial or identity profiling, as specified.

This bill would delete references to citizens' complaints and instead refer to civilians' complaints.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12525.5 of the Government Code is amended to read:

12525.5. (a) (1) Each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year.

(2) Each agency that employs 1,000 or more peace officers shall begin collecting data on or before July 1, 2018, and shall issue its first round of reports on or before April 1, 2019. Each agency that employs 667 or more but less than 1,000 peace officers shall begin collecting data on or before January 1, 2019, and shall issue its first round of reports on or before April 1, 2020. Each agency that employs 334 or more but less than 667 peace officers shall begin collecting data on or before January 1, 2021, and shall issue its first round of reports on or before April 1, 2022. Each agency that employs one or more but less than 334 peace officers shall begin collecting data on or before January 1, 2022, and shall issue its first round of reports on or before April 1, 2023.

(b) The reporting shall include, at a minimum, the following information for each stop:

(1) The time, date, and location of the stop.

(2) The reason for the stop.

(3) The result of the stop, such as, no action, warning, citation, property seizure, or arrest.

(4) If a warning or citation was issued, the warning provided or violation cited.

(5) If an arrest was made, the offense charged.

(6) The perceived race or ethnicity, gender, and approximate age of the person stopped, provided 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. For motor vehicle stops, this paragraph only applies to the driver, unless any actions specified under paragraph (7) apply in relation to a passenger, in which case the characteristics specified in this paragraph shall also be reported for him or her.

(7) Actions taken by the peace officer during the stop, including, but not limited to, the following:

(A) Whether the peace officer asked for consent to search the person, and, if so, whether consent was provided.

(B) 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.

(C) Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property.

(c) If more than one peace officer performs a stop, only one officer is required to collect and report to his or her agency the information specified under subdivision (b).

(d) State and local law enforcement agencies shall not report the name, address, social security number, or other unique personal identifying information of persons stopped, searched, or subjected to a property seizure, for purposes of this section. Notwithstanding any other law, the data reported shall be available to the public, except for the badge number or other unique identifying information of the peace officer involved. Law enforcement agencies are solely responsible for ensuring that personally identifiable information of the individual stopped or any other information that is exempt from disclosure pursuant to this section is not transmitted to the Attorney General in an open text field.

(e) Not later than January 1, 2018, the Attorney General, in consultation with stakeholders, including the Racial and Identity Profiling Advisory Board (RIPA) established pursuant to paragraph (1) of subdivision (j) of Section 13519.4 of the Penal Code, federal, state, and local law enforcement agencies and community, professional, academic, research, and civil and human rights organizations, shall issue regulations for the collection and reporting of data required under subdivision (b). The regulations shall specify all data to be reported, and provide standards, definitions, and technical specifications to ensure uniform reporting practices across all reporting agencies. To the best extent possible, such regulations should be compatible with any similar federal data collection or reporting program.

(f) All data and reports made pursuant to this section are public records within the meaning of subdivision (e) of Section 6252, and are open to public inspection pursuant to Sections 6253 and 6258.

(g) (1) For purposes of this section, "peace officer," as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, 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.

(2) For purposes of this section, "stop" 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.

SEC. 2. Section 13012 of the Penal Code is amended to read:

13012. (a) The information published on the OpenJustice Web portal pursuant to Section 13010 shall contain statistics showing all of the following:

(1) The amount and the types of offenses known to the public authorities.

(2) The personal and social characteristics of criminals and delinquents.

(3) The administrative actions taken by law enforcement, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with criminals or delinquents.

(4) The administrative actions taken by law enforcement, prosecutorial, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with minors who are the subject of a petition or hearing in the juvenile court to transfer their case to the jurisdiction of an adult criminal court or whose cases are directly filed or otherwise initiated in an adult criminal court.

(5) (A) The total number of each of the following:

(i) Civilian complaints received by law enforcement agencies under Section 832.5.

(ii) Civilian complaints alleging criminal conduct of either a felony or a misdemeanor.

(iii) Civilian complaints alleging racial or identity profiling, as defined in subdivision (e) of Section 13519.4. These statistics shall be disaggregated by the specific type of racial or identity profiling alleged, including, but not limited to, based on a consideration of race, color, ethnicity, national origin, religion, gender identity or expression, sexual orientation, or mental or physical disability.

(B) The statistics reported pursuant to this paragraph shall provide, for each category of complaint identified under subparagraph (A), the number of complaints within each of the following disposition categories:

(i) "Sustained," which means that the investigation disclosed sufficient evidence to prove the truth of allegation in the complaint by preponderance of the evidence.

(ii) "Exonerated," which means that the investigation clearly established that the actions of the personnel that formed the basis of the complaint are not a violation of law or agency policy.

(iii) "Not sustained," which means that the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint.

(iv) "Unfounded," which means that the investigation clearly established that the allegation is not true.

(C) The reports under subparagraphs (A) and (B) shall be made available to the public and disaggregated for each individual law enforcement agency.

(b) The department shall give adequate interpretation of the statistics and present the information so that it may be of value in guiding the policies of the Legislature and of those in charge of the apprehension, prosecution, and treatment of criminals and delinquents, or those concerned with the prevention of crime and delinquency. This interpretation shall be presented in clear and informative formats on the OpenJustice Web portal. The Web portal shall also include statistics that are comparable with national uniform criminal statistics published by federal bureaus or departments.

(c) Each year, on an annual basis, the Racial and Identity Profiling Advisory Board (RIPA), established pursuant to paragraph (1) of subdivision (j) of Section 13519.4, shall analyze the statistics reported pursuant to subparagraphs (A) and (B) of paragraph (5) of subdivision (a) of this section. RIPA's analysis of the complaints shall be incorporated into its annual report as required by paragraph (3) of subdivision (j) of Section 13519.4

and shall be published on the OpenJustice Web portal. The reports shall not disclose the identity of peace officers.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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Exhibit 3

GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] *(Title 2 enacted by Stats. 1943, Ch. 134.)*

DIVISION 3. EXECUTIVE DEPARTMENT [11000 - 15986] *(Division 3 added by Stats. 1945, Ch. 111.)*

PART 2. CONSTITUTIONAL OFFICERS [12001 - 12790] *(Part 2 added by Stats. 1945, Ch. 111.)*

CHAPTER 6. Attorney General [12500 - 12661] *(Chapter 6 added by Stats. 1945, Ch. 111.)*

ARTICLE 2. General Powers and Duties [12510 - 12532] *(Article 2 added by Stats. 1945, Ch. 111.)*

12525.5. (a) (1) Each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year.

(2) Each agency that employs 1,000 or more peace officers shall begin collecting data on or before July 1, 2018, and shall issue its first round of reports on or before April 1, 2019. Each agency that employs 667 or more but less than 1,000 peace officers shall begin collecting data on or before January 1, 2019, and shall issue its first round of reports on or before April 1, 2020. Each agency that employs 334 or more but less than 667 peace officers shall begin collecting data on or before January 1, 2021, and shall issue its first round of reports on or before April 1, 2022. Each agency that employs one or more but less than 334 peace officers shall begin collecting data on or before January 1, 2022, and shall issue its first round of reports on or before April 1, 2023.

(b) The reporting shall include, at a minimum, the following information for each stop:

(1) The time, date, and location of the stop.

(2) The reason for the stop.

(3) The result of the stop, such as, no action, warning, citation, property seizure, or arrest.

(4) If a warning or citation was issued, the warning provided or violation cited.

(5) If an arrest was made, the offense charged.

(6) The perceived race or ethnicity, gender, and approximate age of the person stopped, provided 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. For motor vehicle stops, this paragraph only applies to the driver, unless any actions specified under paragraph (7) apply in relation to a passenger, in which case the characteristics specified in this paragraph shall also be reported for him or her.

(7) Actions taken by the peace officer during the stop, including, but not limited to, the following:

(A) Whether the peace officer asked for consent to search the person, and, if so, whether consent was provided.

(B) 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.

(C) Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property.

(c) If more than one peace officer performs a stop, only one officer is required to collect and report to his or her agency the information specified under subdivision (b).

(d) State and local law enforcement agencies shall not report the name, address, social security number, or other unique personal identifying information of persons stopped, searched, or subjected to a property seizure, for purposes of this section. Notwithstanding any other law, the data reported shall be available to the public, except for the badge number or other unique identifying information of the peace officer involved. Law enforcement agencies are solely responsible for ensuring that personally identifiable information of the individual stopped or any

other information that is exempt from disclosure pursuant to this section is not transmitted to the Attorney General in an open text field.

(e) Not later than January 1, 2018, the Attorney General, in consultation with stakeholders, including the Racial and Identity Profiling Advisory Board (RIPA) established pursuant to paragraph (1) of subdivision (j) of Section 13519.4 of the Penal Code, federal, state, and local law enforcement agencies and community, professional, academic, research, and civil and human rights organizations, shall issue regulations for the collection and reporting of data required under subdivision (b). The regulations shall specify all data to be reported, and provide standards, definitions, and technical specifications to ensure uniform reporting practices across all reporting agencies. To the best extent possible, such regulations should be compatible with any similar federal data collection or reporting program.

(f) All data and reports made pursuant to this section are public records within the meaning of subdivision (e) of Section 6252, and are open to public inspection pursuant to Sections 6253 and 6258.

(g) (1) For purposes of this section, "peace officer," as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, 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.

(2) For purposes of this section, "stop" 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.

(Amended by Stats. 2017, Ch. 328, Sec. 1. (AB 1518) Effective January 1, 2018.)

000037

Exhibit 4

Date of Hearing: April 21 2015
Counsel: Sandra Uribe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY
Bill Quirk, Chair

AB 953 (Weber) – As Amended April 16, 2015

SUMMARY: Modifies the definition of "racial profiling;" requires local law enforcement agencies to report specified information on traffic, public transit, and pedestrian stops to the Attorney General's office; and establishes the Racial and Identity Profiling Advisory Board (RIPA). Specifically, **this bill**:

1) Requires, beginning July 1, 2017, each state and local agency that employs peace officers to report to the Attorney General's Office, at least on a quarterly basis, data on all traffic, public transportation, and pedestrian stops conducted by that agency's peace officers.

2) Requires the data collected to include the following information for each stop, search, or seizure:

   a) The time, date, and location of the stop, search, or seizure;

   b) The characteristics of each peace officer involved in the stop, including, but not limited to, his or her badge or identification number, race or ethnicity, gender, age, assignment, division or station, and shift, and whether he or she was in uniform;

   c) The basis for the stop, including, but not limited to, the offense suspected, and whether the action was initiated in response to a call for service, and, if the action was initiated in response to a call for services, the incident identifier;

   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) A description of all persons detained during the stop. The description 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, unless otherwise required by law. The description shall include, but not be limited to:

      i) The number of people stopped;

      ii) The race or ethnicity, gender, and age of all people stopped;

      iii) The sexual orientation and religious affiliation, if any was perceived;

iv) Whether the person stopped had limited English proficiency;

h) Any mental or physical disability of a person stopped;

i) Whether the officer previously stopped the person;

j) Specifically as to traffic stops, whether the person was a driver or passenger;

k) Actions taken by the officer during the stop, including, but not limited to, the following:

i) Whether the officer asked for consent to frisk or search any person, and if so, whether consent was provided;

ii) Whether the officer searched any person or property, and if so, which persons were searched and what property was searched, the basis for the search, and the type of contraband or evidence discovered, if any;

iii) Whether the officer seized any property and, if so, the type of property that was seized, the person from whom the property was seized, and the basis for seizing the property; and,

iv) Whether the officer used force during the encounter, and if so, the type of force used and reason for using the force.

l) A description of any person upon whom force was used. The description must be based on the officer's observations and perceptions, and cannot be obtained by asking the person, unless otherwise required by law. The description shall include, but not be limited to:

i) The person's race or ethnicity, gender, and age;

ii) The person's sexual orientation and religious affiliation, if any was perceived;

iii) Whether the person had limited English proficiency;

iv) Any perceived mental or physical disability or preexisting injury or medical condition of the person; and,

v) Whether the person was homeless.

m) Whether any other governmental or nongovernmental agency or service provider was called to respond to the scene, and if so, what agency or service provider, and the reason the agency or service provider was called to respond; and

n) Whether any person sustained any injuries during the encounter, and if so, which person, and the nature of the injuries and medical treatment provided, if any.

3) 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.

4) States that, notwithstanding any other law, the data reported shall be made available to the public to the extent which release is permissible under state law, with the exception of badge number, or other unique identifying information of the officer involved.

5) Requires the Attorney General, to issue regulations for the collection and reporting of the required data by January 1, 2017. The Attorney General should consult with specified stakeholders in issuing the regulations.

6) Mandates that the regulations 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.

7) Requires each state and local law enforcement agency to publicly report the data on an annual basis beginning on July 1, 2018. The report should be posted on the law enforcement agency's Website, and in the event the agency does not have a Website, it shall be posted on the Department of Justice (DOJ) Website.

8) Requires retention of the reported data for at least five years.

9) Mandates that the Attorney General annually analyze the data collected and report its findings from the first analysis by July 1, 2018. Reports are to be posted on the DOJ Website.

10) Specifies that all data and reports made under these provisions are public records, as specified, and are open to public inspection.

11) Revises the content of the DOJ annual report on criminal statistics to report the total number of each of the following citizen complaints:

    a) Citizen complaints against law enforcement personnel;

    b) Citizen complaints alleging criminal conduct of either a felony or misdemeanor;

    c) Citizen complaints alleging racial or identity profiling, disaggregated by the specific type of racial or identity profiling alleged.

12) Specifies that the statistics on citizen complaints must identify their dispositions as being sustained, exonerated, not sustained, unfounded, as specified.

13) Mandates the Attorney General establish RIPA beginning July 1, 2016 for the purpose of eliminating racial and identity profiling, and improving diversity and racial sensitivity in law enforcement.

14) Provides that RIPA shall include the following members:

a) the Attorney General, or a designee;

b) The President of the California Public Defenders Association, or a designee;

c) The President of the California Police Chiefs Association, or a designee;

d) The President of the California State Sheriffs' Association, or a designee;

e) The President of the Peace Officers Research Association of California, or a designee;

f) The President of the Chief Probation Officers of California, or a designee;

g) The Chair of the California Legislative Black Caucus, or designee;

h) The Chair of the California Latino Legislative Caucus, or designee;

i) The Chair of the California Asian and Pacific Islander Legislative Caucus, or designee;

j) The Chair of the California Lesbian, Gay, Bisexual, and Transgender Legislative Caucus, or designee;

k) A university professor who specializes in policing, and racial and identity equity;

l) Two representatives of civil or human rights tax-exempt organizations who specialize in civil and human rights and criminal justice;

m) Two representatives of community organizations specializing in civil or human rights and criminal justice and who work with victims of racial and identity profiling;

n) Two clergy members who specialize in addressing and reducing bias toward individuals and groups based on religious beliefs or practices; and,

o) Up to two other members that the Attorney General may prescribe.

15) Renames "racial profiling" as "racial or identity profiling" and redefines it as "consideration of or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to routine or spontaneous law enforcement activities or in deciding upon the scope and substance of law enforcement activities following an initial contact. The activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as, asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest."

16) Revises legislative findings and declarations regarding racial and identity profiling.

17) Requires any peace officer who has a sustained complaint of racial or identity profiling that is sustained to participate in training to correct racial and identity profiling at least every six

months for two years.

18) Tasks RIPA with the following:

a) Analyzing data reported, as specified;

b) Analyzing law enforcement training on racial and identity profiling;

c) Investigating and analyzing law enforcement agencies' racial and identity profiling policies and practices;

d) Issuing an annual report; and,

e) Holding at least three annual public meetings to discuss racial and identity profiling and potential reforms, as specified.

EXISTING LAW:

1) Prohibits a law enforcement officer from engaging in racial profiling. (Pen. Code, § 13519.4, subd. (f).)

2) Defines "racial profiling," as "the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped." (Pen. Code, § 13519.4, subd. (e).)

3) Requires that the course of basic training for law enforcement officers include adequate instruction on racial and cultural diversity in order to foster mutual respect and cooperation between law enforcement and members of all racial and cultural groups. (Pen. Code, § 13519.4, subd. (b).)

4) Requires the DOJ to present to the Governor, on or before July 1st, an annual report containing the criminal statistics of the preceding calendar year. (Pen. Code, § 13010, subd. (g).)

5) Mandates that the annual report contain statistics showing all of the following:

a) The amount and the types of offenses known to the public authorities;

b) The personal and social characteristics of criminals and delinquents;

c) The administrative actions taken by law enforcement, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with criminals or delinquents;

d) The administrative actions taken by law enforcement, prosecutorial, judicial, penal, and correctional agencies, including those in the juvenile justice system, in dealing with minors who are the subject of a petition or hearing in the juvenile court to transfer their case to the jurisdiction of an adult criminal court or whose cases are directly filed or

otherwise initiated in an adult criminal court; and,

e) The number of citizens' complaints received by law enforcement agencies, as specified. The statistics must indicate the total number of these complaints, the number alleging criminal conduct of either a felony or misdemeanor, and the number sustained in each category. The report shall not contain a reference to any individual agency but shall be by gross numbers only. (Pen. Code, § 13012.)

6) Requires state and local law enforcement agencies to report statistical data to the DOJ at those times and in the manner that the Attorney General prescribes. (Pen. Code, § 13020.)

FISCAL EFFECT: Unknown

COMMENTS:

1) **Author's Statement**: According to the author, "AB 953 will help eliminate the harmful and unjust practice of racial and identity profiling, and improve the relationship between law enforcement and the communities they serve. AB 953 promotes equal protection and prevents unreasonable searches and seizures.

"Peace officers risk their lives every day, and the people of California greatly appreciate their hard work and dedication to public safety. At the same time, a recent poll shows that 55% of Californians and 85% of African-Americans in California believe that 'blacks and other minorities do not receive equal treatment in the criminal justice system.'[1] Racial and identity profiling significantly contributes to this lack of confidence in our justice system.

"Racial and identity profiling occurs when law enforcement personnel stop, search, seize property from, or interrogate a person without evidence of criminal activity. Studies show that profiling often occurs due to unconscious biases about particular demographic identities.[2]

"AB 953 would prevent profiling by, among other things, clarifying and modernizing California's current prohibition against profiling to better account for the ways in which profiling occurs, establishing a uniform system for collecting and analyzing data on law enforcement-community interactions, and establishing an advisory board that investigates profiling patterns and practices and provides recommendations on how to curb its harmful impact."

2) **Racial Profiling**: Racial profiling is a violation of our constitutional rights against unreasonable searches and seizures, and equal protection. Existing state and federal law prohibits law enforcement officers from engaging in racial profiling. (Pen. Code, § 13519.4, subd. (f).) "Racial profiling" is currently defined as the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any

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[1] Mark Aaldassare et al., *Californians & their government*, (PPIC Jan. 2015).
[2] Tracey G. Gove, *Implicit Bias and Law Enforcement*, Police Chief Magazine (Oct. 2011), <http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=2499&issue_id=102011>.)

individualized suspicion of the particular person being stopped. (Pen. Code, § 13519.4, subd. (e).)

Although racial profiling is prohibited, studies show that racial profiling by law enforcement does occur. For example, according to a report by the Oakland Police Department released last week, African-Americans, who compose 28 percent of Oakland's population, accounted for 62 percent of police stops from last April to November. The figures also showed that stops of African-Americans were more likely to result in felony arrests. 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. (<http://www.mercurynews.com/crime-courts/ci_25410009/report-blacks-comprise-62-percent-oakland-police-stops>.)

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."..."The Justice Department's concerns, which were conveyed in a recent letter obtained by The Times, are a setback for the LAPD, which remains under federal oversight on the issue." 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." (<http://articles.latimes.com/2010/nov/14/local/la-me-lapd-bias-20101114>.)

3) **Argument in Support**: According to the *Youth Justice Coalition*, a co-sponsor of this bill, "Racial and identity profiling – the practice of law enforcement stops, searches, property seizures, and/or interrogations in absence of evidence of criminal activity – have eroded public trust, led to humiliation and false detentions of thousands of Californians, and contribute to an increase in law enforcement use of force resulting in serious injury and death.

"In March 2015, the *President's Task Force on 21st Century Policing* recommended that profiling based on race, color, ethnicity, national origin, religion gender, sexual orientation, or mental or physical disability, and other demographic characteristics, be prohibited.[3]

"Here in California, people throughout our state have long been plagues by the humiliating and frightening act of racial and identity profiling. In 2000, the Legislature found that 'racial profiling is a practice that presents a great danger to the fundamental principles of a democratic society,' and declared that 'it is abhorrent and cannot be tolerated.'[4] Subsequently, the Legislative Analyst's Office concluded that California's current prohibition against such acts is overvague (sic) and that law enforcement agencies have resisted following it.[5]

As one of numerous examples, a 2015 report by a police department in California found that

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[3] http://www.cops.usdoj.gov/pdf/taskforce/Interim_TF_Report.pdf
[4] http://www.leginfo.ca.gov/pub/99-00/bill/sen/sb_1101-1150/sb_1102_bill_20000926_chaptered.html
[5] http://www.lao.ca.gov/2002/racial_profiling/8-02_racial_profiling.pdf

000045

blacks were stopped twice as often as their driving age demographic representation, and that blacks and Latinos were *less likely* to be arrested.[6]

"The persistence of profiling in our state violates the U.S. and California Constitutions by betraying the fundamental promise of equal protection, and infringing upon the guarantee that all people shall be free from unreasonable searches and seizures. It also misdirects limited resources away from evidence-based policing and the efficient pursuit of individuals who actually pose a threat to public safety, thus making all Californians less safe."

4) **Arguments in Opposition**:

a) The *Peace Officers Research Association of California* writes, "Our officers pride themselves on the fact that all stops are made justly and for probable cause. They are rigorously trained by the Commission on Peace Officers Standards and Training (POST), which includes thorough training on racial profiling.

"In addition, our officers have already compiled, for many years now, a lot of the information set forth in your bill, including race, ethnicity, gender, age, reason for stop, result of stop, whether the vehicle was searched, and if so, why, whether a warrant was issued, etc. We believe the additional information required will take much more of the officer's time and result in less service to the public."

b) The *California Police Chiefs Association* states, "The burden created by this mandate will result in significant officer time spent writing reports, thereby diminishing the time an officer is able to spend interacting with members of the community.

"Law enforcement agencies strive every day to maintain legitimacy within their communities. Currently, officers are trained to interact and engage with members of the communities in which they police whether an officer pulls someone over for a traffic stop or stops someone while out patrolling the streets on foot.

"Unfortunately, we believe that AB 953 would weaken the aforementioned relations. While we support legislation that would encourage, support, and strengthen law enforcement-community relations, we do not believe that AB 953 represents a productive or efficient means to this goal."

5) **Related Legislation**:

a) AB 334 (Cooley) requires training for law enforcement officers on the profiling of motorcycle riders. AB 334 is pending hearing in the Assembly Appropriations Committee.

b) AB 619 (Weber) requires the Attorney General to provide the Legislature an annual report on use-of-force incidents involving law enforcement and to make the information available on its Website. AB 619 is being heard in this Committee today.

[6] http://www.utsandiego.com/documents/2015/feb/25/san-diego-police-traffic-stops-report/

6) **Prior Legislation**:

a) 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.

b) AB 788 (Firebaugh), of the 2001-2002 Legislative session, would have clarified the definition of racial profiling and required data collection by specified law enforcement agencies. AB 788 died on the Assembly Inactive File.

c) SB 1102 (Murray), Chapter 684, Statutes of 2000, states findings and declarations of the Legislature regarding racial profiling and requires law enforcement officers to participate in expanded training as prescribed and certified by POST.

d) SB 78 (Murray) of the 1999-2000 Legislative Session, would have required the California Highway Patrol (CHP) Commissioner to gather specified data regarding traffic stops conducted by CHP officers, and would have required POST to present to the Legislature a report containing the information. SB 78 was vetoed.

e) AB 1264 (Murray), of the 1997-98 Legislative session, would have required the Attorney General's office to annually report specified statistics regarding all motorists stopped by law enforcement officers. AB 1264 was vetoed.

REGISTERED SUPPORT / OPPOSITION:

Support

American Civil Liberties Union of California (Co-Sponsor)
Youth Justice Coalition (Co-Sponsor)
Alliance for Boys and Men of Color
Alliance San Diego
American Federation of State, County and Municipal Employees
Asian Law Alliance
Black Women for Wellness
Brown Boi Project
California Federation of Teachers
California Immigrant Policy Center
California Public Defenders Association
Californians United for a Responsible Budget
Center on Juvenile and Criminal Justice
Central American Resource Center, Los Angeles
Community Coalition
Council on American-Islamic Relations
Courage Campaign
Dignity and Power Now
Drug Policy Alliance
Ella Baker Center for Human Rights
Empowering Pacific Islander Communities

Equality California
FACTS Education Fund & Fair Chance Project
Filipino Migrant Center of Southern California
Friends Committee on Legislation of California
GSA Network
Greenlining Institute
Immigrant Legal Resource Center
Immigrant Youth Coalition
Inland Empire Immigrant Youth Coalition
Inner City Struggle
Japanese American Citizens League
Justice for Immigrants Coalition of Inland Southern California
Justice Not Jails
K.W. Lee Center for Leadership
LA Voice
Long Beach Immigrant Rights Coalition
Los Angeles Black Worker Center
Los Angeles LGBT Center
Los Angeles Regional Reentry Partnership
Merced Organizing Project
National Center for Lesbian Rights
National Day Laborer Organizing Network
National Employment Law Project
New Covenant Church
New PATH, Parents for Addiction Treatment & Healing
New Way of Life Reentry Project
Pilipino Workers Center of Southern California
Placer People of Faith Together
Private Individual
Progressive Christians Uniting
Public Advocates
Reform California
Riverside Coalition for Police Accountability
Root & Rebound
Sacramento Area Congregations Together
Sadler Healthcare
San Francisco Organizing Project
San Francisco Tenants Union
Services, Immigrant Rights, and Education Network
Social Justice Learning Institute
Southeast Asia Resource Action Center
Starting Over, Inc.
Students for Sensible Drug Policy, Whittier Law School
Transgender Law Center
True North Organizing Network
W. Haywood Burns Institute

One Private Individual

000048

Opposition

Association for Los Angeles Deputy Sheriffs
California Association of Highway Patrolmen
California College and University Police Chiefs Association
California Correctional Supervisors Organization
California Police Chiefs Association
California State Sheriffs' Association
Los Angeles Police Protective League
Peace Officers Research Association of California
Riverside Sheriffs Association

Analysis Prepared by: Sandy Uribe / PUB. S. / (916) 319-3744

Exhibit 5

Date of Hearing: May 13, 2015

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Jimmy Gomez, Chair
AB 953 (Weber) – As Amended April 16, 2015

Policy Committee: Public Safety Vote: 5 - 2

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill modifies the definition of "racial profiling"; requires, beginning January 1, 2017, state and local law enforcement agencies to report specified information on traffic, public transit, and pedestrian stops, searches, or seizures to the Attorney General's Office (AG), and post this information on the law enforcement agency's website; requires the AG to issue regulations on the collection and reporting of the information specified; and requires the AG to establish the Racial and Identity Profiling Advisory Board (RIPA) for specified purposes.

FISCAL EFFECT:

1) Significant reimbursable mandated costs (GF), in the hundreds of thousands of dollars, by requiring the collection of very specific additional information by local law enforcement personnel, and the reporting of this information by local law enforcement agencies in a format yet to be determined by the Department of Justice (DOJ).

2) Significant costs to the California Highway Patrol to update their California Automated Reporting System, in the $1 million range Motor Vehicle Account. In addition, the additional time required to document the additional data points will result in the need for additional officers, or the current service provided will be reduced. CHP made over four million public contacts in 2013-14.

3) Moderate one-time cost to the DOJ in the range of $175,000 (GF), a) $100,000 to develop the required regulations in consultation with specified parties by January 1, 2017, and b) $75,000 for information technology costs associated with the programming required to collect and publish the required reports.

4) Moderate ongoing costs to the DOJ in the range of $300,000 (GF) to staff the proposed RIPA and for RIPA to conduct the required investigations and analysis.

5) Cost to the Commission on Peace Officers Standards and Training (POST) is absorbable if POST can update this definition the next time it updates its racial profiling curriculum.

COMMENTS:

1) **Author's Statement**: According to the author, "AB 953 will help eliminate the harmful and unjust practice of racial and identity profiling, and improve the relationship between law enforcement and the communities they serve. AB 953 promotes equal protection and prevents unreasonable searches and seizures.

"Peace officers risk their lives every day, and the people of California greatly appreciate their hard work and dedication to public safety. At the same time, a recent poll shows that 55% of Californians and 85% of African-Americans in California believe that 'blacks and other minorities do not receive equal treatment in the criminal justice system.' Racial and identity profiling significantly contributes to this lack of confidence in our justice system.

"Racial and identity profiling occurs when law enforcement personnel stop, search, seize property from, or interrogate a person without evidence of criminal activity. Studies show that profiling often occurs due to unconscious biases about particular demographic identities.

"AB 953 would prevent profiling by, among other things, clarifying and modernizing California's current prohibition against profiling to better account for the ways in which profiling occurs, establishing a uniform system for collecting and analyzing data on law enforcement-community interactions, and establishing an advisory board that investigates profiling patterns and practices and provides recommendations on how to curb its harmful impact."

This will requires law enforcement agencies to collect the following information for each stop, search, or seizure:

a) The time, date, and location of the stop, search, or seizure;
b) The characteristics of each peace officer involved in the stop, including, but not limited to, his or her badge or identification number, race or ethnicity, gender, age, assignment, division or station, and shift, and whether he or she was in uniform;
c) The basis for the stop, including, but not limited to, the offense suspected, and whether the action was initiated in response to a call for service, and, if the action was initiated in response to a call for services, the incident identifier;
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) A description of all persons detained during the stop. The description 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, unless otherwise required by law. The description shall include, but not be limited to:
    i. The number of people stopped;
    ii. The race or ethnicity, gender, and age of all people stopped;
    iii. The sexual orientation and religious affiliation, if any was perceived;
    iv. Whether the person stopped had limited English proficiency;
h) Any mental or physical disability of a person stopped;
i) Whether the officer previously stopped the person;
j) Specifically as to traffic stops, whether the person was a driver or passenger;
k) Actions taken by the officer during the stop, including, but not limited to, the following:
    i. Whether the officer asked for consent to frisk or search any person, and if so, whether consent was provided;
    ii. Whether the officer searched any person or property, and if so, which persons were searched and what property was searched, the basis for the search, and the type of contraband or evidence discovered, if any;

000052

iii. Whether the officer seized any property and, if so, the type of property that was seized, the person from whom the property was seized, and the basis for seizing the property; and,
iv. Whether the officer used force during the encounter, and if so, the type of force used and reason for using the force.

l) A description of any person upon whom force was used. The description must be based on the officer's observations and perceptions, and cannot be obtained by asking the person, unless otherwise required by law. The description shall include, but not be limited to:
   i. The person's race or ethnicity, gender, and age;
   ii. The person's sexual orientation and religious affiliation, if any was perceived;
   iii. Whether the person had limited English proficiency;
   iv. Any perceived mental or physical disability or preexisting injury or medical condition of the person; and,
   v. Whether the person was homeless.

m) Whether any other governmental or nongovernmental agency or service provider was called to respond to the scene, and if so, what agency or service provider, and the reason the agency or service provider was called to respond; and

n) Whether any person sustained any injuries during the encounter, and if so, which person, and the nature of the injuries and medical treatment provided, if any.

2) **Background.** Current law prohibits law enforcement officers from engaging in racial profiling, "the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped."

   Current law requires the DOJ to present to the Governor, on or before July 1st, an annual report containing the criminal statistics of the preceding calendar year, and requires local law enforcement agencies to report specified information to the DOJ.

   CHP is currently collecting and reporting specific data, beyond what is required of other law enforcement agencies, on their contact with the public.

3) **Argument in Support**: According to the *Youth Justice Coalition*, a co-sponsor of this bill, "Racial and identity profiling – the practice of law enforcement stops, searches, property seizures, and/or interrogations in absence of evidence of criminal activity – have eroded public trust, led to humiliation and false detentions of thousands of Californians, and contribute to an increase in law enforcement use of force resulting in serious injury and death.

4) "In March 2015, the *President's Task Force on 21st Century Policing* recommended that profiling based on race, color, ethnicity, national origin, religion, gender, sexual orientation, or mental or physical disability, and other demographic characteristics, be prohibited."

Analysis Prepared by: Pedro R. Reyes / APPR. / (916) 319-2081

Exhibit 6

SENATE COMMITTEE ON APPROPRIATIONS
Senator Ricardo Lara, Chair
2015 - 2016 Regular Session

AB 953 (Weber) - Law enforcement: racial profiling

Version: June 30, 2015
Urgency: No
Hearing Date: August 17, 2015
Policy Vote: PUB. S. 5 - 1
Mandate: Yes
Consultant: Jolie Onodera

This bill meets the criteria for referral to the Suspense File.

Bill Summary: AB 953 would enact the Racial and Identity Profiling Act of 2015, which would do the following:

- Require each state and local agency that employs peace officers to collect and annually report data to the Attorney General (AG) on all "stops," as defined, for the preceding calendar year.
- Require any peace officer who has a complaint of racial or identity profiling that is sustained to participate in training to correct racial and identity profiling at least every six months for two years.
- Modify the definition of "racial profiling," as specified.
- Commencing July 1, 2016, require the AG to establish the Racial and Identity Profiling Advisory Board (RIPA), to conduct specified activities and issue a report annually on its analysis of specified reported data, training, and racial and identity profiling policies/practices.

Fiscal Impact:

- Data collection, reporting, retention, and training: Major one-time and ongoing costs, potentially in the tens of millions of dollars annually to local law enforcement agencies for data collection, reporting, and retention requirements specified in the bill. Additional costs for training on the process would likely be required. There are currently 482 cities and 58 counties in California. To the extent local agency expenditures qualify as a reimbursable state mandate, agencies could claim reimbursement of those costs (General Fund). While costs could vary widely, for context, the Commission on State Mandates' statewide cost estimate for *Crime Statistics Reports for the DOJ* reflects eligible reimbursement of over $13.6 million per year for slightly over 50 percent of local agencies reporting.
- Racial profiling training: Unknown, potentially significant state-reimbursable costs (General Fund) for mandated training periodically over two years for peace officers with sustained complaints of racial or identity profiling.
- DOJ impact: Major one-time and ongoing costs of $2.6 million in 2015-16, $5.9 million in 2016-17, and $5.1 million (General Fund) annually thereafter, for resources to create the database to collect and retain the data, complete data collection, reporting, and analysis requirements. Minor, absorbable impact to aggregate and post annual reports received to its website.
- RIPA: One-time costs of $1.7 million in 2015-16, and $3 million (General Fund) in 2016-17 and 2017-18 to establish and oversee activities of the Board. Ongoing costs of $1.5 million annually (General Fund) for activities including analyzing data, issuing

000055

annual reports, reviewing policies and procedures, and holding at least three annual public meetings.

- CHP impact: Potentially significant one-time costs of about $1 million (Motor Vehicle Account) to modify its existing database, create the program to generate the report, and train personnel. Ongoing increase in workload costs potentially in the range of $250,000 to $500,000 (Motor Vehicle Account) for data collection and reporting activities. Data for 2013-14 from the CHP indicates approximately 3.1 million enforcement actions potentially subject to the data collection and reporting provisions of this bill.
- CSU/UC police impact: Potentially significant ongoing non-reimbursable costs to California State University police and University of California police officers – the CSM has determined CSU and UC use of campus police is a discretionary act, and therefore any mandated costs are not subject to state reimbursement.

Background: Existing law prohibits a law enforcement officer from engaging in racial profiling and provides that the course of basic training for law enforcement officers must include adequate instruction on racial and cultural diversity in order to foster mutual respect and cooperation between law enforcement and members of all racial and cultural groups. Existing law additionally requires every officer to participate in expanded training provided by the Commission on Peace Officer Standards and Training that examines the patterns, practices, and protocols that prevent racial profiling.

Under existing law, "racial profiling" is defined as the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped. (Penal Code § 13519.4.)

This bill seeks to facilitate the development of evidence-based policing by establishing a system of collecting and reporting information on law enforcement stops. As noted in the federal Department of Justice publication, *A Resource Guide on Racial Profiling Data Collection Systems: Promising Practices and Lessons Learned (2000)*, "

> By providing information about the nature, characteristics, and demographics of police enforcement patterns, these data collection efforts have the potential for shifting the rhetoric surrounding racial profiling from accusations, anecdotal stories, and stereotypes to a more rational discussion about the appropriate allocation of police resources. Well-planned and comprehensive data collection efforts can serve as a catalyst for nurturing and shaping this type of community and police discussion.

Proposed Law: This bill would enact the Racial and Identity Profiling Act of 2015, as follows:

- Requires, beginning March 1, 2018, each state and local agency that employs peace officers to annually report to the AG data on all "stops," as defined, conducted by that agency's peace officers for the preceding calendar year.
- Requires the reporting to include the following information for each stop:
  - The time, date, and location of the stop.
  - The reason for the stop.

000056

  - The result of the stop, such as no action, warning, citation, property seizure, or arrest.
  - If a warning or citation was issued, the warning provided or violation cited.
  - If an arrest was made, the offense charged.
  - 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 motor vehicle stops, this requirement applies only to the driver unless actions taken by the officer apply in relation to a passenger, in which case his or her characteristics shall also be reported.
  - Actions taken by the officer during the stop, including, but not limited to, the following:
    - Whether the officer asked for consent to search the person, and if so, whether consent was provided.
    - Whether the 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.
    - Whether the officer seized any property and, if so, the type of property that was seized, and the basis for seizing the property.
- Provides that if more than one peace officer performs a stop, only one officer is required to collect and report the necessary information.
- 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.
- States that, notwithstanding any other law, the data reported shall be made available to the public to the extent which release is permissible under state law, with the exception of badge number, or other unique identifying information of the officer involved.
- Requires the AG, to issue regulations for the collection and reporting of the required data by January 1, 2017. States the AG should consult with specified stakeholders in issuing the regulations.
- Mandates that the regulations 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.
- Requires each state and local law enforcement agency to publicly report the data on an annual basis beginning on July 1, 2018. The report should be posted on the law enforcement agency's website. In the event the agency does not have a website, it is to be posted on the DOJ website.
- Requires retention of the reported data for at least five years.
- Mandates that the AG annually analyze the data collected and report its findings from the first analysis by January 1, 2019. Reports are to be posted on the DOJ website.
- Specifies that all data and reports made under these provisions are public records, as specified, and are open to public inspection.
- Limits the definition of a "peace officer" for purposes of this section to "members of the California Highway Patrol, a city or county law enforcement agency and California state or university educational institutions." And, the definition explicitly

states that peace officer, as used in this section, does not include probation officers and officers in a custodial setting.

- Defines "stop" for purposes of this section, as "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."
- Revises and expands the content of the DOJ annual report on criminal statistics to report the total number of each of the following citizen complaints, to be made available to the public and disaggregated for each law enforcement agency:
    - Citizen complaints against law enforcement personnel;
    - Citizen complaints alleging criminal conduct of either a felony or misdemeanor;
    - Citizen complaints alleging racial or identity profiling, disaggregated by the specific type of racial or identity profiling alleged.
- Specifies that the statistics on citizen complaints must identify their dispositions as being sustained, exonerated, not sustained, or unfounded, as specified.
- Renames "racial profiling" as "racial or identity profiling" and redefines it as "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 and 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 activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as, asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest."
- Requires any peace officer who has a complaint of racial or identity profiling that is sustained to participate in training to correct racial and identity profiling at least every six months for two years.
- Mandates the AG establish the RIPA beginning July 1, 2016, to include the Attorney General or a designee, and 18 other members, as specified.
- Tasks RIPA with the following:
    - Analyzing data reported both under this Act and other data, as specified;
    - Analyzing law enforcement training on racial and identity profiling;
    - Working in partnership with state and local law enforcement agencies to review and analyze racial and identity profiling policies and practices;
    - Issuing an annual report the first of which shall be issued by January 1, 2018, and posting the reports on its website; and,
    - Holding at least three annual public meetings to discuss racial and identity profiling and potential reforms, as specified.

Prior Legislation: AB 2133 (Torrico) 2006 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. This bill was not provided a hearing in the Assembly Committee on Public Safety.

AB 788 (Firebaugh) 2001 would have required the CHP and specified law enforcement agencies to report to the DOJ statistical data regarding traffic stops until January 1, 2008. This bill died on the Assembly Floor.

SB 1102 (Murray) Chapter 684/2000 states findings and declarations of the Legislature regarding racial profiling and requires law enforcement officers to participate in expanded training as prescribed and certified by POST.

SB 78 (Murray) 1999 would have required the Commissioner of the CHP to gather data on traffic stops conducted by the CHP and law enforcement agencies of specified counties, and provide a report to the Legislature and the Governor. This bill was vetoed by the Governor.

AB 1264 (Murray) 1998 would have required the DOJ until January 1, 2003, in its annual report on criminal justice statistics to include specified statistics regarding all motorists stopped by law enforcement officers. This bill was vetoed by the Governor whose message stated in part:

> *This bill would require California law enforcement officers to collect information, including race or ethnicity and approximate age and gender, about all motorists subject to traffic stops during a three year reporting period. In addition, the DOJ would be required to collect and report statistical reports in its annual crime statistics report... Nonetheless, some officers, like members of every profession, may fail to fulfill their duties and indulge in biases. This bill would seek to record such incidents over a period of three years at a cost of tens of millions of dollars. The bill, however, ensures that neither officers nor motorists would be identified by name, only in the aggregate. Accordingly, it would be impossible to take meaningful corrective action.*
>
> *This bill offers no certain or useful conclusion, assuredly nothing that would justify the major commitment of time, money, and manpower that this bill requires. The investment contemplated by AB 1264 could be more immediately and productively employed by enhancing officer training, encouraging dialogue between enforcement agencies and racially diverse community groups, and taking forceful action against those officers who abuse the privilege of serving all of California's citizens.*

Staff Comments:

Data collection, reporting, retention, and training

This bill requires each state and local agency that employs peace officers to make an annual report including specified data on all "stops" conducted by that agency's peace officers to the DOJ. The bill defines peace officers to include members of the CHP, city or county law enforcement agencies, and the CSU and UC who would be subject to the data collection, reporting, and retention requirements of this bill. There are currently 482 cities and 58 counties in the State. While statewide costs cannot be estimated with certainty, given the large number of local agencies and the numerous types of data required to be collected, reported, and retained, these activities could result in major one-time and ongoing costs, potentially in the tens of millions of dollars annually. To the extent local agency expenditures qualify as a reimbursable state mandate, agencies could claim reimbursement of those costs (General Fund). As an example, the Commission on State Mandates' statewide cost estimate for *Crime Statistics Reports for*

the DOJ reflects eligible reimbursement of over $13.6 million per year for slightly over 50 percent of local agencies reporting.

The costs to individual agencies would vary widely and depend on various factors, including but not limited to the size of the agency, the volume of stops to be reported by the agency, the method of collecting the data (which is not specified in the bill), the workload involved to collect the data elements required to be reported, the extent of training conducted by each agency, and storage requirements for each agency (whether electronic or paper). For example, while the workload involved to report the number of stops for an agency that already has an electronic data collection process in place may only require revisions to its existing process and minor training to its officers on the changes, the workload required for an agency that has no existing process in place would not only potentially incur the costs of development of a new system to collect and report the information, the costs of which would be dependent on how the agency decides to collect the data (whether manually or electronically), but would also incur substantial costs to test the system and train its officers. Whether through manual or electronic collection, agencies at a minimum would likely require the development of a central database and other system enhancements to aggregate the data, report to the DOJ, and retain the information for a minimum of five years as required by the bill.

Mandated racial profiling training
This bill requires law enforcement officers who have a complaint of racial or identity profiling that has been sustained to participate in training to correct racial and identity profiling at least every six months for two years. By mandating additional training on local law enforcement agencies, this bill could result in increased state-reimbursable costs to local agencies to provide training to officers and backfill behind these officers during the training period. Costs would be dependent on the number of officers with sustained complaints, the cost of the training course, and the frequency of the training attended (whether every six months or more frequently).

RIPA and mandated activities
The DOJ has indicated costs of $1.7 million in 2015-16, and $3 million in each of 2016-17 and 2017-18 to establish the 19-member RIPA and oversee/conduct its start-up activities. Ongoing costs are estimated at $1.5 million for activities including but not limited to analyzing data and statistics, issuing annual reports, reviewing and analyzing racial profiling policies and procedures, and holding at least three annual public meetings, which would include costs for travel and overtime.

Amendments for consideration: To reduce the potential costs of this measure, the author may wish to consider reducing the scope of the bill to a pilot program narrowed to specified counties or agencies and/or include a sunset date for the bill's provisions. Narrowing the collection of data to vehicle stops would also reduce the potential costs of this bill.

Alternatively, revising the structure of the bill's language to require the DOJ to include data on stops in its annual report reflecting information from law enforcement agencies reporting this information would potentially remove the mandate on local law enforcement agencies, however, data received would be limited to those agencies voluntarily collecting and reporting this information and would preclude uniformity and the ability to analyze data on a statewide basis.

Additional amendments that could reduce the potential costs of the bill include 1) eliminating the mandated five-year data retention period, 2) eliminating the mandated training provision on specified peace officers, and 3) limiting the analysis of the stop data to either the AG or the RIPA, instead of requiring this analysis and separate annual reports by both entities.

-- END --

Exhibit 7

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2016-1129-03	2017-0926-02S	

For use by Office of Administrative Law (OAL) only

RECEIVED DATE	PUBLICATION DATE	
NOV 29'16	DEC 09'16	2017 SEP 26 P 2:10 OFFICE OF ADMINISTRATIVE LAW
Office of Administrative Law		
NOTICE		REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY: Department of Justice

AGENCY FILE NUMBER (If any): DOJ-16-006

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
Racial and Identity Profiling Act Regulations	11	999.224	December 09, 2016

3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
[X] Notice re Proposed Regulatory Action [ ] Other	Melan Noble	(916) 322-0908	(916) 324-5033

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	[X] Approved as Submitted [ ] Approved as Modified [ ] Disapproved/ Withdrawn	2016, 50-2	12-9-2016

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S): Racial and Identity Profiling Act Regulations

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S):

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)

TITLE(S): 11

ADOPT: 999.224, 999.225, 999.226, 999.227, 999.228, and 999.229

AMEND:

REPEAL:

3. TYPE OF FILING

- [X] Regular Rulemaking (Gov. Code §11346)
- [ ] Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
- [ ] Emergency (Gov. Code, §11346.1(b))
- [ ] Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
- [ ] Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
- [ ] Emergency Readopt (Gov. Code, §11346.1(h))
- [ ] File & Print
- [ ] Other (Specify)
- [ ] Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- [ ] Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

August 1 through 16, 2017

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

- [ ] Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
- [X] Effective on filing with Secretary of State
- [ ] §100 Changes Without Regulatory Effect
- [ ] Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- [X] Department of Finance (Form STD. 399) (SAM §6660)
- [ ] Fair Political Practices Commission
- [ ] State Fire Marshal
- [X] Other (Specify) Government Code § 12525.5(e) per agency request

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
Melan Noble	(916)210-7011	(916)324-5033	Melan.Noble@doj.ca.gov

8. **I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

SIGNATURE OF AGENCY HEAD OR DESIGNEE: [signature]

DATE: 9/26/17

TYPED NAME AND TITLE OF SIGNATORY: Sean McCluskie, Chief Deputy to the Attorney General

For use by Office of Administrative Law (OAL) only

000063

State of California
Office of Administrative Law

In re:
Department of Justice

Regulatory Action:

Title 11, California Code of Regulations

Adopt sections: 999.224, 999.225, 999.226, 999.227, 999.228, 999.229
Amend sections:
Repeal sections:

NOTICE OF APPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL Matter Number: 2017-0926-02

OAL Matter Type: Regular (S)

Governor Brown signed the Racial and Identity Profiling Act of 2015 (AB 953) which requires state and local law enforcement agencies, as specified, to collect detailed data regarding stops of individuals, including perceived demographic information on the person stopped, and to report this data to the California Attorney General. The California Department of Justice is adopting six sections in title 11 of the California Code of Regulations to outline the reporting requirements of AB 953. These regulations set forth the information required to be reported by officers, definitions of terms used in the regulations, and specific guidance regarding the reporting required under Government Code section 12525.5, subdivision (b).

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 11/7/2017.

Date: November 7, 2017

Peggy J. Gibson
Senior Attorney

For: Debra M. Cornez
Director

Original: Xavier Becerra
Copy: Melan Noble

000064

CALIFORNIA CODE OF REGULATIONS
TITLE 11. LAW
DIVISION 1. ENFORCEMENT
CHAPTER 19
FINAL TEXT OF REGULATIONS

Article 1. Definitions

Article 2. Law Enforcement Agencies Subject to Government Code section 12525.5

Article 3. Data Elements To Be Reported

Article 4. Reporting Requirements

Article 5. Technical Specifications and Uniform Reporting Practices

Article 6. Audits and Validation

Article 1. Definitions

§ 999.224

(a) For purposes of Government Code section 12525.5 and this chapter only, the following definitions shall apply:

(1) "Act" means the provisions of the Racial and Identity Profiling Act of 2015, also known as "AB 953," which are contained in Government Code section 12525.5, Penal Code section 13012, and Penal Code section 13519.4.

(2) "Consensual search" is a search that occurs when a person gives a peace officer consent or permission to search the person or the person's property. Consent can be given in writing or verbally, or may be implied by conduct.

(3) "Custodial setting" means correctional institutions, juvenile detention facilities, and jails, including parking lots and grounds within the perimeter of these enumerated facilities. "Custodial setting" does not include home detention or any circumstances where persons are under house arrest outside of correctional institutions, juvenile detention facilities, or jails.

(4) "Data element" refers to a category of information the peace officer must report regarding a stop. For example, "perceived gender of person stopped" is a data element that must be collected under Government Code section 12525.5.

(5) "Data value" is a component or characteristic of a data element to be used in reporting each data element. For example, "male," "female," "transgender man/boy," "transgender woman/girl," and "gender nonconforming" are each data values to use in reporting the data element "perceived gender of person stopped." Reporting agencies shall ensure that the technical specifications for data values are consistent with these regulations and in doing so shall follow the data dictionary prepared by the Department.

(6) "Department" refers to the California Department of Justice or the California Attorney General.

(7) "Detention," unless otherwise provided in these regulations, means a seizure of a person by an officer that results from physical restraint, unequivocal verbal commands, or words or conduct by an officer that would result in a reasonable person believing that he or she is not free to leave or otherwise disregard the officer.

(8) "Firearm" means a weapon that fires a shot by the force of an explosion, and includes all handguns, rifles, shotguns, and other such devices commonly referred to as firearms.

(9) "K-12 Public School" means "California state educational institution," as defined in this chapter.

(10) "Probation officer" means an adult probation officer authorized by Penal Code section 1203.5, or a juvenile probation officer authorized by Welfare and Institutions Code section 270, whose duties are defined in Penal Code section 830.5 or Welfare and Institutions Code sections 280 and 283, respectively.

(11) "Reporting agency" means:

(A) Any city or county law enforcement agency that employs peace officers.

1. "Reporting agency" includes any city or county law enforcement agency that employs peace officers, including officers who are contracted to work at other government agencies or private entities. This includes, but is not limited to, peace officers assigned to work in cities or other jurisdictions that are not within the original jurisdiction of the city or county law enforcement agency; peace officers of city or county law enforcement agencies assigned to or contracted to work at housing or transit agencies; and school resource officers assigned to work in California state educational institutions.

(B) The California Highway Patrol.

(C) The law enforcement agencies of any California state or university educational institutions.

1. "California state educational institution" means any public elementary or secondary school; the governing board of a school district; or any combination of school districts or counties recognized as the administrative agency for public elementary or secondary schools.

a. "The law enforcement agencies of California state educational institutions" refers to any police department established by a public school district pursuant to Education Code section 38000, subdivision (b).

2. "California university educational institution" means the University of California, the California State University, and any college of the California Community Colleges.

a. "The law enforcement agencies of California university educational institutions" refers to the following:

(1) Police departments of all campuses of the California State University established pursuant to Education Code section 89560;

(2) Police departments of all campuses of the University of California established pursuant to Education Code section 92600; and

(3) Police departments of all California community colleges established pursuant to Education Code section 72330.

(12) "School resource officer" includes, but is not limited to, "school resource officer" as defined by 42 U.S.C. § 3796dd-8(4).

(13) "Search," unless otherwise provided, means a search of a person's body or property in the person's possession or under his or her control, and includes a pat-down search of a person's outer clothing as well as a consensual search, as defined in these regulations.

(14) "Stop" for purposes of these regulations means (1) any detention, as defined in these regulations, by a peace officer of a person; or (2) any peace officer interaction with a person in which the officer conducts a search, as defined in these regulations.

(15) "Stop data" refers collectively to the data elements and data values that must be reported to the Department.

(16) "Student" means any person who is enrolled in a K-12 Public School, or any person who is subject to California's compulsory education law as provided in Education Code section 48200. A "student" includes persons between 6 and 18 years of age who are not otherwise exempt from the compulsory education laws as provided in Education Code section 48200. "Student" also refers to persons up to 22 years of age who are being provided special education and services, as provided under Education Code section 56026. The reporting requirements of this chapter regarding "students" apply only to interactions between officers and students that take place in a K-12 Public School.

(A) Example: A person between the ages of 6 and 18 who is not enrolled in a K-12 Public School because he or she has been expelled or is temporarily suspended from school is a student for purposes of these regulations.

(B) Example: A person between the ages of 6 and 18 who is enrolled as a student at one K-12 Public School but who is stopped by an officer at another school is a student for purposes of these regulations.

(C) Example: A 19-year old person who is enrolled in a K-12 Public School is a student for purposes of these regulations.

(D) Example: A 21-year old special education student enrolled in a K-12 Public School is a student for purposes of these regulations.

(E) Example: An interaction between an officer and a student that takes place at a mall must be reported pursuant to the general reporting requirements set forth in § 999.227, subdivision (a) of these regulations, and not the reporting requirements set forth at § 999.227, subdivision (e)(3) – (4) for interactions that take place between a student and an officer in a K-12 Public School.

(17) "Unique Identifying Information" means personally identifying information, the release of which, either alone or in combination with other data reported, is reasonably likely to reveal the identity of the individual officer who collected the stop data information. It does not include the minimum information that is specified in Government Code section 12525.5, subdivision (b).

(18) "Vehicle" means motor vehicles as defined in Vehicle Code section 670; motorcycles, mopeds, and motorized scooters as defined in Vehicle Code sections 400, 406, and 407.5, respectively; and any motorized vehicles, including boats.

Note: Authority cited: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

Article 2. Law Enforcement Agencies Subject to Government Code Section 12525.5

§ 999.225

(a) The data collection requirements of this chapter apply only to peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who are employed by "reporting agencies," subject to the exceptions set forth below.

(b) Probation officers are not subject to this chapter.

(c) Peace officers shall not report stops that occur in a custodial setting. Peace officers who work in custodial settings are subject to this chapter for stops that occur in non-custodial settings.

(d) All peace officers employed by a reporting agency, except for probation officers, are subject to this chapter even if the officer makes a stop while assigned or contracted to work for another governmental agency or a private entity pursuant to a contract or memorandum of understanding between the reporting agency and the governmental agency or private entity.

(1) Example: A peace officer of a reporting agency who is also a member of a federal task force is subject to this chapter when stopping a person while the officer is performing duties as part of the task force, regardless of whether the officer must also comply with federal data collection policies, if any.

(2) Example: A peace officer of a reporting agency assigned to work as a school resource officer in a K-12 Public School pursuant to a memorandum of understanding or other contractual relationship is subject to this chapter when stopping a person while on that assignment.

(3) Example: A peace officer of a reporting agency hired pursuant to a memorandum of understanding or other contractual relationship between the reporting agency and a private entity to work at a private university or college, or sporting event, is subject to this chapter when stopping a person while working on that assignment.

Note: Authority cited: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

Article 3. Data Elements To Be Reported

§ 999.226

(a) The data elements regarding stops that shall be collected by peace officers subject to this chapter are defined as follows:

(1) "ORI number" is the data element that refers to the reporting agency's Originating Agency Identifier, a unique identification code number assigned by the Federal Bureau of Investigation.

(2) Date, Time, and Duration of Stop

(A) "Date of Stop" refers to the year, month, and day when the stop occurred. It shall be recorded as the date on which the stop began. If the stop extends over two days (e.g., if a stop began at 2330 hours on January 1st and concluded at 0030 hours on January 2nd), the "Date of Stop" should be recorded as the first date (in this example, January 1st).

(B) "Time of Stop" refers to the approximate time that the stop began and shall be recorded using a 24-hour clock (i.e., military time).

(C) "Duration of Stop" is the approximate length of the stop measured from the time the reporting officer, or any other officer, first detains or, if no initial detention, first searches the stopped person until the time when the person is free to leave or taken into physical custody. In reporting this data element, the officer shall enter the approximate length of the stop in minutes.

1. Example: Officer A stops a vehicle for suspected driving under the influence (DUI) at 1300 hours. Officer B then arrives at the scene 15 minutes later and conducts a field sobriety test on the driver, who fails the tests. Officer B then arrests and takes the driver into custody at 1345. "Duration of Stop" would be reported as 45 minutes.

2. Example: Officer A begins interviewing witnesses to a robbery at 1100 hours. After approximately 30 minutes of interviews with different witnesses, Officer A observes what looks like a switchblade knife protruding from the waistband of one of the witnesses. Officer A then searches that person. "Duration of Stop" is measured from the time the person is searched (1130 hours) and not the time during which the officer began interviewing the witnesses to the robbery (1100 hours).

(3) "Location of Stop" refers to the physical location where the stop took place and shall be reported as follows:

(A) The officer shall report one of the following options, which are provided in order of preference:

1. Block number and street name;

2. Closest intersection; or

3. Highway and closest highway exit.

4. If none of these options are applicable, the officer may report a road marker, landmark, or other description, except that the officer shall not provide a street address if the location is a residence.

(B) The officer shall report the city. To ensure uniformity, the Department shall provide a list of cities within the State of California.

(4) "Perceived Race or Ethnicity of Person Stopped" refers to the officer's perception of the race or ethnicity of the person stopped. When reporting this data element, the officer shall make his or her determination of the person's race or ethnicity based on personal observation only. The officer shall not ask the person stopped his or her race or ethnicity, or ask questions or make comments or statements designed to elicit this information.

(A) When reporting this data element, the officer shall select all of the following data values that apply:

1. Asian

2. Black/African American

3. Hispanic/Latino(a)

4. Middle Eastern or South Asian

5. Native American

6. Pacific Islander

7. White

a. Example: If a person appears to be both Black and Latino(a), the officer shall select both "Black/African American" and "Hispanic/Latino(a)."

(B) "Asian" refers to a person having origins in any of the original peoples of the Far East or Southeast Asia, including for example, Cambodia, China, Japan, Korea, Malaysia, the Philippine Islands, Thailand, and Vietnam, but who does not fall within the definition of "Middle Eastern or South Asian" or "Pacific Islander."

(C) "Black/African American" refers to a person having origins in any of the Black racial groups of Africa.

(D) "Hispanic/Latino(a)" refers to a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

(E) "Middle Eastern or South Asian" refers to a person of Arabic, Israeli, Iranian, Indian, Pakistani, Bangladeshi, Sri Lankan, Nepali, Bhutanese, Maldivian, or Afghan origin.

(F) "Native American" refers to a person having origins in any of the original peoples of North, Central, and South America.

(G) "Pacific Islander" refers to a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands, but who does not fall within the definition of "Middle Eastern or South Asian" or "Asian."

(H) "White" refers to a person of Caucasian descent having origins in any of the original peoples of Europe and Eastern Europe.

(5) "Perceived Gender of Person Stopped" refers to the officer's perception of the person's gender. When reporting this data element, the officer shall make his or her determination of the person's gender based on personal observation only. The officer shall not ask the person stopped his or her gender or use the gender specified on the person's driver's license or other identification, recognizing that the officer's observation may not reflect the gender specified on the person's identification.

(A) When reporting this data element, the officer shall select at least one of the following data values. In doing so and when applicable, the officer may select "Gender nonconforming" in addition to one of the four enumerated gender data values of Male, Female, Transgender man/boy, or Transgender woman/girl. If the officer cannot perceive the person stopped to be within the categories of Male, Female, Transgender man/boy, or Transgender woman/girl, the officer must select "Gender nonconforming" as the only data value.

1. Male
2. Female
3. Transgender man/boy
4. Transgender woman/girl
5. Gender nonconforming

(B) For purposes of completing this data element, the officer shall refer to the following definitions:

1. "Transgender man/boy" means a person who was assigned female at birth but who currently identifies as a man, or boy if the person is a minor.

2. "Transgender woman/girl" means a person who was assigned male at birth but who currently identifies as a woman, or girl if the person is a minor.

3. "Gender nonconforming" means a person whose gender-related appearance, behavior, or both, differ from traditional conceptions about how males or females typically look or behave. A person of any gender or gender identity may be gender nonconforming. For this reason, an officer may select "Gender nonconforming" in addition to any of the other gender data values, if applicable.

(6) "Person Stopped Perceived to be LGBT" refers to the officer's perception that the person stopped is LGBT. "LGBT" refers to lesbian, gay, bisexual or transgender. When reporting this data element, the officer shall select "Yes" or "No" and shall make his or her determination based on personal observation only, without asking whether the person is LGBT. If an officer selects "Transgender man/boy" or "Transgender woman/girl" in response to the data element for "Perceived Gender of Person Stopped," he or she must also select "Yes" in response to this data element.

(7) "Perceived Age of Person Stopped" refers to the officer's perception of the approximate age of the person stopped. When reporting this data element, the officer shall make his or her determination based on personal observation only. The officer shall not ask the person stopped his or her age or use the age specified on the person's identification, recognizing that the officer's observation may not reflect the age specified on the person's identification. In providing this information, the officer shall input an Arabic numeral (e.g., 1, 2, 3, 4) rounded up to the closest whole number.

(8) "Person Stopped Has Limited or No English Fluency" refers to the officer's perception that the person stopped has limited or no fluency in English. The officer shall only select this data element if it applies to the person stopped.

(9) "Perceived or Known Disability of Person Stopped" refers to the officer's perception that the person stopped displayed signs of one or more of the following conditions; the officer's knowledge that the person stopped has one or more of the following conditions because the person stopped so advised the officer; or the officer's prior knowledge that the person stopped had one or more of the following conditions. Nothing in this provision alters any existing requirements to comply with reasonable accommodation and anti-discrimination laws with respect to the treatment of people with disabilities. When reporting this data element, the officer shall select all of the following data values that apply:

(A) Deafness or difficulty hearing

(B) Speech impairment or limited use of language

(C) Blind or limited vision

(D) Mental health condition

(E) Intellectual or developmental disability, including dementia

(F) Other disability

(G) None. If "None" is selected, no other data values can be selected.

(10) "Reason for Stop" refers to the primary reason why the officer stopped the person.

(A) When reporting this data element, the officer shall identify only the primary reason for stopping a person, by selecting one of the following data values. Justifications that did not inform the officer's primary reason for the stop shall not be selected.

1. Traffic violation. When selecting this data value, the officer shall also identify the applicable Vehicle Code section and subdivision using the Department's standard California Justice Information Services (CJIS) Offense Table. When the person stopped is the driver, the officer shall also designate the primary type of violation:

a. Moving violation

b. Equipment violation

c. Non-moving violation, including registration violation

2. Reasonable suspicion that the person was engaged in criminal activity. This data value should not be selected if "Traffic violation" is the reason for the stop. When selecting this data value, the officer shall select all applicable circumstances that gave rise to the officer's reasonable suspicion from the list provided below. In addition, using the Department's standard CJIS Offense Table, the officer shall identify the primary code section and subdivision of the suspected violation of law that formed the basis for the stop, if known to the officer.

a. Officer witnessed commission of a crime

b. Matched suspect description

c. Witness or victim identification of suspect at the scene

d. Carrying suspicious object

e. Actions indicative of casing a victim or location

f. Suspected of acting as a lookout

g. Actions indicative of a drug transaction

h. Actions indicative of engaging in a violent crime

i. Other reasonable suspicion of a crime

3. Known to be on parole/probation/PRCS/mandatory supervision. The officer shall select this data value if the officer stopped the person because the officer knows that the person stopped is a supervised offender on parole, on probation, on post-release community supervision (PRCS), or on mandatory supervision. The officer shall not select this data value if the officer learns that the person has this status only after the person is stopped.

4. Knowledge of outstanding arrest warrant/wanted person. The officer shall select this data value if the officer stopped the person because the officer knows that the person stopped is the subject of an outstanding arrest warrant or is a wanted person. The officer shall not select this data value if the officer learns, after the person is

stopped, that the person is the subject of an outstanding arrest warrant or is a wanted person.

5. Investigation to determine whether the person is truant.

6. Consensual encounter resulting in a search. A consensual encounter is an interaction in which the officer does not exert any authority over, or use any force on, a person, and the person is free to leave. The officer shall only select this data value if a consensual encounter results in a search, regardless of whether the resulting search is consensual.

a. Example: During the course of a witness interview in which the person is free to leave, the officer asks to search the person's bag, and the person consents. In this case the reason for stop is a "consensual encounter resulting in a search."

(B) When reporting the "Reason for Stop," the officer shall also provide a brief explanation (250-character maximum) regarding the reason for the stop. This explanation shall include additional detail beyond the general data values selected for the "Reason for Stop." Officers shall not include any personal identifying information of the persons stopped or Unique Identifying Information of any officer in this explanation.

1. Example: If the officer selected "Reasonable suspicion that the person was engaged in criminal activity/Actions indicative of a drug transaction," the officer must use this field to briefly note the specific nature of the actions indicative of a drug transaction and why they were suspicious.

2. Example: If the officer selected "Vehicle Code 26708 (Material Obstructing or Reducing the Driver's View)" from the Department's standard CJIS Offense Table, the officer shall use this field to briefly note the specific nature of the obstruction/reduction of the driver's view (i.e., what specifically did the officer observe and how was such item obstructing or reducing the driver's view).

(11) "Stop Made in Response to a Call for Service." The officer shall only select this data element if the stop was made in response to a call for service, radio call, or dispatch. An interaction that occurs when an officer responds to a call for service is only reportable if the interaction meets the definition of "stop," as specified in section 999.224, subdivision (a)(14). A call for service is not a reason for a stop.

(12) "Actions Taken by Officer During Stop" refers to an officer's actions toward the person stopped.

(A) The reporting officer shall select all of the following data values that apply, even if any or all of the actions were undertaken by another officer:

1. Person removed from vehicle by order

2. Person removed from vehicle by physical contact

3. Field sobriety test conducted

4. Curbside detention. This refers to any time an officer directs the person to sit on the sidewalk, curb, or ground.

5. Handcuffed or flex cuffed

6. Patrol car detention

7. Canine removed from vehicle or used to search

8. Firearm pointed at person

9. Firearm discharged or used

10. Electronic control device used

11. Impact projectile discharged or used (e.g., blunt impact projectile, rubber bullets or bean bags)

12. Canine bit or held person

13. Baton or other impact weapon used

14. Chemical spray used (e.g., pepper spray, mace, or other chemical irritants)

15. Other physical or vehicle contact. This refers to any of the following contacts by the officer, when the purpose of such contact is to restrict movement or control a person's resistance: any physical strike by the officer; instrumental contact with a person by an officer; or the use of significant physical contact by the officer. Examples of such contacts include, but are not limited to, carotid restraints, hard hand controls, the forcible taking of a subject to the ground, or use of vehicle in apprehension.

16. Person photographed

17. Asked for consent to search person

    a. Consent given

    b. Consent not given

18. Search of person was conducted. This data value should be selected if a search of the person was conducted, regardless of whether the officer asked for or received consent to search the person.

19. Asked for consent to search property

    a. Consent given

    b. Consent not given

20. Search of property was conducted. This data value should be selected if a search of the person's property was conducted, regardless of whether the officer asked for or received consent to search the property.

21. Property was seized

22. Vehicle impounded

23. None. This data value should only be selected if none of the enumerated data values apply. If "None" is selected, no other data values can be selected.

(B) "Basis for Search." If, during the stop, the officer conducted a search of the person, the person's property, or both, the officer shall report the basis for the search.

1. The officer shall identify the basis for the search by selecting all of the following data values that apply:

a. Consent given

b. Officer safety/safety of others

c. Search warrant

d. Condition of parole/probation/PRCS/mandatory supervision

e. Suspected weapons

f. Visible contraband

g. Odor of contraband

h. Canine detection

i. Evidence of crime

j. Incident to arrest

k. Exigent circumstances/emergency

l. Vehicle inventory (for search of property only)

2. When reporting the "Basis for Search," the officer shall also provide a brief explanation (250-character maximum) regarding the basis for the search. This explanation shall include additional detail beyond the general data values selected for "Basis for Search." Officers shall not include any personal identifying information of the persons stopped or Unique Identifying Information of any officer in this explanation. If the basis for the search is "Condition of parole/probation/PRCS/mandatory supervision," this explanation is not required.

a. Example: If the officer selected "Suspected weapons" as the "Basis for Search," the officer must use this field to explain the specific nature of the suspected weapons (i.e., what were the specific objects, shapes, and/or movements observed that made the officer suspicious and what type of weapons were suspected).

(C) "Contraband or Evidence Discovered, if Any." The officer shall indicate whether contraband or evidence was discovered during the stop, including contraband or evidence discovered in plain view or as the result of a search, and the type of contraband or evidence discovered, by selecting all of the following data values that apply:

1. None. If "None" is selected, no other data values can be selected.

2. Firearm(s)

3. Ammunition

4. Weapon(s) other than a firearm

5. Drugs/narcotics

6. Alcohol

7. Money

8. Drug paraphernalia

9. Suspected stolen property

10. Cell phone(s) or electronic device(s)

11. Other contraband or evidence

(D) Additional Data Regarding Type of Property Seized.

1. "Basis for Property Seizure." If the officer seized property during the stop, regardless of whether the property belonged to the person stopped, the officer shall report the basis for the property seizure by selecting all of the following data values that apply:

a. Safekeeping as allowed by law/statute

b. Contraband

c. Evidence

d. Impound of vehicle

e. Abandoned Property

2. "Type of Property Seized." If the officer seized property during the stop, regardless of whether the property belonged to the person stopped, the officer shall report the type of property seized, by selecting all of the following data values that apply:

a. Firearm(s)

b. Ammunition

c. Weapon(s) other than a firearm

d. Drugs/narcotics

e. Alcohol

f. Money

g. Drug paraphernalia

h. Suspected stolen property

i. Cell phone(s) or electronic device(s)

j. Vehicle

k. Other contraband or evidence

(13) "Result of Stop" refers to the outcome of the stop. When reporting this data element, the officer shall select all of the following data values that apply. In addition, for warnings,

citations, cite and release, and custodial arrests (with the exception of an arrest pursuant to an outstanding warrant) the officer shall also, using the Department's standard CJIS Offense Table, identify the code, including the section number and appropriate subdivision, that is the basis for the warning, citation, cite and release, or custodial arrest, where applicable. If more than one code section forms the basis for the warning, citation, cite and release or custodial arrest, the officer shall identify all applicable code sections and subdivisions. If the Result of Stop is based on an ordinance, the officer shall select "local ordinance viol" from the Department's CJIS Offense Table without the need for the specific section number.

(A) No action. If "No Action" is selected, no other data values can be selected.

(B) Warning (verbal or written)

(C) Citation for infraction

(D) In-field cite and release

(E) Custodial arrest pursuant to outstanding warrant

(F) Custodial arrest without warrant

(G) Field interview card completed

(H) Noncriminal transport or caretaking transport. This includes transport by an officer, transport by ambulance, or transport by another agency.

(I) Contacted parent/legal guardian or other person responsible for the minor

(J) Psychiatric hold (pursuant to Welfare & Institutions Code sections 5150 and/or 5585.20)

(K) Contacted U.S. Department of Homeland Security (e.g., Immigration and Customs Enforcement, Customs and Border Protection)

(14) "Officer's Identification (I.D.) Number" refers to a permanent identification number assigned by the reporting agency to the reporting officer, which shall be used for all reporting to the Department required under this chapter. For purposes of these regulations, an Officer's I.D. Number shall be considered Unique Identifying Information.

(15) "Officer's Years of Experience" refers to the officer's total number of years he or she has been a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code. When reporting this data element, the officer shall count the total number of years he or she has been a peace officer, and not the number of years at his or her current agency. If the officer has served as a peace officer intermittently or part-time, he or she shall only count the time actually worked as a peace officer. In providing this information, the officer shall input an Arabic numeral (e.g., 1, 2, 3, 4) rounded up to the closest whole number.

(16) "Type of Assignment of Officer" refers to the type of assignment to which an officer is assigned at the time of the stop. When reporting this data element, the officer shall select one of the following data values:

(A) Patrol, traffic enforcement, field operations

(B) Gang enforcement

(C) Compliance check (e.g., parole/probation/PRCS/mandatory supervision)

(D) Special events (e.g., sports, concerts, protests)

(E) Roadblock or DUI sobriety checkpoint

(F) Narcotics/vice

(G) Task force

(H) K-12 Public School, including school resource officer or school police officer

(I) Investigative/detective

(J) Other. If other is selected, the officer shall specify the type of assignment.

Note: Authority cited: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

Article 4. Reporting Requirements

§ 999.227

(a) General Reporting Requirements.

(1) Peace officers subject to the reporting requirements of this chapter shall submit the data elements described in section 999.226, subdivision (a) for every person stopped by the officer, except as provided in subdivisions (b), (c), (d) and (e) of this section.

(2) The data elements described in section 999.226, subdivision (a) are the minimum that a reporting agency shall collect and report. Nothing in this section prohibits a reporting agency from voluntarily collecting additional data.

(3) Nothing in this section prohibits an agency not subject to these regulations from submitting stop data voluntarily to the Department.

(4) When two or more reporting agencies are involved in a stop, only the primary agency shall submit a report. The primary agency is the agency with investigative jurisdiction based on local, county, or state law or applicable interagency agreement or memoranda of understanding. If there is uncertainty as to the primary agency, the agencies shall agree on which agency is the primary agency for reporting purposes. If a stop is done in conjunction

with a reporting agency and an agency that is not subject to the reporting requirements of this chapter, the reporting agency is required to submit data on the stop, even if it is not the primary agency responsible for the stop.

(5) If more than one peace officer of a reporting agency conducts a stop, only one officer shall collect and report the information required to be reported in this chapter. The officer with the highest level of engagement with the person stopped shall submit the full report for all data elements, regardless of whether that officer performed the specific action(s) reported.

(A) Example: If Officer A stops a person, questions them, and conducts a subsequent consensual search that results in the discovery of narcotics, but Officer B handcuffs the person and takes the person into custody, Officer A would complete the stop report and include all relevant actions of both Officer A and B in that stop report.

(6) If multiple persons are stopped during one incident, then applicable stop data shall be submitted for each person within a single report, except that passengers in a vehicle that is stopped shall be reported only as set forth in subdivision (b) of this section.

(7) Nothing prohibits agencies subject to this chapter from providing information to the Department earlier than the deadlines set forth in Government Code section 12525.5, subdivision (a).

(8) On January 1 of each year until the agency begins reporting data to the Department, each reporting agency shall count the number of peace officers it employs who are subject to this chapter to determine the date that agency must start collecting stop data and reporting to the Department pursuant to Government Code section 12525.5, subdivisions (a)(1) and (a)(2).

(9) An officer shall complete all stop reports for stops made during his or her shift by the end of that shift, unless exigent circumstances preclude doing so. In such circumstances, the data shall be completed as soon as practicable.

(10) In order to ensure compliance with these regulations, a reporting agency, its officers, or both may review the stop data to correct errors before submitting the stop data to the Department. Once the stop data is submitted to the Department, however, an agency can only revise stop data through the Department's error resolution process.

(11) Reporting agencies shall create the Officer's I.D. Number defined at section 999.226, subdivision (a)(14) for each officer required to report stops under these regulations. Stop reports submitted to the Department shall include the Officer's I.D. Number, but shall not include the officer's name or badge number. However, each reporting agency shall maintain a system to match an individual officer to his or her Officer's I.D. Number.

(b) Reporting Requirements for Passengers in Vehicle Stops.

(1) Peace officers shall not submit the data elements described in section 999.226, subdivision (a) for passengers in vehicles subject to a stop unless either of the following applies:

(A) The passenger is observed or suspected of violating the Vehicle Code or any other applicable law or ordinance.

1. Example: An officer pulls over a vehicle because he or she observes the passenger of a vehicle throw a cigarette outside of the vehicle. The "Reason for Stop" is that the passenger was suspected of violating the Vehicle Code.

(B) The passenger is subjected to any of the actions identified as data values in section 999.226, subdivision (a)(12)(A), excluding "Vehicle impounded" and "None."

1. Example: An officer stops a speeding SUV containing a woman and her two small children. During the stop, the officer learns that the woman's license has been revoked. The officer then orders the family to exit the vehicle and sit on the curb while he or she questions the woman. The officer shall submit stop data for each person, because ordering persons to sit on the curb is a data value in section 999.226, subdivision (a)(12)(A).

2. Example: An officer stops a speeding truck containing a woman and her two teenage children. During the stop, the officer learns that the vehicle is stolen, and must impound the vehicle. The officer arrests the woman, and then asks the teenage children to exit the car so that he can impound the vehicle. The officer shall not submit stop data for the two children because "Vehicle impounded" is excluded from the data values under section 999.226, subdivision (a)(12)(A) that trigger the reporting of stop data regarding passengers.

(c) Peace Officer Interactions that Are Not Reportable. The following interactions, even if they otherwise meet the definition of "detention" set forth in this chapter, shall not be construed to be "detentions" and shall not be reported as stops.

(1) Stops during public safety mass evacuations, including bomb threats, gas leaks, flooding, earthquakes and other similar critical incidents, are not subject to the reporting requirements of this chapter.

(2) Stops during an active shooter incident, meaning an individual is actively engaged in killing or attempting to kill people in a populated area, are not subject to the reporting requirements of this chapter.

(3) Stops that occur during or as a result of routine security screenings required of all persons to enter a building or special event, including metal detector screenings, including any secondary searches that result from that screening, are not subject to the reporting requirements of this chapter.

(d) Peace Officer Interactions that Are Reportable Only if the Officer Takes Additional Specified Actions

(1) Interactions that take place during the following circumstances shall only be reported if the person is detained based upon individualized suspicion or personal characteristics and/or

the officer engages in any of the actions described in the data values set forth in section 999.226, subdivision (a)(12)(A), excluding "None":

(A) Traffic control of vehicles due to a traffic accident or emergency situation that requires that vehicles are stopped for public safety purposes.

(B) Any type of crowd control in which pedestrians are made to remain in a location or routed to a different location for public safety purposes.

(C) Interactions during which persons are detained at a residence only so that officers may check for proof of age for purposes of investigating underage drinking.

1. Example: An officer is dispatched to a residence to investigate a noise complaint. Upon arrival, the officer suspects that some of the persons at the house party are engaged in underage drinking and he or she detains the persons to request identification to verify proof of age. Because the only action the officer takes is to detain the persons for the sole purpose of verifying proof of age, these interactions are not reportable.

2. Example: At that same party, the officer, in addition to detaining a person to question him/her, also asks to search the person. Regardless of whether the person consents to the search or is actually searched, that interaction is reportable because asking for consent to search and/or conducting a search are data values under section 999.226, subdivision (a)(12)(A) that trigger reporting of stop data in these settings.

(D) Checkpoints or roadblocks in which an officer detains a person as the result of a blanket regulatory activity or neutral formula that is not based on individualized suspicion or personal characteristics.

1. Example: A checkpoint or roadblock, including a DUI sobriety checkpoint, that stops all vehicles or stops randomly selected vehicles using a neutral formula, i.e., not based on individualized suspicion or personal characteristics, is not subject to the reporting requirements of this chapter.

(2) Interactions that take place with a person in his or her residence who is the subject of a warrant or search condition are not subject to the reporting requirements of this chapter. A peace officer shall, however, report any interactions with persons in the home who are not the subject of the warrant or search condition, if the officer takes any of the following actions: handcuffs or flex cuffs the person; arrests the person; points a firearm at the person; discharges or uses a firearm, electronic control device, impact projectile, baton or other impact weapon, or chemical spray on the person; or if a canine bit/held the person.

(3) Interactions that take place with a person in his or her residence who is the subject of home detention or house arrest while an officer is on home detention or house arrest assignment, are not subject to the reporting requirements of this chapter. A peace officer shall, however, report any interactions with persons in the home who are not the subject of the home detention or house arrest, if the officer takes any of the following actions:

handcuffs or flex cuffs the person; arrests the person; points a firearm at the person; discharges or uses a firearm, electronic control device, impact projectile, baton or other impact weapon, or chemical spray on the person; or if a canine bit/held the person.

(e) Reporting Requirements for Stops of Students at a K-12 Public School.

(1) Stops of persons who are not students are subject to the reporting requirements set forth in section 999.227, subdivision (a) – (d), even if the stop takes place at a K-12 Public School.

(2) The exceptions to reporting set forth at section 999.227, subdivision (b), (c), and (d) shall apply to stops in K-12 Public School, regardless of whether the stops are of students or non-students.

(3) In addition, in a K-12 Public School, an officer shall report only the following interactions with students as stops:

(A) Any interaction that results in a temporary custody under Welfare and Institutions Code section 625, citation, arrest, permanent seizure of property as evidence of a criminal offense, or referral to a school administrator because of suspected criminal activity.

(B) Any interaction in which the student is questioned for the purpose of investigating whether the student committed a violation of law, including violations of Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7, or to determine whether the student is truant.

(C) Any interaction in which an officer engages in one or more of the data values set forth in section 999.226, subdivision (a)(12)(A), excluding "None." This does not include a detention or search that is conducted of all persons as part of a neutrally applied formula that is not based upon personal characteristics. This includes searches conducted at the entries and exits of school facilities by screening devices, and secondary screenings that result from that initial screening.

1. Example: All students entering a school are required to pass through a metal detector. A school police officer searches a student's person or belongings because a metal detector is activated. The interaction shall not be reported.

2. Example: An officer searches a student's backpack because he or she suspects the backpack contains narcotics. The interaction is reportable.

(4) In reporting interactions with students at a K-12 Public School, the officer shall utilize the data elements and corresponding data values set forth in section 999.226, with the addition of the following data values, which the officer shall select if applicable:

(A) "Location of Stop." In addition to reporting the data values in section 999.226, subdivision (a)(3)(A) and (B) above, the officer shall provide the name of the school where the stop took place. To ensure uniformity, the Department of Justice shall provide a list of the names of K-12 Public Schools, using information obtained from the Department of Education. The officer shall also indicate that the stop is of a student.

(B) "Perceived or Known Disability." If the stop of a student takes place at a K-12 Public School, in addition to selecting all applicable data values in section 999.226, subdivision (a)(9) above, the officer shall also select the following data value if applicable:

1. Disability related to hyperactivity or impulsive behavior

(C) "Reason for Stop." When reporting this data element, the officer shall select the primary reason for the stop from among the data values in section 999.226, subdivision (a)(10) as well as the additional data values provided below. "Student violated school policy" should only be selected if other options related to violations of law (e.g., Penal Code or Education Code) do not apply.

1. Possible conduct warranting discipline under Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7. When selecting this data value, the officer shall identify the primary code section and subdivision from the following options: 48900(a) through 48900(r); 48900.2; 48900.3; 48900.4; and 48900.7(a).

2. Determine whether the student violated school policy

(D) "Actions Taken by Officer During Stop." When reporting this data element, in addition to selecting the applicable data values in section 999.226, subdivision (a)(12)(A) above, the officer shall also select the following data value if applicable:

1. Admission or written statement obtained from student

(E) "Basis for Search." When reporting this data element, in addition to selecting the applicable data values in section 999.226, subdivision (a)(12)(B) above, the officer shall also select the following data value if applicable:

1. Suspected violation of school policy

(F) "Basis for Property Seizure." When reporting this data element, in addition to selecting the applicable data values in section 999.226, subdivision (a)(12)(D)1 above, the officer shall also select the following data value if applicable:

1. Suspected violation of school policy

(G) "Result of Stop." When reporting this data element, in addition to selecting the applicable data values in section 999.226, subdivision (a)(13) above, the officer shall also select the following data values if applicable:

1. Referral to school administrator

1. Referral to school counselor or other support staff

Note: Authority: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

Article 5. Technical Specifications and Uniform Reporting Practices

§ 999.228

(a) Electronic System. The system developed by the Department shall require the electronic submission of data from reporting agencies.

(b) Submission of Data. Reporting agencies shall be provided with the following options to submit their stop data to the Department: (1) a web-browser based application, which shall include mobile capabilities for agencies that choose to use the Department's developed and hosted solution to submit stop data; (2) a system-to-system web service for agencies that elect to collect the data in a local system and then submit the data to the Department; and (3) a secured file transfer protocol for agencies that elect to collect the data in a local repository and then submit the data to the Department. Agencies that select option 3 shall be permitted to submit batch uploads of stop data in Excel spreadsheets and other delimited text formats of electronic documentation that complies with the Department's interface specifications.

(c) Reporting Schedule. Nothing in this section prohibits a reporting agency from submitting this data more frequently than required under Government Code section 12525.5, subdivision (a)(1). Due to the volume of the data, it is recommended that reporting agencies submit stop data on a monthly or quarterly basis. The Department shall accept data submitted on a more frequent basis, including data submitted daily.

(d) Reporting Responsibilities. Law enforcement agencies are solely responsible to ensure that neither personally identifiable information of the person stopped, nor any other information that is exempt from disclosure pursuant to Government Code section 12525.5, subdivision (d), is transmitted to the Department in the data element entitled "Location of Stop" required by section 999.226, subdivision (a)(3) and the explanatory fields required by section 999.226, subdivisions (a)(10)(B) and (12)(B)2. Unless otherwise provided, all information submitted in the stop data report, including the information entered into the data element entitled "Location of Stop" required by section 999.226, subdivision (a)(3) and the explanatory fields required by section 999.226, subdivisions (a)(10)(B) and (12)(B)2, is subject to public disclosure consistent with Government Code section 12525.5, subdivision (d).

(e) System Security. The Department shall design its system to be easily accessible for authorized users, confidential, and accurate. The system will provide role-based authorization services. Reporting agencies will be required to authorize and remove users to the system as necessary. Automated systems handling stop data and the information derived therein shall be secure from unauthorized access, alteration, deletion or release.

(f) Data Standards. The Department shall publish a data dictionary and interface specifications to ensure uniform and complete reporting of stop data. These documents will define each required data element and acceptable data values. These data standards shall be consistent with the definitions and technical specifications set forth in this chapter.

(g) Data Publication. Data submitted to the Department will be published, at the discretion of the Attorney General and consistent with Government Code section 12525.5, on the Department's OpenJustice website. The data published shall include disaggregated statistical data for each

reporting agency. The Department shall not release to the public the Officer's I.D. Number or Unique Identifying Information. Nothing in this section prohibits the Department from confidentially disclosing all stop data reported to the Department to advance public policy through scientific study and pursuant to the Department's data security protocols, which will ensure that the publication of any data, analyses, or research will not result in the disclosure of an individual officer's identity.

(h) Retention Period. The Department shall retain the stop data collected indefinitely. Each reporting agency shall keep a record of its source data for a minimum of three years, and shall make this data available for inspection by the Department should any issues arise regarding the transfer of data to the Department. If a reporting agency elects to use the Department's web-browser based application, the Department shall host the data for the agency for the requisite retention period of three years or transfer this data back to the agency for storage, at the agency's election.

Note: Authority cited: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

Article 6. Audits and Validation

§ 999.229

(a) The Department shall keep an audit log of incoming and outgoing transactions for each agency's submission of stop data. The Department shall retain this audit log for a minimum of three years.

(b) The Department shall perform data validation on stop data submitted to ensure data integrity and quality assurance. Each reporting agency shall be responsible for ensuring that all data elements, data values, and narrative explanatory fields conform to these regulations and for correcting any errors in the data submission process, and shall do so through the Department's error resolution process.

(c) Agencies submitting records via the system-to-system web service or the secure file transfer protocol shall include a unique stop record number for each stop. The Department will use this record number to relay information on errors when necessary.

Note: Authority cited: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

Exhibit 8

PENAL CODE - PEN

PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315] *(Part 4 added by Stats. 1953, Ch. 1385.)*

TITLE 4. STANDARDS AND TRAINING OF LOCAL LAW ENFORCEMENT OFFICERS [13500 - 13553] *(Title 4 added by Stats. 1959, Ch. 1823.)*

CHAPTER 1. Commission on Peace Officer Standards and Training [13500 - 13553] *(Chapter 1 added by Stats. 1959, Ch. 1823.)*

ARTICLE 2. Field Services and Standards for Recruitment and Training [13510 - 13519.15] *(Heading of Article 2 amended by Stats. 1967, Ch. 1640.)*

13519.4. (a) The commission shall develop and disseminate guidelines and training for all peace officers in California as described in subdivision (a) of Section 13510 and who adhere to the standards approved by the commission, on the racial and cultural differences among the residents of this state. The course or courses of instruction and the guidelines shall stress understanding and respect for racial, identity, and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a diverse racial, identity, and cultural environment.

(b) The course of basic training for peace officers shall include adequate instruction on racial, identity, and cultural diversity in order to foster mutual respect and cooperation between law enforcement and members of all racial, identity, and cultural groups. In developing the training, the commission shall consult with appropriate groups and individuals having an interest and expertise in the field of racial, identity, and cultural awareness and diversity.

(c) For the purposes of this section the following shall apply:

(1) "Disability," "gender," "nationality," "religion," and "sexual orientation" have the same meaning as in Section 422.55.

(2) "Culturally diverse" and "cultural diversity" include, but are not limited to, disability, gender, nationality, religion, and sexual orientation issues.

(3) "Racial" has the same meaning as "race or ethnicity" in Section 422.55.

(4) "Stop" has the same meaning as in paragraph (2) of subdivision (g) of Section 12525.5 of the Government Code.

(d) The Legislature finds and declares as follows:

(1) The working men and women in California law enforcement risk their lives every day. The people of California greatly appreciate the hard work and dedication of peace officers in protecting public safety. The good name of these officers should not be tarnished by the actions of those few who commit discriminatory practices.

(2) Racial or identity profiling is a practice that presents a great danger to the fundamental principles of our Constitution and a democratic society. It is abhorrent and cannot be tolerated.

(3) Racial or identity profiling alienates people from law enforcement, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people whom law enforcement is sworn to protect and serve.

(4) Pedestrians, users of public transportation, and vehicular occupants who have been stopped, searched, interrogated, and subjected to a property seizure by a peace officer for no reason other than the color of their skin,

national origin, religion, gender identity or expression, housing status, sexual orientation, or mental or physical disability are the victims of discriminatory practices.

(5) It is the intent of the Legislature in enacting the changes to this section made by the act that added this paragraph that additional training is required to address the pernicious practice of racial or identity profiling and that enactment of this section is in no way dispositive of the issue of how the state should deal with racial or identity profiling.

(e) "Racial or identity profiling," for purposes of this section, 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 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 activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.

(f) A peace officer shall not engage in racial or identity profiling.

(g) Every peace officer in this state shall participate in expanded training as prescribed and certified by the Commission on Peace Officers Standards and Training.

(h) The curriculum shall be evidence-based and shall include and examine evidence-based patterns, practices, and protocols that make up racial or identity profiling, including implicit bias. This training shall prescribe evidence-based patterns, practices, and protocols that prevent racial or identity profiling. In developing the training, the commission shall consult with the Racial and Identity Profiling Advisory Board established pursuant to subdivision (j). The course of instruction shall include, but not be limited to, significant consideration of each of the following subjects:

(1) Identification of key indices and perspectives that make up racial, identity, and cultural differences among residents in a local community.

(2) Negative impact of intentional and implicit biases, prejudices, and stereotyping on effective law enforcement, including examination of how historical perceptions of discriminatory enforcement practices have harmed police-community relations and contributed to injury, death, disparities in arrest detention and incarceration rights, and wrongful convictions.

(3) The history and role of the civil and human rights movement and struggles and their impact on law enforcement.

(4) Specific obligations of peace officers in preventing, reporting, and responding to discriminatory or biased practices by fellow peace officers.

(5) Perspectives of diverse, local constituency groups and experts on particular racial, identity, and cultural and police-community relations issues in a local area.

(6) The prohibition against racial or identity profiling in subdivision (f).

(i) Once the initial basic training is completed, each peace officer in California as described in subdivision (a) of Section 13510 who adheres to the standards approved by the commission shall be required to complete a refresher course every five years thereafter, or on a more frequent basis if deemed necessary, in order to keep current with changing racial, identity, and cultural trends.

(j) (1) Beginning July 1, 2016, the Attorney General shall establish the Racial and Identity Profiling Advisory Board (RIPA) for the purpose of eliminating racial and identity profiling, and improving diversity and racial and identity sensitivity in law enforcement.

(2) RIPA shall include the following members:

(A) The Attorney General, or his or her designee.

(B) The President of the California Public Defenders Association, or his or her designee.

(C) The President of the California Police Chiefs Association, or his or her designee.

(D) The President of the California State Sheriffs' Association, or his or her designee.

(E) The President of the Peace Officers Research Association of California, or his or her designee.

(F) The Commissioner of the California Highway Patrol, or his or her designee.

(G) A university professor who specializes in policing, and racial and identity equity.

(H) Two representatives of human or civil rights tax-exempt organizations who specialize in civil or human rights.

(I) Two representatives of community organizations who specialize in civil or human rights and criminal justice, and work with victims of racial and identity profiling. At least one representative shall be between 16 and 24 years of age.

(J) Two religious clergy members who specialize in addressing and reducing racial and identity bias toward individuals and groups.

(K) Up to two other members that the Governor may prescribe.

(L) Up to two other members that the President pro Tempore of the Senate may prescribe.

(M) Up to two other members that the Speaker of the Assembly may prescribe.

(3) Each year, on an annual basis, RIPA shall do the following:

(A) Analyze the data reported pursuant to Section 12525.5 of the Government Code and Section 13012 of this code.

(B) Analyze law enforcement training under this section.

(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 report that provides RIPA's analysis under subparagraphs (A) to (D), inclusive, and detailed findings on the past and current status of racial and identity profiling, and makes policy recommendations for eliminating racial and identity profiling. RIPA shall post the report on its Internet Web site. Each report shall include disaggregated statistical data for each reporting law enforcement agency. The report shall include, at minimum, each reporting law enforcement agency's total results for each data collection criterion under subdivision (b) of Section 12525.5 of the Government Code for each calendar year. The reports shall be retained and made available to the public by posting those reports on the Department of Justice's OpenJustice Web portal. The first annual report shall be issued no later than January 1, 2018. The reports are public records within the meaning of subdivision (d) of Section 6252 of the Government Code and are open to public inspection pursuant to Sections 6253, 6256, 6257, and 6258 of the Government Code.

(F) Hold at least three public meetings annually to discuss racial and identity profiling, and potential reforms to prevent racial and identity profiling. Each year, one meeting shall be held in northern California, one in central California, and one in southern California. RIPA shall provide the public with notice of at least 60 days before each meeting.

(4) Pursuant to subdivision (e) of Section 12525.5 of the Government Code, RIPA shall advise the Attorney General in developing regulations for the collection and reporting of stop data, and ensuring uniform reporting practices across all reporting agencies.

(5) Members of RIPA shall not receive compensation, nor per diem expenses, for their services as members of RIPA.

(6) No action of RIPA shall be valid unless agreed to by a majority of its members.

(7) The initial terms of RIPA members shall be four years.

(8) Each year, RIPA shall elect two of its members as cochairpersons.

(Amended by Stats. 2016, Ch. 418, Sec. 12. (AB 2524) Effective January 1, 2017.)

000090

Exhibit 9

PENAL CODE - PEN

PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315] *(Part 4 added by Stats. 1953, Ch. 1385.)*

TITLE 3. CRIMINAL STATISTICS [13000 - 13326] *(Title 3 added by Stats. 1955, Ch. 1128.)*

CHAPTER 1. Department Of Justice [13000 - 13023] *(Heading of Chapter 1 amended by Stats. 1986, Ch. 248, Sec. 169.)*

ARTICLE 1. Duties of the Department [13000 - 13014] *(Heading of Article 1 renumbered from Article 2 by Stats. 1986, Ch. 248, Sec. 170.)*

13012. (a) The information published on the OpenJustice Web portal pursuant to Section 13010 shall contain statistics showing all of the following:

(1) The amount and the types of offenses known to the public authorities.

(2) The personal and social characteristics of criminals and delinquents.

(3) The administrative actions taken by law enforcement, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with criminals or delinquents.

(4) The administrative actions taken by law enforcement, prosecutorial, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with minors who are the subject of a petition or hearing in the juvenile court to transfer their case to the jurisdiction of an adult criminal court or whose cases are directly filed or otherwise initiated in an adult criminal court.

(5) (A) The total number of each of the following:

(i) Civilian complaints received by law enforcement agencies under Section 832.5.

(ii) Civilian complaints alleging criminal conduct of either a felony or a misdemeanor.

(iii) Civilian complaints alleging racial or identity profiling, as defined in subdivision (e) of Section 13519.4. These statistics shall be disaggregated by the specific type of racial or identity profiling alleged, including, but not limited to, based on a consideration of race, color, ethnicity, national origin, religion, gender identity or expression, sexual orientation, or mental or physical disability.

(B) The statistics reported pursuant to this paragraph shall provide, for each category of complaint identified under subparagraph (A), the number of complaints within each of the following disposition categories:

(i) "Sustained," which means that the investigation disclosed sufficient evidence to prove the truth of allegation in the complaint by preponderance of the evidence.

(ii) "Exonerated," which means that the investigation clearly established that the actions of the personnel that formed the basis of the complaint are not a violation of law or agency policy.

(iii) "Not sustained," which means that the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint.

(iv) "Unfounded," which means that the investigation clearly established that the allegation is not true.

(C) The reports under subparagraphs (A) and (B) shall be made available to the public and disaggregated for each individual law enforcement agency.

(b) The department shall give adequate interpretation of the statistics and present the information so that it may be of value in guiding the policies of the Legislature and of those in charge of the apprehension, prosecution, and

treatment of criminals and delinquents, or those concerned with the prevention of crime and delinquency. This interpretation shall be presented in clear and informative formats on the OpenJustice Web portal. The Web portal shall also include statistics that are comparable with national uniform criminal statistics published by federal bureaus or departments.

(c) Each year, on an annual basis, the Racial and Identity Profiling Advisory Board (RIPA), established pursuant to paragraph (1) of subdivision (j) of Section 13519.4, shall analyze the statistics reported pursuant to subparagraphs (A) and (B) of paragraph (5) of subdivision (a) of this section. RIPA's analysis of the complaints shall be incorporated into its annual report as required by paragraph (3) of subdivision (j) of Section 13519.4 and shall be published on the OpenJustice Web portal. The reports shall not disclose the identity of peace officers.

(Amended by Stats. 2017, Ch. 328, Sec. 2. (AB 1518) Effective January 1, 2018.)

000093

Exhibit 10

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME	CONTACT PERSON	EMAIL ADDRESS	TELEPHONE NUMBER
California Department of Justice	Melan Noble	Melan.Noble@doj.ca.gov	(916) 210-7011

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400	NOTICE FILE NUMBER
AB 953 Stop Data Reporting Regulations to Implement Gov. Code Section 12525.5	Z 2016-1129-03

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- [X] a. Impacts business and/or employees
- [X] b. Impacts small businesses
- [ ] c. Impacts jobs or occupations
- [ ] d. Impacts California competitiveness
- [ ] e. Imposes reporting requirements
- [ ] f. Imposes prescriptive instead of performance
- [X] g. Impacts individuals
- [ ] h. None of the above (Explain below):

If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The Department of Justice (Agency/Department) estimates that the economic impact of this regulation (which includes the fiscal impact) is:

- [ ] Below $10 million
- [ ] Between $10 and $25 million
- [X] Between $25 and $50 million
- [ ] Over $50 million *[If the economic impact is over $50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: Unknown.

Describe the types of businesses (Include nonprofits): Technology and training vendors to law enforcement agencies may benefit.

Enter the number or percentage of total businesses impacted that are small businesses: Unknown.

4. Enter the number of businesses that will be created: Unknown. eliminated: None.

Explain: The statute and regulations may result in increased revenue to (or the creation of) technology and training vendor

5. Indicate the geographic extent of impacts:
- [X] Statewide
- [ ] Local or regional (List areas):

6. Enter the number of jobs created: Unknown. and eliminated: None.

Describe the types of jobs or occupations impacted: The statute and regulations may result in increased demand for IT, software, and training professionals and support staff to help law enforcement agencies implement the reporting requirements.

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? [ ] YES [X] NO

If YES, explain briefly:

000095

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

ECONOMIC AND FISCAL IMPACT STATEMENT (REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)

B. ESTIMATED COSTS *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? $ Unknown.

   a. Initial costs for a small business: $ _____ Annual ongoing costs: $ _____ Years: _____

   b. Initial costs for a typical business: $ _____ Annual ongoing costs: $ _____ Years: _____

   c. Initial costs for an individual: $ _____ Annual ongoing costs: $ _____ Years: _____

   d. Describe other economic costs that may occur: Businesses and individuals may see an indirect cost of increased taxes and fees to fund the fiscal impact to state and local law enforcement agencies of the regulations (see attachment re: fiscal impacts).

2. If multiple industries are impacted, enter the share of total costs for each industry: Unknown.

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* $None.

4. Will this regulation directly impact housing costs? ☐ YES ☒ NO

   If YES, enter the annual dollar cost per housing unit: $ _____

   Number of units: _____

5. Are there comparable Federal regulations? ☐ YES ☒ NO

   Explain the need for State regulation given the existence or absence of Federal regulations: Govt. Code section 12525.5 (e) requires the DOJ to issue regulations that must specify all data to be reported, and provide standards, definitions, and technical specifications.

   Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: $ None.

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: See attachment. Business may benefit from increased IT, software, and training revenues to help agencies implement the regulations; Californians will benefit from improved public safety and elimination of racial and identity profiling. These benefits are primarily attributable to the statute.

2. Are the benefits the result of: ☒ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

   Explain: The potential benefits to individuals and businesses (see attachment) are primarily attributable to the statute.

3. What are the total statewide benefits from this regulation over its lifetime? $ Unknown.

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: It is possible that the proposed regulations may expand business providers of IT, software, hardware, and training services to law enforcement agencies; these effects are primarily attributable to the statute.

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: See attachment.

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: $ _____ Cost: $ _____

Alternative 1: Benefit: $ _____ Cost: $ _____

Alternative 2: Benefit: $ _____ Cost: $ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ YES ☐ NO

Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises **exceed $10 million?** ☐ YES ☐ NO

If YES, complete E2. and E3
If NO, skip to E4

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost $ _____ Cost-effectiveness ratio: $ _____

Alternative 1: Total Cost $ _____ Cost-effectiveness ratio: $ _____

Alternative 2: Total Cost $ _____ Cost-effectiveness ratio: $ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through12 months after the major regulation is estimated to be fully implemented?

☐ YES ☒ NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: _____

The incentive for innovation in products, materials or processes: _____

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

☐ a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

☐ b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

☐ a. Implements the Federal mandate contained in _____

☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

_____

☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

☐ 3. Annual Savings. (approximate)

$ _____

☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

☐ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

☒ 6. Other. Explain Please see pages 15-16 of the attached addendum regarding potential estimated costs to local agencies.

000098

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☒ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ Less than $2.1m (see attached).

It is anticipated that State agencies will:

☒ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the _____ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

☐ 3. No fiscal impact exists. This regulation does not affect any State agency or program.

☐ 4. Other. Explain _____

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE	DATE
	11-1-17

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY	DATE
	11-1-17

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER	DATE
	11/3/17

AB 953 Stop Data Reporting Regulations
ADDENDUM TO STD 399
Submitted by the California Department of Justice

(OAL File No. Z-2016-1129-03)

INTRODUCTION

The attached STD 399 form and this addendum are intended to replace the prior STD 399 form and addendum published by the Department of Justice (DOJ) on December 9, 2016.

California's Racial and Identity Profiling Act of 2015 (Stats. 2015, ch. 466 (AB 953)) requires the DOJ to draft and issue regulations to implement the stop data reporting requirements of Government Code section 12525.5. (Gov. Code, § 12525.5, subd. (e).) This new statutory program requires specified state and local law enforcement agencies to collect data on "stops" (as that term is defined in the statute) by their officers and to report that data to the DOJ at least annually. (*Id.*, subd. (a)(1).) The statute defines "stop" as "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." (*Id.*, subd. (g)(2).) The statute sets forth a schedule for compliance based on the size of each agency. (*Id.*, subd. (a)(2).) The Legislative Counsel's Digest of AB 953 notes that costs incurred by local agencies because of this state-mandated program are reimbursable:

> By imposing a higher level of service on local entities that employ peace officers, the bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

(Legis. Counsel's Dig., Assem. Bill No. 953, Stats. 2015, ch. 466, pp. 4153-4154.) Further, Section 5 of AB 953 provides:

> If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

(Stats. 2015, ch. 466, § 5, p. 4159.) Accordingly, costs imposed by the statute itself are reimbursable through the state mandates process. The actual costs that will be incurred by local agencies as a result of the statute's implementation are unknown, and can likely only be determined by the Commission on State Mandates once "test claims" are filed by city and county agencies subject to the stop data reporting requirement of Government Code section 12525.5.

Separate from the statutory costs, the Administrative Procedure Act (APA) requires rulemaking agencies to estimate both the economic costs and fiscal impacts of proposed regulations. Following is a summary of the estimated economic costs to businesses and individuals and fiscal impact of the proposed stop data regulations to state and local agencies.

ECONOMIC COSTS TO CALIFORNIA BUSINESSES AND INDIVIDUALS

The DOJ has determined these proposed regulations will not impose any significant economic costs on California businesses and individuals.

The DOJ received several comments from law enforcement agencies and individuals during the public comment period suggesting that the stop data collection requirements imposed by Government Code section 12525.5 would result in public safety costs by decreasing officer efficiency or providing a disincentive for officers to conduct "proactive" police work. The commenters did not, however, provide any evidence that prior data collection programs have resulted in any negative public safety outcomes.

Although some of these comments attempted to link the additional officer time to collect data on those elements added by the proposed regulations, these comments as a whole reflected a general concern about the statutory requirement to collect stop data rather than any costs specifically attributable to the proposed regulations. Any such costs, therefore, are more properly attributed to the statute than the regulations.

The DOJ has nevertheless carefully evaluated these comments and consulted with police practice/criminal justice researchers on this issue. These consultations confirmed there is no empirical evidence linking stop data collection to decreased public safety.[1] Accordingly, DOJ reiterates its assessment that the proposed regulations do not impose any significant economic costs on California businesses or individuals.

ESTIMATED REGULATORY FISCAL IMPACT ON LOCAL AND STATE GOVERNMENT

A. Agencies Affected

Government Code section 12525.5, subdivision (a) requires "each state and local agency that employs peace officers" to comply with the stop data reporting requirements set forth in subdivisions (b) and (c). The statute incorporates the definition of "peace officer" set forth in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, but then limits that definition "to members of the California Highway Patrol, a city or county law enforcement agency, and California state or university education institution." (Gov. Code § 12525.5, subd. (g)(1).) The statute further limits the definition of "peace officer" to exclude "probation officers and officers in a custodial setting."

Using publicly-available data from the Commission on Peace Officer Standards and Training (POST), the DOJ has identified 415 local and 34 state agencies that will be required to collect

[1] For example, Professor Emily Owens of the University of California, Irvine, explains: "I believe that assertions that there will be a substantial impact of the reporting requirements rely on two assumptions that are not obviously supported by existing empirical evidence: first, that the data collection will result in a large reduction in FTEs, and second, that the reduction in FTEs will cause a meaningful increase crime." A copy of Professor Owens letter, and similar comments from academics, has been added to the rulemaking file [Z-2016-1129-03-01884].

and submit stop data pursuant to Government Code section 12525.5.[2] Each of these 449 agencies will, in turn, be subject to the proposed implementing regulations.

Section 12525.5, subdivision (a) sets forth a schedule for agencies to begin collecting and reporting stop data. Subdivision (a)(1) requires each agency to report annually to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year (i.e., January 1 through December 31). Subdivision (a)(2) sets out a schedule of reporting deadlines for the initial stop data report to the Attorney General by agency size according to the following schedule:

Reporting Tier	Size of Agency	Deadline to Report Data to the DOJ	Deadline to Begin Data Collection	Approx. No. of Agencies	
				Local	State
1	1,000+	4/1/2019	1/1/2018	8	1
2	667-999	4/1/2020	1/1/2019	5	0
3	334-666	4/1/2022	1/1/2021	10	0
4	1-333	4/1/2023	1/1/2022	392	33
			Total Agencies (449):	**415**	**34**

Therefore, the total estimated fiscal impacts will not accrue within one calendar year. Rather, agencies' one-time costs will accrue on a rolling basis until the last agencies' deadline to first begin reporting stop data, with additional annual ongoing costs thereafter.

B. Prior Estimates

The legislative history of AB 953 provides some analysis of the total cost to local and state agencies to implement the statutory reporting requirement. In addition, the DOJ conducted its own survey of law enforcement agencies in May-June 2016 in order to inform its rulemaking process. That survey provided an opportunity for agencies to estimate the cost to implement the data collection and reporting requirements. Because the survey was conducted before these proposed regulations were drafted, the survey estimates—like those estimates provided to the Legislature—were necessarily limited to the statutory rather than regulatory costs. Nevertheless, a brief summary of both is included below to provide greater context to the DOJ's estimated fiscal impact of the regulations.

1. Legislative History (Statutory Costs)

On August 17, 2015, the Senate Committee on Appropriations held a hearing on AB 953. Its analysis of the bill included the following information regarding AB 953's fiscal impact related to data collection and reporting by local agencies:

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[2] The actual number of officers and agencies in each reporting tier may vary as agencies add or subtract officers prior to the start of stop data collection. (See proposed 11 CCR § 999.227, subd. (a)(8) ["On January 1 of each year, each reporting agency shall count the number of peace officers it employs that are subject to this chapter to determine the date that agency must start collecting stop data and reporting to the Department pursuant to Government Code section 12525.5, subdivisions (a)(1) and (a)(2)."].)

Fiscal Impact:

Data collection, reporting, retention, and training: Major one-time and ongoing costs, potentially in the tens of millions of dollars annually to local law enforcement agencies for data collection, reporting, and retention requirements specified in the bill. Additional costs for training on the process would likely be required. There are currently 482 cities and 58 counties in California. To the extent local agency expenditures qualify as a reimbursable state mandate, agencies could claim reimbursement of those costs (General Fund). While costs could vary widely, for context, the Commission on State Mandates' statewide cost estimate for *Crime Statistics Reports for the DOJ* reflects eligible reimbursement of over $13.6 million per year for slightly over 50 percent of local agencies reporting.

(Sen. Comm. on Approp., Rep. on Assem. Bill No. 953 (2015-2016 Reg. Sess.) as amended June 30, 2016, p. 1 [Z-2016-1129-03-01247].)

In addition, on August 4, 2015, the California Police Chiefs Association (CPCA) issued a report voicing its concerns and costs estimates regarding AB 953. In that report, 86 police agencies throughout California provided estimates of the costs associated with implementing the bill's requirements. (California Police Chiefs Association, AB 953: CPCA Concerns and Cost Estimates (Aug. 4, 2015) pp. 6-18 [Z-2016-1129-03-00161].) Of the 86 agencies that reported, two stated they would incur no additional costs, and 26 stated that additional costs were unknown. The remaining 58 agencies provided estimates ranging from $5,000 to more than $500,000 of fiscal impacts. Many estimates did not distinguish between one-time and ongoing costs.

2. DOJ Survey (Statutory Costs)

Following the passage of AB 953, the DOJ surveyed local and state law enforcement agencies to obtain information on their anticipated one-time technical development and personnel costs, and anticipated costs for training, equipment, and on-going system maintenance to comply with Government Code section 12525.5. For those agencies that declined to complete a survey or omitted fiscal estimates, the DOJ supplemented the survey data with data included in the CPCA report referenced in the previous paragraph.

According to feedback provided by agencies, the anticipated costs of initially implementing the stop data reporting program ranged from $0 to $2 million, with additional ongoing costs anticipated, but not specified, in most responses. As these significant variances demonstrate, and based on discussions the Department has had with law enforcement agencies, the cost to local governments will vary widely based on the degree to which their current technical environments can be leveraged to perform the required new functions for the collection and reporting of stop data.

Based on these surveys, the Department estimated that the fiscal impact on state and local agencies to implement the stop data collection program required by Government Code section 12525.5 (and excluding the amount already provided in the DOJ's approved BCP) would be

approximately $89.9 million in total costs for local agencies and $5.0 million in total costs for state agencies. The methodology used to obtain that overall estimate is described below:

Factors to Consider: One-time technical development costs generally will be less for those agencies with existing record management systems that can be readily modified to accommodate additional data elements. Further, costs relating to data collection will be less for agencies that currently have mobile data capture equipment and systems. Some agencies are currently collecting stop data and thus reported minimal cost estimates for the implementation of AB 953. Local governments will also incur varied personnel-related costs based on the time needed to enter stop data in the field and associated data processing support. These costs will be greatly affected by the number of peace officers in the agencies and the volume of stops conducted.

Basis of Estimate: AB 953 separates agencies into four reporting categories based on the number of sworn peace officers at the agency (excluding those in a custodial setting). The larger the agency, the sooner it is required to report stop data. The average estimated one-time cost to the vast majority of agencies (those with less than 334 peace officers) totaled $169,959 based on data submitted by 113 such agencies. Details from 26 of these agencies indicate that roughly 57% of the costs are tied to technical development and 43% are tied to personnel. Estimates from five larger agencies varied considerably, from no cost to $2 million, depending mainly on the extent of required technical development and whether the agencies are already collecting stop data.

We took the average for each category of agency size, multiplied it by the number of agencies in that category statewide, and calculated the following totals for each category:

	Size of Agency	Average Estimated Fiscal Impact	Number of Agencies	Total Estimated Fiscal Impact[3]
Local	1,000 +	$2,540,941	8	$20,327,528
	667 – 999	$272,500	5	$1,362,500
	334 – 666	$201,000	10	$2,010,000
	1 – 333	$168,959	392	$66,231,928
	Local Agencies Subtotal:		**415**	**$89,931,956**
State	CHP	$1,940,000	1	$1,940,000
	UC, CSU	$93,917	33	$3,099,261
	State Agencies Subtotal:		**34**	**$5,039,261**
	Statewide Total:		**449**	**$94,971,217**

Limitations on Estimates Provided Many agencies from whom we solicited input did not differentiate between one-time costs (system development) and ongoing costs (personnel and system maintenance). Thus, the estimates they provided may have overlooked some cost factors.

[3] Unless otherwise indicated, cost estimates have been rounded up to the nearest whole dollar throughout this document. The summed totals in individual charts may therefore appear to be slightly off as a result of rounding in the underlying calculation.

It should also be noted that many agencies indicated they were currently unable to provide cost estimates regarding the implementation of Government Code section 12525.5.

In addition, at the time of the survey the DOJ had not yet developed its plan to provide a no-cost DOJ-hosted web application to collect and report stop data. As set forth below, agencies that elect to use the DOJ-hosted applicable may be able to implement the stop data collection program at significantly lower costs.

C. Fiscal Estimate Methodology

In order to estimate the total statewide costs to implement the proposed regulations, the DOJ has developed the following methodology to identify the specific costs an agency would accrue to implement each of four plausible methods of data collection: paper collection, relay-to-dispatch, DOJ-hosted application, and agency-hosted data collection process. Each method is described in greater detail below. The regulations do not require any one particular method of data collection; therefore, the DOJ considered each plausible means of data collection to implement the statute itself as part of this fiscal estimate. Each method carries costs and benefits from a fiscal perspective:

- **DOJ-hosted application** may require up-front costs in technology investment to equip officers in the field with a laptop, tablet, or smartphone (although many departments already provide some or all of their officers with such tools), but it eliminates the need for data input services, paper publication, and data storage costs.
- **Paper-based collection** will require few upfront costs but significant ongoing resources to produce paper forms and to input the data. It will also require some minimal costs to store the data.
- **Relay-to-dispatch** eliminates the need for paper forms but requires similar costs for data input. It will also require some minimal costs to store the data.
- Modifying an existing **agency-hosted data collection process** to accommodate the statutory and regulatory requirements—or acquiring such a system—may result in significant upfront costs for technology, as well as ongoing vendor costs to maintain and support the system, but may streamline the data collection process by syncing with other agency data collection requirements. It may be especially challenging and costly for some law enforcement agencies with older record management systems to modify these systems to allow for the collection of stop data. Some agencies are using systems that are 20+ years old. If agencies are unable to make modifications to their existing systems due to the age or other limitations, an alternative would be to use the DOJ AB 953 application or other acceptable submission methods.

Based on the initial survey responses and focus group meetings with law enforcement prior to the initial notice of rulemaking issued December 9, 2016, and insight from the California Justice Information Systems (CJIS), the DOJ has constructed a model to measure the estimated fiscal impact to implement each of the first three methods of data collection: paper-based collection, relay-to-dispatch, and the DOJ-hosted application.

Each of the calculations set forth below relies on three key factors: (1) the estimated number of officers subject to the data collections requirements of Government Code section 12525.5 and

the AB 953 regulations; (2) the estimated number of stops per year upon which agencies will be required to collect and report information; and (3) the method of data collection. Our methodology follows:

1. Estimated Number of Officers

To estimate the number of agencies and peace officers subject to AB 953 and these regulations, as well as the number of agencies in each reporting tier, the DOJ obtained data on the number of non-jail, sworn personnel as of October 31, 2015 from the Commission on Peace Officer Standards and Training (POST). The actual number of officers and agencies in each reporting tier may vary as agencies add or subtract officers prior to the start of stop data collection.

Using the POST data, the DOJ calculated the following number of agencies and officers subject to these reporting requirements:

Tier	Agency Type	Agencies	Officers
1	Local	8	25,772
	State	1	7,226
2	Local	5	3,807
	State	0	0
3	Local	10	4,536
	State	0	0
4	Local	392	23,382
	State	33	799
Statewide Totals:		**449**	**65,522**

2. Estimated Number of Stops

The DOJ considered several methods of calculating the total number of stops, including extrapolation from the responses received in our 2016 survey to law enforcement, and determined that the best estimate should be based on comments received from law enforcement agencies during the initial public comment period:

1. The California Police Chief Association provided the following estimate for the total number of stops per year:

> The California Highway Patrol (CHP) employs over 7,200 sworn officers and initiates roughly four million total public contacts per year. Since they are almost all vehicle stops, nearly every one would be reportable under these regulations. Conversely, municipal police departments employ over 37,000 officers in California, which does not include the additional 32,000 sworn and reserve sheriff officers. Even with the most conservative estimates, it is not unlikely we will see over 10 million stops reported under these regulations each year when AB953 is fully implemented. With such a high volume of reporting, the individual time it takes to fill out each report becomes increasingly significant.

(Rulemaking File Z-2016-1129-03-01503 to -01504.)

Although it is not clear whether this estimate was intended to include stops by sheriffs' departments, the DOJ elected to assume for purposes of this analysis that sheriffs' departments were excluded from that estimate. In addition, in order to ensure that our fiscal estimate was not too conservative, DOJ assumed that the CHP was also excluded from this estimate. Therefore, for purposes of this analysis, the DOJ assumes that the 10 million annual stops estimated by the California Police Chief Association are apportioned between police departments and state agencies other than the CHP. Using the same POST data discussed above, we determined that these agencies collectively employ 38,710 non-jail sworn officers, resulting in an estimated 258 stops per year per officer employed by a local or state agency other than a sheriff's department or the California Highway Patrol.

2. The DOJ then reviewed comments submitted by sheriff's departments and determined that the highest estimated stops per officer was provided by the Ventura County Sheriff's Department:

> The data collection guidelines proposed by your office will have a detrimental impact on public safety in Ventura County and throughout the state. To put the impacts in perspective, in 2016, my deputies responded to more than 35,000 calls for service and conducted more than 62,000 traffic and pedestrian stops that resulted in detentions. This amounts to roughly 100,000 events that would trigger reporting pursuant to AB 953.

(Rulemaking File Z-2016-1129-03-01618.) Using the same POST data discussed above, we determined that the Ventura County Sheriff's Department employs 498 non-jail sworn officers, resulting in an estimated 201 stops per year for each of the 19,586 officers employed by a sheriff's department.

3. Next, the DOJ reviewed comments received from the California Highway Patrol, which estimated a total of 2.8 million stops per year by the 7,226 California Highway Patrol officers.

Extrapolating across the entire universe of agencies identified through the POST data results in the following estimated stops per year by agency type:

Estimated Stops, by Agency Type (State and Local Combined)			
	Total Officers	Total Stops	Stops per officer
Sheriff	19,586	3,936,786	201
CHP	7,226	2,800,000	387
Other	38,710	10,000,000	258
Statewide Totals:	**65,522**	**16,736,786**	**255**

3. Method of Data Collection

Although the fiscal estimate provided here is limited to the regulatory costs—as distinct from those costs imposed by existing laws including Government Code section 12525.5—the DOJ's outreach to law enforcement agencies, including the survey discussed above, makes it clear that agencies are thinking about stop data collection holistically in terms of what is required by the statute and regulations together. For that reason, it is our assessment that agencies will select

among the various possible methods of data collection based on the cost of each method as a whole.

In order to determine the most likely method of data collection, the DOJ therefore constructed a model to estimate each agency's cost to collect the stop data elements and values required by both the statute and the proposed regulations using each of three potential methods. For each of method, the DOJ relied upon the following costs, which are explained in greater detail below:

Cost calculations (statute plus regulations)				
	Type	**Cost Item**	**Description**	**Per Unit Cost**
DOJ Application	**One-time**	**Devices**	$150 per device (one-time)	$150.00
	Ongoing	**Officer time:**	150 total seconds per stop;[4] $111,800 annual salary; [5] 1920 hours of officer time per year	$2.43
	Ongoing	**Device replacement**	full replacement cost ($150) amortized over estimated 3-year lifespan	$50.00
	Ongoing	**Connectivity**	$100/device/year for connectivity (ongoing)	$100.00
Paper Collection	**One-Time**	**Computers**	one computer (terminal, monitor, keyboard and mouse) per data input personnel	$700.00
	Ongoing	**Printing costs:**	one additional sheet of paper ($0.08 per page) per stop	$0.08
	Ongoing	**Officer time:**	150 total seconds per stop; $111,800 annual salary; 1920 hours of officer time per year	$2.43
	Ongoing	**Data input time:**	167 seconds per stop (DOJ estimate of time to transfer paper to excel); $60,758.24 annual salary; 1920 hours of time per year	$2.05
	Ongoing	**Data storage**	1 gigabyte of storage is sufficient to store data for 50,000 stops; $200 per gigabyte for 3 years storage	$0.0013
Relay-to-Dispatch	**One-Time**	**Computers**	one computer (terminal, monitor, keyboard and mouse) per data input personnel	$700.00
	Ongoing	**Officer time:**	300 total seconds per stop (double the field test time); $111,800 annual salary; 1920 hours of officer time per year	$4.85
	Ongoing	**Data input time:**	300 seconds per stop (double field test time); $60,758.24 annual salary; 1920 hours of time per year	$3.69
	Ongoing	**Data storage**	1 gigabyte of storage is sufficient to store data for 50,000 stops; $200 per gigabyte for 3 years storage	$0.0013

[4] As explained below, the median time to complete the complete stop data form in field testing was 145 seconds. For simplicity, we have rounded that time estimate up to 150 seconds (two and a half minutes) for this calculation.

[5] "California police officers made, on average, $111,800 during 2015, according to a Sacramento Bee analysis of new data from the State Controller's Office. That figure reflects base pay, as well as overtime, incentive pay and payouts upon retirement." Phillip Reese, *See what California cities pay police, firefighters*, Sacramento Bee (Feb. 27, 2016), http://www.sacbee.com/site-services/databases/article2573210.html [Z-2016-1129-03-01916.]

Explanation of Costs Associated with the DOJ-hosted web application:

Technology investment: Agencies that elect to collect stop data using the DOJ application will need to provide all officers in the field with a smartphone, laptop, tablet, or other handheld web-enabled device installed with the application. The DOJ is developing the application to be compatible with all common operating systems.

Many law enforcement agencies already collect stop data electronically, as reported in the DOJ's survey; the officers employed by these agencies are likely to already have sufficient technology available in the field to utilize the DOJ application. Other agencies already provide officers in the field with smartphone or similar devices as discovered during our outreach meetings with law enforcement agencies before the regulations were posted for comment. In addition, many if not all patrol cars are equipped with mobile data terminals (MDTs). The DOJ-hosted application will be compatible with that system; therefore, no additional technology purchase or service will be required for officers with access to an MDT in order to collect stop data via the DOJ-hosted app.

As part of a recent grant proposal, CJIS determined that the cost to provide an officer in the field with a compatible device would be $150 per device (one-time cost) plus $100 per device per year for connectivity to the DOJ system (ongoing costs) and $50 per device per year to account for replacement costs, which we have assumed would be amortized over an estimated three-year lifespan of the devices.

Again, these technology costs are not necessarily attributable to the proposed regulations, because an agency that elected to use a DOJ-hosted application to fulfill only the statutory-minimum data collection program (were such an application available) would incur the same costs. Nevertheless, these estimates are provided to illustrate the cost-effectiveness of this method of data collection and to provide an outer limit of the DOJ's estimated statewide costs to implement the statute and the proposed regulations.

Officer time: In order to assess the amount of officer time to complete a stop data collection form—including the specific time attributable to the additional data elements added by the proposed regulations—the DOJ conducted a field test. Nine law enforcement agencies participated in a field test for the AB 953 project in order to provide a measure of the time to complete the stop data form and to test out certain data elements and values in the field. The LEAs were chosen among the nine (9) largest LEAs and designated first reporters, as well as additional LEAs that expressed interest during the initial outreach conducted by the AB 953 team. Those agencies that participated are:

1. California Highway Patrol
2. Gardena Police Department
3. Los Angeles County Sheriff's Department
4. Los Angeles Police Department
5. Orange County Sheriff's Department
6. San Bernardino County Sheriff's Office
7. San Diego County Sheriff's Office
8. San Diego Police Department
9. Ventura City Police Department

These LEAs were provided 30 individualized survey links (one for each officer participating) that would allow each testing officer to enter 14 stops and provide comments during a final

feedback survey. The web tool used to complete the field test randomly placed officers into one of two groups: the first group was assigned to complete a statute-only form for its first seven stops, followed by a statute-plus-regulations form for the remaining stops; the second group started with the statute-plus-regulations form and then finished with the statute-only form. Both forms included a narrative box requiring officers to explain (in 150 characters or fewer) the reason for the stop and, if applicable, the basis for search. In total, 2,928 individual stop records were utilized for analyses. A complete description of the field testing methodology and results has been added to the rulemaking file.

Results of the field test showed a median completion time of approximately 2.5 minutes (145 seconds) per stop. This included 27 seconds to complete the seven (7) additional eliminates added by the regulations based on the definition of "racial profiling" set forth in the Penal Code as well as the recommendations of the Racial and Identity Profiling Advisory Board and public comments to the regulations as originally proposed in December 2016.[6] Those additional data elements are:

1. Stop made in response to a call for service (check if "yes").
2. Other actions taken by officer during stop (in addition to searches and seizures).
3. Officer's perception that the person stopped had limited or no English fluency.
4. Perceived or known disability of person stopped.
5. Number of officers engaged in actions taken during the stop.
6. Officer's years of experience.
7. Type of assignment of officer.

It also includes the time to complete the text field for reason for stop (required for all stops) and the text field for "basis for search," which was applicable to only 20% of the stops conducted during the field test. The DOJ has determined that the text fields for these two data values are necessary to satisfy the statutory requirement that officer record the reason for stop and basis for search; therefore, the time to complete these narrative fields has not been included in the fiscal estimate attributed to the regulations. The median time to complete the text field for "reason for stop" was 16.1 seconds; the median time to complete the text field for "basis for search" was 22.4 seconds.

Data transmission: Stop data reports collected via the DOJ-hosted web application will be reported directly to the DOJ. Agencies will not accrue any additional costs for data transmission beyond the connectivity cost set forth above.

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[6] The templates used in the field test reflect the current data elements and values set forth in the modified proposed regulations to be noticed for a 15-day public comment period in June 2017. Since the time of the field test, the DOJ has simplified or eliminated certain data values and replaced the prior data element "reason for presence at scene" with a simple box to be checked if the stop was made in response to a call for service. The DOJ has also added a new data element for the officer to indicate whether the officer perceives the person stopped to be lesbian, gay, bisexual, or transgender (single yes/no response). The DOJ has determined that none of these changes is likely to increase the time required to complete the form; in fact, replacing the more detailed "reason for presence at scene" with these two yes/no questions is likely to reduce the time to complete the form.

Storage and related costs: Agencies that use the DOJ web application to collect stop data will have two options for data storage:

- Agencies may elect to have the DOJ retain sole possession of the transmitted stop data. In this case, the DOJ will assume responsibility for the requisite 3-year retention period. Because these records will remain in the DOJ's control, agencies will not be responsible for any storage costs.
- As an alternative, agencies may elect to have the DOJ transmit data back to the agency for storage. Because this option is not required by the regulations, any costs associated with this option are not attributable to the regulations.

Because the regulations do not require any minimum period of data storage for those agencies that elect to collect data using the DOJ-hosted application, these agencies will not incur any costs attributable to the regulations to store the data at DOJ.

Explanation of Costs Associated with Paper Data Collection:

Printing Costs: An agency that elects to implement Government Code section 12525.5 via paper data collection would be required to produce and distribute a stop data form to officers to complete in the field. The main costs to produce the form are attributable to the statute itself, with only de minimus additional costs to produce the slightly longer form that includes the additional data elements set forth in the regulations.

In order to assess these additional costs, the DOJ created two mock forms: one limited to the statutory elements ("statute form") and a second including the additional data elements set forth in these regulations ("statute plus regulations form"). The statute form is two pages; the statute plus regulations form is three pages. Assuming a standard production cost of $0.08 for the single additional page required to produce the statute plus regulations form will cost $.08 more per stop compared to the statute form.

Officer Time: In addition to the physical forms, agencies will incur costs in the form of the time it takes an officer to complete the paper forms. For purpose of this analysis, the DOJ assumes that the time to complete a paper form will be less than or equal to the time to complete the web form used in our field test.

Data Input and Transmission: Section 12525.5, subdivision (a) requires agencies "to annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year." The statute is silent on the method of data transmission, although the statutory requirement that the DOJ promulgate regulations that "provide standards, definitions, and technical specifications to ensure uniform reporting practices across all reporting agencies" could readily be understood to indicate that the Legislature intended that all stop data be transmitted electronically to the DOJ. This is consistent with other data transmitted to the DOJ in other law enforcement contexts such as Live Scan fingerprinting.

Although data input is not properly a regulatory cost, the DOJ nevertheless provides an estimate here in the interest of completeness. The data input staff at CJIS determined that the average time required to input a paper stop data form into a spreadsheet would require 167 seconds of time per

stop. Based on an average annual salary of $60,758.24 for a data clerk (including benefits), the data input cost attributable to the regulations is $2.05 per stop. Based on this calculation, local agencies would accrue total costs of $2,814,7276 annually to input 13,730,379 local stop data forms.

Each data input personnel (or fraction thereof) would also require a computer, including a terminal, monitor, keyboard, and mouse. Based on CJIS's research, the DOJ has determined that the necessary computer equipment would cost no more than $700 per data input person (or fraction thereof).

In addition, AB 953 requires agencies to transmit (or report) data at least annually to the DOJ. The proposed regulations do not increase the reporting frequency, but do provide three methods of data transmission to the DOJ:

> Submission of Data. Agencies shall be provided with the following options to submit their stop data to the Department: (1) a web-browser based application, which shall include mobile capabilities for agencies that choose to use the Department's developed and hosted solution to submit stop data; (2) a system-to-system web service for agencies that elect to collect the data in a local system and then submit the data to the Department; and (3) a secured file transfer protocol for agencies that elect to collect the data in a local repository and then submit the data to the Department. Agencies that select option 3 shall be permitted to submit batch uploads of stop data in Excel spreadsheets and other delimited text formats of electronic documentation that complies with the Department's interface specifications.

(Proposed 11 CCR § 999.228, subd. (b).)

Of these three options, only option three (secured file transfer) is applicable for agencies that use paper data collection. The use of secured file transfer is not, however, specific to these regulations, but rather a standard procedure used by law enforcement agencies to transmit sensitive information electronically. To the extent an agency does not already have a secured file transfer protocol in place, CJIS staff intend to provide technical support, bringing the cost at or near zero for this requirement.

Data Storage: An agency that elects to collect data using paper forms will be required by the regulations to maintain that data for three years. The DOJ estimates that one gigabyte of storage is sufficient to store data for 50,000 stops. At an estimated cost of $200 per gigabyte for three years of storage, an agency will accrue ongoing costs of approximately $0.0013 per stop.

Explanation of Costs Associated with Relay-to-Dispatch:

This method eliminates the need for paper forms. Therefore, the in-field data collection costs will be limited to the officer's time to complete the stop data report.

Because data input would happen real-time via a radio or telephone conversation with the officer in the field (rather than input of a completed stop-data form), the data input time would be equal to the entire time required for an officer to complete the stop data form (including both statutory

and regulatory elements). According to the field test, the average total time to complete a stop data report is 150 seconds. Assuming that it will take twice as long to verbally complete a stop data form, the DOJ estimates that the average time to complete a stop data form via relay-to-dispatch will be 300 seconds, including 54 seconds attributable to regulatory elements. The data input time in this scenario will be equal to the officer's time on the phone or radio to complete the report (300 seconds).

The same options for data transmission and data storage discussed above for paper collection apply to relay-to-dispatch.

4. Agency Costs, by Method of Data Collection

The following chart provides a summary of the one-time, ongoing, and 5-year total (one-time costs plus 4 years of data collection) to implement each of these three methods of data collections, based on the average number of officers in each reporting tier and an estimated 255 stops per year per officer (as explained above). For the purpose of this estimate only, the DOJ assumes that the agency using the DOJ-application would need to purchase a new device for every officer, including ongoing connectivity and replacement costs for each of those devices. In reality, many officers already have access to the necessary hardware and connectivity, as explained above. Nevertheless, even with this assumption, the DOJ application proves to be significantly more cost effective across all levels of agency size:

Per-Agency Cost Calculations, By Data Collection Method						
Tier	**Avg. Officers**	**Estimated Stops**	**Collection**	**One-time**	**Ongoing**	**5-year total**
1	3,666	934,943	**DOJ Application**	**$549,967**	**$2,818,340**	**$11,823,329**
			Paper	$16,100	$4,264,485	$17,074,042
			Relay-to-Dispatch	$28,700	$7,987,221	$31,977,584
2	761	194,157	**DOJ Application**	**$114,210**	**$585,277**	**$2,455,317**
			Paper	$3,500	$885,593	$3,545,874
			Relay-to-Dispatch	$6,300	$1,658,683	$6,641,033
3	454	115,668	**DOJ Application**	**$68,040**	**$348,675**	**$1,462,742**
			Paper	$2,100	$527,588	$2,112,450
			Relay-to-Dispatch	$4,200	$988,152	$3,956,807
4	57	14,509	**DOJ Application**	**$8,534**	**$43,735**	**$183,476**
			Paper	$700	$66,177	$265,408
			Relay-to-Dispatch	$700	$123,947	$496,488

Based on this analysis, it is the DOJ assessment that most agencies—if not all—will elect to use the free DOJ application to collect stop data. The exception may for agencies with existing agency-hosted data collection systems that are able to negotiate with their vendors to modify existing systems at a lower cost (including hardware, software, and officer time). The DOJ therefore assumes for purposes of this fiscal estimate that the costs associated with the DOJ application provide an upper limit on the estimated fiscal impact to implement these regulations.

D. Estimated Fiscal Impact on State and Local Agencies

The DOJ's fiscal estimate for local and state agencies applies the same methodology set forth above, with two exceptions:

1) The officer's time to collect the required data in the field. As noted above, only 27 seconds of the 150-second median time to the complete the stop data form is attributable to the regulations. Therefore, using the same calculations set forth above, this results in an average regulatory cost of $0.44 per stop (compared to a combined statute-and-regulatory cost of $2.43).

2) Number of devices. As noted above, many officers in the field already possess the necessary equipment and connectivity to use the DOJ application. For purposes of our statewide fiscal estimates, the DOJ assumes (conservatively) that only 25 percent of officers have such equipment and that 75 percent of officers will require new devices, as well as the associated ongoing costs for connectivity and device replacement.

Although the APA only requires a two-year fiscal estimate, the DOJ provides here an estimate of the annual fiscal costs through full implementation in FY 2023 in order to demonstrate that the proposed regulations remain below the major regulation threshold set forth in the APA. These estimates account for an estimated annual inflation rate of 3%. In addition, the DOJ has assumed that the number of officers and stops will increase at a rate of 0.43% annually. This number is based on the average increase in law enforcement personnel statewide from 2012 through 2016, the time period during which agency employment began to increase again following the great recession. In contrast, the average annual grown from 2003 through 2015 was just 0.23%.[7]

The following costs are accrued in each fiscal year, based on the collection and reporting schedule set forth in Government Code section 12525.5, subdivision (a):

- **FY2017-2018:** Tier 1 one-time costs and 9 months of data collection
- **FY2018-2019:** Tier 1 ongoing costs; Tier 2 one-time costs and 9 months of collection
- **FY2019-2020:** Tiers 1-2 ongoing costs
- **FY2020-2021:** Tiers 1-2 ongoing costs; Tier 3 one-time costs and 9 months of collection
- **FY2021-2022:** Tiers 1-3 ongoing costs; Tier 4 one-time costs and 9 months of collection
- **FY2022-2023:** Tiers 1-4 ongoing costs

[7] Source: Department of Justice, OpenJustice: Criminal Justice Personnel, at https://openjustice.doj.ca.gov/crime-statistics/criminal-justice-personnel.

AB 953 Stop Data Reporting Regulations: Estimated Fiscal Impact

			FY2017-2018			FY2018-2019			FY2019-2020		
State/ Local	Reporting Tier	No. of Agencies	Total Officers	Estimated Stops	Costs	Total Officers	Estimated Stops	Costs	Total Officers	Estimated Stops	Costs
Local	1	8	25,772	6,571,860	$7,226,403	25,888	6,601,433	$5,969,228	26,004	6,631,140	$6,175,972
Local	2	5	3,807	970,785	none	3,824	975,154	$1,104,445	3,841	979,542	$912,305
Local	3	10	4,536	1,156,680	none	4,556	1,161,885	none	4,577	1,167,114	none
Local	4	392	23,382	5,962,410	none	23,487	5,989,241	none	23,593	6,016,192	none
Local Totals:		**415**	**57,497**	**14,661,735**	**$7,226,403**	**57,756**	**14,727,713**	**$7,073,673**	**58,016**	**14,793,988**	**$7,088,277**
State	1	1	7,226	1,842,630	$2,026,152	7,259	1,850,922	$1,673,663	7,291	1,859,251	$1,731,630
State	2	0	0	0	none	0	0	$0	0	0	$0
State	3	0	0	0	none	0	0	none	0	0	none
State	4	33	799	203,745	none	803	204,662	none	806	205,583	none
State Totals:		**34**	**8,025**	**2,046,375**	**$2,026,152**	**8,061**	**2,055,584**	**$1,673,663**	**8,097**	**2,064,834**	**$1,731,630**
Combined Total:		**449**	**65,522**	**16,708,110**	**$9,252,555**	**65,817**	**16,783,296**	**$8,747,336**	**66,113**	**16,858,821**	**$8,819,907**

			FY2020-2021			FY2021-2022			FY2022-2023		
State/ Local	Reporting Tier	No. of Agencies	Total Officers	Estimated Stops	Costs	Total Officers	Estimated Stops	Costs	Total Officers	Estimated Stops	Costs
Local	1	8	26,121	6,660,980	$6,389,877	26,239	6,690,954	$6,611,190	26,357	6,721,064	$6,840,169
Local	2	5	3,859	983,950	$943,903	3,876	988,377	$976,595	3,893	992,825	$1,010,419
Local	3	10	4,598	1,172,366	$1,689,830	4,618	1,177,641	$0	4,639	1,182,941	$1,203,904
Local	4	392	23,699	6,043,265	none	23,806	6,070,460	$9,012,368	23,913	6,097,777	$6,205,837
Local Totals:		**415**	**58,277**	**14,860,560**	**$9,023,610**	**58,539**	**14,927,433**	**$16,600,153**	**58,802**	**14,994,606**	**$15,260,328**
State	1	1	7,324	1,867,618	$1,791,605	7,357	1,876,022	$1,853,657	7,390	1,884,464	$1,917,859
State	2	0	0	0	$0	0	0	$0	0	0	$0
State	3	0	0	0	$0	0	0	$0	0	0	$0
State	4	33	810	206,508	none	813	207,437	$307,967	817	208,371	$212,063
State Totals:		**34**	**8,134**	**2,074,126**	**$1,791,605**	**8,170**	**2,083,459**	**$2,161,624**	**8,207**	**2,092,835**	**$2,129,922**
Combined Total:		**449**	**66,411**	**16,934,686**	**$10,815,215**	**66,709**	**17,010,892**	**$18,761,777**	**67,010**	**17,087,441**	**$17,390,251**

E. Statutory Implementation Costs Not Affected by the Regulations

As required by the APA, the above analysis is limited to the additional costs to state and local agencies to implement the proposed regulations beyond the minimum cost to implement the statute itself. In order to provide additional context to that analysis, the following is a brief summary of the ways in which the proposed regulations do not expand the data collection and reporting obligations on officers and agencies set forth in Government Code section 12525.5:

1. Officers/Agencies Subject to Reporting

The proposed regulations do not expand the basic reporting requirements of section 12525.5, which mandates that every "state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year." (Gov. Code, § 12525.5, subd. (a)(1).) The statute further defines "peace officer," as used in this section, to be "limited to members of the California Highway Patrol, a city or county law enforcement agency, and California state or university educational institutions" and to exclude "probation officers and officers in a custodial setting." The regulations do not extend the reporting requirements to any officers or agencies not otherwise required to report stop data by the statute.

2. "Stops"

The proposed regulations do not expand the definition of "stop" set forth in section 12525.5, subdivision (g)(2), which provides: "For purposes of this section, 'stop' 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." For clarity, the regulations reiterate the same definition of "stop." (See proposed 11 CCR § 999.225, subd. (a)(14).) The regulations provide the DOJ's interpretation of how the statutory definition of "stop" should be applied in certain special settings, including schools, emergencies (bomb threats, active shooters, etc.), building and event security, and the execution of search warrants. The regulations mirror the definition of "stop" in the statute, and, in fact, make clear that a number of incidents that might otherwise technically fit the statutory definition of "stop" should be excluded in order to maintain the integrity of the data and to collect information relevant and consistent with the intent of the statute. As a result, the regulations are likely to result in some cost savings to agencies by clarifying that some incidents that might otherwise within the statutory definition of "stop" are not subject to stop data collection.

3. Data Collection

The regulations to do not impose any limitations on how an agency might instruct its officers to collect the data required by the statute and the proposed regulations. The DOJ, in this STD 399, has identified four potential methods of data collection: paper, relay-to-dispatch, a DOJ-provided web application, or an agency-hosted data collection process. The regulations permit agencies to use any of these methods—or any other method that an agency might identify to collect stop data—to collect that data elements set forth in the statute and proposed regulations.

4. Data Transfer

The regulations require the DOJ to accept stop data reports from agencies using any one of the three plausible methods of data transmission available for electronic records: direct upload through a web based browser, system-to-system file transfer, or secure file transfer protocol. The regulations require the DOJ to permit agencies to use any one of these three methods.

5. Review and Redaction

Although the regulations instruct officers not to include personal identifying information in any narrative field and instruct agencies that they must redact any personal identifying information from stop records before they are transmitted to the DOJ (proposed 11 CCR § 999.228, subd. (d)), that provision is included for clarity purposes only. Government Code section 12525.5, subdivision (d) already provides: "State and local law enforcement agencies shall not report the name, address, social security number or other unique personal identifying information of persons stopped, searched, or subjected to a property seizure, for purposes of this section."

In order to comply with this statutory requirement, any agency that collects stop data internally (via paper forms, relay-to-dispatch, or agency-hosted data collection) before transmitting it to the DOJ will be required to review those records and redact any personal identifying information before submitting those records to the DOJ. Similarly, the Information Practices Act only permit agencies to disclose personal identifying information to another government agency "when required by state or federal law." (Civil Code § 1789.24, subd. (f).) Because this review and redaction requirement derives from Government Code section 12525.5 itself (as well as the Information Practices Act), these costs are not attributable to the proposed regulations.

6. Reporting Frequency

Although the regulations permit agencies to submit stop data to the DOJ as frequently as they choose, the regulations do not require agencies to submit data any more frequently than once per year, as required by Government Code section 12525, subdivision (a).

7. Unique Identifier

Although the regulations provide some direction to agencies on how to develop and use unique officer identifiers in order to protect officer confidentiality while satisfying the statutory requirement that agencies report incident-level data to the DOJ, the requirement to develop and maintain such a system flows from the statute and not the proposed regulations.

8. Narratives

The original version of the regulations did not require an open narrative in any categories, instead offering an "other" category for certain elements, such as reason for stop and reason for search. However, we received numerous comments from advocates, academics, as well as the Racial and Identity Profiling Advisory (RIPA) Board, arguing that open narratives, particularly for reason for stop and basis for search, are essential to any data collection of stops.

Based on the public comment received, as well as an analysis of nearly 3,000 stop reports collected during our field test, the DOJ has concluded that a narrative field is necessary in order to collect and report two of the required statutory elements: reason for stop and basis for search. Solely providing officers with a list of pre-determined data values, including an "other" category, from which to select would not satisfy the statutory requirement that reason for stop and basis for search be reported. For that reason, the DOJ has determined that the time to complete these two narrative fields (and any associated technology costs to collect and report these fields) are attributable to the statute itself and not the regulations.

9. Error Correction

The proposed regulations provide for an optional error resolution process by which an agency may correct its data after the data has been transmitted to the DOJ:

> In order to ensure compliance with these regulations, a reporting agency, its officers, or both may review the stop data to correct errors before submitting the stop data to the Department. Once the stop data is submitted to the Department, however, an agency can only revise stop data through the Department's error resolution process.

(Proposed 11 CCR § 999.227, subd. (a)(10).) As provided in the regulations, this error correction process is optional; the regulations do not impose any affirmative obligation on agencies to utilize that process.

F. Benefits of Data Collection

The benefits of collecting data regarding stops by law enforcement officers have been recognized by law enforcement agencies, advocates, academics, and other stakeholders. The ACLU of North Carolina describes three broad types of benefits that result from enhanced data collection efforts like those required by AB 953 and the proposed regulations:

> Data collection has benefits recognized by the law enforcement community, including the Police Executive Research Forum. First, data collection can provide significant information about a department's traffic stops and their results, which can improve a department's efficiency. It can help departments discern whether racial disparities are rooted in the department's culture or in a small number of officers who may need additional training. Most importantly, data collection can help guide dialogue within communities about racially biased policing and show affected community members a police department's willingness to work with them in addressing the issue.

(ACLU of North Carolina, Road Work Ahead, p. 1 (May 2014) at http://acluofnc.org/files/Road_Work_Ahead_-_Data_collection_report_May_2014.pdf [as of Jan. 5, 2017] [Z-2016-1129-03-01721].)

Using this framework, the remainder of this memorandum expands upon the specific benefits we anticipate to result from implementation of AB 953 and the proposed regulations, as originally set forth in the ISOR. Please note, however, that it is difficult to quantify these benefits. As the U.S. Department of Justice explains:

> Calculating the benefits from engaging in data collection and analysis is a very difficult matter. In many respects, only potential benefits can be cited. Individual departments will have to determine how far they are willing to go in using the data collected and for what purposes they are willing to use the data.

(Community Oriented Policing Services, How to Correctly Collect and Analyze Racial Profiling Data: Your Reputation Depends on It!, p. 107 (2002) at https://cops.usdoj.gov/html/cd_rom/inaction1/pubs/HowToCorrectlyCollectAnalyzeRacialProfilingData.pdf [as of Jan. 4, 2017] [Z-2016-1129-03-00727].) Unfortunately, the DOJ has no means at this time to more specifically estimate the economic benefits that may result from either AB 953 or the proposed regulations.

a. Improved Agency Efficiency

The first category of anticipated benefits from implementation of AB 953 is improved agency efficiency. Studies have shown that biased policing—whether it is the result of implicit or explicit bias—results in inefficiencies and resource misallocation. As the ACLU of North Carolina explains:

> [A] report by the Institute of Race and Justice lists several potential benefits of a strong data collection program. First, it can help provide important information about the characteristics of different types of stops and their results. Second, data on traffic stops could allow law enforcement agencies to be able to address questions about the effectiveness of their traffic stops. This is an often overlooked but important benefit of data collection, given the aforementioned evidence suggesting that officers need to complete an exorbitant number of stops to find contraband.

(Road Work Ahead, p. 12 [fns. omitted].)

For example, a recent assessment of traffic stop data from the San Francisco Police Department found that officers there were significantly more likely to search black drivers after a traffic stop compared to white drivers, and that searches of black drivers were significantly less likely to result in contraband compared to searches of white drivers. (Community Oriented Policing Services, U.S. Department of Justice, Collaborative Reform Initiative: An Assessment of the San Francisco Police Department, p. 75 (Oct. 2016), at https://ric-zai-inc.com/Publications/cops-w0817-pub.pdf [as of Jan. 4, 2017] [Z2016-11129-03-00270]; see also New York Civil Liberties Union, Stop-and-Frisk Data, at http://www.nyclu.org/content/stop-and-frisk-data [as of Jan. 7, 2017] [revealing that nearly 9 out of 10 people stopped and frisked were completely innocent] [Z-2016-1129-03-01908].)

AB 953 and these proposed regulations will enable the Department and the RIPA Board to conduct similar analysis for agencies statewide and develop training recommendations to promote more equitable and efficient policing.

In addition to addressing racial bias, the data collected pursuant to AB 953 and the proposed regulations will help to inform training recommendations across other metrics. For example, data regarding the number of stops of persons with perceived disabilities or limited English proficiency may help alert an agency of the need for enhanced training to provide better, more efficient services to those communities.

b. Understanding and Addressing Disparities

Biased policing—whether implicit or explicit, individual or systemic—results in both tangible and intangible costs for law enforcement agencies. At a minimum, agencies expend financial and staff resources to investigate and respond to citizen complaints about racial profiling. (See, e.g., Community Oriented Policing Services, U.S. Department of Justice, Collaborative Reform Initiative: An Assessment of the San Francisco Police Department, p. 62 (Oct. 2016), at https://ric-zai-inc.com/Publications/cops-w0817-pub.pdf [as of Jan. 4, 2017] [Z2016-1129-03-000257] [SFPD report discussing the number of complaints received by the SFPD annually alleging racial bias].) In other cases, law enforcement agencies and municipalities may pay steep financial costs to litigate and settle claims related to allegations of bias. (See, e.g., Susanna Capelouto, *Racial profiling costs Arizona county $22 million*, CNN (Jan. 3, 2014), available at http://www.cnn.com/2014/01/03/us/racial-profiling-payments [as of Jan. 4, 2017] [Z2016-1129-03-02076].)

The data collection required by the proposed regulations will provide invaluable information to understand where disparities exist, address those disparities, and reduce the high costs of both real and perceived disparities. For example, a recent study of the Oakland Police Department's stop data recommended additional targeted training for new officers based upon its findings that less-experienced officers show more racial disparities in their stops. (See ISOR, p. 20, citing Jennifer L. Eberhardt, et al., Strategies for Change: Research Initiatives and Recommendations To Improve Police Community Relations in Oakland, Calif., p. 5 (June 20, 2016), at https://stanford.box.com/v/Strategies-for-Change [as of Nov. 21, 2016] [Z-2016-1129-03-01079].) By requiring similar data collection and analysis statewide, AB 953 and the proposed regulations will enable the Department and RIPA Board to detect similar patterns and craft targeted training recommendations to eliminate such disparities.

c. Improved Community Relations

In addition to the immediate benefit to law enforcement agencies with respect to obtaining data regarding stops of their officers, an equally important benefit, albeit less quantifiable, of such data collection is its role in enhancing trust between agencies and the communities they serve, as a result of increased transparency and accountability. As the President's Task Force on 21st Century Policing explained:

> [L]aw enforcement's obligation is not only to reduce crime but also to do so fairly while protecting the rights of citizens. Any prevention strategy that unintentionally violates civil rights, compromises police legitimacy, or undermines trust is counterproductive from both ethical and cost-benefit perspectives. Ignoring these considerations can have both financial costs (e.g., lawsuits) and social costs (e.g., loss of public support).

(Final Report of the President's Task Force on 21st Century Policing, p. 42 (May 2015) at https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf [as of Jan. 4, 2017] [Z-2016-1129-03-01974].)

Agencies expend both financial and staff resources to compensate for a lack of community cooperation as a result of the trust deficit between some law enforcement agencies and the

communities they serve. Although the link between enhanced data collection and improved community relations is well-recognized, it remains the most difficult benefit to quantify:

> [I]t has so far been difficult to quantify the benefits of releasing data for the purpose of improved police community relations. "Better community relations" have been loosely observed, with unstandardized, qualitative measurements not fitting neatly into a metrics report.

(R. Sibley, P. Gibbs, and E. Shaw, The benefits of data in criminal justice: Improving police community relations, The Sunlight Foundation (Apr. 30, 2015) at https://sunlightfoundation.com/2015/04/30/thebenefitsofdataincriminaljusticeimprovingpolicecommunityrelations/ [as of Jan. 5, 2017] [Z-2016-1129-03-02064].)

Just as policing strategies that undermine legitimacy and trust accrue both financial and social costs, efforts to counteract such trends—like AB 953 and the Department's implementing regulations—accrue corresponding financial and social benefits. The U.S. Department of Justice has recognized similar benefits to data collection:

> An additional benefit from data collection is that it focuses attention on the issue, and may result in making members of the community feel that their concerns are at least being addressed in a substantive fashion. If police departments begin to engage their communities and interact with community groups and leaders, as part of the attempt to defuse racial profiling accusations, there may be positive benefits from this as well. The results from analysis of data collected will offer much new information about police practices and patterns, which will allow for valuable discussion and consideration of the appropriate roles for police and community members. And finally, the data collected can show police managers a great deal of information about the efficiency and productivity of the staffing patterns and practices currently employed.

(Community Oriented Policing Services, How to Correctly Collect and Analyze Racial Profiling Data: Your Reputation Depends on It!, p. 107 (2002) at https://cops.usdoj.gov/html/cd_rom/inaction1/pubs/HowToCorrectlyCollectAnalyzeRacialProfilingData.pdf [as of Jan. 4, 2017] [Z-2016-1129-03-00727]; see also U.S. Department of Justice, A Resource Guide on Racial Profiling Data Collection Systems: Promising Practices and Lessons Learned, p. 55 (Nov. 2000) at http://permanent.access.gpo.gov/lps47663/184768.pdf [as of Jan. 4, 2017] [Z-2016-1129-03-01454] [similar].)

Ultimately, as explained in the ISOR:

> Increased transparency, including the publication of this data, as required by AB 953, will be an important step in building bridges between the public and law enforcement agencies that will ultimately promote overall public safety for officers and the communities they serve.

(ISOR, p. 3.)

Exhibit 11

Stops by Rank by Fiscal Year
June 27, 2018 through June 30, 2019

Rank	FY2017-2018	FY2018-2019
Captain	0	3
Executive Assistant Chief	0	2
Lieutenant	0	70
Police Detective	52	1,712
Police Investigative Service Officer II	1	32
Police Officer I	274	33,908
Police Officer II	1,737	115,434
Police Officer III	23	1,504
Police Records Clerk	3	25
Police Recruit	20	856
Recruit	2	646
Reserve Lieutenant	0	1
Reserve Officer	0	11
Reserve Sergeant	0	13
Sergeant	75	2,856
Sergeant/Detective	11	329
Dispatcher II	0	19
Unknown	73	1,336
Total	**2,271**	**158,757**

RIPA Stop Data
Stop Date between 06/27/2018 and 06/30/2019

StopDate	Person Count	Stop Count
06/27/2018	432	415
06/28/2018	722	669
06/29/2018	653	601
06/30/2018	662	586
07/01/2018	596	558
07/02/2018	470	415
07/03/2018	730	679
07/04/2018	713	654
07/05/2018	513	463
07/06/2018	545	499
07/07/2018	533	488
07/08/2018	466	431
07/09/2018	541	492
07/10/2018	565	518
07/11/2018	589	542
07/12/2018	599	544
07/13/2018	625	557
07/14/2018	467	423
07/15/2018	408	372
07/16/2018	464	416
07/17/2018	609	539
07/18/2018	704	664
07/19/2018	561	501
07/20/2018	502	464
07/21/2018	452	399
07/22/2018	398	365
07/23/2018	563	500
07/24/2018	581	510
07/25/2018	560	516
07/26/2018	660	598
07/27/2018	561	485
07/28/2018	507	459
07/29/2018	528	492

StopDate	Person Count	Stop Count
07/30/2018	472	419
07/31/2018	609	560
08/01/2018	513	472
08/02/2018	719	635
08/03/2018	581	523
08/04/2018	517	468
08/05/2018	422	396
08/06/2018	502	447
08/07/2018	576	518
08/08/2018	605	556
08/09/2018	555	508
08/10/2018	484	449
08/11/2018	379	336
08/12/2018	385	338
08/13/2018	376	330
08/14/2018	595	548
08/15/2018	655	602
08/16/2018	713	658
08/17/2018	662	596
08/18/2018	441	400
08/19/2018	382	355
08/20/2018	520	463
08/21/2018	587	517
08/22/2018	679	632
08/23/2018	578	547
08/24/2018	589	536
08/25/2018	501	457
08/26/2018	405	358
08/27/2018	398	361
08/28/2018	546	492
08/29/2018	377	334
08/30/2018	579	537
08/31/2018	599	529
09/01/2018	572	501
09/02/2018	368	327
09/03/2018	519	454

StopDate	Person Count	Stop Count
09/04/2018	442	394
09/05/2018	646	560
09/06/2018	527	477
09/07/2018	516	464
09/08/2018	401	373
09/09/2018	341	306
09/10/2018	513	450
09/11/2018	463	395
09/12/2018	547	490
09/13/2018	438	390
09/14/2018	478	413
09/15/2018	425	378
09/16/2018	313	282
09/17/2018	465	403
09/18/2018	499	451
09/19/2018	408	372
09/20/2018	421	365
09/21/2018	360	321
09/22/2018	343	306
09/23/2018	287	238
09/24/2018	454	424
09/25/2018	537	476
09/26/2018	663	607
09/27/2018	603	535
09/28/2018	539	494
09/29/2018	470	414
09/30/2018	446	393
10/01/2018	517	439
10/02/2018	546	495
10/03/2018	592	511
10/04/2018	615	537
10/05/2018	522	464
10/06/2018	393	349
10/07/2018	381	340
10/08/2018	554	477
10/09/2018	522	458

StopDate	Person Count	Stop Count
10/10/2018	580	516
10/11/2018	564	502
10/12/2018	517	447
10/13/2018	437	384
10/14/2018	378	326
10/15/2018	414	368
10/16/2018	546	500
10/17/2018	553	499
10/18/2018	566	502
10/19/2018	492	420
10/20/2018	421	375
10/21/2018	427	377
10/22/2018	403	353
10/23/2018	448	405
10/24/2018	511	443
10/25/2018	439	397
10/26/2018	392	353
10/27/2018	291	257
10/28/2018	315	285
10/29/2018	354	322
10/30/2018	438	393
10/31/2018	420	377
11/01/2018	432	393
11/02/2018	409	369
11/03/2018	389	335
11/04/2018	386	319
11/05/2018	462	395
11/06/2018	475	427
11/07/2018	437	386
11/08/2018	482	434
11/09/2018	476	427
11/10/2018	447	400
11/11/2018	421	372
11/12/2018	557	482
11/13/2018	576	500
11/14/2018	507	449

StopDate	Person Count	Stop Count
11/15/2018	576	504
11/16/2018	520	463
11/17/2018	460	392
11/18/2018	387	360
11/19/2018	448	383
11/20/2018	507	436
11/21/2018	544	480
11/22/2018	310	269
11/23/2018	484	425
11/24/2018	517	445
11/25/2018	427	377
11/26/2018	462	414
11/27/2018	546	468
11/28/2018	518	451
11/29/2018	329	297
11/30/2018	399	352
12/01/2018	438	384
12/02/2018	465	394
12/03/2018	478	415
12/04/2018	514	466
12/05/2018	356	310
12/06/2018	274	248
12/07/2018	489	424
12/08/2018	432	385
12/09/2018	436	386
12/10/2018	473	427
12/11/2018	459	408
12/12/2018	581	524
12/13/2018	401	371
12/14/2018	608	520
12/15/2018	405	365
12/16/2018	373	327
12/17/2018	438	385
12/18/2018	451	401
12/19/2018	518	473
12/20/2018	489	418

StopDate	Person Count	Stop Count
12/21/2018	482	427
12/22/2018	486	424
12/23/2018	343	313
12/24/2018	312	284
12/25/2018	225	198
12/26/2018	434	374
12/27/2018	561	487
12/28/2018	453	399
12/29/2018	392	339
12/30/2018	388	358
12/31/2018	378	343
01/01/2019	386	349
01/02/2019	450	410
01/03/2019	477	413
01/04/2019	499	437
01/05/2019	435	387
01/06/2019	429	388
01/07/2019	414	366
01/08/2019	481	426
01/09/2019	508	457
01/10/2019	449	396
01/11/2019	347	306
01/12/2019	402	349
01/13/2019	401	346
01/14/2019	289	261
01/15/2019	400	352
01/16/2019	437	395
01/17/2019	440	394
01/18/2019	577	501
01/19/2019	512	447
01/20/2019	394	343
01/21/2019	497	423
01/22/2019	520	459
01/23/2019	549	475
01/24/2019	639	548
01/25/2019	550	470

StopDate	Person Count	Stop Count
01/26/2019	488	423
01/27/2019	435	391
01/28/2019	481	422
01/29/2019	651	561
01/30/2019	562	487
01/31/2019	434	373
02/01/2019	544	482
02/02/2019	344	305
02/03/2019	403	363
02/04/2019	343	321
02/05/2019	437	391
02/06/2019	582	523
02/07/2019	510	446
02/08/2019	550	482
02/09/2019	545	494
02/10/2019	421	383
02/11/2019	499	444
02/12/2019	521	470
02/13/2019	403	359
02/14/2019	223	186
02/15/2019	475	427
02/16/2019	508	450
02/17/2019	311	297
02/18/2019	481	419
02/19/2019	536	465
02/20/2019	357	331
02/21/2019	375	331
02/22/2019	546	483
02/23/2019	405	367
02/24/2019	423	382
02/25/2019	438	377
02/26/2019	460	417
02/27/2019	426	385
02/28/2019	499	445
03/01/2019	478	416
03/02/2019	491	429

StopDate	Person Count	Stop Count
03/03/2019	481	439
03/04/2019	535	491
03/05/2019	441	398
03/06/2019	393	335
03/07/2019	675	617
03/08/2019	519	472
03/09/2019	564	500
03/10/2019	460	410
03/11/2019	410	354
03/12/2019	498	435
03/13/2019	584	512
03/14/2019	631	569
03/15/2019	589	508
03/16/2019	531	463
03/17/2019	420	379
03/18/2019	457	403
03/19/2019	586	538
03/20/2019	495	429
03/21/2019	524	464
03/22/2019	545	466
03/23/2019	510	449
03/24/2019	431	381
03/25/2019	439	391
03/26/2019	701	628
03/27/2019	712	628
03/28/2019	565	493
03/29/2019	561	484
03/30/2019	537	479
03/31/2019	446	399
04/01/2019	586	501
04/02/2019	535	469
04/03/2019	492	450
04/04/2019	613	562
04/05/2019	576	476
04/06/2019	551	475
04/07/2019	452	414

StopDate	Person Count	Stop Count
04/08/2019	453	409
04/09/2019	591	533
04/10/2019	534	480
04/11/2019	669	609
04/12/2019	541	484
04/13/2019	549	480
04/14/2019	448	395
04/15/2019	530	455
04/16/2019	485	436
04/17/2019	594	524
04/18/2019	650	574
04/19/2019	552	497
04/20/2019	551	503
04/21/2019	407	362
04/22/2019	571	502
04/23/2019	532	479
04/24/2019	601	534
04/25/2019	585	527
04/26/2019	568	481
04/27/2019	439	377
04/28/2019	370	316
04/29/2019	362	322
04/30/2019	346	305
05/01/2019	419	344
05/02/2019	591	497
05/03/2019	495	423
05/04/2019	507	448
05/05/2019	416	379
05/06/2019	470	411
05/07/2019	496	437
05/08/2019	674	589
05/09/2019	543	473
05/10/2019	501	446
05/11/2019	461	414
05/12/2019	434	385
05/13/2019	501	423

StopDate	Person Count	Stop Count
05/14/2019	515	444
05/15/2019	528	495
05/16/2019	445	392
05/17/2019	509	448
05/18/2019	387	327
05/19/2019	420	366
05/20/2019	399	361
05/21/2019	487	434
05/22/2019	465	420
05/23/2019	793	702
05/24/2019	646	561
05/25/2019	642	523
05/26/2019	458	400
05/27/2019	653	536
05/28/2019	462	423
05/29/2019	612	530
05/30/2019	503	438
05/31/2019	600	506
06/01/2019	554	457
06/02/2019	459	368
06/03/2019	545	458
06/04/2019	463	425
06/05/2019	546	484
06/06/2019	563	474
06/07/2019	566	457
06/08/2019	567	455
06/09/2019	483	405
06/10/2019	375	345
06/11/2019	486	431
06/12/2019	491	422
06/13/2019	574	452
06/14/2019	553	453
06/15/2019	515	393
06/16/2019	389	315
06/17/2019	539	457
06/18/2019	422	374

StopDate	Person Count	Stop Count
06/19/2019	566	522
06/20/2019	565	453
06/21/2019	570	453
06/22/2019	448	333
06/23/2019	364	294
06/24/2019	458	411
06/25/2019	440	388
06/26/2019	482	437
06/27/2019	627	493
06/28/2019	545	426
06/29/2019	525	377
06/30/2019	488	375
Grand Total:	**182194**	**161028**

Exhibit 12

Command Leadership Training 2018

1. Mid-City Division	July 23-24
2. Western Division	July 25-26
3. Training/Traffic Division	July 30-31 ****
4. IA/PSU/Neighborhood Policing Division	August 1-2 ****
5. Investigations II	August 6-7 ****
6. Investigations I	August 8-9 ****
7. Central Division	August 13-14
8. Eastern Division	August 15-16
9. Northern Division	August 20-21
10. Ops Support/Northwestern Division	August 22-23
11. Southern Division/Northeastern Division	August 27-28
12. Southeastern Division	August 29-30

If you are unable to attend on your scheduled date, please attend any other class. Be sure to sign in on the class roster to receive credit for your attendance.

Command Training will take place at NTC. The classroom will be designated the morning of the training.

****Classes 3, 4, 5 and 6 will be held at the Chabad Academy, located at 10785 Pomerado Rd San Diego, Ca 92131****

Enter off Pomerado Road and turn onto Chabad Center Drive then enter through security gate.

Also, please send this to all people attending the training – we don't want any popped tires and damaged roofs.

1) **The gate only allows ONE car per green**
2) **Gate code is #[redacted] (need to press buttons hard)**
3) **There are two entry lanes – one on the left to enter the code and one on the right for RFID tags**

Some parents and teachers have RFID tags that open the gate automatically. They are able to pass the vehicle entering the code. Even if someone has entered the code and a vehicle passes them on the right hand side (RFID tag lane) – DO NOT FOLLOW THAT CAR IN – tires will get popped. The person will need to re-enter the code before proceeding. Parents/teachers know that RFID tags have right of way.

2018 COMMAND LEADERSHIP TRAINING

JULY 23-AUGUST 30 2018

DAY ONE (Monday Wednesday)

TIME	UNIT	TOPIC
0600-0700	Chief's Office / POA	Greeting and POA
0700-0800	Chief's Office/Special Projects	AB 953/Racial Identity Profiling Act
0800-0900	In-Service Training Unit	Use of Force Report Reviewing
0900-1100	City Attorney	Civil Liability Update
1100-1200	Lunch	
1200-1400	Internal Affairs	Unit Update
1400-1500	Communications and Branding	Public Interaction and Unit Update
1500-1600	Special Investigations	Electronic Communication Privacy Act

DAY TWO (Tuesday Thursday)

TIME	UNIT	TOPIC
0600-0700	Commands	Decision Making (Facilitated By Command Cpts)
0700-0900	Neighborhood Policing Division	New Unit Update
0900-1100	Critical Incident Mgmt. Unit	MFF Training / Drones
1100-1200	Lunch	
1200-1300	Leadership Development Unit	How To Give Negative Feedback
1300-1500	ICAC / FBI	Social Media and Related Topics
1500-1600	Commands	Command's Free Time

35 Total

MID CITY
7/23/18 -
7/24/18

COMMAND TRAINING 2018

NAME (LAST,FIRST)	ID NUMBER	ASSIGNMENT	DAY #1-INITIAL	DAY #2-INITIAL
PICKARD, SCOTT	5899	MID-CITY		
Howell, Shane	4589	MC	SH	
PETERSON, VERNON	5605	MC		
POTTIN, LIANNE	6357	MC		
CHAMBERS, NATHAN	7021	MC		
DAVIS, ROBERT	6781	MC	RD	
BARNES, EDRICK	6211	MC		
KETCHUM, NICK	5955	MC		
SHAW, STEVEN	4375	MC		
[illegible], SYLVIA	4986	MC		
NUNEZ, GARRICK	5349	MC		
MORALES, SAM	6858	MC		
SEITER, ERIC	5461	INV II		
MASCHMEIER, M	4460	MC		
POWER, MICHAEL	6180	MC		
LACO, PATRICK	5864	MC		
DEVORE, BRENT	6742	MC		
LAURENDEAU, EDWARD	6542	SG-2		
[illegible], ROBERT	4195	MC 2		
AMBITO, ALBERT	6190	MC		
FORD, M. [illegible]	5582	MC		
COLLINS, [illegible]	5700	MC		
VALENZUELA, KEVIN	6102	NW-1	K.V.	K.V.
WILLIAMS, DON	5387	MC		

24

000138

Quintos, Ysabella	5635	MC		
Mosteller, Jake	5412	MC		
Marcelo Popoca	5126	K9		
Omar Sinclair	5185	MC		
J.D. Campbell	6367	MC		
Carry Adair	4716	K9		
Adrian Lee	5244	MC		
Shumaker, Ben	5983	MC		
Barnes, Scott	5101	CIU		
Norris, Pat	5017	MC		
Morales Sam	6858	M		
	35			

22 Total

Western

7/25/18 - 7/26/18

COMMAND TRAINING 2018

NAME (LAST,FIRST)	ID NUMBER	ASSIGNMENT	DAY #1-INITIAL	DAY #2-INITIAL
SERRANO, MICHAEL	6186	W-3	MS	MS
KELLY, PATRICK	6540	W-1	PK	PK
SIMONSEN, MICHAEL	5092	W-INV	MS	MS
PETTUS, BILL	5382	W-INV	WP	WP
CLENDENEN, TAMMY	6236	JOV ADMIN	TLC	TLC
BELZ, BRIGITTA	4996	W-2	BJB	BJB
HAYS, ERIC	3907	W ADMIN	EH	EH
[illegible]	4287	W-INV	[illegible]	[illegible]
Grubbs, Don	4776	W-Admin	[illegible]	[illegible]
GLASS, RON	4930	W-1	ROG	ROG
HALL, PATRICK	5585	W-2	PH	PH
LANE, BART	5977	W-3	BL	BL
WAGNER, MICHAEL	7147	W2	MW	MW
TURNER, CODY	6518	W-1	CT	CT
COLON LUIS	5918	W-2	LC	
SMYTH, DAN	4508	CEN	[illegible]	[illegible]
ZIMMERMAN, HANS	5474	W-3	HZ	HZ
MYERS, ANDRORA	6221	W-C	AM	AM
STEWART, KELLY	6558	W-3	KS	KS
TAI, RUDY	4709	W	RT	RT
ZIMMERMAN, HANS	5474	W-		HZ
POPULIN, MARCELO	5126	K9		MP

000140

29 total

July 30 & 31, 2018

Training Division & Traffic

COMMAND TRAINING 2018

NAME (LAST,FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
DOHERTY, TYLER	6372	T3	TD	TD
JOHNSON, Buddy	4934	T-2 CIB	BJ	BJ
Cimmarrusti, Raphael	4525	Special Evts		
McNoan, Laura	5119	Traffic		
WONG, KEVIN	5136	SPECIAL EVTS		
FLAKE, LEONNIED	4135	TRAFFIC		
KARSH, ALAN	5176	T-1	ABK	ABK
SAROT, CHRIS	4689	IST/RANGE	CMS	CMS
STEPHENS, MARC	5865	CIB T-3	MAS	MAS
McDONALD, ROBERT	4657	CIB T2	RM	RM
HOUSEMAN, VICTORIA	5262	TRAFFIC		
SORBIE, BRANDY	5926	TRAFFIC	BS	BS
CARTER, WILLIAM	5477	TRAFFIC		
LOPEZ, SERGIO	4788	TRAFFIC		
KRIES, DAVID K	4222	TRAFFIC		
CLARK, JOSEPH	5496	TRAFFIC		
BURLISON, ROB	5624	TRAFFIC	RB	RB
ROZSA, DAVID	6097	TRAFFIC	DR	DR
DAHN, ROBERT	4202	OP SUPPORT		
COLON, BERNIE	4614	BACKGROUNDS		
LEOS, ALBERTO	5060	TRAINING		
LEHAN, JOHN	5369	BACKGROUNDS		
CASTRO, RICKY	4280	INV. I D.V.U		
Cedrun, Misty	5183	TRNG - LOU	MC	MC

24

000141

QUINTON KAWAHARA	9651	RES. ADMIN		
Mike Torres	9570	TRAFFIC	MT	MT
JONATHAN LOWE	5568	RECRUITING	JL	JL
PETERSON, JEFFREY	5188	JUVENILE ADMIN	JPP	JPP
VOSS, DUANE	4857	TRAFFIC	DAV	DAV
~~SERGT, LYLE~~	~~4234~~	~~TRAFFIC~~		
	29			

I.A/PSU/NPD 9/1/18 & 9/2/18

34 total

COMMAND TRAINING 2018

NAME (LAST,FIRST)	ID NUMBER	ASSIGNMENT	DAY #1-INITIAL	DAY #2-INITIAL
HARBERTH, JOHN	5169	NPH	JH	JH
WAHL, SCOTT	5467	NPH	SW	SW
PHILLIPS, PAUL	4882	IA	PP	PP
MORRIS J. WES	5490	IA	JWM	JWM
HOLT, JESSIE	5002	WESTERN	JH	JH
METZ, RICHARD	4671	PSU	RM	RM
MANANSALA, ERWIN	6010	PSU	EM	EM
DELGADILLO, RAUL	4978	PSU		
COLON LUIS	5915	NDU	LC	LC
GUTIERREZ, RUBEN	5948	IA	RG.	RG.
MINTER, GREG	6052	IA	GM	GM
BISESTO, MEDHAN	5797	IA	MB	MB
JIMENEZ, CESAR	6593	IA	CJ	
Heller, PATRICK	5900	NP	PH	PH
Randolph, Matt	6183	DV	MR	MR
RIGHTHOUSE, BRET A.	4173	IA	BAR	BAR
SAYASANE, DAN	5680	CHIEF'S OFFICE	DS	DS
HUYS, JOHN	5097	IA	JH	JH
BENNETT, MARK	4559	IA		
Grossman, Robert	4249	IA		
SANCHEZ, JUAN	5378	CIU		
Huff, JEREMY	6929	NPD		
ROBERTSON, NICOLE	6292	NPD	NR	NR
BOTSFORD, STACEE	5264	NPD	SB	SB

24

WOODELL, PHANOMSACK	5491	NPD/HOT	PW	PW
TANGOG, LORRAINE	5132	NPD/C-2	LV 3	LV 3
WILLETT, CHRIS	6888	NPD/W-1	CW	CW
EDWARDS, EZMER	4895	NPD/HOT	EME	EME
RICH, COCISSA	6727	NPD	CR	CR
LARA, CHARLES	5591	NPD/HOT	CL	CL
HINZO, RICH	5547	NPD	RH	RH
HIGDON, DAN	5057	PSU	DH	DH
MERRIMAN, LEVI	6546	NPD	LM	LM
FOX, RICHARD	5050	IA	RF	RF
~~Richard Hinzo~~				
	34			

000144

INVI, Aug 8-9, 2018

33 Total

COMMAND TRAINING 2018

NAME (LAST,FIRST)	ID NUMBER	ASSIGNMENT	DAY #1-INITIAL	DAY #2-INITIAL
SAFLAR, JOHN	5193	CHILD ABUSE		
WELCH, JASON	5563	SEX CRIMES		
CASILLAS, ROBERTO	T341	HTTF		
FLAMAND, DALE	4385	ICAC	DF	
BULKOWSKI, JOE	4781	CHILD ABUSE		
CASTRO, NYDIA	5440	SEX CRIMES	NMC	NMC
BERSON, CAROLE	5260	VICE		
BAILEY RON	5100	SCU		
DEDONATO, NICK	60076	VICE	ND	
PEN, VAN	5924	NORTHERN		
STINSON, ROBERT	5527	VICE		
MEYER, DANIEL	6072	VICE		
MCGILVRAY, BRIAN	6078	VICE	BGM	BGM
MCCURRY, BEN	5781	VICE	BZM	BZM
HILL, ALICIA	6589	INVI/DV	AH	-
Jones, Mitchell	6595	M/C		
BASSETT, TINA	5116	INVI/NST		
Alex de Armas	4013	INVI/NTF		
WILLIAMS, DAVID	3994	INV C/ONE	DW	
CHAVEZ, JOSE	5575	INV I/NARC		
AGUILAR, RICK	5386	INV I/NARC		
BASSETT, TOD	4451	INVI/NTF		
NOVAK, MATT	5098	INVI/NST	MN	
BROWN, BILL	5379	INVI/NTF		

000145

STIASNY, ELLIOT	4187	INVI/NST	ES	ES
TIRAMIAN, CHRIS	5871	INV I / NST	CT	CT
WINKER, DEREK	5600	INVI/NST	DW	DW
ZWIBEL, EDWARD	5475	WATCH COMMAND	EZ	EZ
DOLAN, DAVID	4332	CIU	DD	DD
GRIFFIN, LINDA	4357	INV I - 390	SG	SG
FREEDMAN, RICHARD	4910	INV I	RF	RF
NGUYEN, TU	4664	INV-I	TN	TN
BAILIFF				
~~CATHERINE ROSING~~	~~4341~~	//		
	33			

000146

INV II Aug 6-7, 2018

32 Total

COMMAND TRAINING 2018

NAME (LAST,FIRST)	ID NUMBER	ASSIGNMENT	DAY #1-INITIAL	DAY #2-INITIAL
WHITE, MARSHALL	4100	INV II GANGS	MKW	MKW
ROWE, RAY	5251	INV II GANGS		
FORTIER, KEN	3721	INV II GANGS	KF	KF
Behrendt, Steve	4528	Inv II ECU		
ALBRIGHT, DANIEL	3923	INV II ECU		
TURNER, TODD	5093	INV II. GST	INT	INT
Martha G. Sainz	4907	Inv II		
DISHNO, TRACY	4927	INV II - ECU	2D	2D
CHERSKI, MELISSA	5852	ELDER	mc	mc
LANE, BART	5977	INV II GST	B.K	
TSUI, JASON	6560	NORTHERN		
SPURLOCK, STEVEN	4710	INV II/STU	SBS	SBS
DAVIS, KELLY	5025	INV II/GSP	KRD	KRD
BUTCHART, ALLAN	5153	INV II/GST		
VELOVICH, MICHELLE	5353	INV II/Hom		
CONley, PAUL	4673	INV II/HOM	PPC	PPC
DUPREE, ANTHONY	5048	INV II/HOM	ALD	ALD
MAGGI, LOUIS	5595	INV II/HOM		
DOBBS MATT	5228	INV II/Hom		
DELTORO MANUEL	4754	CIU		
JOHNSON, LUKE	5954	Inv II/Hom		
MACINOWSKI, DUANE	4941	INV II/HOMICIDE		
DECESARI, GEOFFREY	60026	INV II/HOM		
UNDERWOOD, TOM	5001	INV II		

000147

DeLos Reyes, Ronco	4425	INV II		
Cruz V.A.	4297	INV II	VC	VC
Flood, Chris	4813	INV II		
Techin, Rick	4850	INV II	RP	RP
Cameron, Chris	4597	INV II	CC	CC
Hill, Ali	0589	INV I		Ah
Yu, Dave	5643	MAV		
Macon, Kevin	5117	INV II		
	32			

000143

Central Division
8/13/18 - 8/14/18

26 total

COMMAND TRAINING 2018

NAME (LAST,FIRST)	ID NUMBER	ASSIGNMENT	DAY #1-INITIAL	DAY #2-INITIAL
WALLACE, MICHAEL	6404	CENTRAL - 3RD ?	MW	MW
OH, TAERANCE	5963	WESTERN - 2ND	TO	
BRINKERHOFF, DAN	517	CENTRAL INV		
MATTLY, JUSTIN	6143	CENTRAL SEC	JM	JM
BAGS, VINCE	5873	CENTRAL		
SHUMAKER, BEN	5903	CENTRAL	BS	BS
DUNCAN, JONATHAN	6137	CENTRAL	JMD	JMD
SPURLOCK, DESIREE	4856	"		
MCANNALLY, JASON	4573	CENTRAL		
MCCLAIN, DANIEL	6013	CENTRAL		
KORENKOV, ANDREW	6276	CENTRAL	AK	AK
TIEN, JOEL	6128	F. A.	JT	JT
NGUYEN, NICK	6179	CENTRAL	NN	NN
KELLINGTON, MICHAEL	6384	CENTRAL	MK	MK
GREEN, BRAD	6020	CENTRAL		
EPPERSON, JULIE	5111	CENTRAL		
THOMAS, DEAN	5425	CENTRAL		
BISHOP, DEAN	5937	CENTRAL	DRB	DRB
MCANDREW, KRISTOPHER	6099	CENTRAL	KM	KM
HOLDEN, MIKE	4997	CENTRAL		
SCOTT, ARTHUR	6029	CENTRAL	AS	AS
FORSEY, RICH	5172	CENTRAL	R.F.	R.F.
BOTKIN, MATTHEW	5875	CENTRAL	MB	MB
MCANNALLY, JASON	4573	CENTRAL		

000149

WADHAMS, KEVIN	5802	CENTRAL	K	K
HOLSIAC, SCOTT	5352	K9	SA	SA
	26			

000150

Eastern Division 8/15/18 8/16/18

24 total

COMMAND TRAINING 2018

NAME (LAST,FIRST)	ID NUMBER	ASSIGNMENT	DAY #1-INITIAL	DAY #2-INITIAL
CLEM, DEBORAH	5769	E-2		
EMILIO RAMIREZ	6056	E-1		
DAN HALL	5398	E-INV		
Salinas, Jeffrey	5069	MAU	JS	JS
MORA, ROBERT	5671	E1		
RUVIDO, JOSEPH	5509	E-3	JR	JR
FRENCH, BRIAN	070514	E-2		
THOMAS, JOE	5861	E3		
RADTKE, Tim	6554	W-1	R	R
NEWQUIST, ROB	5915	E-INV		
MOYNO, KEVIN	5506	INTERNAL AFFAIRS		
ESTEVES, ELIAS	5771	INTERNAL OFFICER EE		
GOLDBERG, BRIAN	2573	EAST		
WINTZ, Michael	5438	E		
NICHOLS, JEFFREY	5783	E	JW	JW
Brown, Andra	3950	WC-3	AeB	AeB
LANE, JOHN	6344	E 3		
LITTLE, HIGHHORSE	6219	E-3	HL	HL
SAVAGE, ARIEL	6059	E-2	AS	AS
VARGAS, MIKE	5081	TRAINING		
LEAHY, CHRISTOPHER	5869	W-2		
Hoffman Andrew	4147	E		
JORDAN, JEFF	5316	ADMIN		
LACANGAN, ED	5957	E		

000151

Northern Division 8/20/18 8/21/18

19 Total

COMMAND TRAINING 2018

NAME (LAST,FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
Mayer, Kevin	4510	Northern		
Buxton, Chris	4123	N/INV.	CB	CB
Sharp, Chris	4855	WC	CS	CS
Denny John	6371	Northern	JD.	JD.
Brecht, David	5807	Northern	DB	DB
Burr, Geoff	6066	Northern		
Adams, Simon	5970	NOR		
Odom, Josh	5981	NOR		
Barnhart, Stan	5919	Northern		
McEwen, Michael	5370	Northern	MM	MM
Layton, Farrell	4877	Northern		
Jose, Mark	4217	Northern		
Wilson, Jared	616	Northern		
Gibson, Kevin	[illegible]	[illegible]		
Waldheim, Steve	5514	Northern		
Shebloski, Stephen	5317	Hi City	SS	SS.
Swadener, Arturo	5753	CIU	CJS	CJS
Scott, Jason	5712	Northern		
Bernstein, Meryl	4667	Northern		

000152

OPS Support + North Western

Aug 22-23, 2018

(26)

358 total

COMMAND TRAINING 2018

(27)

NAME (LAST,FIRST)	ID NUMBER	ASSIGNMENT	DAY #1-INITIAL	DAY #2-INITIAL
LACANGAN, ED	5957	E-2		
SCHMOTZACH, TRISTAN	5682	OPS	TS	TS
LESCA, TRACY	4926	K9	TL	TL
PORTNOY, ERIC	6315	NW/1	ENP	ENP
LINK, NICHOLAS	6278	OPS	NL	NL
YANG, PAUL	5257	OPS	PY	PY
CALTEN, LAUNCH	4007	OPS	LC	LC
MARTIN, SHANE	4621	ABLE	SM	SM
HAWKINS, ROBERT	5029	W/C	RH	RH
RAMSAY, MIKE	5141	W/C	MR	MR
OWENS, JERRY	5602	RAP	JO	JO
SAUNDERS, MARK	4501	NW	MS	MS
RESCH JACOB	5829	K9	JR	JR
CARLSON, TOM	5269	K9	TC	TC
SANDERS, BRIAN	6611	N-1	BS	BS
WILLIAMSON, MARK	4506	OP-SUPER	MW	MW
JANSEN, MICHAEL	4189	W/C	MJ	MJ
GIWI, CASEY	5711	K9-3	CG	CG
HOOVER, DARRYL	4720	COMMS	DH	DH
SCOTT HOLSIN	4576	K9	SH	
JESS HAVIN	3750	K9-2	JH	JH
ED LYNCH	4939	NW-3	EL	EL
JOHN SZAKOVA	5530	INV II	JS	JS
29 Stephanie Ross	4991	OPS	SR	SR

000153

ANOY FELLOWS	5162	K9-2	ATT	ATT
EDWIN GAMLETTE	5583	WELLNESS	EG	EG

000154

(14)

COMMAND TRAINING 2018

AUG - 22 23, 2018

NAME (LAST,FIRST)	ID NUMBER	ASSIGNMENT	DAY #1-INITIAL	DAY #2-INITIAL
CAROPRESO, DAN	5363	AC		
CAROPRESO FRANK	4735	NW	✓	✓
EVANS, CRAIG	5493	ASU	CE	CE
RIVERA, CARMELIN	5336	NW	CR	CR
PIDGEON, MIKE	5005	K9	MP	MP
DUNNIGAN, CHARLES	4969	TM1	COD	COD
TAKEUCHI, SHAWN	5375	BACKGROUNDS	ST	ST
PHILHOWER, RONNIE	5371	EIS	RP	
JARRELLS, JASON	5470	CIMU		
Bardonet Scott	5094	NW	SDB	
TAGABAN, ESMERALDA	5794	TRAINING		
STERLING J	4994	NW	JS	JS
ALBERS, WES	4672	NW	WA	WA
~~LINK MICHOLAS~~	~~6248~~	~~OPS~~		
YANG, PAUL	5257	OPS		

000155

Southern & N.E. Divisions
August 27-28, 2018

35 total

COMMAND TRAINING 2018

NAME (LAST,FIRST)	ID NUMBER	ASSIGNMENT	DAY #1-INITIAL	DAY #2-INITIAL
~~AVALOS, GARY~~	~~5323~~	~~S-1~~		
AVALOS, GARY	5323	S-1		
DE LOS REYES, DEANA	4988	S-INV		
SHARPE, ADAM	5760	S		
ZIEGLER, EVAN	4450	S		
CISNEROS, CRYSTAL	5884	S		
RODRIGUEZ, VICTOR	6801	S		
DEMPSEY, BRYAN	6136	NE		
MIRANDA, MIKE	5989	NE		
MESSINEO, VITO	5278	NE		
KONG, PHIL	5240	N/E		
LEISE, CLINTON	5776	N/E		
MILLAN, TED	5737	S		
VILLALOBOS, STEVEN	4792	NE		
KELLY, PEPPER	5309	NE		
STONE, NATALIE	4481	NE		
VALENTIN, RAY	4398	NE		
Ellsworth, Scott	6576	S		
ZIMMERMAN, JONATHAN	6375	S		
OCHOA, JESSE	6449	S		
SULLIVAN, TOM	4676	W.C. OFF.		
PEARSON, JACK	5282	INV II/BCU		
MAROTTA, ROBERT	9634	NE		
WOLFE, TYLER	6086	NE		
STEFLEVICH, DANIEL	6670	NE		

000156

			DAY 1	DAY 2
PIRA CARL	5284	NE1	CRP	CRP
BROWN, PETE	5994	S2		
Terhaar, Philip	4723	S-JST		
Lawrence, Kasey Lee	5380	NE3		
BROWN, JON	5341	S-2		
AL AMBITO	6190	SO		
CHRIS ASBELL	[illegible]	SO		
[illegible], KNIGHTEN	5357	NE		
[illegible] BRIAN AVERA	6266	VICE		
BREISE, ANTHONY	6633	S		
VARLONS, MARK	5081	FFD ADM		

000157

Southeastern
8/29/18 8/30/18

29 total

COMMAND TRAINING 2018

NAME (LAST,FIRST)	ID NUMBER	ASSIGNMENT	DAY #1-INITIAL	DAY #2-INITIAL
KELSO, BEN	4702	SE	BK	BK
SWANSON, MICHAEL	5860	w/c	MJS	MJS
NAPORA, SCOTT	5601	SE	SDN	SDN
JOHNSON, JAMES	5174	SE	(J)	(J)
VALENZUELA, LOUIS	4291	SE	LeV.	LeV.
SERVIN, ERNESTO	4836	SE		
HOLLAND, VANESSA	4933	NW		
RODRIGUEZ, RAMIRO	5857	SE	RoR	RoR
MCGUIRE, ED	5736	SE		
BUROW, DAN	5268	SE		
TENNIN, JON	6258	SE	JST	JST
WILCKEN, CHRISTOPHER	6019	SE		
THOMPSON, JARED	6359	SE		
CZAS, MARIUSZ	5916	SE		
WHITE, FRANK	6187	SE		
PEREZ, MARIO	6312	SE	M.P.	M.P.
OLIVER, HAROLD	5492	SE		
MACON, KEVIN	5117	SG4		
MELHORN, SKIP	4261	S		
JOHNSON, MATTHEW	6080	SE	MJ	MJ
ALEXANDER, ALONZO	4638	SE	AA	AA
REESE, ANTHONY	5517	SE		
HARA, JERRY	4973	SE		
HURTADO, SAL	5448	NW		

000158

DAVE YU	5643	MAU		
O'DONNELL, BRAD	5018	NW		
MCKEAN, LISA	5931	N		
GARCIA, IVAN	5445	OPS	I.G.	
AVERA, BRIAN	62666	VICE		BA

Exhibit 13

Row Labels	Count of Rank
Assistant Chief	6
Captain	16
Chief of Police	1
Executive Assistant Chief	1
Lieutenant	52
Police Detective	241
Police Investigative Service Officer II	2
Police Officer I	151
Police Officer II	955
Police Officer III	9
Recruit	9
Sergeant	166
Sergeant/Detective	103
Grand Total	**1712**

Item ID	Last Name	First Name	User Last Activity	User Credit Given	Object	Object Las
SDPD_AB953	Ellsworth	Philip	6/26/2018 03:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Lopez	Sergio	6/19/2018 11:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Plein	Dan	8/3/2018 06:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/3/2018 Diego
SDPD_AB953	Lee	Adrian	6/27/2018 08:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Limon	Ildefonso	6/21/2018 03:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Alvarez	Martin	6/18/2018 08:27 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Caropreso	Daniel	6/20/2018 12:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Fletes	Eduardo	6/18/2018 08:23 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Mercado	Jose	6/26/2018 02:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Impellizeri	Kenneth	7/11/2018 07:19 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/201 Diego
SDPD_AB953	Hall	Jenny	6/19/2018 04:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Amezcua	Carlos	6/28/2018 09:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Kilby	Christopher	INDUSTRIAL LV	NO		
SDPD_AB953	Wahl	Scott	6/27/2018 12:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Avalos	Gary	7/15/2018 10:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/15/201 Diego
SDPD_AB953	Albright	Donald	7/9/2018 08:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/9/2018 (Diego

000162

SDPD_AB953	Albright	Daniel	6/21/2018 01:53 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Stephens	Marc	8/15/2018 02:11 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/2018 Diego
SDPD_AB953	Sullivan	Thomas	6/29/2018 12:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2018 Diego
SDPD_AB953	Norris	Patrick	6/18/2018 12:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Hurtado	Salvador	7/20/2018 07:41 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/20/2018 Diego
SDPD_AB953	Dobbs	Matthew	6/21/2018 10:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Gonzales	Florante	6/23/2018 02:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/2018 Diego
SDPD_AB953	Coore	Vicki	6/20/2018 02:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Bendixen	Michael	6/22/2018 06:52 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018 Diego
SDPD_AB953	Hoover	Darryl	6/19/2018 07:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Alberts	Michael	6/18/2018 03:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Mangum	Wesley	6/19/2018 03:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Rodriguez	Elias	6/23/2018 09:24 AM America/San Diego 6/23/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/23/2018 Diego
SDPD_AB953	Huys	John	6/27/2018 12:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018 Diego
SDPD_AB953	Simpson	Robert	6/21/2018 06:43 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Romero	Fausto	6/19/2018 07:55 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Mc Donald	Robert	6/19/2018 08:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego

000163

SDPD_AB953	Martinez	Jeffrey	6/27/2018 10:41 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018 Diego
SDPD_AB953	Williams	David	6/19/2018 01:52 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Jordon	Jeffrey	7/18/2018 12:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/2018 Diego
SDPD_AB953	Kries	David	7/12/2018 07:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/2018 Diego
SDPD_AB953	Drilling	Eric	6/18/2018 07:40 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Flood	Gregory	8/14/2018 01:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/14/2018 Diego
SDPD_AB953	Yu	Dave	7/5/2018 07:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/5/2018 Diego

000164

SDPD_AB953	Delgadillo	Maria	6/28/2018 08:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Willhelm	Mark	8/7/2018 12:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/7/2018
SDPD_AB953	Fleming	Samantha	6/20/2018 01:59 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Tivanian	Christopher	6/19/2018 06:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Real	Carlos	6/20/2018 02:18 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Populin	Marcelo	6/16/2018 10:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Sorbie	Brandy	6/21/2018 06:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Pollock	Erik	6/21/2018 10:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Casillas	Roberto	7/12/2018 02:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Davies	Lisa	7/12/2018 11:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Jedlicka	Scott	6/21/2018 11:15 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Goldberg	Brian	11/19/2018 03:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/19/20 Diego
SDPD_AB953	Caropreso	Frank	7/17/2018 06:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/201 Diego
SDPD_AB953	Castillo	Joseph	6/19/2018 01:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Negron	Adrian	6/19/2018 10:50 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Martinez	Chrissy	6/26/2018 04:45 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Levenberg	Thomas	8/14/2018 01:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/14/201 Diego

000165

SDPD_AB953	Milloy	John	6/21/2018 11:12 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Powers	Jason	7/2/2018 01:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/2018
SDPD_AB953	Krueger	Richard	6/27/2018 03:49 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Leek	Gordon	6/15/2018 04:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Lavalle	Edmund	6/18/2018 07:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Anderson	Peggy	6/28/2018 10:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Dierdorff	Daniel	6/21/2018 01:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Sanchez	Juan	6/22/2018 11:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Sandefur	Scott	6/29/2018 08:41 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/201 Diego
SDPD_AB953	Roman	Luis	8/16/2018 02:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/16/201 Diego
SDPD_AB953	Almos	Karen	7/19/2018 09:47 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/19/201 Diego
SDPD_AB953	Dunnigan	Charles	7/13/2018 08:47 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/13/201 Diego
SDPD_AB953	Fellows	Andrew	6/21/2018 09:24 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Miller	Douglas	8/14/2018 01:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/14/201 Diego
SDPD_AB953	Withers	Robert	6/20/2018 02:38 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Hoover	Dana	6/19/2018 08:19 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Grubbs	Daniel	6/21/2018 08:54 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego

000166

SDPD_AB953	Flores	Raul	6/21/2018 10:51 AM America/San Diego 6/20/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Saflar	John	6/27/2018 02:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Day	Michael	6/18/2018 09:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Holt	Christopher	6/15/2018 08:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Mendez	Jose	6/27/2018 04:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	White	Marshall	6/18/2018 03:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego

000167

SDPD_AB953	Sweet	Michael	6/20/2018 08:57 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Gain	Mark	6/19/2018 08:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Rodriguez	Victor	6/22/2018 06:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Bisesto	Gregory	6/18/2018 01:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Jose	Marc	6/26/18 7/4/2018 09:11 AM America/San Diego	~~No~~ YES	Racial & Identity Profiling Act- AB 953	7/4/2018
SDPD_AB953	Rodriguez	Ana	7/16/2018 12:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/16/201 Diego
SDPD_AB953	Kindred	Vernon	8/2/2018 04:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/2/2018
SDPD_AB953	Martinez	William	7/18/2018 09:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/201 Diego
SDPD_AB953	Heims	Robert	11/28/2018 08:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/28/20 Diego
SDPD_AB953	Layton	Farrell	6/22/2018 06:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Beard	Jana	9/4/2018 08:54 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/4/2018
SDPD_AB953	Mosteller	Jacob	6/20/2018 07:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Arguelles	Jose	6/20/2018 05:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Weeden	Jason	6/28/2018 09:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Jones	James	6/19/2018 07:47 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Resch	Jacob	6/21/2018 07:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Havin	Jess	6/22/2018 03:53 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego

000168

SDPD_AB953	Villalobos	Steven	6/22/2018 10:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Lacangan	Edwin	6/21/2018 01:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Lindstrom	Gregory	6/19/2018 08:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Cameron	Christen	6/15/2018 07:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Tangog	Lorraine	6/21/2018 12:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Cimmarrusti	Raphael	6/26/2018 06:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Dishno	Tracy	6/18/2018 09:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Terhaar	Philip	6/20/2018 06:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Bautista	David	7/16/2018 10:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/16/201 Diego
SDPD_AB953	Bernstein	Meryl	6/19/2018 02:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Beamesderfer	Michael	6/20/2018 12:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Troussel	James	6/19/2018 01:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Ford	Mitchell	6/26/2018 02:38 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Swanson	Michael	6/19/2018 09:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Melhorn	Skip	6/19/2018 01:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Castro	Rudy	8/23/2018 11:32 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/23/201 Diego
SDPD_AB953	Servin	Ernesto	8/1/2018 12:52 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/1/2018

000169

SDPD_AB953	Rose	Stephanie	6/28/2018 11:49 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Lopez	Mark	7/11/2018 07:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/201 Diego
SDPD_AB953	Durand	Joseph	6/19/2018 08:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Mayer	Kevin	7/12/2018 11:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Kelly	Pepper	8/15/2018 10:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/201 Diego

000170

SDPD_AB953	Alexander	Alonzo	6/20/2018 03:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Connelly	Paul	6/27/2018 12:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Derrough	Jovanna	10/24/2018 07:46 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/24/20
SDPD_AB953	Morris	John	6/18/2018 12:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Mc Carvel	Roger	6/18/2018 07:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Millan	Teophilson	6/19/2018 03:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Sinclair	Lori	6/19/2018 08:05 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Reif	John	6/21/2018 12:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Padilla	Javier	8/14/2018 02:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/14/201 Diego
SDPD_AB953	Nunez	Javier	7/26/2018 01:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/26/201 Diego
SDPD_AB953	Zamora	Sergio	7/11/2018 08:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/201 Diego
SDPD_AB953	Tagaban	Esmeralda	6/18/2018 12:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Mendoza	Joel	6/20/2018 10:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Howell	Larry	7/19/2018 12:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/19/201 Diego
SDPD_AB953	Johnson	Buddy	6/26/2018 08:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Needham	James	6/26/2018 06:19 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Pechin	Richard	6/18/2018 08:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego

SDPD_AB953	Brent	Daniel	6/19/2018 06:52 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Holt	Jessie	7/12/2018 12:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Lovio	Arturo	10/8/2018 09:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/8/201 Diego
SDPD_AB953	Westney	Daniel	6/18/2018 02:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Hoyte	Hector	6/19/2018 06:25 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Slater	Thomas	6/20/2018 03:16 PM America/San Diego 6/20/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Bannan	Sean	7/14/2018 05:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/14/201 Diego
SDPD_AB953	Witt	Steven	6/19/2018 05:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Seiter	Eric				
SDPD_AB953	Botkin	Matthew	6/15/2018 11:46 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Zaldivar	Jesse	6/21/2018 08:19 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Vancleave	Ron	6/16/2018 02:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Navarro	Carlos	6/26/2018 06:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Dolan	David	6/18/2018 11:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Gasteiger	Mark	7/24/2018 06:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/24/201 Diego
SDPD_AB953	Carranza	Javier	6/26/2018 05:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Clark	Raymond	6/19/2018 06:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego

000172

SDPD_AB953	Carlyon	Thomas	6/20/2018 11:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Gutierrez	Ruben	6/28/2018 06:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Flamand	Dale	7/10/2018 10:43 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/10/201 Diego
SDPD_AB953	Morales	Miguel	7/26/2018 05:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/26/201 Diego
SDPD_AB953	Lucchesi	Brian	6/26/2018 06:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Lucchesi	Mark	6/16/2018 02:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego

SDPD_AB953	Lewak	Kazimierz	6/21/2018 08:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Ruckle	Jeffrey	6/19/2018 09:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	McKean	Lisa	6/20/2018 01:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Cleavinger	Jeffrey	10/5/2018 08:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/5/201 Diego
SDPD_AB953	Taylor	Dana	8/1/2018 06:19 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/1/2018
SDPD_AB953	Flores	Gilbert	7/12/2018 01:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Winker	Derek	6/18/2018 07:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Kellner	William	6/21/2018 08:16 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Stewart	Jeffrey	7/14/2018 07:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/14/201 Diego
SDPD_AB953	Delgadillo	Roberto	7/24/2018 02:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/24/201 Diego
SDPD_AB953	Pen	Vanthoeun	6/21/2018 04:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Rowe	Raymond	6/18/2018 08:49 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Eckard	Wende	6/21/2018 08:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Phillips	Paul	6/19/2018 08:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Peregrina	Efren	6/18/2018 12:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Szakara	John	6/18/2018 03:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Sainz	Martha	10/29/2018 11:49 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/29/20 Diego

SDPD_AB953	Robertson	Larry	6/26/2018 06:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Malinowski	Duane	6/26/2018 07:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Flake	Leonard	8/15/2018 11:00 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/201 Diego
SDPD_AB953	Cruz	Vedasto	7/18/2018 10:19 AM America/San Diego 7/18/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	7/18/201 Diego
SDPD_AB953	Flores	Riter	6/26/2018 10:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	James	Scott	6/20/2018 02:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Richmond	Brenda	6/28/2018 02:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Barnes	Scott	6/26/2018 06:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Saunders	Mark	6/21/2018 06:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Delgadillo	Raul	6/20/2018 12:26 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Miller	Derek	6/27/2018 08:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Williams	Tina	6/20/2018 02:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Vargas	Michael	7/5/2018 09:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/5/2018
SDPD_AB953	Kelley	Kyle	6/20/2018 10:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Stonier	Roger	6/15/2018 06:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Moyna	Kevin	6/28/2018 11:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Macawili	Albert	6/19/2018 01:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego

000175

SDPD_AB953	Estrada	Elias	7/17/2018 03:09 PM America/San Diego 7/17/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	7/17/201 Diego
SDPD_AB953	Graves	James	7/14/2018 01:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/14/201 Diego
SDPD_AB953	Odom	Scotty	6/22/2018 02:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Medina	Llanina	6/18/2018 12:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Kulbeck	Jeff	6/18/2018 08:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego

000176

SDPD_AB953	Laco	Patrick	6/17/2018 10:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/201 Diego
SDPD_AB953	White	Troy	6/19/2018 06:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Maley	David	6/18/2018 07:43 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Messineo	Vito	6/15/2018 04:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Bowen	Gary	6/21/2018 07:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Mackay	James	6/18/2018 04:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Cephas	Juan	6/19/2018 07:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Slater	Charles	6/18/2018 05:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Besker	Kelly	11/6/2018 07:36 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/6/201 Diego
SDPD_AB953	Cherski	Melissa	6/19/2018 07:18 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Shumaker	Benjamin	6/26/2018 11:27 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Clark	Lamont	6/26/2018 07:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Curran	Christopher	7/18/2018 11:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/201 Diego
SDPD_AB953	Romano	Mario	7/25/2018 07:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/25/201 Diego
SDPD_AB953	Nigro	Michael	6/18/2018 12:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Cali	Francis	6/19/2018 09:54 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Haas	Mark	8/16/2018 07:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/16/201 Diego

SDPD_AB953	Filley	Robert	6/21/2018 08:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Brecht	David	11/17/2018 11:36 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/17/2(
SDPD_AB953	Williams	Donald	6/27/2018 01:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Lawrence	Kaseylee	6/27/2018 01:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Munoz	Juan	6/19/2018 08:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Iversen	Pia	6/21/2018 01:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Ferguson	Blaine	10/16/2018 09:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/16/2(
SDPD_AB953	Davis	John	6/21/2018 08:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Gaines	Brandon	8/14/2018 11:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/14/201 Diego
SDPD_AB953	Hewitt	Bryan	6/21/2018 11:45 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	O'Donnell	Bradley	8/17/2018 06:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/17/201 Diego
SDPD_AB953	Amado	Oscar	7/12/2018 03:24 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Guaderrama	Tracy	6/28/2018 08:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Delimitros	Constandinos				
SDPD_AB953	Buttle	John	6/17/2018 06:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/201 Diego
SDPD_AB953	Tungcab	Roel	6/21/2018 12:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Leiber	Larry	6/20/2018 08:25 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego

000178

SDPD_AB953	Philhower	Ronnie	6/21/2018 11:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Surwilo	David	6/26/2018 09:21 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Salvador	Jericho	6/19/2018 06:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Morales	Eric	7/17/2018 03:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/201 Diego
SDPD_AB953	Moody	Diann	6/18/2018 06:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Mc Ewen	Michael	6/20/2018 02:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego

SDPD_AB953	Winans	David	6/22/2018 04:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Hallahan	Ryan	9/18/2018 11:19 AM America/San Diego 9/18/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	9/18/20 Diego
SDPD_AB953	Peterson	Vernon	6/27/2018 01:10 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego
SDPD_AB953	Jarvis	Philip	6/28/2018 03:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/20 Diego
SDPD_AB953	Leos	Alberto	6/26/2018 01:50 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Renwick	James	6/19/2018 07:40 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	De Los Reyes	Romeo	6/15/2018 12:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/20 Diego
SDPD_AB953	Pira	Carl	6/17/2018 01:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/20 Diego
SDPD_AB953	Thorn	Stephen	6/19/2018 07:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Gonzalez	Tristan	6/15/2018 08:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/20 Diego
SDPD_AB953	Brown	Jon	6/18/2018 02:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Pettus	William	6/20/2018 08:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Konz	Phillip	6/16/2018 08:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Lara	Charles	7/18/2018 06:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/20 Diego
SDPD_AB953	Garrette	Edwin	6/26/2018 07:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Van Proyen	Joel	6/16/2018 04:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Bulette	Richard	6/20/2018 06:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego

SDPD_AB953	Ruvido	Joseph	6/17/2018 11:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/20 Diego
SDPD_AB953	Hernandez	Ruben	6/15/2018 12:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/20 Diego
SDPD_AB953	Kremer	Laura	10/9/2018 10:43 AM America/San Diego 10/9/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	10/9/20 Diego
SDPD_AB953	Quintos	Yesenia	6/19/2018 08:47 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Amado	Andrea	8/27/2018 06:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/27/20 Diego
SDPD_AB953	Robbins	Kenneth	6/19/2018 02:38 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Kirchhoff	Richard	6/26/2018 12:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Leach	Daniel	6/21/2018 03:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Kosugi	Johni	7/6/2018 06:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/6/201 Diego
SDPD_AB953	Hodges	Diana	6/19/2018 07:05 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Zasueta	Steven	6/20/2018 02:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Weaver	Ross	7/18/2018 09:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/20 Diego
SDPD_AB953	Boerum	Thomas	6/18/2018 09:43 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Speck	David	6/27/2018 08:36 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego
SDPD_AB953	Wiese	Jonathan	6/22/2018 09:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Griffin	Linda	6/26/2018 01:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Suarez	Sophia	6/19/2018 03:35 PM America/San Diego 6/19/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/19/20 Diego

000181

SDPD_AB953	Shiraishi	Michael	9/6/2018 07:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/6/201 Diego
SDPD_AB953	Castro	Henry	1/14/2019 09:57 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	1/14/20 Diego
SDPD_AB953	Rapalee Albrektsen	Sandra	6/26/2018 08:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Ramirez	Fernando	6/20/2018 07:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Benavides	Luis	7/16/2018 09:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/16/20 Diego
~~SDPD_AB953~~	Haley	Christine	11/20/2018 07:37 AM America/San Diego PROGRAM MNGR.	No N/A.	Racial & Identity Profiling Act- AB 953	11/20/2
SDPD_AB953	Vasquez	Kevin	6/18/2018 11:12 AM America/San Diego 6/18/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Reichner	Richard	7/12/2018 11:47 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/20 Diego
SDPD_AB953	Lincoln	Steven	6/15/2018 12:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/20 Diego
SDPD_AB953	Gibson	David	6/15/2018 10:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/20 Diego
SDPD_AB953	Santos	Alejandrino	7/17/2018 02:49 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/20 Diego
SDPD_AB953	Lowe	Jonathan	7/12/2018 07:12 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/20 Diego
SDPD_AB953	Pich	Corissa	6/21/2018 06:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Usrey	Michael	6/15/2018 08:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/20 Diego
SDPD_AB953	Yee	Bernadette	6/26/2018 03:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Vitug	Mitchell	6/25/2018 01:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/20 Diego
SDPD_AB953	Del Toro	Manuel	7/5/2018 01:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/5/201 Diego

SDPD_AB953	Meyer	Cindy	8/27/2018 07:18 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/27/20 Diego
SDPD_AB953	Camarena	Bertha	6/26/2018 01:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Gomez	Juan	6/20/2018 05:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Sanchez	Jesus	6/21/2018 10:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Cordero	Noe	6/19/2018 03:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Valenzuela	Louis	11/27/2018 12:07 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/27/2
SDPD_AB953	Wintz	Michael	6/19/2018 08:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Fortier	Kenneth	6/21/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Gonzales	Gary	7/3/2018 09:55 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/201 Diego
SDPD_AB953	Sainsanoy	Lem	6/27/2018 10:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego
SDPD_AB953	De La Pena	Susan	7/12/2018 06:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/20 Diego
SDPD_AB953	Groff	Michael	6/29/2018 09:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/20 Diego
SDPD_AB953	Garcia	Ivan	7/27/2018 03:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/27/20 Diego
SDPD_AB953	Gapusan	Gerry	6/19/2018 07:18 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Johnson	Janine	6/19/2018 06:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Karsh	Alan	6/18/2018 10:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Clem	Deborah	6/29/2018 04:24 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/20 Diego

000183

SDPD_AB953	Newquist	Ronald	6/19/2018 11:21 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20: Diego
SDPD_AB953	Newquist	Robert	6/20/2018 10:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20: Diego
SDPD_AB953	Jarrells	Jason	6/21/2018 10:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20: Diego
SDPD_AB953	Van Antwerp	Janine	IND LV	NO		
SDPD_AB953	Zaitz	Mathew	6/26/2018 09:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20: Diego
SDPD_AB953	Kremer	James	6/17/2018 08:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/20: Diego
SDPD_AB953	Charlot	Terence	6/27/2018 07:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20: Diego
SDPD_AB953	Adams	Kristen	6/17/2018 12:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/20: Diego
SDPD_AB953	Surratt	Colonel	6/28/2018 06:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/20: Diego
SDPD_AB953	Oliveras	Shannah	6/21/2018 12:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20: Diego
SDPD_AB953	Belz	Brigitta	6/18/2018 04:49 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20: Diego
SDPD_AB953	Aguilar	Jason	11/10/2018 02:52 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/10/2(
SDPD_AB953	Cahill	Lawrence	6/20/2018 06:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20: Diego
SDPD_AB953	Pidgeon	E. Michael	6/18/2018 03:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20: Diego
SDPD_AB953	Black	Lori	6/23/2018 11:23 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/20: Diego
SDPD_AB953	Hunter	James	7/11/2018 01:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/20: Diego
SDPD_AB953	Oberndorfer	Eric	6/15/2018 09:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/20: Diego

000184

SDPD_AB953	Atwood	Jennifer	6/19/2018 09:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Tansey	Michael	6/30/2018 08:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/30/20 Diego
SDPD_AB953	Browder	Neal	6/20/2018 01:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Martinez	Boris	6/21/2018 03:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Day	Colin	7/6/2018 12:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/6/201 Diego
SDPD_AB953	Oh	Taerance	6/19/2018 06:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Nisleit	David	7/10/2018 05:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/10/20 Diego
SDPD_AB953	Adams	Julie	6/20/2018 07:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	De La Cruz	Charles	6/22/2018 05:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Miles	William				
SDPD_AB953	Mauzy	Kathleen	7/11/2018 03:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/20 Diego
SDPD_AB953	Nugent	Edward	6/18/2018 09:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Cupples	David	8/15/2018 06:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/20 Diego
SDPD_AB953	Miller	Thomas	2/19/2019 11:36 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	2/19/20 Diego
SDPD_AB953	Sadri	Mariam	2/12/2019 07:07 AM America/San Diego 3/7/19	YES	Racial & Identity Profiling Act- AB 953	2/12/20 Diego
SDPD_AB953	Navarro-Moran	Angelica	7/17/2018 03:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/20 Diego
SDPD_AB953	Shore	Daniel	7/3/2018 08:05 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/201 Diego

000185

SDPD_AB953	Ingram	Henry	6/22/2018 09:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Adair	Larry	6/26/2018 09:46 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Cheam	Sopheap	6/17/2018 09:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/20 Diego
SDPD_AB953	Smith	George	6/19/2018 11:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Willis	Darryl	6/20/2018 07:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Hara	Jerry	6/19/2018 03:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Bauman	Cody	6/22/2018 10:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Sharp	Christian	6/18/2018 04:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Lujan	Kelvin	6/26/2018 07:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Pschera	Katarina	8/27/2018 11:51 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/27/20 Diego
SDPD_AB953	Frodente	Aaron	6/22/2018 07:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Aguilar	Richard	6/19/2018 01:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Rocha	Stephen	6/19/2018 04:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Santos	Christina	6/21/2018 03:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Tai	Rudolph	7/10/2018 04:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/10/20 Diego
SDPD_AB953	Castro	Nydia	6/29/2018 09:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/20 Diego
SDPD_AB953	Holland	Vanessa	8/3/2018 08:51 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/3/201 Diego

000186

SDPD_AB953	Yang	Paul	6/19/2018 07:21 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Woodell	Phanomsack	6/18/2018 10:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Wong	Roger	6/22/2018 09:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Nguyen	Tu	7/18/2018 10:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/20 Diego
SDPD_AB953	Sayasane	Thourarith	6/18/2018 07:11 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Castro	Ricky	6/20/2018 09:25 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Legrand	Houshawn	6/16/2018 08:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Fortier	Natalie	6/20/2018 12:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Kaszycki	Edward	6/18/2018 08:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Banning	Amber	6/18/2018 10:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Clark	Joseph	7/12/2018 09:25 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/20 Diego
SDPD_AB953	Carter	Tony	6/20/2018 12:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Wood	Andrea	6/19/2018 02:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Dupree	Anthony	6/18/2018 09:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Pappert	Nori	6/23/2018 02:24 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/20 Diego
SDPD_AB953	Blackford	Jeffrey	6/21/2018 07:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Johnson	Luke	7/17/2018 03:08 PM America/San Diego 6/21/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	7/17/20 Diego

00187

SDPD_AB953	Czas	Mariusz	6/19/2018 01:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Thomas	Joseph I	7/3/2018 09:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/201 Diego
SDPD_AB953	Miller	David	6/18/2018 01:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Herrera	Victor	6/16/2018 02:00 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Forsey	Colin	6/21/2018 05:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Rozsa	Lamar	6/19/2018 03:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Walb	Kristopher	6/20/2018 02:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Collins	James	6/27/2018 09:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego
SDPD_AB953	Butchart	Allan	6/15/2018 08:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/20 Diego
SDPD_AB953	Kong	Mari	6/28/2018 02:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/20 Diego
SDPD_AB953	Ledezma	Arnoldo	7/11/2018 06:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/20 Diego
SDPD_AB953	Luce	Christopher	6/28/2018 08:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/20 Diego
SDPD_AB953	Johnson	William	6/19/2018 03:56 PM America/San Diego 6/19/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Resch	Danielle	6/19/2018 07:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Queen	Corinne	6/19/2018 11:49 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Sottile	Carla	7/3/2018 11:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/201 Diego
SDPD_AB953	Kern	Jacob	6/20/2018 02:22 PM America/San Diego 6/20/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/20/20 Diego

000188

SDPD_AB953	Rozsa	Angela	6/20/2018 06:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Hinzo	Richard	6/18/2018 08:16 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Vasquez	Yvette	7/12/2018 06:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/20 Diego
SDPD_AB953	Smyth	Laura	6/27/2018 06:45 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego
SDPD_AB953	Zwibel	Edward	8/14/2018 05:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/14/20 Diego
SDPD_AB953	Carroll	John	6/21/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Takeuchi	Shawn	7/11/2018 03:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/20 Diego
SDPD_AB953	Mills	Denise	6/19/2018 04:07 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Stone	Natalie	6/18/2018 10:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Roshanzaer	Ashkan	7/17/2018 08:25 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/20 Diego
SDPD_AB953	Waldheim	Steven	7/11/2018 11:52 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/20 Diego
SDPD_AB953	Dewitt	Michael	6/20/2018 03:03 PM America/San Diego 6/20/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Sharrieff	Sabakhan	6/15/2018 10:49 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/20 Diego
SDPD_AB953	Dearmas	Alexander	6/20/2018 03:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Odom	Joshua	6/18/2018 09:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Sharki	Adam	6/26/2018 01:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Lane	Bart	6/22/2018 09:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego

000689

SDPD_AB953	Herring	Mark	8/9/2018 07:17 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/9/201 Diego
SDPD_AB953	Fernandez	Junar	6/29/2018 08:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/20 Diego
SDPD_AB953	Hernandez	Humberto	9/18/2018 03:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/18/20 Diego
SDPD_AB953	Adams	Simon	6/16/2018 12:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Wallace	Justin	6/19/2018 07:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Koerber	Matthew	6/18/2018 01:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Bock	Ruby	7/11/2018 08:42 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/20 Diego
SDPD_AB953	Miranda	Michael	11/19/2018 10:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/19/2
SDPD_AB953	Bigbie	Tyler	6/18/2018 04:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Brown	Peter	6/16/2018 01:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Wallin	Eddie	6/18/2018 08:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Costanza	Jason	7/11/2018 03:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/20 Diego
SDPD_AB953	Cortez	John	6/16/2018 03:49 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Hall	Michael	10/30/2018 01:07 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/30/2
SDPD_AB953	Hartman	Lisa	6/19/2018 11:40 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Livermore	Jeffrey	6/19/2018 08:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Manansala	Benjerwin	6/26/2018 10:05 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego

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SDPD_AB953	McClain	Daniel	7/19/2018 12:00 AM America/San Diego 6/22/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	7/19/20 Diego
SDPD_AB953	Wilcken	Christopher	6/19/2018 09:45 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Terranova	Tobia	7/20/2018 07:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/20/20 Diego
SDPD_AB953	Thibault-Hamill	Kelly	6/19/2018 08:37 AM America/San Diego 6/19/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Shadoan	Claudia	6/19/2018 10:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Padgett	Michael	6/18/2018 11:57 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Bua	Mark	7/17/2018 06:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/20 Diego
SDPD_AB953	Doherty	Tyler	7/16/2018 12:18 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/16/20 Diego
SDPD_AB953	Clayton	John	6/21/2018 01:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Wilson	Jared	6/26/2018 10:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Scott	Arthur	6/17/2018 10:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/20 Diego
SDPD_AB953	Decesari	Geoffrey	6/29/2018 09:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/20 Diego
SDPD_AB953	West	David	8/14/2018 10:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/14/20 Diego
SDPD_AB953	Waggaman	Joseph	10/10/2018 12:59 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/10/2
SDPD_AB953	Conley	Paul	7/17/2018 03:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/20 Diego
SDPD_AB953	Burr	Geoff	6/22/2018 10:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Bainbridge	Ross	6/27/2018 09:50 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego

000191

SDPD_AB953	Ampol	John				
SDPD_AB953	Luth	Christopher				
SDPD_AB953	King	Shawn	6/20/2018 06:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Roth	Matthew	6/16/2018 03:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Ramirez	Emilio	6/19/2018 09:45 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Minx	Nicholas	9/19/2018 11:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/19/20 Diego
SDPD_AB953	Crenshaw	Chad	6/19/2018 09:27 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Vollmar	Timothy	6/21/2018 07:19 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Steffen	John	6/18/2018 03:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Lawry	Nicholas	6/16/2018 12:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Campfield	Gordon	6/18/2018 09:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Garlow	Justin	6/20/2018 03:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Savage	Ariel	6/19/2018 04:10 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Humphrey	Gregg	6/26/2018 06:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Minter	Gregory	7/26/2018 10:17 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/26/20 Diego
SDPD_AB953	Zdunich	Jason	7/11/2018 07:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/20 Diego
SDPD_AB953	Tom	Paul	6/26/2018 07:05 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Jimenez	Daniel	6/28/2018 10:37 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/20 Diego

000192

SDPD_AB953	Ascencio	Agustin	6/20/2018 03:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Lockwood	Scott	7/15/2018 06:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/15/20 Diego
SDPD_AB953	Edwards	Elmer	6/19/2018 12:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Meyer	Daniel	6/26/2018 01:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Davis	Brett	7/12/2018 11:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/20 Diego
SDPD_AB953	Kaiser	Geoffrey	6/18/2018 12:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Tafoya	Andrew	6|27|18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Rowlett	Pamela	6/20/2018 08:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Dedonato	Nicholas	6/28/2018 04:22 PM America/San Diego 6|26|18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/28/20 Diego
SDPD_AB953	Weaver	James	6/22/2018 07:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Luellen	John	6/20/2018 05:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Johnson	Matthew	6/23/2018 02:38 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/20 Diego
SDPD_AB953	Valenzuela	Kevin	6/19/2018 08:42 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Louret	Cassie	6/19/2018 02:19 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Estepa	Marlon	6/26/2018 04:10 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Escamilla	Eduardo	6/18/2018 07:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Tien	Joel	6/22/2018 07:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego

000193

SDPD_AB953	Craft	Daniel	6/19/2018 07:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Fernandez	Alejandro	1/23/2019 01:27 PM America/San Diego 7/13/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	1/23/20 Diego
SDPD_AB953	Thomas	Akaan	6/18/2018 02:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Murray	Christopher	6/20/2018 03:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Ruggiero	Matthew	6/19/2018 02:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Murillo	Rene	7/19/2018 07:11 AM America/San Diego 6/27/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	7/19/20 Diego
SDPD_AB953	Miller	Eric	6/21/2018 04:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Alvarez	Mario	7/23/2018 01:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/23/20 Diego
SDPD_AB953	Barrera	James	6/19/2018 08:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Rozsa	David	6/21/2018 10:52 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Reilly	Arden	6/26/2018 02:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Stirk	Michael	6/19/2018 12:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Dungan	Jonathan	6/22/2018 07:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Margolis	Jeremy	7/12/2018 12:52 PM America/San Diego 7/12/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	7/12/20 Diego
SDPD_AB953	Stanley	Daniel	6/21/18	YES		
SDPD_AB953	Dempsey	Bryan	6/17/2018 08:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/20 Diego
SDPD_AB953	Mattly	Justin	6/21/2018 03:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego

000194

SDPD_AB953	Kriebel	Jerry	8/16/2018 09:27 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/16/20 Diego
SDPD_AB953	Shadoan	Patrick	6/20/2018 07:41 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Taitague	Geraldine	6/19/2018 06:41 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Weaver	Michael	6/21/2018 07:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Welch	Ryan	6/20/2018 02:18 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Bennett	Erich	6/18/2018 06:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Harbin	Levi	6/21/2018 11:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Cabello	Phillip	6/21/2018 06:32 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego

000195

SDPD_AB953	Zweifach	Richard	6/21/2018 06:45 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Naputi	Tony	6/20/2018 08:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Lennier	Aletha	6/21/2018 11:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Power	Michael	6/16/2018 02:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Douglas	Benjamin	6/21/2018 09:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Lefler	Robert	6/16/2018 02:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Gibson	Kevin	6/20/2018 04:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Dayes	Paul	11/27/2018 08:55 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/27/20 Diego
SDPD_AB953	Randolph	Matthew	6/18/2018 07:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Serrano	Michael	6/19/2018 11:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Jackson	Dulani	8/18/2018 12:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/18/201 Diego
SDPD_AB953	Nguyen	Nicholas	6/21/2018 06:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	McGilvray	Brian	6/19/2018 07:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	White	Franklin	6/19/2018 02:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Hamby	Travis	2/7/2019 04:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	2/7/2019
SDPD_AB953	Boykin	Jeffery	6/18/2018 05:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Dragt	Julie	6/16/2018 07:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego

000196

SDPD_AB953	Zendejas	Antonette	6/19/2018 01:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Duerr	Crystal	7/25/2018 09:21 AM America/San Diego 7/25/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	7/25/201 Diego
SDPD_AB953	Lutz	Jeremiah C	6/26/2018 06:46 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Ambito	Albert	6/26/2018 10:52 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Edwards	Bret	6/21/2018 11:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Pimienta	Justin	6/18/2018 12:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	McAndrew	Kristopher	6/17/2018 09:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/201 Diego
SDPD_AB953	Wells	Adam	6/28/2018 10:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Ta	Truong	6/22/2018 02:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Campbell	Douglas	6/20/2018 09:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Brown	Michael	6/24/2018 07:55 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/24/201 Diego
SDPD_AB953	Peralta	Joseph	6/22/2018 09:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Howard	Robert	6/27/2018 10:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Worthington	Phillip	IND L	NO		
SDPD_AB953	Conkle	Kevin	6/27/2018 10:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Beason	Carole	6/26/2018 06:49 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Hernandez	Nestor	12/6/2018 06:24 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	12/6/201 Diego

000197

SDPD_AB953	McDonald	Wesley	6/21/2018 08:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Barnes	Errick	6/27/2018 03:19 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Myers	Andrea	6/28/2018 09:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Thompson	John	6/29/2018 11:53 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/201 Diego
SDPD_AB953	Hansel	Doru	7/2/2018 05:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/2018
SDPD_AB953	Little	Highhorse	6/22/2018 03:43 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Lenahan	Brian	6/19/2018 08:23 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Reinhold	Martin	6/15/2018 10:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Rhoten	Michael	6/19/2018 06:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Parga	Nathan	6/21/2018 06:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Gutierrez	Armando	6/19/2018 02:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Volker	Joseph	6/27/2018 02:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Beal	Justin	6/19/2018 09:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Conde	Jose	7/19/2018 07:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/19/201 Diego
SDPD_AB953	Hwang	David	6/19/2018 04:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Ford	Allyson	6/22/2018 01:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Euler	Samuel	6/19/2018 08:26 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego

SDPD_AB953	Ott	Stephanie	6/23/2018 06:41 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/201 Diego
SDPD_AB953	Thomas	Rodney	6/26/2018 06:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Armentano	Kevin	6/20/2018 09:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Clendenen	Tammy	6/20/2018 03:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Deyling	Tyler	6/18/2018 04:59 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Hernandez	William	7/18/2018 06:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/201 Diego
SDPD_AB953	Montoya	Jason	6/16/2018 02:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Temnick	Jonathan	6/17/2018 10:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/201 Diego
SDPD_AB953	Williams	Kyle	6/21/2018 01:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Serrano	Gerardo	10/10/2018 07:37 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/10/20 Diego
SDPD_AB953	McGruder	Michael	6/17/2018 02:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/201 Diego
SDPD_AB953	Schrom	Adam	6/21/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Stinnette	Sam	6/20/2018 03:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Hone	Natalie	7/11/2018 01:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/201 Diego
SDPD_AB953	Avera	Brian	6/28/2018 08:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Wolfe	Tyler	6/23/2018 10:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/201 Diego
SDPD_AB953	Gagliardi	Matthew	8/15/2018 08:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/201 Diego

000199

SDPD_AB953	Dominguez	Manuel	6/21/2018 07:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Creazzo	Anthony				
SDPD_AB953	Woodland	Brandon	9/4/2018 03:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/4/2018
SDPD_AB953	Link	Nicholas	6/18/2018 07:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Korenkov	Andrew	6/18/2018 10:15 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Novak	Matthew	6/15/2018 03:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Cara	Bismarck	6/26/2018 01:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Burris	Brian	6/26/2018 05:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Hilton	Joseph	6/21/2018 07:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Clabough	Joshua	6/30/2018 08:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/30/201 Diego
SDPD_AB953	Perez	Mario	6/19/2018 07:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Sainte-Agathe	Rodolphe	6/19/2018 06:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Jankowski	Kevin	6/26/2018 06:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Felber	Christian	6/19/2018 01:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Robertson	Nicole	10/29/2018 12:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/29/20 Diego
SDPD_AB953	Brou	Aziz	6/16/2018 09:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Tennebaum	Justin	6/20/2018 02:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego

000200

SDPD_AB953	Portnoy	Eric	7/16/2018 12:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/16/201 Diego
SDPD_AB953	Zimmerman	Jonathan	6/20/2018 01:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Signorino	John	6/27/2018 08:37 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Hone	Matthew	6/20/2018 12:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Gudoy	Stephen	7/12/2018 08:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Korbecki	Robert	7/17/2018 03:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/201 Diego
SDPD_AB953	Johnson	Bobby	6/21/2018 12:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Miranda	Kristel	6/19/2018 06:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Rojas	Michael	6/23/2018 04:15 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/201 Diego
SDPD_AB953	Haughey	Christopher	6/18/2018 02:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Cockrell	Tyler	6/25/2018 07:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/201 Diego
SDPD_AB953	Martinez	Anthony	6/25/2018 09:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/201 Diego
SDPD_AB953	Colglazier	Vernon	6/28/2018 02:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Pottin	Lianne	6/20/2018 07:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Harrison	Christopher	6/26/2018 05:15 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Erpelding	John	6/21/2018 02:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Pajita	Radford	6/18/2018 06:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego

002001

SDPD_AB953	Kenney	George	6/26/2018 09:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Bell	Robert	6/21/2018 03:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Thompson	Jared	6/19/2018 09:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Bamba	Jonathan	10/8/2018 08:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/8/201 Diego
SDPD_AB953	Lane	John	6/19/2018 04:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Armstrong	James	6/22/2018 12:55 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Tortorella	Matthew	9/19/2018 07:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/19/201 Diego
SDPD_AB953	Robinson	Brandon	6/18/2018 02:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Garcia	Christine	7/9/2018 08:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/9/2018
SDPD_AB953	Valdez	Erick	6/22/2018 05:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Campbell	Judson	6/15/2018 12:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Velasquez	Joshua	6/22/2018 05:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Denny	John	6/21/2018 08:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Gallegos	Sergio	10/8/2018 02:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/8/201 Diego
SDPD_AB953	Stasch	Corey	6/18/2018 06:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Romano	Dante	6/22/2018 04:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Robinson	Keith	6/19/2018 07:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego

202000

SDPD_AB953	Romberger	Timothy	7/18/2018 08:15 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/201 Diego
SDPD_AB953	Siemer	Ryan	6/19/2018 08:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Wallace	Michael	8/2/2018 07:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/2/2018
SDPD_AB953	Kellington	Michael	6/15/2018 09:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Posada	Oskar	6/21/2018 06:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Irwin	Wade	6/16/2018 11:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Runyen	Steven	7/12/2018 09:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Rodriguez	David	7/14/2018 10:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/14/201 Diego
SDPD_AB953	Hesselgesser	Alex	6/23/2018 07:07 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/201 Diego
SDPD_AB953	Jauregui	Joshua	8/15/2018 06:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/201 Diego
SDPD_AB953	Wentz	Nathan	6/15/2018 01:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Didelot	John	4/15/18	YES		
SDPD_AB953	Taylor	Andrea	6/21/2018 08:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Quinn	Ryan	11/7/2018 01:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/7/201 Diego
SDPD_AB953	Wilson	Melinda	6/21/2018 06:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Barton	Brian	6/15/2018 07:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Uzarraga	Gerald	6/28/2018 05:24 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego

000203

SDPD_AB953	Campbell	Casey	7/12/2018 06:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Duffy	Kevin	6/16/2018 03:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Do	Michael	6/26/2018 07:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Mayer	Justin	6/17/2018 12:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/201 Diego
SDPD_AB953	Vanesler	Micah	6/15/2018 07:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Harrison	Steven	6/16/2018 09:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Giddens	Michael	6/23/2018 09:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/201 Diego
SDPD_AB953	Rzucidlo	John	6/26/2018 05:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Valenzuela	Richard	IND. LV	ND		
SDPD_AB953	Jordan	Brandon	6/23/2018 12:55 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/201 Diego
SDPD_AB953	Sullivan	John	7/18/2018 12:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/201 Diego
SDPD_AB953	Ochoa	Jesse	6/17/2018 02:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/201 Diego
SDPD_AB953	Erickson	Mark	6/16/2018 02:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Bundy	Steven	6/21/2018 09:49 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Goebel	Jon	6/29/2018 05:27 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/201 Diego
SDPD_AB953	Barton	Richard	6/20/2018 04:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Welsh	Dustin	6/21/2018 06:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego

000204

SDPD_AB953	Gonzalez	John	6/21/2018 02:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Hayes	Michael				
SDPD_AB953	Jackson	Kellen	6/28/2018 02:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Schultz	Ryan	6/19/2018 06:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Pavle	Christopher	6/18/2018 06:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Beam	Daniel	6/23/2018 03:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/201 Diego
SDPD_AB953	Herrera	Berenice	6/18/2018 09:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	McPartland	Scott	6/19/2018 02:26 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Krupp	Ave	7/12/2018 10:18 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	McGowan	David	6/26/2018 05:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Edington	Carlos	7/2/2018 07:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/2018
SDPD_AB953	Sherbondy	Michael	6/20/2018 07:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Turner	Cody	7/13/2018 10:23 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/13/201 Diego
SDPD_AB953	Bayless	Ekaterina	7/9/2018 01:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/9/2018
SDPD_AB953	Pate	Christopher	6/26/2018 07:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Sielken	Jeremy	7/11/2018 05:16 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/201 Diego
SDPD_AB953	Crumb	Katherine	6/19/2018 01:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego

SDPD_AB953	Hopper	Robert	6/23/2018 11:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/201 Diego
SDPD_AB953	Gault	Ryan	6/18/2018 06:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Mills	Randall	6/20/2018 02:18 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Montayre	Philippe	6/19/2018 06:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Plunkett	Brian	6/19/2018 08:18 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Tannhauser	William	6/26/2018 05:00 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Obregon	Anthony	6/26/2018 01:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Drahosova	Zuzana	6/18/2018 07:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Medina	Dionisio	6/18/2018 11:16 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Dumaplin	Carlo	6/19/2018 06:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Ryan	James	6/15/2018 09:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Barrett	Michael	6/20/2018 05:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Demas	Travis	6/28/2018 01:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Flood	Christopher	6/29/2018 07:46 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/201 Diego
SDPD_AB953	Kaiser	Christopher	7/2/2018 06:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/2018
SDPD_AB953	Nilsen	David	6/15/2018 03:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Pfannenstiel	Zachary	7/17/2018 09:19 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/201 Diego

000206

SDPD_AB953	Ailes	Clinton	6/20/2018 06:12 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Radasa	Ricky	6/26/2018 03:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Baker	James	6/15/2018 10:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Cooper	Eric	7/18/2018 07:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/201 Diego
SDPD_AB953	Newton	Benjamin	6/28/2018 05:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Castillo	Bryan	6/26/2018 06:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Neifer	Daniel	6/20/2018 07:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Kelly	Patrick	7/11/2018 09:23 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/201 Diego
SDPD_AB953	Willkomm	Jenna	7/26/2018 07:37 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/26/201 Diego
SDPD_AB953	Riis	Daniel	6/27/2018 07:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Voss	Joel	6/19/2018 09:53 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Ellis	Daniel	1/11/2019 02:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	1/11/201 Diego
SDPD_AB953	Schimpf	Brian	7/3/2018 06:11 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/2018
SDPD_AB953	Merriman	Levi	6/18/2018 09:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Laurendeau	Edward	6/19/2018 02:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Medina	Rogelio	6/21/2018 04:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Valdez	David	6/22/2018 06:32 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego

SDPD_AB953	Tena	Paul	6/20/2018 04:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Walker	James	6/18/2018 06:27 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Duarte	Andrew	6/21/2018 01:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Stewart	Kelly	6/16/2018 01:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Nunez	Joseph	6/20/2018 06:47 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Ealson	James	7/17/2018 02:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/201 Diego
SDPD_AB953	Tsui	Jason	6/28/2018 09:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Radtke	Timothy	7/2/2018 09:12 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/2018
SDPD_AB953	Perdue	John	6/20/2018 02:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Pardue	Joseph	6/15/2018 08:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Werner	Thomas	7/3/2018 11:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/2018
SDPD_AB953	Santos	Tito	6/18/2018 02:59 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Klotz	Paul	6/18/2018 07:27 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Ellsworth	Scott	6/18/2018 07:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Bakhshizadeh	Ali	6/21/2018 07:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Berg	Christina	6/15/2018 02:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Robinson	Monica	10/30/2018 08:41 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/30/20 Diego

SDPD_AB953	Woods	Marlo	7/3/2018 10:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/2018
SDPD_AB953	Underwood	Joseph	7/19/2018 06:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/19/201 Diego
SDPD_AB953	Wansa	Clint	6/21/2018 06:26 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Whann	Nathan	6/25/2018 06:59 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/201 Diego
SDPD_AB953	Zastrow	Nicholas	6/25/2018 10:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/201 Diego
SDPD_AB953	Sanchez	Anthony	6/26/2018 01:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Stephens	Brian	6/23/2018 02:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/201 Diego
SDPD_AB953	Tavares	Expedy	6/19/2018 09:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Sanchez	Brian	6/28/2018 08:26 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Sanders	Brian	6/26/2018 03:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Ruiz	Andres	6/17/2018 09:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/201 Diego
SDPD_AB953	Robles	Carlos	6/18/2018 09:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Jones	Mitchell	6/28/2018 09:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Stanley	Benjamin	6/19/2018 02:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Torres	Oscar	6/21/2018 07:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Cameron	Arthur	6/16/2018 01:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Diaz	Alfredo	6/16/2018 02:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego

002209

SDPD_AB953	Calderson	Victor	6/19/2018 02:52 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Jimenez	Cesar	6/20/2018 03:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Hill	Alicia	7/25/2018 12:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/25/201 Diego
SDPD_AB953	Hernandez	Carlos	6/26/2018 05:06 AM America/San Diego 6/26/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Verduzco	Max	7/2/2018 09:26 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/2018
SDPD_AB953	Bianco	Joseph	6/28/2018 10:25 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Page	Richard	6/21/2018 02:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Bolton	Jeffrey	6/21/2018 04:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	McSweeney	Robert	6/16/2018 04:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Sarot	Christopher	6/20/2018 03:10 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Perrin	Gerald	6/20/2018 08:07 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Hamby	Tyler	1/28/2019 10:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	1/28/201 Diego
SDPD_AB953	Stetkevich	Daniel	6/20/2018 10:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Pinon	Ricardo	6/23/2018 01:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/201 Diego
SDPD_AB953	Pilkington	Gregory	7/1/2018 07:12 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/1/2018
SDPD_AB953	Olivo	Joshua	6/26/2018 06:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Dagostino	Paul	8/26/2018 02:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/26/201 Diego

000210

SDPD_AB953	Weisenfluh	Daniel	6/21/2018 04:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Curtis	Dustin	6/20/2018 03:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Longen	Andrew	7/12/2018 04:10 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Briggs	Robert	7/12/2018 01:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Harris	Christopher	6/15/2018 10:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Fish	Michael	6/26/2018 03:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Ohlwiler	Cory	6/16/2018 06:25 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Zimmerman	Sarah	8/14/2018 10:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/14/201 Diego
SDPD_AB953	Rhoades	James	7/3/2018 07:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/2018
SDPD_AB953	Cummings	Kevin	6/26/2018 06:27 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Lopez	Eduardo	6/20/2018 07:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Andal	Billy	6/20/2018 02:50 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Dyemartin	Alan	6/19/2018 10:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Whipple	Travis	6/26/2018 07:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Bigler	Frank	6/28/2018 01:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Sutter	Sarah	6/19/2018 11:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Breise	Anthony	6/16/2018 07:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego

000211

SDPD_AB953	Hoskins	Terry	7/19/2018 12:59 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/19/201 Diego
SDPD_AB953	Williams	Brent	6/18/2018 07:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Smith	Scott	6/18/2018 07:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Conde	Karla	6/21/2018 02:10 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	McCullough	Keelan	7/23/2018 01:50 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/23/201 Diego
SDPD_AB953	Hagel	Jason	6/19/2018 07:17 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Larrea	Mario	6/26/2018 01:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Cardenas	Carlos	6/26/2018 08:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Philips	Trevor	10/29/2018 03:55 PM America/San Diego 7/24/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	10/29/2C Diego
SDPD_AB953	Makwana	Joanna	7/13/2018 05:43 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/13/201 Diego
SDPD_AB953	Knutson	Matthew	6/19/2018 02:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Carrington	Brian	6/20/2018 12:52 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Morales	Javier	6/21/2018 11:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Ramirez	David	10/8/2018 09:40 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/8/201 Diego
SDPD_AB953	Yoder	William	6/20/2018 06:05 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Sedeno	Ignacio	6/15/2018 11:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Enriquez	Emery	6/26/2018 07:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego

SDPD_AB953	Featherly	Justin	6/22/2018 02:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Easter	Travis	7/23/2018 01:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/23/201 Diego
SDPD_AB953	Calvert	Sarah	6/18/2018 09:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Breuninger	Adam	6/20/2018 08:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Gonzalez	Yovanna	6/20/2018 07:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Handley	Kevin	8/29/2018 11:07 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/29/201 Diego
SDPD_AB953	Dillon	Thomas	6/26/2018 12:26 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Low	Osborne	7/13/2018 07:32 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/13/201 Diego
SDPD_AB953	Adair	Kristopher	6/19/2018 06:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Whitaker	Maria	6/22/2018 11:55 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Notterman	Christopher	6/28/2018 02:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Pickel	Laura	6/27/2018 08:36 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Cox	Darrell	6/28/2018 05:26 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	McLean	Laura	6/20/2018 11:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Ulovec	Geoffrey	6/21/2018 04:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Nazarov	Vladimir	6/19/2018 02:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Tafoya	Holland	6/21/2018 03:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego

SDPD_AB953	Schmidt	Robert	6/29/2018 03:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/201 Diego
SDPD_AB953	Zoller	Joshua	6/25/2018 11:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/201 Diego
SDPD_AB953	Stinnette	Kelly	7/17/2018 12:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/201 Diego
SDPD_AB953	Hernandez-Cooper	Marisela	7/17/2018 10:30 AM America/San Diego 7/17/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Blomberg	Christopher	8/15/2018 08:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/201 Diego
SDPD_AB953	Cote	Samuel	7/18/2018 05:53 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/201 Diego
SDPD_AB953	Holmes	Tristan	6/20/2018 03:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Mullins	David	6/30/2018 09:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/30/201 Diego
SDPD_AB953	Walker	Susannah	7/26/2018 10:43 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/26/201 Diego
SDPD_AB953	Dewey	Tyler	6/18/2018 06:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	McCoole	Eric	6/26/2018 01:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Soto	Esteban	6/16/2018 10:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Mariota	Sean	7/13/2018 07:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/13/201 Diego
SDPD_AB953	Schnautz	Jerrad				
SDPD_AB953	Orso	Lawrence	6/28/2018 02:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Humes	Maria	7/19/2018 08:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/19/201 Diego
SDPD_AB953	Minton	Frances	12/14/2018 05:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	12/14/2C Diego

000214

SDPD_AB953	Carbajal	Luis	7/13/2018 02:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/13/201 Diego
SDPD_AB953	Devore	Brenton	6/27/2018 09:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Williams	Mark	6/20/2018 05:55 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Slade	Richard	6/20/2018 10:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Williams	Tracey	7/17/2018 09:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/201 Diego
SDPD_AB953	George	Adam	6/18/2018 03:49 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Mora	Deanna	6/23/2018 09:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/201 Diego
SDPD_AB953	Iwasaki	Kevin	6/22/2018 06:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Peterson	Zane	8/21/2018 06:40 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/21/201 Diego
SDPD_AB953	Roode	Mark	6/21/2018 03:18 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Houchins	Jeffrey	6/19/2018 06:43 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Jones	Eric	6/20/2018 02:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Gates	Norman	6/17/2018 10:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/201 Diego
SDPD_AB953	Smith	Christopher	6/19/2018 12:38 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	DaCosta-Muniz	Amaryllis	6/19/2018 10:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Rodriguez	Victor	6/30/2018 12:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/30/201 Diego
SDPD_AB953	Blevins	Jacob	6/27/2018 01:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego

SDPD_AB953	Horvat	Monika	6/22/2018 01:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Montoya	Justin	6/21/2018 06:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Markland	Cecilia	8/14/2018 10:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/14/201 Diego
SDPD_AB953	McCarthy	Jonathan	6/18/2018 03:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Amato	Dominic	6/18/2018 09:11 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Hendricks	Mark	6/22/2018 05:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Condon	Matthew	6/19/2018 06:54 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Maciel	Ryan	6/19/2018 10:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Durrant	Trevor	6/21/2018 09:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Skiba	Jeffrey	6/26/2018 02:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Gardner	Samuel	6/16/2018 02:26 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Davis	Robert	6/19/2018 09:12 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Speicher	Kevin	7/3/2018 10:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/2018
SDPD_AB953	Rodriguez Bahena	Daniel	6/21/2018 06:40 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Triba	Kyle	6/22/2018 05:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Angulo	Luis	6/18/2018 07:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Arosemena	Eder	6/21/2018 01:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego

000216

SDPD_AB953	Ochab	Cary	7/12/2018 09:29 PM America/San Diego 7/13/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Stiasny	Elliott	6/19/2018 07:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Brinkerhoff	Paul	6/17/2018 09:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/201 Diego
SDPD_AB953	Mc Lellan	Scott	6/21/2018 07:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Lynch	Edward	6/28/2018 10:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Bulkowski	Joseph	7/12/2018 02:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Rude	Robert	6/20/2018 03:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Colon	Luis	6/18/2018 02:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Colon	Bernie	6/18/2018 02:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Righthouse	Susan	6/26/2018 11:23 AM America/San Diego 6/26/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Cochran	John	7/21/2018 10:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/21/201 Diego
SDPD_AB953	Martin	R. Shane	6/19/2018 11:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Cedrun	Misty	6/28/2018 01:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Mc Grath	Thomas	7/10/2018 04:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/10/201 Diego
SDPD_AB953	Brenner	Mark	6/18/2018 09:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Valentin	Ramon	6/21/2018 12:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Bostedt	Thomas	1/22/2019 09:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	1/22/201 Diego

SDPD_AB953	Coyle	Timothy	6/24/2018 04:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/24/201 Diego
SDPD_AB953	Epperson	Julie	7/11/2018 03:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/201 Diego
SDPD_AB953	Gregory	Emmett	8/19/2018 06:54 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/19/201 Diego
SDPD_AB953	Peregud	Paul	7/12/2018 10:41 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Mendenhall	Chad	6/26/2018 09:37 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Chinn	Michael	6/18/2018 12:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Vaquero	Daniel	6/21/2018 01:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Short	Willis				
SDPD_AB953	Davis	Jadarric	6/15/2018 09:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Green	Bradford	7/14/2018 02:56 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/14/201 Diego
SDPD_AB953	Scheidecker	Andrew	6/27/2018 02:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Bull	Angela	6/23/2018 02:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/201 Diego
SDPD_AB953	Carbajal	Edwin	8/17/2018 06:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/17/201 Diego
SDPD_AB953	Gripp	Christopher	6/19/2018 06:19 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Seddon	Heather	6/21/2018 09:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Vidrios	Angel	6/26/2018 09:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Rojas	Michael	6/30/2018 02:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/30/201 Diego

SDPD_AB953	Fisher	Patrick	6/19/2018 03:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Pogue	Matthew	6/20/2018 09:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Wallace	Briana	7/13/2018 07:18 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/13/201 Diego
SDPD_AB953	Starrett	Tiffany	6/28/2018 07:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Boer	Michael	6/16/2018 10:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Sisto	David	6/21/2018 02:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Lotz	Kevin	7/13/2018 07:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/13/201 Diego
SDPD_AB953	Doll	Curtis	7/27/2018 08:31 AM America/San Diego 7/13/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	7/27/201 Diego
SDPD_AB953	Lee	David	6/20/2018 12:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Johnson	Bryan	6/17/2018 08:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/201 Diego
SDPD_AB953	Ponce	Juan	6/18/2018 12:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Cameron	Ryan	6/16/2018 10:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Morales	Samuel	8/1/2018 06:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/1/2018
SDPD_AB953	Gibson	Brandon	6/18/2018 02:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Milligan	Caitlin	6/19/2018 06:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Betley	Travis	6/15/2018 09:56 PM America/San Diego 6/16/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Ansari	Addam	6/20/2018 03:09 PM America/San Diego 6/20/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	

000219

SDPD_AB953	Hodge	Joshua	6/15/2018 03:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Munoz	Carlos	7/18/2018 07:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/201 Diego
SDPD_AB953	Estrada	Carlos	6/20/2018 08:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Jimenez	Hector	7/12/2018 02:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Valente	Kyle	6/27/2018 05:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Kean	David	6/18/2018 08:16 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	McPherson	Miles	6/21/2018 10:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Willett	Chris	6/22/2018 12:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Bunch	Sean	6/21/2018 03:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Barton	Lindsay	6/28/2018 07:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Serrano	David	6/20/2018 03:00 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Delatorre	Jordan	6/21/2018 02:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Peplowski	David	6/26/2018 06:54 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Bohorquez	Erika	6/24/2018 06:37 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/24/201 Diego
SDPD_AB953	Morgan	Katherine	7/17/2018 04:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/201 Diego
SDPD_AB953	Hovdey	Meghan				
SDPD_AB953	Contreras	Jonathan	6/16/2018 03:45 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego

SDPD_AB953	Nielsen	Brian	6/15/2018 02:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Thomas	Matthew	6/28/2018 03:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Johnson	Angela	6/21/2018 07:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Keefe	Asa	6/26/2018 10:40 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Arreola	Timothy	6/17/2018 02:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/201 Diego
SDPD_AB953	Turman	Maurice	8/20/2018 10:13 AM America/San Diego 8/20/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	8/20/201 Diego
SDPD_AB953	Sterling	Trevor	6/20/2018 02:38 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Junker	Jonathan	6/22/2018 03:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Tamagni	Nicholas	6/19/2018 09:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Choy	Steven	6/18/2018 12:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Hinzo	Katrina	7/11/2018 03:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/201 Diego
SDPD_AB953	Troche	Mauricio	6/29/2018 02:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/201 Diego
SDPD_AB953	Tuthill	Collin	6/27/2018 03:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Foxworthy	Jennifer	6/28/2018 08:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Governski	Colin	7/18/2018 01:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/201 Diego
SDPD_AB953	Huntley-Park	Jamie	6/20/2018 09:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Steinbach	Matthew	6/19/2018 11:40 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego

000221

SDPD_AB953	Paniagua	Matthew	6/18/2018 11:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Park	Ryan	6/18/2018 11:42 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Rodriguez	Samuel	6/20/2018 06:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Durbin	Lawrence	6/25/2018 11:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/201 Diego
SDPD_AB953	Abron	James	6/18/2018 09:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Huff	Jeremy	6/26/2018 12:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Vasinda	Jacob	6/21/2018 10:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Jimenez	Amanda	8/16/2018 09:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/16/201 Diego
SDPD_AB953	Knaack	Peter	6/22/2018 02:53 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Moss	Casey	6/20/2018 02:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Duncan	Jarrett	6/27/2018 12:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Estrada	Amanda	6/21/2018 10:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Baldwin	David	6/16/2018 06:17 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Clay	Phillip	10/4/2018 10:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/4/201 Diego
SDPD_AB953	Crawford	Brett	6/26/2018 09:05 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Sevilla	Adrian	1/3/2019 02:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	1/3/2019
SDPD_AB953	Bush	James	6/19/2018 09:26 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego

000222

SDPD_AB953	Bernard	Christopher	6/21/2018 06:16 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Smith	Yusuf	7/12/2018 07:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Eysie	Daniel	6/19/2018 06:23 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Gregory	Jennifer	6/16/2018 09:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	White	John	6/20/2018 04:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Johnson	Kai	6/26/2018 06:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Young	Evan				
SDPD_AB953	Askew	Mark	6/16/2018 04:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Coats	Eric	6/26/2018 05:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Didlake	Stephanie	11/14/2018 06:17 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/14/20 Diego
SDPD_AB953	Higgins	Taylor	6/25/2018 09:50 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/201 Diego
SDPD_AB953	Gonzalez	Micheal	6/19/2018 02:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Norcia	Kimberly	6/19/2018 03:00 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	McNett	Eron	7/12/2018 03:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Tani	Mitchel	6/27/2018 03:18 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Snodgrass	Danielle	7/20/2018 10:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/20/201 Diego
SDPD_AB953	Cockrell	Stephanie	7/20/2018 04:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/20/201 Diego

000223

SDPD_AB953	Bandy	Elizabeth	6/28/2018 10:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Dowler	Matthew	9/11/2018 07:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/11/201 Diego
SDPD_AB953	Liu	Denise	7/12/2018 02:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Namhie	Kasey	6/16/2018 02:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Personius	Robert	6/19/2018 02:43 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Dozier	Sharon	7/13/2018 06:52 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/13/201 Diego
SDPD_AB953	Vories	Krista	6/26/2018 06:19 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Morales	Arturo	6/16/2018 02:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Kashouty	Brian	8/15/2018 06:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/201 Diego
SDPD_AB953	Giovanetty	Walfrido	6/21/2018 02:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Evans	Kayla	6/20/2018 01:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Curtis	Richard	6/29/2018 10:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/201 Diego
SDPD_AB953	Escalante	Ricardo	6/26/2018 03:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Hadland	Cora	6/25/2018 11:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/201 Diego
SDPD_AB953	South	Paul	6/29/2018 05:05 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/201 Diego
SDPD_AB953	Orr	Brandon	6/21/2018 09:50 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Chambers	Nathan	6/16/2018 06:11 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego

000224

SDPD_AB953	Woods	Brian	6/19/2018 05:51 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Alt	Bryan	6/15/2018 11:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Parrilla	Thomas	6/18/2018 10:22 AM America/San Diego 6/19/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Cobb	Matthew	6/20/2018 06:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Senior	Christopher	6/15/2018 09:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Denherder	Darik	6/26/2018 03:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego

000225

SDPD_AB953	Sandoval	Joel	8/14/2018 10:21 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/14/20 Diego
SDPD_AB953	Grindley	Sean	8/11/2018 04:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/11/20 Diego
SDPD_AB953	Loughlin	Timothy	6/19/2018 02:19 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Macintyre	Paul	10/19/2018 03:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/19/2 Diego
SDPD_AB953	McMichael	Nancy	9/22/2018 10:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/22/20 Diego
SDPD_AB953	Shields	Milo	7/2/2018 09:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/201
SDPD_AB953	Maraschiello	Moriah	7/1/2018 01:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/1/201
SDPD_AB953	Sims	Cory	7/24/2018 04:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/24/20 Diego
SDPD_AB953	Poorsaleh	Saum	6/26/2018 10:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Carlson	Robert	7/11/2018 08:52 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/20 Diego
SDPD_AB953	Campbell	Andrew	6/19/2018 11:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Kelly	Susan	6/18/2018 06:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Barber	Neil	6/19/2018 06:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Andreen	Kevin	6/16/2018 10:19 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Fugett	Mackenzie	6/17/2018 02:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/20 Diego
SDPD_AB953	Gachalian	Andrew	6/17/2018 09:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/20 Diego
SDPD_AB953	Lawyer	Robert	6/22/2018 07:11 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego

000226

SDPD_AB953	Larson	Peter	6/20/2018 12:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Hudnall	Justin	6/26/2018 06:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Komlosy	Michael				
SDPD_AB953	Fritsch	James	6/16/2018 04:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Kauler	Nicholas	6/21/2018 06:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Harvey	Patrick	6/21/2018 06:32 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Wasco	Michael	6/21/2018 09:42 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Tello	Anthony	7/24/2018 11:50 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/24/20 Diego
SDPD_AB953	McGrath	Thomas	8/24/2018 09:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/24/20 Diego
SDPD_AB953	McCoy	Jeffrey				
SDPD_AB953	Brown	Conner	6/20/2018 06:55 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Abot	Joshua	6/27/2018 10:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego
SDPD_AB953	Armstrong	William	10/16/2018 11:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/16/2 Diego
SDPD_AB953	Barrios	Jeffrey	6/22/2018 02:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Brantley	Gene	6/18/2018 04:52 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Chappell	Doka	6/19/2018 09:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Dunleavy	Ryan	7/2/2018 02:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/201
SDPD_AB953	Liufau	Aida	7/12/2018 01:53 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/20 Diego

SDPD_AB953	Okeson	Kyle	6/18/2018 09:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Dabbaghian	Katherine	6/26/2018 02:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Martinez	Cesar	6/27/2018 09:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego
SDPD_AB953	Burnett	James	6/21/2018 08:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Garzanti	Jean Carlo	8/17/2018 03:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/17/20 Diego
SDPD_AB953	Koehne	Kaitlin	6/21/2018 06:53 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Iwatsuru	Jeffrey	6/19/2018 02:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Denny	Julia	6/23/2018 02:19 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/20 Diego
SDPD_AB953	Baker	Bryan	6/19/2018 06:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Wagner	Michael	7/7/2018 06:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/7/201
SDPD_AB953	Skyhar	Erik	7/14/2018 07:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/14/20 Diego
SDPD_AB953	Ruby	Benjamin	6/16/2018 10:51 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Gross	Jeremiah	6/26/2018 09:38 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Dabbaghian	Nicholas	9/25/2018 07:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/25/20 Diego
SDPD_AB953	Chang	Stephanie	6/18/2018 09:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Fuerte	Atilano	6/16/2018 02:56 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Fitzgerald	Kyle	6/21/2018 02:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego

000228

SDPD_AB953	Dao	Vincent	7/13/2018 07:54 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/13/2C Diego
SDPD_AB953	Dower	Boe	7/19/2018 01:40 PM America/San Diego 6/20/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	7/19/2C Diego
SDPD_AB953	Nisleit	Ryan	6/27/2018 10:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2C Diego
SDPD_AB953	Albright	David	6/26/2018 05:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2C Diego
SDPD_AB953	Morris	Chase	6/21/2018 10:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego
SDPD_AB953	Castillo	Jacob	6/19/2018 08:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Darby	Jason	6/16/2018 06:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego
SDPD_AB953	Maraschiello	Tony	6/22/2018 09:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2C Diego
SDPD_AB953	Neal	William	6/22/2018 05:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2C Diego
SDPD_AB953	Coleman	Gregory	6/28/2018 06:32 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2C Diego
SDPD_AB953	Cummings	Joshua	7/14/2018 02:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/14/2C Diego
SDPD_AB953	Ellison	Kara	6/16/2018 01:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego
SDPD_AB953	Hungarter	Eric	8/13/2018 06:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/13/2C Diego
SDPD_AB953	Herzog	Jordan	6/19/2018 09:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Ayala	Luis	6/19/2018 02:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Stein	Kevin	6/27/2018 06:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2C Diego
SDPD_AB953	Ortega	Gabriela	6/18/2018 09:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2C Diego

0002729

SDPD_AB953	Boggeman	Shawn	7/20/2018 03:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/20/20 Diego
SDPD_AB953	Coleman	Austin	7/15/2018 05:19 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/15/20 Diego
SDPD_AB953	Soto	Julio	7/1/2018 10:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/1/201
SDPD_AB953	Cooper	Thomas	6/27/2018 05:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego
SDPD_AB953	Pierre-Antoine	Clifford	6/20/2018 07:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Tutt	Kalena	6/26/2018 02:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Losee	Sean	6/22/2018 05:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Klos	William	7/29/2018 09:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/29/20 Diego
SDPD_AB953	Nicholas	Javier	6/21/2018 08:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Vina	Jordan	6/18/2018 03:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Yi	Paul	6/16/2018 05:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Langley	Jason	6/29/2018 03:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/20 Diego
SDPD_AB953	McNett	Ian	6/21/2018 06:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Garbutt	Wilton	6/16/2018 08:49 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Jones	Christopher	6/20/2018 08:10 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Knipp	Joseph	6/23/2018 08:49 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/20 Diego
SDPD_AB953	Nafarrete	Alfredo	6/15/2018 07:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/20 Diego

000230

SDPD_AB953	Pulido	Luis	7/11/2018 06:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/20 Diego
SDPD_AB953	Downing	Benjamin	6/19/2018 02:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Chiappone	Alexander	6/19/2018 06:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Acevedo	Eugenio	11/4/2018 05:42 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/4/20 Diego
SDPD_AB953	Yanofsky	Richard	10/15/2018 10:42 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/15/2 Diego
SDPD_AB953	Booth	Joseph	6/17/2018 04:42 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/20 Diego
SDPD_AB953	Bernard	Brian	6/26/2018 05:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Bellatti	Mark	6/16/2018 02:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Baker	Samuel	6/22/2018 10:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Walker	Taylor	6/30/2018 08:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/30/20 Diego
SDPD_AB953	Shields Rogstad	Bryan	6/19/2018 02:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Lingenhol	Christopher	6/26/2018 12:26 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Grinik	Serge	6/16/2018 06:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Torres	Jesse	6/21/2018 07:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Chesney	Britnee	7/11/2018 02:52 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/20 Diego
SDPD_AB953	Fiorillo	Anthony	6/27/2018 12:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego
SDPD_AB953	Johanson	Brendon	6/22/2018 02:34 PM America/San Diego 6/22/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/22/20 Diego

000231

SDPD_AB953	Judge	David	6/22/2018 01:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Hickox	Stephen	6/18/2018 06:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Dunaj	James	7/14/2018 09:17 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/14/20 Diego
SDPD_AB953	Casciola	Nicholas	7/1/2018 01:54 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/1/201
SDPD_AB953	Saltzman	Petra	6/18/2018 07:46 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Richards	Patrick	6/18/2018 04:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Peterson	Timothy	7/18/2018 07:12 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/20 Diego
SDPD_AB953	Brinkerhoff	Daniel	6/21/2018 08:26 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Quintanilla	Connor	7/1/2018 08:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/1/201
SDPD_AB953	Uch	Techeakboth	6/16/2018 04:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Wright	Richard	6/22/2018 09:49 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Scull	Jonathan	6/22/2018 09:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Rivera	Isaac	6/21/2018 06:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Sandoval	Loui	6/21/2018 09:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Riley	Evan	7/13/2018 07:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/13/20 Diego
SDPD_AB953	Leiber	Joshua	6/23/2018 02:15 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/20 Diego
SDPD_AB953	Lang	Ryan	7/10/2018 01:23 PM America/San Diego 6/26/18	NO YES	Racial & Identity Profiling Act- AB 953	7/10/20 Diego

000232

SDPD_AB953	Sultan	Aaron	6/21/2018 06:54 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Rollefson	Brian	6/17/2018 07:57 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/20 Diego
SDPD_AB953	Rosas	Irving	6/16/2018 02:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Luedeke	Joelle	6/21/2018 09:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Devor	Adam	6/19/2018 09:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Duke	William	6/16/2018 03:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Lopez	Ernesto				
SDPD_AB953	Firkus	Catherine	6/29/2018 02:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/20 Diego
SDPD_AB953	Marin	Charles	6/19/2018 02:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Frias	Brian	6/27/2018 05:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego
SDPD_AB953	Almond	Daniel	6/27/2018 05:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego
SDPD_AB953	Milburn	Lauren	7/13/2018 12:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/13/20 Diego
SDPD_AB953	Gonzalez	Jason	6/26/2018 06:12 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Hernandez	Milton	7/20/2018 08:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/20/20 Diego
SDPD_AB953	Hills	David	6/20/2018 09:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Krout	William	6/17/2018 07:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/20 Diego
SDPD_AB953	Sanchez	Anthony	6/19/2018 03:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego

SDPD_AB953	Link	Melissa	6/21/2018 11:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2(Diego
SDPD_AB953	Tasior	Joshua	6/21/2018 02:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2(Diego
SDPD_AB953	Lasley	Drake	6/16/2018 06:42 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2(Diego
SDPD_AB953	Lull	Brandon	6/21/2018 06:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2(Diego
SDPD_AB953	Diaz	Francisco	6/18/2018 04:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2(Diego
SDPD_AB953	Marks	Kyle	6/16/2018 05:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2(Diego
SDPD_AB953	Lull	Tania	6/26/2018 12:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2(Diego
SDPD_AB953	Mondello	Nicole	6/18/2018 07:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2(Diego
SDPD_AB953	Flores	Douglas	7/20/2018 09:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/20/2(Diego
SDPD_AB953	Flanagan	Sean	6/22/2018 03:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2(Diego
SDPD_AB953	Davis	Jarrel	6/19/2018 08:05 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2(Diego
SDPD_AB953	Rack	Kyle	6/19/2018 07:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2(Diego
SDPD_AB953	Saleha	Rohullah	6/21/2018 10:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2(Diego
SDPD_AB953	Herkelman	Matthew	6/21/2018 03:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2(Diego
SDPD_AB953	Heinze	Ryan	6/21/2018 03:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2(Diego
SDPD_AB953	Olguin	Angela	6/18/2018 08:46 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2(Diego
SDPD_AB953	Gilchrist	Andrea	6/26/2018 03:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2(Diego

SDPD_AB953	Roman	Francisco	6/22/2018 09:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2C Diego
SDPD_AB953	Quillin	Brittany	6/20/2018 09:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2C Diego
SDPD_AB953	Young	Tyler	6/16/2018 06:23 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego
SDPD_AB953	Taub	Jason	6/25/2018 11:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/2C Diego
SDPD_AB953	Paris	Carly	6/16/2018 06:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego
SDPD_AB953	Torres	Angelica	6/16/2018 02:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego
SDPD_AB953	Wells	Jonathan	6/16/2018 06:52 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego
SDPD_AB953	Garcia	Mike	6/19/2018 02:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Cattera	Dominic	8/15/2018 06:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/2C Diego
SDPD_AB953	Burgess	Artie	6/21/2018 07:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego
SDPD_AB953	Purdy	Matthew	6/16/2018 07:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego
SDPD_AB953	King	Brandon				
SDPD_AB953	Zepeda Serrano	Moises	6/17/2018 08:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/2C Diego
SDPD_AB953	Hamilton	Ronald	6/19/2018 03:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Kaupp	Cormac	6/16/2018 05:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego
SDPD_AB953	Raynor V	Robert	6/19/2018 10:55 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Kitchen	Anthony	6/21/2018 01:18 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego

SDPD_AB953	Larson	Travis	6/19/2018 08:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Keyes	Brad	6/21/2018 11:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego
SDPD_AB953	Belanger	Peter	6/19/2018 09:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Rodriguez	Jose	6/26/2018 03:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2C Diego
SDPD_AB953	Engel	Christopher	6/16/2018 06:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego
SDPD_AB953	Norris	David	6/19/2018 02:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Hughes	Evan	6/26/2018 02:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2C Diego
SDPD_AB953	Johnson	Christopher	6/26/2018 09:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2C Diego
SDPD_AB953	Lap	Vara	6/27/2018 09:49 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2C Diego
SDPD_AB953	Dudley	John	6/26/2018 10:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2C Diego
SDPD_AB953	Castellanos	Daniel	6/18/2018 06:00 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2C Diego
SDPD_AB953	Varns	Stephen	6/23/2018 07:15 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/2C Diego
SDPD_AB953	Villanueva	Alfred	6/18/2018 02:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2C Diego
SDPD_AB953	Quillin	Summer	7/10/2018 02:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/10/2C Diego
SDPD_AB953	Mallory	Eric	7/20/2018 05:18 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/20/2C Diego
SDPD_AB953	Medina	Nicholas	6/19/2018 10:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Hawksley	Daniel	6/16/2018 06:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego

SDPD_AB953	Maraschiello	Mallory	6/17/2018 09:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/2C Diego
SDPD_AB953	Huynh	Nicholas	6/21/2018 05:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego
SDPD_AB953	Foley-Shipitalo	Jennifer	6/21/2018 05:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego
SDPD_AB953	Rostamzadeh	Ramin	6/23/2018 06:47 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/2C Diego
SDPD_AB953	Ybanez	Ace	6/19/2018 09:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Leavell	Heather	6/29/2018 11:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2C Diego
SDPD_AB953	Thorpe	Andrew	6/21/2018 06:11 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego
SDPD_AB953	Gonzalez-Zuniga	Andres	6/26/2018 02:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2C Diego
SDPD_AB953	Vela	Lorena	6/21/2018 09:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego
SDPD_AB953	Olson	Kyle	6/27/2018 02:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2C Diego
SDPD_AB953	DeRisio	Thomas	6/21/2018 05:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego
SDPD_AB953	Allen	Amanda	6/21/2018 10:12 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego
SDPD_AB953	Quintana	Christian	8/9/2018 10:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/9/201
SDPD_AB953	Peterson	Nickolas	7/2/2018 12:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/201
SDPD_AB953	Kruse	Destiny	6/26/2018 12:18 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2C Diego
SDPD_AB953	Payton	Daniel	6/18/2018 10:52 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2C Diego
SDPD_AB953	Oberndorfer	Joseph	6/21/2018 11:00 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego

SDPD_AB953	Maldonado	Efrain	6/20/2018 02:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Johns	Joshua	6/22/2018 11:00 PM America/San Diego 6/23/18	~~NO~~ YES	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Lowry	Jackilyn	6/26/2018 02:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Springer	Scott	6/26/2018 02:18 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Bognuda	Melanie	6/21/2018 09:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Simmers	Megan	6/17/2018 10:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/20 Diego
SDPD_AB953	Armbruster	David	6/21/2018 06:51 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Henry	Robert	8/27/2018 06:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/27/20 Diego
SDPD_AB953	Sullivan	Richard	6/22/2018 11:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Elisma	Joseph	6/29/2018 08:25 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/20 Diego
SDPD_AB953	Sullivan	Mark	6/21/2018 05:41 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Robinson	Kristin	6/22/2018 06:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Hansen	Eric	6/16/2018 05:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Bryant	Curtis	6/26/2018 03:45 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Uribe-Lopez	Everardo	6/15/2018 09:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/20 Diego
SDPD_AB953	Hankel	James	6/28/2018 10:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/20 Diego
SDPD_AB953	Levan	John	6/18/2018 08:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego

SDPD_AB953	Ali	Abdul Malik	6/27/2018 02:59 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2(Diego
SDPD_AB953	Rocha	Jasmin	7/21/2018 10:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/21/2(Diego
SDPD_AB953	Smith	Patrick	7/6/2018 09:18 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/6/201
SDPD_AB953	Van Orsdel	Andrew	7/11/2018 03:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/2(Diego
SDPD_AB953	Moore	Sherika	6/20/2018 06:49 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2(Diego
SDPD_AB953	Miranda	Don Tommy	6/27/2018 02:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2(Diego
SDPD_AB953	Gonzalez	Steven	7/20/2018 06:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/20/2(Diego
SDPD_AB953	Harris-Gleason	Chloe	9/27/2018 12:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/27/2(Diego
SDPD_AB953	LaurelTorres	Salvador	6/29/2018 07:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2(Diego
SDPD_AB953	Nelson	Robert	6/16/2018 05:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2(Diego
SDPD_AB953	Marcinko	Amber	6/21/2018 11:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2(Diego
SDPD_AB953	Speakman	Brenna	6/24/2018 03:43 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/24/2(Diego
SDPD_AB953	Trainor	Garrett	10/12/2018 06:32 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/12/2 Diego
SDPD_AB953	Turner	Larry	8/8/2018 01:10 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/8/201
SDPD_AB953	Cox	Theonymfi	6/22/2018 02:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2(Diego
SDPD_AB953	Kielbus	Malwina	6/22/2018 02:32 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2(Diego
SDPD_AB953	Card	Jason	6/25/2018 09:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/2(Diego

SDPD_AB953	Bryant	Jennifer	6/18/2018 09:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Breck	Timothy	6/29/2018 10:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/20 Diego
SDPD_AB953	Boxell	Michael	6/21/2018 09:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Aristide	Dominic	6/29/2018 10:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/20 Diego
SDPD_AB953	Zajda	Matthew	7/11/2018 01:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/20 Diego
SDPD_AB953	Yellin	David	6/22/2018 05:36 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Krick	Jacquelyn	7/24/2018 12:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/24/20 Diego
SDPD_AB953	Gordanier	Jacqueline	6/19/2018 09:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Arcinue	Christian	6/27/2018 10:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego
SDPD_AB953	Cairns	Thomas	6/22/2018 02:49 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Deans	Matthew	6/18/2018 01:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Franken	Shane	6/22/2018 03:32 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Jung	Sharon	6/29/2018 01:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/20 Diego
SDPD_AB953	Stark	Victoria	7/5/2018 06:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/5/201
SDPD_AB953	Smith	Justin	6/28/2018 05:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/20 Diego
SDPD_AB953	Slade	Rebecca	6/26/2018 06:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Usma	Diego	6/27/2018 02:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego

000240

SDPD_AB953	Coston	Akilah	6/21/2018 09:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego
SDPD_AB953	Martinez	Angelina	6/15/2018 10:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2C Diego
SDPD_AB953	Longacre	Jeffrey	6/22/2018 04:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2C Diego
SDPD_AB953	Orozco	Justin	6/17/2018 02:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/2C Diego
SDPD_AB953	Petchel	Matthew	6/17/2018 02:26 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/2C Diego
SDPD_AB953	Powers	Margaret	6/18/2018 03:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2C Diego
SDPD_AB953	Perales	Jose	6/21/2018 07:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego
SDPD_AB953	Fadness	Aletheia	6/19/2018 02:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Fuentes	Theresa	7/5/2018 05:26 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/5/201
SDPD_AB953	Fernandez	Joshua	7/19/2018 06:40 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/19/2C Diego
SDPD_AB953	Muniz	Michael	7/14/2018 11:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/14/2C Diego
SDPD_AB953	Wester Lehr	Kyle	7/12/2018 07:51 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/2C Diego
SDPD_AB953	Aaland	Sean	6/16/2018 06:15 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego
SDPD_AB953	Johnson	Nasira	6/27/2018 11:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2C Diego
SDPD_AB953	Wilson	Braden	6/22/2018 02:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2C Diego
SDPD_AB953	Vedder	Ian	6/16/2018 06:19 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego
SDPD_AB953	Thomas	Andre	6/22/2018 03:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2C Diego

000241

SDPD_AB953	Sheehan	Garrett	6/20/2018 08:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Sisneros	Zane	6/16/2018 10:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Clark	Emily	6/21/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Dawson	Jacob	6/22/2018 06:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	DiGioia	Zachary	7/13/2018 12:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/13/20 Diego
SDPD_AB953	Rueda	Jorge	6/19/2018 03:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Sanchez	Ismael	8/27/2018 01:38 PM America/San Diego 8/27/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	8/27/20 Diego
SDPD_AB953	Carroll	Jackson	6/25/2018 10:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/20 Diego
SDPD_AB953	Anikanova	Anna	8/2/2018 02:46 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/2/201
SDPD_AB953	Alvarado	Edwin	6/22/2018 02:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Ahmed	Guled	6/21/2018 06:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Valenzuela	Jorge	8/13/2018 10:59 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/13/20 Diego
SDPD_AB953	Stroud	Mark	6/22/2018 02:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Wolf	Cody	8/1/2018 07:40 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/1/201
SDPD_AB953	Padilla	Anthony				
SDPD_AB953	Martinez	Serafina	6/30/2018 02:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/30/20 Diego
SDPD_AB953	Orban	Dominic	6/25/2018 09:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/20 Diego
SDPD_AB953	Haines	Benjamin	6/23/2018 09:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/20 Diego

000242

SDPD_AB953	White	Donald	6/16/2018 06:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego
SDPD_AB953	Wittlieff	Ethan	6/25/2018 10:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/2C Diego
SDPD_AB953	Hall	Benjamin	6/22/2018 07:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2C Diego
SDPD_AB953	Huizar	Anthony	6/19/2018 09:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Heil	Cassandra	6/24/2018 08:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/24/2C Diego
SDPD_AB953	Langley	Emery	6/19/2018 03:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Hammond	Luke	6/21/2018 06:45 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego
SDPD_AB953	Marino	Anthony	6/18/2018 04:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2C Diego
SDPD_AB953	Reeves	Addison	6/19/2018 09:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Marino	Nicholas	6/21/2018 09:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego
SDPD_AB953	Ferraro	Jonathan	6/16/2018 01:53 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego
SDPD_AB953	Briggs	John	6/15/2018 09:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2C Diego
SDPD_AB953	Reyes	Luis	6/22/2018 09:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2C Diego
SDPD_AB953	Frost	James	6/22/2018 06:49 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2C Diego
SDPD_AB953	Austin	Brandon	7/11/2018 03:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/2C Diego
SDPD_AB953	Adieh	Amir	7/7/2018 05:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/7/201
SDPD_AB953	Oller	Joshua	6/19/2018 06:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego

SDPD_AB953	Navarijo	Micah	6/23/2018 02:18 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/20 Diego
SDPD_AB953	Ortiz	Elizabeth	6/16/2018 08:17 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Prats	Steven	6/30/2018 02:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/30/20 Diego
SDPD_AB953	Monreal	Erika	6/22/2018 04:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Noble	Brooks	7/11/2018 03:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/20 Diego
SDPD_AB953	Oh	Paul	6/17/2018 08:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/20 Diego
SDPD_AB953	Gonzalez	Eduardo	6/16/2018 02:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Aguilar	Jose	7/4/2018 04:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/4/201
SDPD_AB953	Burns	David	6/30/2018 04:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/30/20 Diego
SDPD_AB953	Morelia	Kevin	6/21/2018 10:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Duncan	Anthony	6/25/2018 09:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/20 Diego
SDPD_AB953	Neglia	Philip	7/28/2018 06:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/28/20 Diego
SDPD_AB953	Le	Andrew	6/25/2018 09:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/20 Diego
SDPD_AB953	Jamsetjee	Darius	6/19/2018 11:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Iufer	Kimberly	6/19/2018 07:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Pitts	Corey	6/20/2018 02:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Charlot	Joseph	7/28/2018 06:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/28/20 Diego

000244

SDPD_AB953	Mattis	Christopher	6/20/2018 06:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2C Diego
SDPD_AB953	Schrader	Blaise	116 ACAD- GRAD. 11/15/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Navarro-Casillas	Manuel	117 ACAD - GRAD 2/21/19	NO		
SDPD_AB953	Del Toro	Dallas	SETC NO LONGER LE	~~No~~ N/A	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Gosnell	Scott	6/28/2018 08:51 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2C Diego
SDPD_AB953	Willdigg	Lucas	6/20/2018 03:24 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2C Diego
SDPD_AB953	Yeatman	Jared	6/28/2018 06:23 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2C Diego
SDPD_AB953	Zaki	Tevar	6/15/2018 09:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2C Diego
SDPD_AB953	Stancil	Kevin	6/15/2018 08:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2C Diego
SDPD_AB953	Vaccarello	Courtney	6/29/2018 02:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2C Diego
SDPD_AB953	Warner	Kevin	6/16/2018 09:51 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego
SDPD_AB953	Sullivan	Nicholas	6/28/2018 05:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2C Diego
SDPD_AB953	Thatcher	Robert	7/11/2018 02:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/2C Diego
SDPD_AB953	Tovias	Eduardo	6/21/2018 09:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego
SDPD_AB953	Schram	Gary	8/20/2018 06:55 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/20/2C Diego
SDPD_AB953	Simon	Gregory	6/15/2018 09:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2C Diego
SDPD_AB953	Stefan	Bryan	6/15/2018 09:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2C Diego
SDPD_AB953	Martinez	Michael	6/26/2018 09:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2C Diego

000245

SDPD_AB953	Montalbano	Nicholas	6/21/2018 10:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2(Diego
SDPD_AB953	Murphy	Alexander	6/22/2018 12:21 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2(Diego
SDPD_AB953	Kaub	Jason				
SDPD_AB953	Kobylarz	Matthew	6/22/2018 07:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2(Diego
SDPD_AB953	Payne	Joshua	6/29/2018 09:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2(Diego
SDPD_AB953	Rosenbloom	Chelsea	6/15/2018 09:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2(Diego
SDPD_AB953	Rustvold	Nathan				
SDPD_AB953	Pockett	Alex	6/16/2018 05:25 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2(Diego
SDPD_AB953	Verduzco	Jorge	6/29/2018 01:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2(Diego
SDPD_AB953	Hernandez	Martin	7/15/2018 10:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/15/2(Diego
SDPD_AB953	Hall	Meghan	6/19/2018 09:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2(Diego
SDPD_AB953	Cazares	Mollie	7/12/2018 11:18 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/2(Diego
SDPD_AB953	Hernandez	Maximo	6/30/2018 07:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/30/2(Diego
SDPD_AB953	Huff	Grants	6/15/2018 09:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2(Diego
SDPD_AB953	Illiano	Dominic	6/20/2018 11:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2(Diego
SDPD_AB953	Jordan	Ashley	6/16/2018 06:16 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2(Diego
SDPD_AB953	Propati	Joseph	7/11/2018 03:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/2(Diego
SDPD_AB953	Alcantara	Cesar	6/16/2018 03:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2(Diego

SDPD_AB953	Dewoody	Adam	6/19/2018 10:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Flood	Ian	6/22/2018 06:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2C Diego
SDPD_AB953	Rhoten	Elias	7/2/2018 04:43 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/201
SDPD_AB953	Rincon	Fernando	7/11/2018 03:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/2C Diego
SDPD_AB953	Gonzalez	Miguel	6/21/2018 10:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2C Diego
SDPD_AB953	Mills	Dillon	7/1/2018 10:18 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/1/201
SDPD_AB953	Salinas	Marco	6/30/2018 03:43 PM America/San Diego 6/30/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/30/2C Diego
SDPD_AB953	Songu	Ricky	6/18/2018 02:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2C Diego
SDPD_AB953	Williams	Tiffany	6/16/2018 03:54 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego
SDPD_AB953	Buraus	Michael	6/16/2018 03:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2C Diego
SDPD_AB953	Meredith	Brandon	6/29/2018 07:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2C Diego
SDPD_AB953	Hallios	Yianni	6/15/2018 04:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2C Diego
SDPD_AB953	Luangamath	Ko	6/19/2018 07:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2C Diego
SDPD_AB953	Lucas	Chad	6/18/2018 02:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2C Diego
SDPD_AB953	Lucas	Jonathon	6/17/2018 02:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/2C Diego
SDPD_AB953	Brady	Victoria	6/23/2018 02:49 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/2C Diego
SDPD_AB953	Guzman	Raymond	6/27/2018 04:46 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2C Diego

000247

SDPD_AB953	Jachim	Kyle	6/25/2018 11:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/20 Diego
SDPD_AB953	Ball	Kyle	6/26/2018 12:59 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Rivezzo	Carly	6/19/2018 09:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Jorgensen	Alyce	6/18/2018 08:19 PM America/San Diego 6/18/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Garcia	Edgar	6/27/2018 09:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego
SDPD_AB953	Berton	Ruben	6/20/2018 02:54 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Hopkins	Cortney	6/21/2018 10:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Staab	Tyler	6/21/2018 09:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Padron	Shelbie	6/18/2018 09:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Stransky	Lindsay	6/26/2018 09:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Rodriguez	Manuel	6/19/2018 11:45 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	McGhee	Joshua	6/25/2018 08:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/20 Diego
SDPD_AB953	Nicholes	George	6/22/2018 02:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Albini	Torrie	6/26/2018 09:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Hofrichter	Colton	6/26/2018 09:26 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Gaines	Brian	6/29/2018 09:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/20 Diego
SDPD_AB953	Ramirez	Barnaby	6/27/2018 11:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego

SDPD_AB953	Vasquez	Matthew	6/16/2018 06:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Woods	Kyle	6/25/2018 07:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/20 Diego
SDPD_AB953	Johnson	Devion	8/28/2018 03:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/28/20 Diego
SDPD_AB953	Diaz Rangel	Carlos	6/26/2018 11:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Oriarte	Ariel	6/22/2018 12:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Elliott	Anthony	6/28/2018 05:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/20 Diego
SDPD_AB953	Levasseur	Matthew	6/22/2018 05:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Maguire	Jarrod	7/23/2018 02:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/23/20 Diego
SDPD_AB953	McGill	Dylan	6/20/2018 02:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Kochsiek	Clayton	6/23/2018 08:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/20 Diego
SDPD_AB953	Porper	Joseph	6/20/2018 05:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Cass	Shannon	6/21/2018 07:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Martinez	Daniel	6/26/2018 06:49 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/20 Diego
SDPD_AB953	Kain	Garett	7/7/2018 12:05 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/7/201
SDPD_AB953	Hardman	Blake	6/18/2018 12:53 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Christman	Tyler	7/7/2018 09:50 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/7/201
SDPD_AB953	Arvelo	Ashley	6/21/2018 11:10 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego

000249

SDPD_AB953	Alvarez-Tostado	Joshua	6/21/2018 10:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Arcamo	Jake	6/17/2018 02:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/20 Diego
SDPD_AB953	Carter Torres	William	6/18/2018 09:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Capron	Joshua	6/18/2018 07:32 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Thorne	Taylor	6/16/2018 11:10 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Garcia	Samuel	6/19/2018 07:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Pitcock	Rhett	7/4/2018 10:00 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/4/201
SDPD_AB953	Newman	Anthony				
SDPD_AB953	Lorenzen	Matthew	6/20/2018 09:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Cooper	Emanuel	6/18/2018 07:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Velasquez	Jose	6/27/2018 11:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Silva	Samuel	6/16/2018 02:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Swankosky	Jonathan	6/21/2018 08:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Shaak	Ryan	6/29/2018 10:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/20 Diego
SDPD_AB953	David	Antonio	7/4/2018 05:27 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/4/201
SDPD_AB953	Sanchez	Jordan	6/29/2018 05:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/20 Diego
SDPD_AB953	Meza	Adrian	6/22/2018 09:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego

SDPD_AB953	Wallace	Jordan	6/30/2018 04:41 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/30/2(Diego
SDPD_AB953	Kilby	Jacob	6/29/2018 09:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2(Diego
SDPD_AB953	Medlam	Nathan	6/30/2018 10:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/30/2(Diego
SDPD_AB953	Maciel	Stephanie	7/3/2018 03:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/201
SDPD_AB953	Kinnally	Sean	6/26/2018 05:27 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2(Diego
SDPD_AB953	Jugao	Ronald				
SDPD_AB953	Gallagher	Ross	6/28/2018 03:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2(Diego
SDPD_AB953	Borgonia Cademas	Philippe	7/9/2018 06:26 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/9/201
SDPD_AB953	Avigdor	Alexander	6/28/2018 11:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2(Diego
SDPD_AB953	Parker	Dante	6/25/2018 10:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/2(Diego
SDPD_AB953	Giunta	Marissa	7/2/2018 09:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/201
SDPD_AB953	Esparza	Katharine	6/28/2018 11:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2(Diego
SDPD_AB953	Rosbrook	Matthew	7/5/2018 10:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/5/201
SDPD_AB953	Davoren	Taylor	6/26/2018 09:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2(Diego
SDPD_AB953	Zasueta	Zacgary	6/26/2018 03:10 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2(Diego
SDPD_AB953	Vuletich	Candis	6/28/2018 09:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2(Diego
SDPD_AB953	Van Dyk	Mitchell	6/29/2018 06:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2(Diego

SDPD_AB953	Tellam	Justin	7/1/2018 08:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/1/201
SDPD_AB953	Stone	Jarod	6/27/2018 10:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2C Diego
SDPD_AB953	Gray	Gabriel	6/23/2018 02:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/2C Diego
SDPD_AB953	Herrera	Esteban	6/29/2018 02:38 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2C Diego
SDPD_AB953	Briones	Ramon	6/26/2018 06:32 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2C Diego
SDPD_AB953	Sowers	Jennifer	7/2/2018 08:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/201
SDPD_AB953	Solomon	Ronnie	6/26/2018 02:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2C Diego
SDPD_AB953	Shaw	Linda	7/11/2018 06:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/2C Diego
SDPD_AB953	Schroder	Erik	7/2/2018 08:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/201
SDPD_AB953	Jennings	Katherine	115 ACAD GRAD 8/16/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Flores	Gustavo	115 ACAD GRAD 8/16/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Fitch	Matthew	115 ACAD GRAD 8/16/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Bustamante	Robert	12/30/2018 07:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	12/30/2 Diego
SDPD_AB953	Collins	Dominic	9/27/2018 08:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/27/20 Diego
SDPD_AB953	Hanrahan	Jennifer	9/10/2018 03:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/10/2C Diego
SDPD_AB953	Hardy	Luke	11/19/2018 03:52 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/19/2 Diego
SDPD_AB953	Buell	Amy	115 ACAD GRAD 8/16/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Blouin	Ryan	9/20/2018 08:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/20/20 Diego
SDPD_AB953	Crawford	Romero	115 ACAD GRAD 8/16/18	No	Racial & Identity Profiling Act- AB 953	

000252

SDPD_AB953	Amado	Jeff Ryan	10/2/2018 08:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/2/20 Diego
SDPD_AB953	Alesi	Joel	115TH ACAD GRAD 8/16/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Duke	David	115TH ACAD GRAD 8/16/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Haar	Paige	115TH ACAD GRAD 8/16/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Greenan	Daniel	115TH ACAD GRAD 8/16/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Smith	John	115TH ACAD GRAD 8/16/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Thrift	JessicaMarie	115TH ACAD GRAD 8/16/18 NO			
SDPD_AB953	Mohr	Jakob	115TH ACAD GRAD 8/16/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Billberry	Daniel	6/19/2018 12:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Nevarez	Jesus	2/7/2019 10:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	2/7/201
SDPD_AB953	Reyes	Reynaldo	11/9/2018 09:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/9/20 Diego
SDPD_AB953	Prudham	Kaley	10/30/2018 09:27 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/30/2 Diego
SDPD_AB953	Quinonez	Cristino	115TH ACAD GRAD 8/16/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Luna	Nicholas	115TH ACAD GRAD 8/16/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Lopez	David	9/14/2018 06:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/14/20 Diego
SDPD_AB953	McCormick	William	115TH ACAD GRAD 8/16/18 NO			
SDPD_AB953	Tapia	Filiberto	~~TEST~~ 10/16/18 1/9/2019 05:28 AM America/San Diego	~~NO~~ YES	Racial & Identity Profiling Act- AB 953	1/9/201
SDPD_AB953	Thomson	Seth	115TH ACAD GRAD 8/16/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Lopez Tonche	Juan	115TH ACAD GRAD 8/16/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Killinger	Jardin	115TH ACAD GRAD 8/16/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Jittu	Aaron	9/10/2018 06:11 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/10/20 Diego
SDPD_AB953	Rickert	Elijah	2/12/2019 01:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	2/12/20 Diego
SDPD_AB953	Calafato	Patrick	1/3/2019 03:05 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	1/3/201

SDPD_AB953	Granados	Adrian	10/3/2018 05:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/3/20 Diego
SDPD_AB953	Butera	Richard	6/21/2018 09:11 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Stanek	Austin	7/3/2018 02:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/201
SDPD_AB953	Dortenzio	Kristina				
SDPD_AB953	Connor	Alexander				
SDPD_AB953	Belchamber	Jordan				
SDPD_AB953	Baeza Ortiz	Emanuel				
SDPD_AB953	Allahwardy	Deshnay				
SDPD_AB953	Davalos	Manuel				
SDPD_AB953	Spears	William	1/24/2019 10:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	1/24/20 Diego
SDPD_AB953	Webb	Kyle				

SDPD_AB953	Hernandez	Juan	116TH ACAD GRAD 11/15/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Lavelle	William	116TH ACAD GRAD 11/15/18	NO		
SDPD_AB953	Huerta	Edgar	12/21/2018 09:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	12/21/20 Diego
SDPD_AB953	Campante	Felix	2/27/2019 06:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	2/27/201 Diego
SDPD_AB953	Wages	Leah	1/12/2019 10:20 PM America/San Diego 116TH ACAD GRAD 11/15/18	No	Racial & Identity Profiling Act- AB 953	1/12/201 Diego
SDPD_AB953	Heu	Stephanie	12/18/2018 02:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	12/18/20 Diego
SDPD_AB953	Dryer	Justin	12/12/2018 10:26 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	12/12/20 Diego
SDPD_AB953	Fanlo	Luisito	116TH ACAD GRAD 11/15/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Fernandez	Fernando	116TH ACAD GRAD 11/15/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Elizondo	Erik	12/16/2018 10:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	12/16/20 Diego
SDPD_AB953	Taggart	Colleen	116TH ACAD GRAD 11/15/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Steidley	Alicia	1/30/2019 06:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	1/30/201 Diego
SDPD_AB953	Zambrano	Ricardo	1/1/2019 10:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	1/1/2019
SDPD_AB953	Hesse	Donald	116TH ACAD GRAD 11/15/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Perez Quintero	Andres	12/19/2018 10:42 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	12/19/20 Diego
SDPD_AB953	Wilkin	Matthew	116TH ACAD GRAD 11/15/18	NO		
SDPD_AB953	Bloemendaal	Dominic	116TH ACAD GRAD 11/15/18	NO		
SDPD_AB953	Burries	Alexandra	116TH ACAD GRAD 11/15/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Collins	Trace	116TH ACAD GRAD 11/15/18	NO		
SDPD_AB953	Flores	Eliana	116TH ACAD GRAD 11/15/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Virgen	Brandon	116TH ACAD GRAD 11/15/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Ulibarri	Chelsea	116TH ACAD GRAD 11/15/18	NO		
SDPD_AB953	Tran	Phi	116TH ACAD GRAD 11/15/18	NO		
SDPD_AB953	Luzuriaga	Omar	116TH ACAD GRAD 11/15/18	No	Racial & Identity Profiling Act- AB 953	

SDPD_AB953	Maser	Kevin	116TH ACAD GRAD 11/15/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Lazaga	Dominic	116TH ACAD GRAD 11/15/18	NO		
SDPD_AB953	Merris	Aaron	116TH ACAD GRAD 11/15/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Neri	Catherine	12/19/2018 09:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	12/19/20 Diego
SDPD_AB953	Rodriguez Zaragoza	Francisco	116TH ACAD GRAD 11/15/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Jodar	Nicholas	114TH LATERAL EFF. 7/26/18	No	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Araoz	Matthew	117TH ACAD. GRAD 2/21/19	NO		
SDPD_AB953	Arellanes	Diego	117TH ACAD GRAD 2/21/19	NO		
SDPD_AB953	Bullock	Joseph	117TH ACAD GRAD 2/21/19	NO		
SDPD_AB953	Crosby	Seth	117TH ACAD GRAD 2/21/19	NO		
SDPD_AB953	Diaz	Danny	117TH ACAD GRAD 2/21/19	NO		
SDPD_AB953	Fuston	Dillon	117TH ACAD GRAD 2/21/19	NO		

SDPD_AB953	Johnson	Jake	117TH ACAD GRAD 2/21/19	NO
SDPD_AB953	Henry	Michael	"	NO
SDPD_AB953	Gutierrez	Juan	"	NO
SDPD_AB953	Green	Adriana	"	NO
SDPD_AB953	Kohrmann	Arlen	"	NO
SDPD_AB953	Wood	Briana	"	NO
SDPD_AB953	Jordan	Justin	"	NO
SDPD_AB953	Marcoux	Ryan	"	NO
SDPD_AB953	Magallanes	Carlos	"	NO
SDPD_AB953	Lopez	Juan	115TH ACAD GRAD 8/16/18	NO
SDPD_AB953	Lane	Victoria	117TH ACAD GRAD 2/21/19	NO
SDPD_AB953	Lopez	Francisco	117TH ACAD GRAD 2/21/19	NO
SDPD_AB953	Palma	German	"	NO
SDPD_AB953	Ports	Mason	"	NO
SDPD_AB953	Robinson	Nathan	"	NO
SDPD_AB953	McClain	Jeremy	"	NO
SDPD_AB953	Sanchez	Isai	"	NO
SDPD_AB953	Sanchez	Andres	"	NO
SDPD_AB953	Romero	Erica	"	NO
SDPD_AB953	Rodriguez	Victor	"	NO
SDPD_AB953	Schmidt	Morgen	"	NO
SDPD_AB953	Strickler	Catherine	"	NO
SDPD_AB953	Tentler	Ryan	"	NO
SDPD_AB953	Wilson	Sadie	"	NO
SDPD_AB953	Wong	Jasmine	"	NO
SDPD_AB953	Scimeme	Nicole	"	NO
SDPD_AB953	Ell	Shawn	"	NO
SDPD_AB953	Ghannam	Amanda	"	NO
SDPD_AB953	Castillo	Isai	"	NO
SDPD_AB953	Serdah	Ibrahim	"	NO
SDPD_AB953	Stewart	Trenton	118TH ACAD GRAD 5/23/19	NO

000257

SDPD_AB953	Gabat	Richard				
SDPD_AB953	Riley	Trevor	6/23/2018 09:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/201 Diego
SDPD_AB953	Stinson	Robert	6/15/2018 07:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	McAnnally	David	6/23/2018 09:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/201 Diego
SDPD_AB953	Stafford	Eric	7/12/2018 03:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Belz	Michael	6/21/2018 06:42 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Tews	Christopher	6/20/2018 02:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Heller	Patrick	6/22/2018 08:00 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Macon	Kevin	6/20/2018 10:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Bueno	Anthony	7/24/2018 01:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/24/201 Diego
SDPD_AB953	Fisher	Lawanda	6/19/2018 10:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Kelso	Benjamin	8/23/2018 03:10 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/23/201 Diego
SDPD_AB953	Jager	Todd	6/18/2018 07:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Whitfield	David	6/21/2018 09:36 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Hall	Daniel	6/22/2018 09:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Tate	John	6/19/2018 08:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Cook	Lloyd	7/2/2018 11:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/2018

SDPD_AB953	Phillips	Gary	6/26/2018 02:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Bland	Michael	6/21/2018 12:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Rawls	Kenneth	6/16/2018 08:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Johnson	Sarah	7/12/2018 06:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Charlot	Joseph	7/16/2018 10:32 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/16/201 Diego
SDPD_AB953	Annis	Mark	6/21/2018 05:16 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Patrick	Kevin	6/25/2018 11:19 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/201 Diego
SDPD_AB953	Stephens	Blair	10/9/2018 10:26 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/9/201 Diego
SDPD_AB953	Garren	David	6/18/2018 02:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Bishop	Dean	7/11/2018 09:15 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/201 Diego
SDPD_AB953	Ty	Simon	6/19/2018 07:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Teer	James	6/21/2018 01:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Ketchum	Nicholas	7/2/2018 09:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/2018
SDPD_AB953	Escalante	Manuel	6/26/2018 10:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Hall	Patrick	6/19/2018 03:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Pottin	Alberto	6/26/2018 04:57 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Thomas	Dean	6/19/2018 02:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego

000259

SDPD_AB953	Henderson	Scott	6/20/2018 09:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Gonzalez-Reed	Hilda	7/18/2018 08:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/201 Diego
SDPD_AB953	Barr	Tracey	7/6/2018 09:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/6/2018
SDPD_AB953	Glass	Ronald	6/18/2018 12:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Rodriguez	Ramiro	6/20/2018 03:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	De Los Reyes	Deana	6/18/2018 03:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	McCurry	Benjamin	6/20/2018 02:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Queen	John	6/19/2018 07:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Bourasa	Steven	6/16/2018 05:21 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Albers	Wesley	6/19/2018 05:38 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Mora	Robert	6/23/2018 07:51 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/201 Diego
SDPD_AB953	Sterling	Jeffrey	6/18/2018 01:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Houseman	Victoria	6/19/2018 07:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Witt	Daniel	6/26/2018 08:23 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Hinds	Richard	6/20/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Krouss	Joseph	7/12/2018 06:46 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Skinn	Randall	8/20/2018 12:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/20/201 Diego

000260

SDPD_AB953	Davis	Kelly	11/8/2018 07:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/8/201 Diego
SDPD_AB953	Davis	Garry	6/25/2018 11:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/201 Diego
SDPD_AB953	Spurlock	Steven	6/19/2018 06:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Silva	Raymond	6/19/2018 07:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Evans	Craig	6/15/2018 11:41 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Fabregas	Robert	6/21/2018 10:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Gross	Jeffrey	6/21/2018 08:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Wuehler	Jeffrey	6/18/2018 07:50 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Bales	Vincent	10/8/2018 09:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/8/201 Diego
SDPD_AB953	Maschmeier	Michael	6/27/2018 09:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Gilmore	Cory	6/19/2018 06:25 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Wilson	Frank	6/21/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Olson	Gregory	6/19/2018 12:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Gini	Casey	6/18/2018 02:06 PM America/San Diego 6/18/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Owens	Jerry	6/19/2018 07:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Griffin	William	6/27/2018 11:57 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Brown	Troy	6/16/2018 03:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego

000261

SDPD_AB953	Behrendt	Steven	6/18/2018 09:17 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Salinas	Jeffrey	7/5/2018 07:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/5/2018
SDPD_AB953	Righthouse	Bret	6/18/2018 03:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Joy	Thomas	8/15/2018 02:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/201 Diego
SDPD_AB953	Lazare	Jenard	6/19/2018 06:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Janzen	Michael	6/29/2018 07:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/201 Diego
SDPD_AB953	Howard	John	10/8/2018 08:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/8/201 Diego
SDPD_AB953	Perez	Marco	6/22/2018 07:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Scott	Jason				
SDPD_AB953	Miller	Eric	6/22/2018 08:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Gassmann	Robert	6/20/2018 11:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Dickinson	Steven	7/10/2018 01:56 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/10/201 Diego
SDPD_AB953	Brown	Andra	7/9/2018 10:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/9/2018
SDPD_AB953	Millett	Catherine	6/18/2018 06:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Nichols	Jeffrey	6/21/2018 01:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Daun	Robert	8/15/2018 01:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/201 Diego
SDPD_AB953	Mapston	Cory	6/22/2018 04:24 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego

SDPD_AB953	Hanna	Cynthia	6/20/2018 04:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Napora	Scott	6/19/2018 02:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Olsen	William	7/19/2018 09:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/19/201 Diego
SDPD_AB953	Zdunich	Matthew	6/15/2018 05:18 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Maggi	Louis	6/20/2018 01:59 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Foster	Sarah	12/7/2018 10:52 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	12/7/201 Diego
SDPD_AB953	Bisesto	Meghan	6/21/2018 06:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Dragula	Frank	6/18/2018 07:51 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Mobley	Michael	6/18/2018 03:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Waldecker	Curtis	6/15/2018 09:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Kelbaugh	Nicholas	6/20/2018 07:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Valentin	Wendy	6/15/2018 08:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Marvel	Brian	6/28/2018 11:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Wadhams	Kevin	7/3/2018 11:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/2018
SDPD_AB953	Sells	Gaylon	7/14/2018 04:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/14/201 Diego
SDPD_AB953	Thach	Alvin	6/18/2018 12:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Headley	David	6/27/2018 09:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego

SDPD_AB953	Leahy	Christopher	6/20/2018 01:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Voss	Duane	6/22/2018 09:57 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Lacarra	Carlos	7/12/2018 02:07 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Clippinger	Michael	7/18/2018 07:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/201 Diego
SDPD_AB953	Ramsay	Michael	10/19/2018 07:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/19/20 Diego
SDPD_AB953	Wong	Kevin	7/2/2018 06:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/2018
SDPD_AB953	Eastep	Donna	7/3/2018 11:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/2018
SDPD_AB953	Jillard	John	6/19/2018 07:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Freedman	Richard	6/28/2018 04:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Holden	Mike	6/19/2018 10:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Holden	Scott	6/21/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Hammerstrand	James	6/18/2018 03:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	McElroy	Adam	6/26/2018 01:26 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Shebloski	Stephen	10/24/2018 02:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/24/20 Diego
SDPD_AB953	Bowman	Roger	6/15/2018 07:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Shaw	Steven	6/21/2018 08:51 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Burgess	Randy	6/18/2018 11:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego

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SDPD_AB953	Zirpolo	James	7/16/2018 07:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/16/201 Diego
SDPD_AB953	Broaddus	Brandon	7/18/2018 06:21 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/201 Diego
SDPD_AB953	Letteri	John	8/15/2018 09:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/201 Diego
SDPD_AB953	Savage	Dennis	7/17/2018 08:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/201 Diego
SDPD_AB953	Ganley	Deborah	6/20/2018 09:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Botsford	Stacee	6/16/2018 08:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Yepiz	Sylvia	6/27/2018 09:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Call	John	6/27/2018 06:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Rocha	Jason	7/12/2018 02:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Underwood	Timothy	10/8/2018 10:46 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/8/201 Diego
SDPD_AB953	Underwood	Thomas	6/19/2018 08:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Gustafson	Karin	7/12/2018 12:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Castle	Clinton	6/27/2018 06:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	Speer	Edwin	8/24/2018 09:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/24/201 Diego
SDPD_AB953	Perez	Jose	8/28/2018 03:00 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/28/201 Diego
SDPD_AB953	Peterson	Jeffrey	6/15/2018 05:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	McCoy	Richard	6/19/2018 03:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego

000265

SDPD_AB953	Rivas	Ricardo	6/27/2018 10:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/201 Diego
SDPD_AB953	James	Danica E	8/14/2018 10:21 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/14/201 Diego
SDPD_AB953	Hays	Eric	7/12/2018 06:16 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Bennett	Mark	6/21/2018 01:10 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Cornell	Brian	7/9/2018 09:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/9/2018
SDPD_AB953	Clark	John	6/20/2018 07:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Perkins	Richard	6/26/2018 10:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Ziegler	Evan	6/19/2018 06:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Hawkins	Robert	8/16/2018 06:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/16/201 Diego
SDPD_AB953	Spurlock	Desiree	6/21/2018 11:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Schnick	Steve	6/19/2018 06:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Pearson	Jack	6/26/2018 06:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	French	Brian	6/17/2018 02:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/201 Diego
SDPD_AB953	Leisz	Clinton	6/17/2018 07:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/201 Diego
SDPD_AB953	Schmottlach	Tristan	6/20/2018 05:36 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Haley	Michael	7/3/2018 01:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/2018
SDPD_AB953	Labo	John	7/16/2018 01:50 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/16/201 Diego

SDPD_AB953	Harper	Joseph	6/18/2018 06:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Higdon	Daniel	6/26/2018 05:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Hernandez	Frank	6/18/2018 07:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Lovell	Warren	7/12/2018 10:42 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Jobe	Grant	6/28/2018 02:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Swadener	Arturo	6/26/2018 11:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Willkomm	Jeff	6/26/2018 07:51 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Schaeffer	Jack	7/10/2018 11:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/10/201 Diego
SDPD_AB953	Allison	Katherine	6/19/2018 05:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Hoolihan	Joel	6/21/2018 08:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Kries	Kenneth	6/19/2018 09:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Gibson	Troy	6/22/2018 12:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/201 Diego
SDPD_AB953	Dunhoff	David	6/25/2018 09:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/201 Diego
SDPD_AB953	Marciniak	Charles	6/18/2018 05:26 PM America/San Diego 6/18 18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Bassett	Tod	6/18/2018 06:45 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Menard	Renee	6/19/2018 12:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Ellison	Karl	6/19/2018 06:52 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego

000267

SDPD_AB953	Mrvich	Gregory	6/28/2018 06:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Guaderrama	Albert	6/18/2018 02:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Harberth	John	6/19/2018 01:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Adams	Lori	7/19/2018 09:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/19/201 Diego
SDPD_AB953	Burow	Daniel	6/20/2018 10:50 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Nabizadeh	Homayoun	7/12/2018 01:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/201 Diego
SDPD_AB953	Gutierrez	Mike	7/17/2018 03:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/201 Diego
SDPD_AB953	Wiseman	Eric	11/20/2018 07:42 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/20/20 Diego
SDPD_AB953	Skinner	Steven	6/19/2018 07:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Sidhu	Amalia	6/19/2018 03:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Tousley	Linda	6/26/2018 08:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Reese	Anthony	6/20/2018 02:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Gottfried	Michael	6/26/2018 01:19 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Salas	Paul				
SDPD_AB953	Smith	Timothy	6/16/2018 03:38 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	Burlison	Robert	7/11/2018 03:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/201 Diego
SDPD_AB953	Alvarado	Jaime	6/18/2018 09:36 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego

SDPD_AB953	Carranza	Jorge	7/11/2018 12:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/201 Diego
SDPD_AB953	Glazewski	Dewayne	6/26/2018 01:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Moore	Brian	6/26/2018 10:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Johnson	James	6/19/2018 01:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Cisneros	Crystal	9/11/2018 12:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/11/201 Diego
SDPD_AB953	Harvey	Ulysses	9/20/2018 08:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/20/201 Diego
SDPD_AB953	Luna	Ernesto	6/21/2018 01:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Velovich	Michelle	9/25/2018 03:38 PM America/San Diego 7/11/19	~~No~~ YES	Racial & Identity Profiling Act- AB 953	9/25/201 Diego
SDPD_AB953	Moran	Michael	6/18/2018 03:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Zingheim	Hans	10/21/2018 04:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/21/20 Diego
SDPD_AB953	Quintanilla	May	7/18/2018 08:51 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/201 Diego
SDPD_AB953	Cole	Rex	6/25/2018 07:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/201 Diego
SDPD_AB953	Burkhardt	Joshua	6/20/2018 09:16 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Dafoe	Joshua	6/19/2018 02:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Lessa	Tony	7/11/2018 08:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/201 Diego
SDPD_AB953	Thim	Michael	6/20/2018 03:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Garcia	Miguel	6/19/2018 06:56 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego

SDPD_AB953	Markland	Steven	6/18/2018 09:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Fox	Richard	6/18/2018 08:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Macphee	Gary	7/12/2018 03:19 PM America/San Diego 7/12/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	7/12/20 Diego
SDPD_AB953	Lucas	Keith	7/11/2018 10:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/20 Diego
SDPD_AB953	O'Brien	David	7/17/2018 11:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/20 Diego
SDPD_AB953	Hansen	Michelle	6/21/2018 10:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Holslag	Scott	6/21/2018 09:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Belland	Kevin	6/18/2018 10:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Hufford	Dona	6/27/2018 12:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/20 Diego
SDPD_AB953	Bassett	Tina	6/18/2018 07:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Voss	Gary	6/19/2018 06:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Parpart	Richard	6/18/2018 06:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Pickard	Scott	6/16/2018 02:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/20 Diego
SDPD_AB953	Root	David	7/12/2018 06:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/20 Diego
SDPD_AB953	McCiver	Perry	6/27/2018 08:40 AM America/San Diego 6/27/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	6/27/20 Diego
SDPD_AB953	Mc Cullough	Mark	8/16/2018 05:32 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/16/20 Diego
SDPD_AB953	Yamane	Joseph	8/16/2018 06:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/16/20 Diego

000270

SDPD_AB953	Knighten	Christopher	6/20/2018 04:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Asbell	Christopher	6/21/2018 11:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Natal	Raymond	6/26/2018 04:46 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	Gasca	Martha	9/18/2018 02:24 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/18/201 Diego
SDPD_AB953	Metz	Richard	6/21/2018 10:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Bihum	Dannie	6/21/2018 03:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Mondesir	Gary	9/28/2018 02:56 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/28/201 Diego
SDPD_AB953	Brown	William	6/20/2018 12:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Santagata	Scott	6/18/2018 01:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Roberts	Bryan	6/19/2018 02:18 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	Flores	Miguel	6/15/2018 12:38 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Paxton	Paul	6/20/2018 10:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/201 Diego
SDPD_AB953	Carter	William	6/28/2018 01:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Turner	Todd	6/16/2018 08:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/201 Diego
SDPD_AB953	McGuire	Edward	6/15/2018 10:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/201 Diego
SDPD_AB953	Anschick	Robert	6/18/2018 10:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Puente	Jesus				

SDPD_AB953	Piceno	Bernie	6/18/2018 03:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Punches	Bretton	7/26/2018 02:56 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/26/20 Diego
SDPD_AB953	Oliver	Harold	10/31/2018 03:58 PM America/San Diego 6/19/13	~~No~~ YES	Racial & Identity Profiling Act- AB 953	10/31/2 Diego
SDPD_AB953	Rivera	Carmelin	6/25/2018 06:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/20 Diego
SDPD_AB953	Krall	Patricia	6/18/2018 02:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Quentin-King	Colleen	6/19/2018 03:18 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Chavez	Jose	6/19/2018 08:26 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Abrams	David	6/19/2018 08:36 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/20 Diego
SDPD_AB953	Hesselgesser	Larry	6/22/2018 12:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/20 Diego
SDPD_AB953	Smyth	Daniel	6/21/2018 02:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Cairncross	Laurie	8/15/2018 01:24 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/20 Diego
SDPD_AB953	Pollom	Eric	6/21/2018 10:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Bartolomei	Scott	6/20/2018 04:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/20 Diego
SDPD_AB953	Horvath	John	6/21/2018 06:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/20 Diego
SDPD_AB953	Bailiff	Ronald	7/20/18	~~No~~ YES	Racial & Identity Profiling Act- AB 953	7/20
SDPD_AB953	Sinclair	Omar	6/18/2018 08:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/20 Diego
SDPD_AB953	Luna	Shelly	8/14/2018 01:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/14/20 Diego

SDPD_AB953	Crisostomo	Marco	6/17/2018 11:10 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/201 Diego
SDPD_AB953	Yankovich	Anna	6/21/2018 07:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/201 Diego
SDPD_AB953	Amancio	Mark	7/2/2018 10:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/2018
SDPD_AB953	Peck	Charles	6/26/2018 03:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/201 Diego
SDPD_AB953	John	Didelot	6/28/2018 12:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/201 Diego
SDPD_AB953	Torres	Michael	6/30/2018 02:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/30/201 Diego
SDPD_AB953	Salas	Paul	9/13/2018 09:16 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/13/201 Diego
SDPD_AB953	Kawahara	Quinton	6/18/2018 02:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/201 Diego
SDPD_AB953	Marotta	Robert	6/24/2018 12:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/24/201 Diego
SDPD_AB953	Diaz	Derek	6/19/2018 03:24 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego
SDPD_AB953	De Priest	Sean	6/19/2018 01:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/201 Diego

1834
- 82 (NO)
2 (N/A)
1750 YES

TOTAL WATCHED RIPA

→ DOJS RECORD 1712

000273

Exhibit 14

000274

SAN DIEGO POLICE DEPARTMENT
ORDER

DATE/TIME: JUNE 15, 2018 – 1125 HOURS

NUMBER: OR 18-16

SUBJECT: AB 953 RACIAL AND IDENTITY PROFILING ACT DATA COLLECTION MANDATE

COST CENTER: 1914131211

SCOPE: ALL SWORN MEMBERS OF THE DEPARTMENT

DEPARTMENT PROCEDURE AFFECTED: 7.01

On October 3, 2015, the State of California passed the Racial and Identity Profiling Act (RIPA), also known as Assembly Bill 953. This law requires the collection and submission of data to the Attorney General and is mandated for the following: **ALL** stops, detentions, searches, including consensual searches, along with interactions that result in force being used.

RIPA has very specific reporting requirements and exceptions for certain events. The Research, Analysis, and Planning/Special Projects Unit has developed an instructional training video to illustrate the legal requirements under RIPA. The video can be found in SuccessFactors and must be viewed by **June 26, 2018**.

Effective **June 27, 2018**, all sworn members of the Department shall collect data required per RIPA regulations. Officers must submit the required data before the end of their shift unless exigent circumstances exist.

The data will be collected and submitted via a Department system application that can be accessed through a link on the SDPD Intranet website or through the Mobile for Public Safety (MPS) application. Additionally, all sworn members shall indicate on their officer daily journal when data is collected per RIPA using the MPS application. In the event that the MPS system is temporarily unavailable, the RIPA data will be collected using form PD-953 and entered into the electronic database as soon as possible. The form is located in F: Templates/Patrol Based Forms/AB-953.

Information related to RIPA, along with a PowerPoint that outlines the data collection application and journal instructions can be found in the Department's online resource library. If you have any questions concerning the video or legal requirements, please e-mail Lieutenant Jeff Jordon at jjordon@pd.sandiego.gov.

000275

Note: Please print a copy of the completion certificate at the end of the video and send it to Officer Shannah Oliveras at In-Service Training, MS #731A.

Please read at squad conferences and give a copy to all personnel.

SAN DIEGO POLICE DEPARTMENT
ORDER

DATE/TIME: SEPTEMBER 26, 2018 – 1415 HOURS

NUMBER: OR 18-25

SUBJECT: MANADATED SUBMISSION OF RACIAL AND IDENTITY PROFILING ACT DATA

COST CENTER: 1914131211

SCOPE: ALL SWORN MEMBERS OF THE DEPARTMENT

DEPARTMENT PROCEDURE AFFECTED: 4.01, 6.01, and 7.01

As of June 27, 2018, all sworn members of the Department are mandated to comply with the requirements of the Racial and Identity Profiling Act (RIPA). This includes the collection and submission of data related to the following: all stops, detentions, searches, including consensual searches, along with interactions that result in force being used.

Effective immediately, to ensure RIPA compliance, officers shall submit the requisite data upon the completion of every detention and/or arrest report. The narrative of these reports shall include that the RIPA information was submitted for every person being arrested or detained. Supervisors will verify this language is included in the report prior to its approval. For example:

"For the arrest of NAME, a RIPA entry was submitted."

"For the detention of NAME, a RIPA entry was submitted."

As a reminder, the data **will be collected and submitted** through the SDPD Intranet website or through the Mobile for Public Safety application. Officers will submit the RIPA data before the end of their shift, unless exigent circumstances exist.

Department Procedures 4.01, 6.01 and 7.01 will reflect this change.

Please read at squad conferences and give a copy to all personnel.

SAN DIEGO POLICE DEPARTMENT
ORDER

DATE/TIME: OCTOBER 8, 2018 – 0830 HOURS

NUMBER: OR 18-27

SUBJECT: SUBMISSION OF RACIAL IDENTITY PROFILING ACT DATA FOR FIELD INTERVIEWS

COST CENTER: 1914000020

SCOPE: ALL SWORN MEMBERS OF THE DEPARTMENT

DEPARTMENT PROCEDURE AFFECTED: 6.03

As of June 27, 2018, all sworn members of the Department are mandated to comply with the requirements of the Racial and Identity Profiling Act (RIPA). This includes the collection and submission of data related to the following: all stops, detentions, searches, including consensual searches, along with interactions that result in force being used.

A Field Interview (FI) is any contact or stop in which an officer reasonably suspects that a person has committed, is committing, or is about to commit a crime. Field Interviews require officers to document the crime potential for the individual stopped, and information from the FI is retained in ARJIS and CRMS databases.

Effective immediately, to ensure compliance with the Racial and Identity Profiling Act, a RIPA entry must be completed for every individual listed in a Field Interview (FI) report or ARJIS-1 submitted by an officer.

As a reminder, the data **will be collected and submitted** through the SDPD Intranet website or through the Mobile for Public Safety application. Officers will submit the RIPA data before the end of their shift, unless exigent circumstances exist.

Department Procedure 6.03 will reflect this change.

Please read at squad conferences and give a copy to all personnel.

San Diego Police Department

TRAINING BULLETIN

A PUBLICATION OF THE SAN DIEGO POLICE DEPARTMENT

DAVID NISLEIT
CHIEF OF POLICE

19-03 JANUARY 28, 2019

AUDITING RIPA DATA COLLECTED BY DEPARTMENT MEMBERS

I. PURPOSE

To ensure compliance with the Racial and Identity Profiling Act, supervisors and command staff will systematically audit collected data and document their findings through the inspection and Quarterly Management Report (QMR) process. This will be accomplished by verifying officers are completing RIPA entries, journalizing them, and properly documenting information in their arrest and detention reports.

II. BACKGROUND:

Effective July 1, 2018, the Racial and Identity Profiling Act of 2015, otherwise known as "RIPA" or AB 953, required all sworn members of the Department to collect data mandated under the law's provisions.

Department Orders 18-16, 18-25, and 18-27 were sent to all personnel to ensure compliance with this statute. Additionally, all Department Procedures associated with RIPA were updated with the law's requirements and disseminated. Contained within those directions was an advisement that personnel should access the Department's digital resource library and review the AB 953 - RIPA file to meet expectations.

III. INSPECTIONS:

1. MONTHLY INSPECTIONS:

Effective immediately, each Commanding Officer will have their sergeants audit the RIPA entries for two (2) members of their squad on a rotating basis monthly and at least twice annually. They will include the information listed below in the note section of their monthly inspections in the format shown.

a. Sergeants will review the selected officers' daily journals to determine if the journals are being fully completed and RIPA entries are being properly documented on the journal.

b. The officers' activities for two (2) shifts per month will be analyzed to confirm their arrests, citations and field interviews were accompanied by required RIPA entries.

c. Two (2) arrest or detention reports completed by the selected officers will be inspected to verify RIPA information documented in Department Order 18-25 was included in the narrative.

d. Discrepancies must be noted by the sergeant, addressed with the officers inspected, and the next level supervisor should be verbally briefed on missing documentation to determine if ongoing issues are present that need additional corrective action.

e. Documented contacts (arrests, citations and field interviews) are not always immediately available in ARJIS, at times with delays as long as several weeks. For this reason, a December inspection would utilize data collected from October.

Example Format – Inspection Notes Section:

Officer John Doe #1111

Journals Complete	**Dates Activities Audited**	**Reports Reviewed**	**Discrepancies Noted/ Addressed**
Yes/No	10/1/18 10/2/18	18-xxxxxx 18-xxxxxx	Yes/No

If these categories are not applicable to the selected officer, document with N/A and provide a brief explanation.

f. Commanding Officers will be notified if audits conducted by Data Systems requires an additional review of their personnel's RIPA entries.

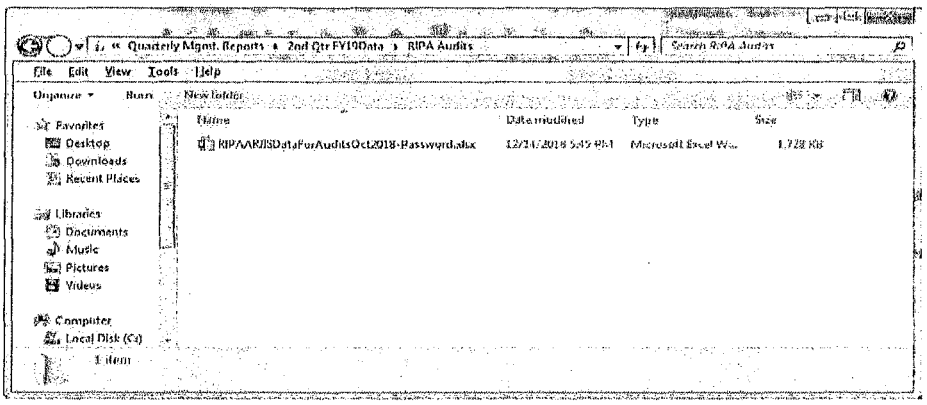
2. QUARTERLY MANAGEMENT REPORTS:

Monthly inspections that indicate discrepancies were noted by supervisors while reviewing RIPA information will be explained in the QMR for the command. A brief description about how the discrepancies were addressed shall be documented under the additional audit section of the QMR.

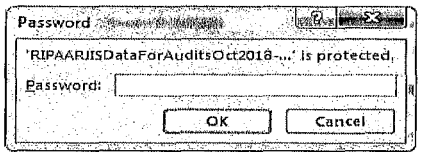
IV. VERIFYING RIPA ENTRIES

1. RIPA contacts made by officers that resulted in an arrest, citation or field interview, as well as their ARJIS documented contacts for arrests, citations and field interviews, are compiled in excel sheets located in the Quarterly Management Reports area under the RIPA Audits folder in the F drive.

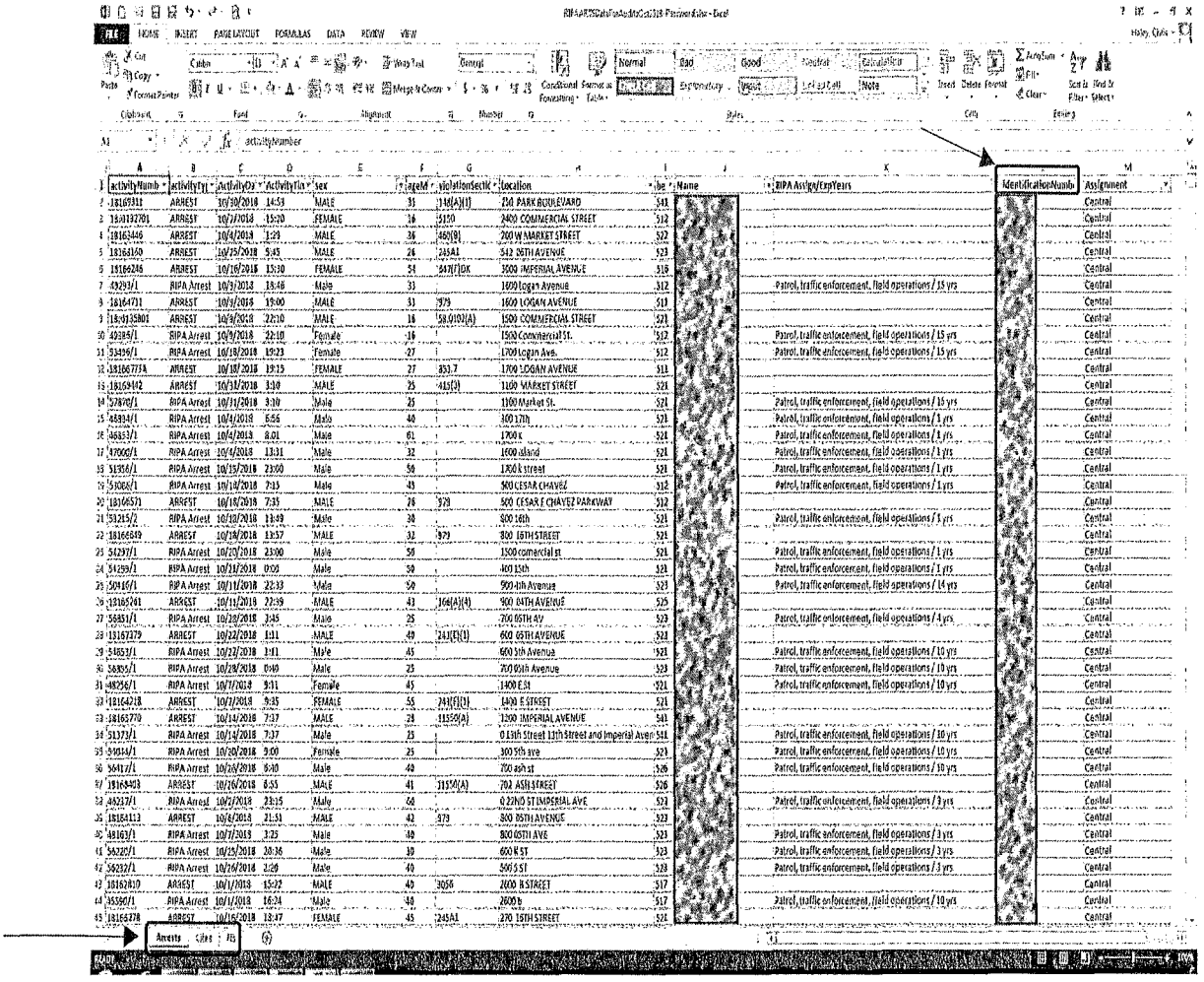
2. For example, October 2018 can be found at:
F:\Quarterly Mgmt. Reports\2nd Qtr FY19Data\RIPA Audits



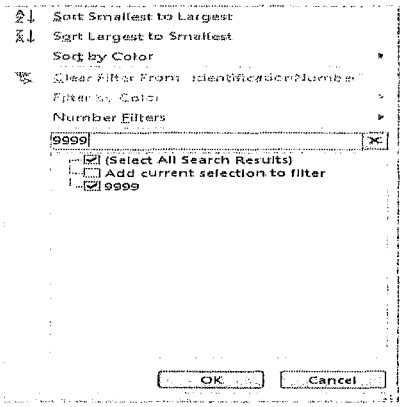
3. The Excel workbook is protected. Contact Program Manager, Chris Haley, for access.



4. The Excel workbook has three tabs of information located at the bottom of the application for arrests, citations and field interviews. Each tab contains relevant RIPA entries and ARJIS data for that type of activity.

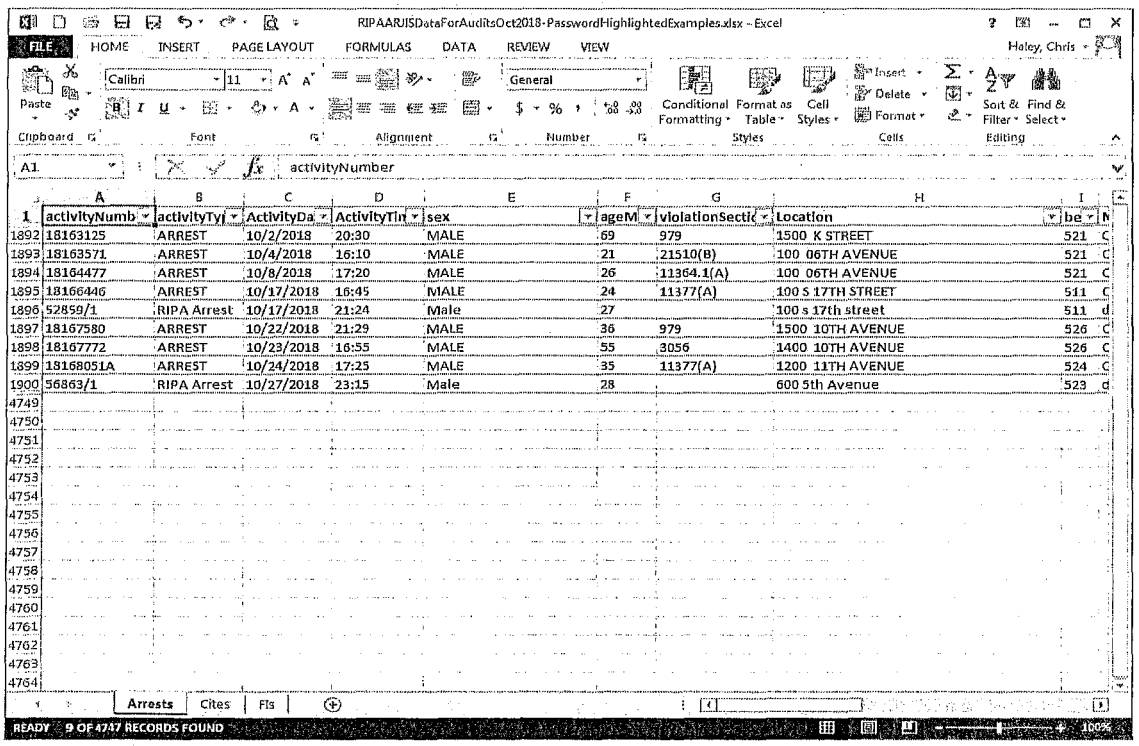


5. To review data for a specific officer, click on the down arrow next to "IdentificationNumber" (column L), and enter the officer's ID number to filter or narrow the data field.



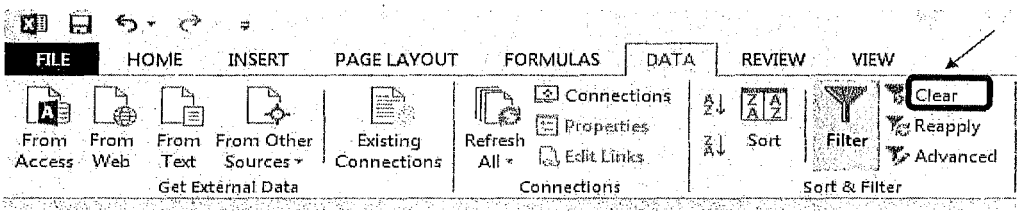
6. When a filter is utilized with an officer's ID number on the *Arrests* tab, the results show ***ARREST*** reports from ARJIS and ***RIPA Arrest*** entries. Look for possible discrepancies by comparing the data by dates, times and locations. In most cases, there should be a one-to-one match between ARJIS arrests and RIPA arrests.

   The following example in red highlights arrests from ARJIS and RIPA that are likely associated. In this example, there appear to be 6 ARJIS arrests that do not have a corresponding RIPA arrest and 1 RIPA arrest that does not have a corresponding ARJIS arrest. Further research to determine the cause of the possible mismatches should be completed under this scenario.



	activityNumb	activityTyj	ActivityDa	ActivityTin	sex	ageM	violationSecti	Location	be	N
1892	18163125	ARREST	10/2/2018	20:30	MALE	69	979	1500 K STREET	521	C
1893	18163571	ARREST	10/4/2018	16:10	MALE	21	21510(B)	100 06TH AVENUE	521	C
1894	18164477	ARREST	10/8/2018	17:20	MALE	26	11364.1(A)	100 06TH AVENUE	521	C
1895	18166446	ARREST	10/17/2018	16:45	MALE	24	11377(A)	100 S 17TH STREET	511	C
1896	52859/1	RIPA Arrest	10/17/2018	21:24	Male	27		100 s 17th street	511	d
1897	18167580	ARREST	10/22/2018	21:29	MALE	36	979	1500 10TH AVENUE	526	C
1898	18167772	ARREST	10/23/2018	16:55	MALE	55	3056	1400 10TH AVENUE	526	C
1899	18168051A	ARREST	10/24/2018	17:25	MALE	35	11377(A)	1200 11TH AVENUE	524	C
1900	56863/1	RIPA Arrest	10/27/2018	23:15	Male	28		600 5th Avenue	523	d

7. To clear the officer ID filter so that a different officer can be audited, go to the *Data* menu then click on the *Clear* button located next to the highlighted filter button.

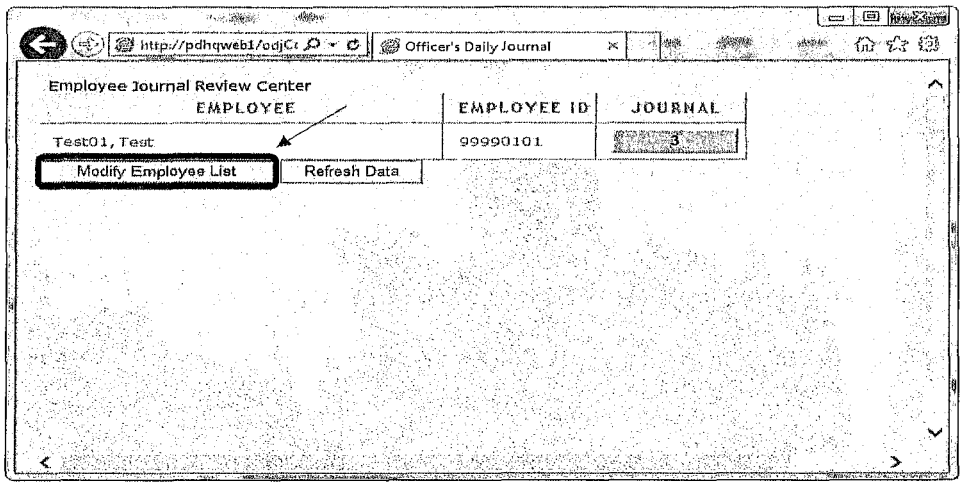


V. VERIFYING JOURNAL ENTRIES

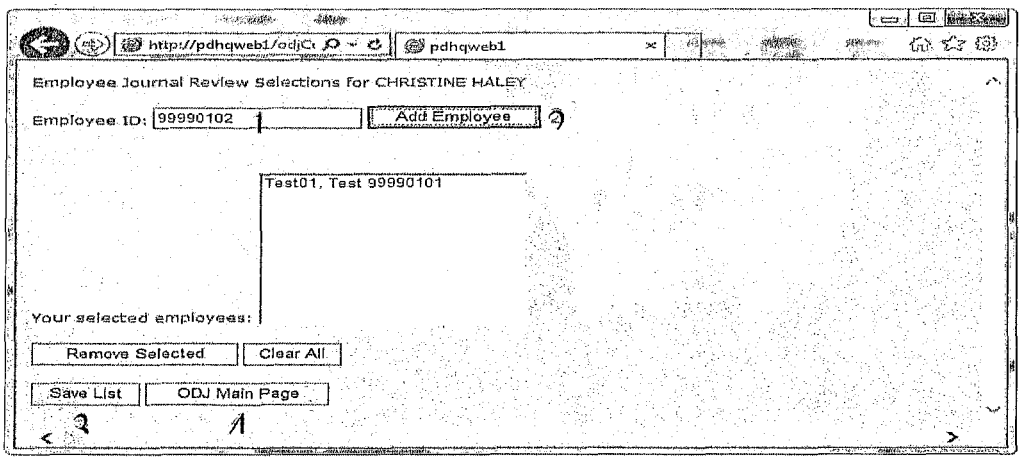
1. Supervisors will compare RIPA documentation and ARJIS activity from the Excel workbook with Officer Daily Journals (ODJ) to ensure officers are properly journalizing their activity and documenting their completion of a RIPA entry.

   Journals can be found via the Department's Intranet site, by selecting *Officer Daily Journal* from the *SDPD Applications* menu.

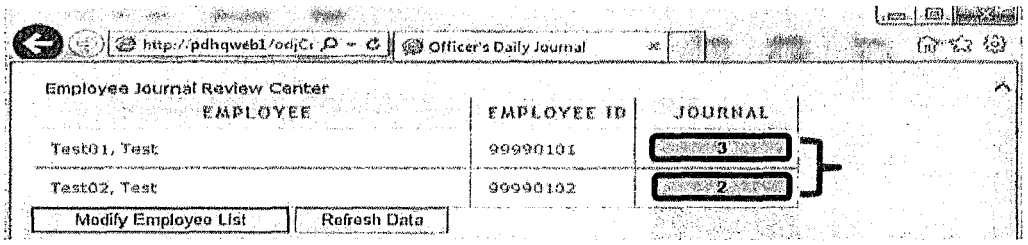
2. In order to review journals for an officer, supervisors must make sure their squad members are current by checking the Employee Journal Review Center page of the ODJ application. To add or delete an officer, Select - *Modify Employee List* button.



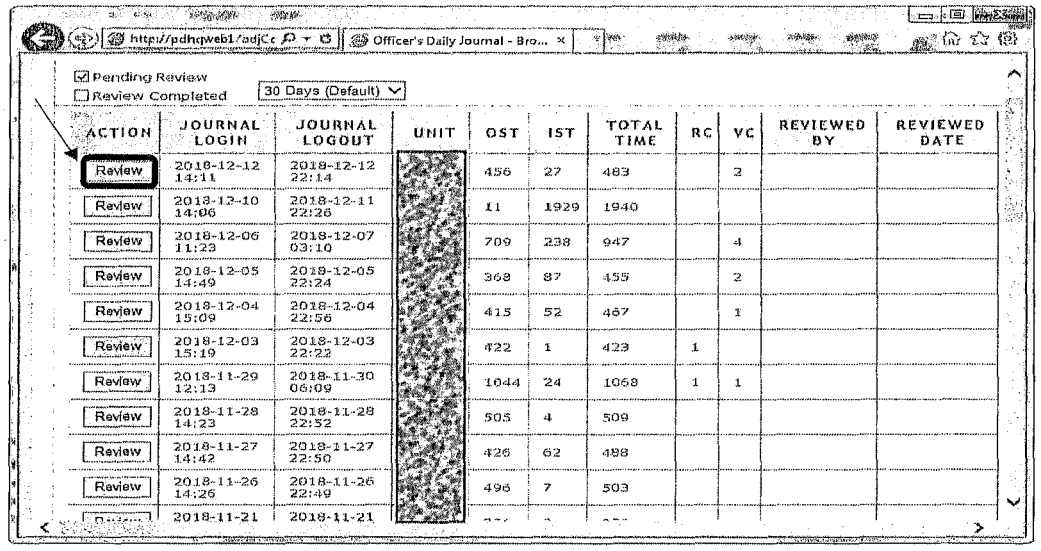
3. Enter the employee ID of the officer journal you wish to review and click *Add Employee* button. When finished, click the *Save List* button, then the *ODJ Main Page* button.



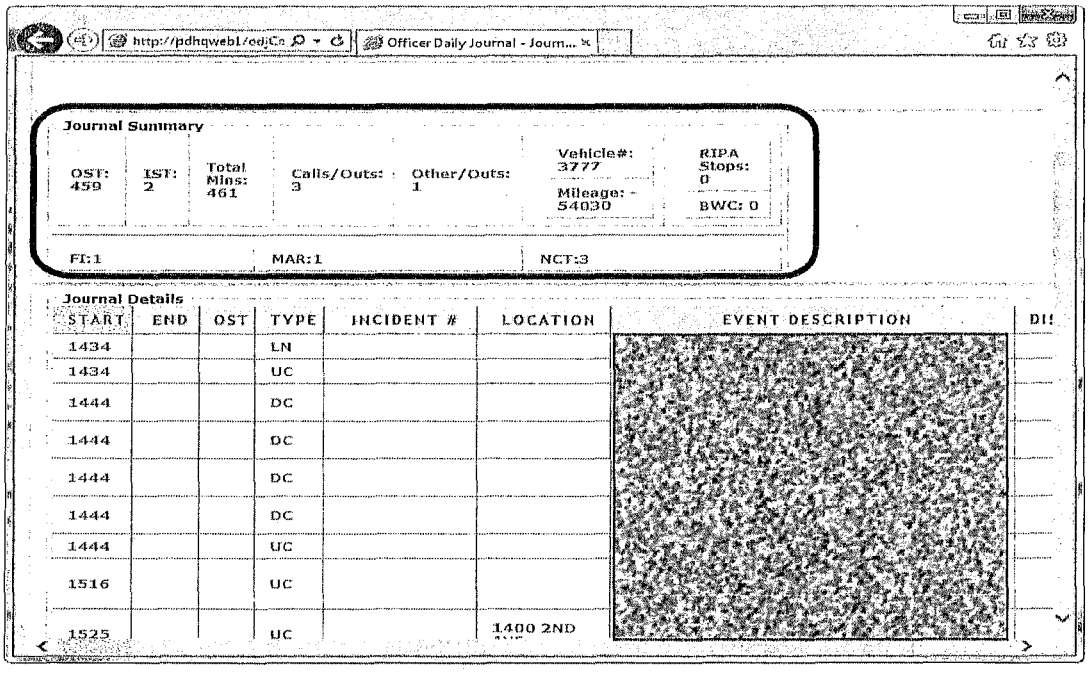
4. To review journals for an officer, select the orange button in the *Journal* column of the grid that corresponds to the officer.



5. To review a specific journal, click the *Review* button next to the journal date you want to review.



6. Items to note in the *Journal Summary* section of the report include the *RIPA Stops* counter, *BWC* counter and individual counters for activities logged.



Officer Daily Journal - Journ...

Journal Summary

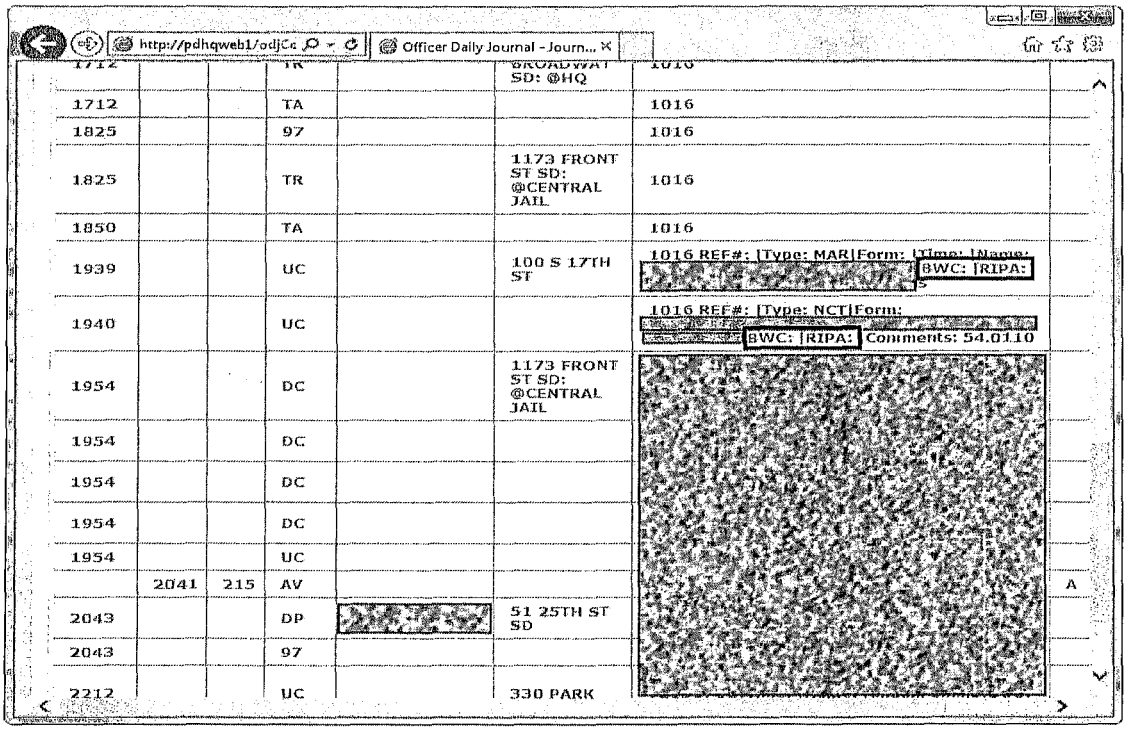
OST:	IST:	Total Mins:	Calls/Outs:	Other/Outs:	Vehicle#:	RIPA Stops:
459	2	461	3	1	3777	0
					Mileage: 54030	BWC: 0

FI:1 MAR:1 NCT:3

Journal Details

START	END	OST	TYPE	INCIDENT #	LOCATION	EVENT DESCRIPTION	DI!
1434			LN				
1434			UC				
1444			DC				
1444			DC				
1444			DC				
1444			DC				
1444			UC				
1516			UC				
1525			UC		1400 2ND		

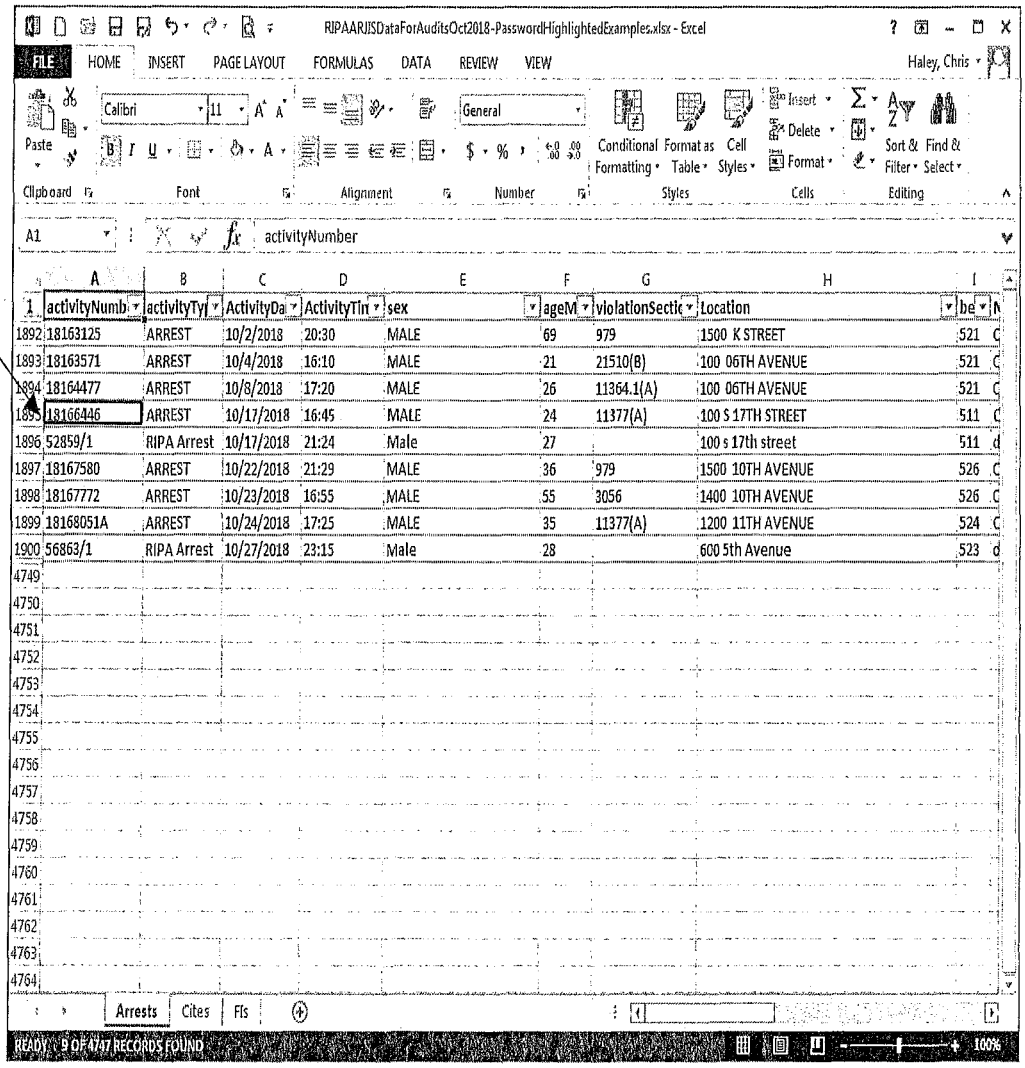
7. Specific entries can be reviewed in the *Journal Details* section of the report. In the example below, the officer correctly journalized a misdemeanor arrest, but did not indicate whether a RIPA entry was made or BWC captured. In the MPS journal process, officers should toggle to select either *yes* or *no* for RIPA and BWC on each contact. If no value is shown in the ODJ report (as seen in this example that lacks a *yes/no*), the officer did not select a value for the required item.



VI. VERIFYING INFORMATION IN REPORTS

1. Department Order 18-25 requires officers to document within each arrest or detention report narrative that RIPA information was submitted for each suspect.

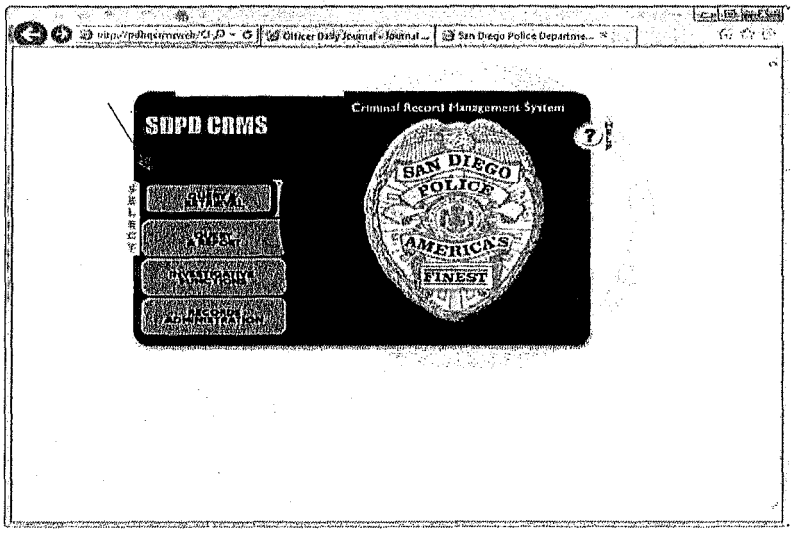
2. To ensure compliance with this order, supervisors can review an arrest report from the Excel workbook previously outlined. Click within the cell of the arrest report number to be reviewed and click Ctrl-C keys to copy the booking number. The item selected must be an *ARREST* activity type, and not a *RIPA Arrest* activity type, in order to copy a valid booking number to paste into CRMS or NetRMS.



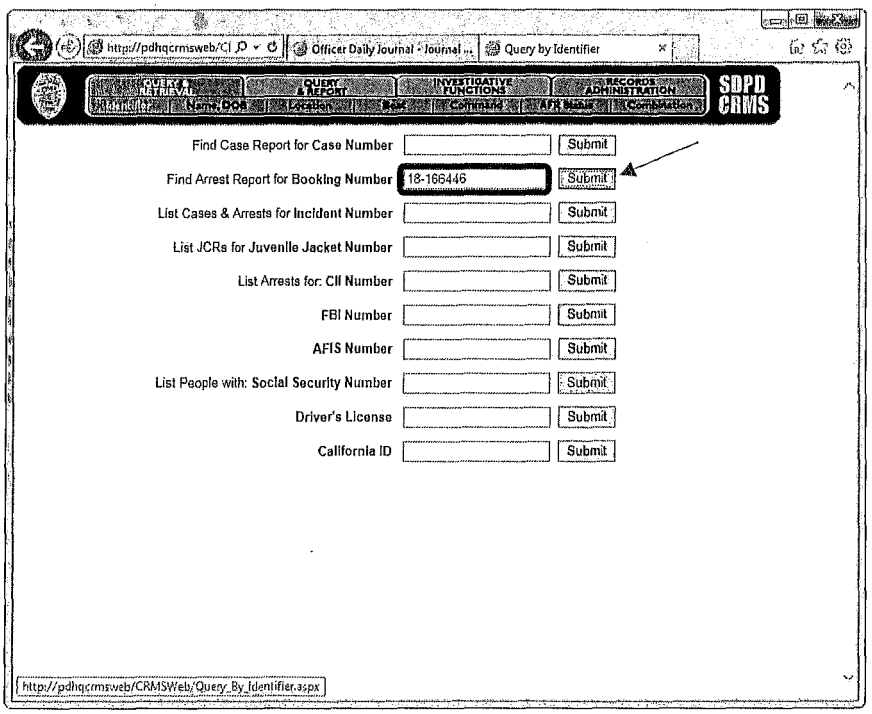
	activityNumb	activityTy	ActivityDa	ActivityTin	sex	ageM	violationSectic	Location	be
1892	18163125	ARREST	10/2/2018	20:30	MALE	69	979	1500 K STREET	521
1893	18163571	ARREST	10/4/2018	16:10	MALE	21	21510(B)	100 06TH AVENUE	521
1894	18164477	ARREST	10/8/2018	17:20	MALE	26	11364.1(A)	100 06TH AVENUE	521
1895	18166446	ARREST	10/17/2018	16:45	MALE	24	11377(A)	100 S 17TH STREET	511
1896	52859/1	RIPA Arrest	10/17/2018	21:24	Male	27		100 s 17th street	511
1897	18167580	ARREST	10/22/2018	21:29	MALE	36	979	1500 10TH AVENUE	526
1898	18167772	ARREST	10/23/2018	16:55	MALE	55	3056	1400 10TH AVENUE	526
1899	18168051A	ARREST	10/24/2018	17:25	MALE	35	11377(A)	1200 11TH AVENUE	524
1900	56863/1	RIPA Arrest	10/27/2018	23:15	Male	28		600 5th Avenue	523

3. CRMS can be found via the Department's Intranet site, by selecting *CRMS Web* from the *SDPD Applications* menu.

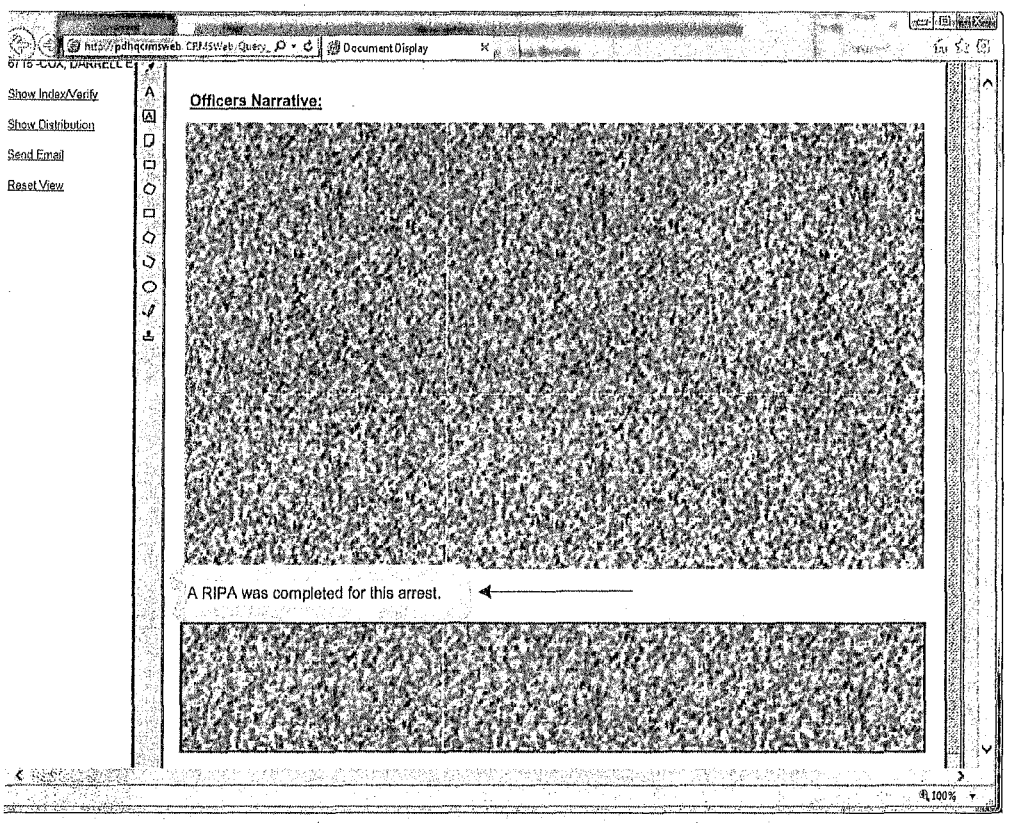
4. From the CRMS Web main page, click the *Query & Retrieval* button.



5. Then paste the booking number into the Booking Number box, using Ctrl-V, and select the *Submit* button



6. Navigate to the Documents page and select the arrest report for viewing. Once the report is visible, review the narrative for the necessary RIPA statement.



If you have any questions regarding the RIPA Audit workflow, please contact Program Manager Chris Haley at 619- 531-2401 or e-mail at chaley@pd.sandiego.gov.

If you have any questions concerning the legal requirements of AB 953, please e-mail Lieutenant Jeff Jordon at jjordon@pd.sandiego.gov.

For additional documents related to this law, refer to the AB 953-RIPA folder within the Department's Resource Library.

Exhibit 15

000291

Here are the tickets and hours used for RIPA so far.

C2No	Res Name	Application	TSDate	Minutes	Hours	Activity
33458	Moore,	500 RIPA (AB 953)	10/1/2018	60	1	PD 19
33458	Moore,	500 RIPA (AB 953)	10/2/2018	60	1	PD 19
33718	Moore,	500 RIPA (AB 953)	10/24/2018	180	3	PD 19
33718	Moore,	500 RIPA (AB 953)	10/31/2018	180	3	PD 19
33954	Moore,	500 RIPA (AB 953)	1/2/2019	120	2	PD 19
33954	Moore,	500 RIPA (AB 953)	1/3/2019	240	4	PD 19
33954	Moore,	500 RIPA (AB 953)	1/7/2019	180	3	PD 19
33954	Moore,	500 RIPA (AB 953)	1/8/2019	240	4	PD 19
33954	Moore,	500 RIPA (AB 953)	1/22/2019	180	3	PD 19
33954	Moore,	500 RIPA (AB 953)	1/28/2019	300	5	PD 19
33954	Moore,	500 RIPA (AB 953)	1/29/2019	180	3	PD 19
33954	Moore,	500 RIPA (AB 953)	1/30/2019	120	2	PD 19
33954	Moore,	500 RIPA (AB 953)	2/7/2019	120	2	PD 19
33954	Moore,	500 RIPA (AB 953)	2/8/2019	60	1	PD 19
33954	Moore,	500 RIPA (AB 953)	2/14/2019	240	4	PD 19
34887	Moore,	500 RIPA (AB 953)	2/19/2019	300	5	PD 19
34887	Moore,	500 RIPA (AB 953)	2/20/2019	240	4	PD 19
34887	Moore,	500 RIPA (AB 953)	2/21/2019	180	3	PD 19
34887	Moore,	500 RIPA (AB 953)	2/28/2019	180	3	PD 19

56

000292

Exhibit 16

000293

SAN DIEGO POLICE DEPARTMENT
RACIAL AND IDENTITY PROFILING ACT
DATA COLLECTION FORM

BASELINE STOP INFORMATION

1. Date of Stop:	2. Time of Stop:	3. Duration of Detention with Person:	4a. K-12 Public Schools:
		_____(approx. length of time in minutes)	Student: ☐ Yes ☐ No Name of school where stop took place: _____

4. Location of Stop (report City, Beat and one of the following options, in order of preference):

City: _____
Beat: _____
☐ Block number and street name: _____
☐ Closest intersection: _____
☐ Highway and closest exit: _____
☐ None of the above (road marker, landmark, or other description. May not provide street address if the location is a residence. _____

SUBJECT INFORMATION OF PERSON STOPPED, DETAINED, SEARCHED or ARRESTED

5. Perceived Race/Ethnicity:	6. Perceived Gender:	7. Perceived or Known Disability:	7a. K-12 Public Schools:
☐ Asian ☐ Black/African American ☐ Hispanic/Latino(a) ☐ Middle Eastern or South Asian ☐ Native American ☐ Pacific Islander ☐ White	☐ Male ☐ Transgender man/boy ☐ Female ☐ Transgender woman/girl ☐ Gender nonconforming ☐ Lesbian, gay, bisexual or transgender (LGBT)	☐ Deafness or difficulty hearing ☐ Speech impairment/limited use language ☐ Blind or limited vision ☐ Mental health condition ☐ Intellectual or developmental disability ☐ Other disability ☐ None (no other data may be selected)	☐ Disability related to hyperactivity or impulsive behavior

8. Limited English Fluency:	9. Perceived Age:
☐ Yes ☐ No	_____ (Whole Number.)

REASON FOR STOP

10. Primary Reason for Stop, Detention, or Search:

Response to Call for Service?
☐ Yes ☐ No

Traffic Violation: (select one)
☐ Traffic/Moving ☐ Traffic/Equipment ☐ Traffic/Non-moving (including registration violations)
Section:_____

Reasonable suspicion or knowledge the person was engaged in criminal activity: (select all that apply)

☐ Officer witnessed commission of a crime
☐ Matched suspect description
☐ Witness or Victim identification of suspect at the scene
☐ Carrying suspicious object
☐ Actions indicative of casing a victim or location
☐ Suspected of acting as a lookout
☐ Actions indicative of a drug transaction
☐ Actions indicative of engaging in a violent crime
☐ Other reasonable suspicion
☐ Known to be on parole/probation/PRCS/mandatory supervision
☐ Knowledge of outstanding arrest warrant/wanted person
☐ Investigation to determine whether the person was truant
☐ Consensual encounter resulting in search
☐ Response to a call for service

Primary Section _____

☐ Community Caretaking

10a. K-12 Public Schools:

☐ Possible conduct warranting discipline under Ed Code

☐ 48900(a) through 48900(r)(1)-(r)(2)(iii)

Section: _____

☐ 48900.2
☐ 48900.3
☐ 48900.4
☐ 48900.7(a)

☐ Student violated school Policy **(only select if other options related to violations of law do not apply)**

11. Include a brief narrative (250-character maximum) regarding the reason for the stop. Include additional details beyond the general data values selected above.

000294

RACIAL AND IDENTITY PROFILING ACT DATA COLLECTION FORM

EVENT ACTIONS

12. Action Taken by Officer During Stop or Detention: (Select all that apply)

- ☐ Person removed from vehicle by order
- ☐ Person removed from vehicle by physical contact
- ☐ Field sobriety test conducted
- ☐ Curbside detention
- ☐ Handcuffed or flex cuffed
- ☐ Patrol car detention
- ☐ Canine removed from vehicle or used in search
- ☐ Person photographed
- ☐ Firearm pointed a person
- ☐ Firearm discharged or used
- ☐ Asked for consent to search person
  - ☐ Consent given ☐ Consent not-given
- ☐ Search of person was conducted
- ☐ Asked for consent to search property
  - ☐ Consent given ☐ Consent not-given
- ☐ Search of property was conducted
- ☐ Property was seized
- ☐ Vehicle impounded
- ☐ None

12a. K-12 Public Schools:

- ☐ Admission or written statement obtained from student
- ☐ Electronic control device used
- ☐ Impacted projectile discharge/used
- ☐ Canine bites or held person
- ☐ Baton or other impact weapon used
- ☐ Chemical spray used
- ☐ Other physical or vehicle contact

13. Basis of Search: (Select all that apply)

- ☐ Consent given
- ☐ Officer safety/Safety of others
- ☐ Exigent circumstances/Emergency
- ☐ Condition of Parole / Probation / PRCS / Mandatory Supervision
- ☐ Search Warrant
- ☐ Evidence of crime
- ☐ Canine detection
- ☐ Incident to arrest
- ☐ Suspected weapons
- ☐ Visible contraband
- ☐ Odor of contraband
- ☐ Vehicle Inventory

13a. K-12 Public Schools:

- ☐ Suspected violation of school policy

14. Include a brief narrative (250-character maximum) regarding the basis for the search. Include additional details beyond the general data values selected above. (This section is not needed if Parole/Probation/PRCS/Mand. Supv. is selected in Box 17)

15. Contraband or Evidence Discovered (Select all that apply)

- ☐ Firearm(s)
- ☐ Ammunition
- ☐ Weapon (Non-firearm)
- ☐ Drugs/Narcotics
- ☐ Drug paraphernalia
- ☐ Alcohol
- ☐ Money
- ☐ Suspected stolen property
- ☐ Cell phones or electronic device(s)
- ☐ Other contraband or evidence
- ☐ None of the above

16. Basis for Property Seizure: (Select all that apply)

- ☐ Safekeeping
- ☐ Contraband
- ☐ Evidence
- ☐ Vehicle Impound
- ☐ Abandoned property

16a. K-12 Public Schools:

- ☐ Suspected violation of school policy

17. Type of Property Seized (Select all that apply)

- ☐ Firearm(s)
- ☐ Ammunition
- ☐ Weapon (Non-firearm)
- ☐ Drug/Narcotics
- ☐ Drug paraphernalia
- ☐ Alcohol
- ☐ Money
- ☐ Suspected stolen property
- ☐ Cell phones or electronic device(s)
- ☐ Vehicle
- ☐ Other contraband or evidence

18. Results of Stop or Detention: (Select all that apply)

- ☐ No action
- ☐ Warning: ☐ Verbal ☐ Written
- ☐ Citation - Infraction
- ☐ Cite and Release in-field (Misd.)
- ☐ Custodial arrest-without warrant
- ☐ Custodial arrest-outstanding warrant

Note all code/section/ordinances:

- ☐ Field Interview Card completed
- ☐ Non-Criminal/Caretaking transport
- ☐ Contacted parent/legal guardian or other person responsible for minor
- ☐ Psychiatric hold/5150
- ☐ Contacted/Referred to USDHS

_____ _____ _____

18a. K-12 Public Schools

Referred to:

- ☐ School Administrator
- ☐ School Counselor/Support Staff

000295

Exhibit 17

000296

Appendix 2
The San Diego Police Department Vehicle Stop Data Card

VEHICLE STOP

Northern	☐ 110	☐ 120	☐ 130	
Northeastern	☐ 230	☐ 240		
Eastern	☐ 310	☐ 320		
Southeastern	☐ 430	☐ 440		
Central	☐ 510	☐ 520	☐ 530	
Western	☐ 610	☐ 620	☐ 630	
Southern	☐ 710	☐ 720		
Mid-City	☐ 810	☐ 820	☐ 830	☐ 840

Date ____ / ____ / ____ **Time** _____

1. **Primary cause for stop (Check only one)**
   - ☐ Moving violation
   - ☐ Equipment violation
   - ☐ Radio call/Citizen contact
   - ☐ Personal knowledge/Informant
   - ☐ Suspect info (I.S., Bulletin, Log)
   - ☐ Muni, County, H&S Code
2. **Race** _____
3. **Sex** _____
4. **Age** _____
5. **Action taken (check all that apply)**
   - ☐ Citation
   - ☐ Written warning
   - ☐ Verbal warning
   - ☐ FI
   - ☐ Other _____
6. **Resident Type?**
   City of San Diego Resident? ☐ Yes ☐ No
7. **Arrested?** ☐ Yes ☐ No
8. **Searched?** ☐ Yes ☐ No
   (If yes on #8, answer questions 9-13)
9. **Search type? (check all that apply)**
   ☐ Vehicle ☐ Driver ☐ Passenger(s)
10. **Basis for Search? (check all that apply)**
    - ☐ Contraband visible
    - ☐ Odor of contraband
    - ☐ Canine alert
    - ☐ Consent search
    - ☐ 4th Waiver search
    - ☐ Search incident to arrest
    - ☐ Inventory search (prior to impound)
    - ☐ Observed evidence related to criminal activity
    - ☐ Other _____
11. **Obtained *Consent Search* form?** ☐ Yes ☐ No
12. **Contraband found?** ☐ Yes ☐ No
13. **Property seized?** ☐ Yes ☐ No

RACE CODE LEGEND	A=OTHER ASIAN	F=FILIPINO	J=JAPANESE	P=PACIFIC ISLANDER	V=VIET
	B=BLACK	G=GUAMANIAN	K=KOREAN		W=WHITE
	C=CHINESE	H=HISPANIC	L=LAOTIAN	S=SAMOAN	Z=ASIAN
	D=CAMBODIAN	I=INDIAN	O=OTHER	U=HAWAIIAN	INDIAN

PD-2000N (9-02) *This information is available in alternative formats upon request.*

000297

Test Claim Certification

☐ Relevant portions of state constitutional provisions, federal statutes, and executive orders that may impact the alleged mandate. Pages_____to_____.

☐ Administrative decisions and court decisions cited in the narrative. (Published court decisions arising from a state mandate determination by the Board of Control or the Commission are exempt from this requirement.) Pages_____to_____.

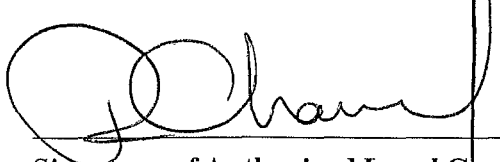
☒ Evidence to support any written representation of fact. *Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.* (*Cal. Code Regs., tit. 2, § 1187.5*). Pages 20 to 22.

Section 8 –TEST CLAIM CERTIFICATION Pursuant to Government Code section 17553

☒ The test claim form is signed and dated at the end of the document, under penalty of perjury by the eligible claimant, with the declaration that the test claim is true and complete to the best of the declarant's personal knowledge, information, or belief.

Read, sign, and date this section. Test claims that are not signed by authorized claimant officials pursuant to California Code of Regulations, title 2, section 1183.1(a) (1-5) will be returned as incomplete. In addition, please note that this form also serves to designate a claimant representative for the matter (if desired) and for that reason may only be signed by an authorized local government official as defined in section 1183.1(a)(1-5) of the Commission's regulations, and not by the representative.

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim is true and complete to the best of my own personal knowledge, information, or belief. All representations of fact are supported by documentary or testimonial evidence and are submitted in accordance with the Commission's regulations. (Cal. Code Regs., tit.2, §§ 1183.1 and 1187.5.)

Rolando Charvel	Chief Financial Officer
Name of Authorized Local Government Official Pursuant to Cal. Code Regs., tit.2, § 1183.1(a) (1-5)	**Print or Type Title**
	July 30, 2019
Signature of Authorized Local Government Official Pursuant to Cal. Code Regs., tit.2, § 1183.1(a) (1-5)	**Date**

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 August 20, 2019, I served the:

- **Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date issued August 20, 2019**
- **Test Claim filed by the City of San Diego on June 14, 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[1]
  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 August 20, 2019 at Sacramento, California.

Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

[1] 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: 8/20/19

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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DEPARTMENT OF FINANCE
EDMUND G. BROWN JR. ▪ GOVERNOR
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RECEIVED
September 19, 2019
Commission on
State Mandates

September 19, 2019

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:

Category	2017-18	2018-19
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
Totals	**$97,367.95**	**$871,675.56**

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,

FOR

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[1]
  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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[1] 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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JOHN McMAHON, SHERIFF-CORONER

RECEIVED
September 19, 2019
Commission on State Mandates

September 17, 2019

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

RE: Interested Party Response to the City of San Diego's Test Claim on the Racial and Identity Profiling Act of 2015 18-TC-02

Dear Ms. Halsey

The Racial and Identity Profiling Act of 2015 (AB953) mandates specified law enforcement agencies participate in the collection and reporting of "stop" data related to specific interactions with the public.

Because this is an unfunded state-mandated program, the affected law enforcement agencies are entitled to reimbursement under Article XIII B, Section 6, of the California Constitution and Government Code 17514.

The San Bernardino County Sheriff's Department requests the Commission consider this letter in support of the City of San Diego's Test Claim (18-TC-02). I believe the City of San Diego has appropriately requested reimbursement for their costs associated with this unfunded mandate. Additionally, I believe all the affected first wave law enforcement agencies in California, including the San Bernardino County Sheriff's Department, have incurred similar one-time and reoccurring costs as well.

In addition to the time spent by each officer filling out RIPA forms (lost FTE productivity), this mandate also requires ongoing training of sworn personnel, Information Technology equipment and support, administrative oversight, manual auditing of the data to ensure compliance before final submission to the Department of Justice, and considerable project management time. These required functions are staff intensive and have created increased workload demands for both safety and professional staff throughout the organization.

Consequently, I request the California Commission on State Mandates approve the test claim by the City of San Diego and find that the costs associated with AB953 are reimbursable to all affected law enforcement agencies throughout the state. This will ensure public safety is not compromised by lack of required funding to off-set the lost productivity and FTE positions required to meet this state-mandated program.

Thank you for your consideration in this very important matter.

John McMahon, Sheriff
San Bernardino County Sheriff's Department
655 E. Third Street
San Bernardino, CA 92415

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[1]
  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

[1] 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

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Last Updated: 9/19/19

Claim Number: 18-TC-02

Matter: Racial and Identity Profiling

Claimant: City of San Diego

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Riverside County Sheriff's Department

Chad Bianco, Sheriff-Coroner

RECEIVED
September 19, 2019
Commission on State Mandates

September 19, 2019

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

Re: Racial and Identity Profiling, 18-TC-02

Director Halsey,

AB 953 is an exceptionally complex bill. After it was approved by the governor on October 03, 2015 and became effective January 1, 2016, it enacted the following: the Racial and Identity Profiling Act of 2015, the establishment of the Racial and Identity Profiling Board (RIPA) and added Government Code12525.5.

For purposes of this test claim, it is alleged that Government Code 12525.5, Statutes of 2015, Chapter 466 [AB 953] contains a statutory mandate that requires local agencies that employ peace officers to provide an enhanced-level of service by performing new activities related to the collection and reporting of stop data. As a result, local agencies will incur annual costs from those activities which will exceed $1,000.00.

The Riverside County Sheriff's Department has not received any local, state, or federal funding to offset the increased costs incurred to implement Government Code 12525 (a) (1) in fiscal year 2017–2018 or the following fiscal year 2018–2019. Those cost details and activities described in the attached declaration conservatively totaled $79,828 in fiscal year 2018-2019 and are conservatively estimated to exceed $80,000 in fiscal year 2019-2020. Additionally, our Department incurred approximately $31,000 in associated training and information technology related costs.

Considering the significant costs associated with this state mandate to ensure accurate data collection and reporting, the Riverside County Sheriff's Department requests the commission adopt the County of San Diego's test claim.

Sincerely,

SHERIFF CHAD BIANCO

CB: zh

Declaration of Captain Zachary Hall
Riverside County Sheriff's Department
Riverside County, California

DECLARATION OF ZACHARY HALL

I, Zachary Hall, declare under the penalty of perjury under the laws of the State of California that the following is true and correct based on my personal knowledge, information, and belief:

I am a captain for the Riverside County Sheriff's Department and have been employed by the County as a deputy sheriff since 1998. As part of my duties within Sheriff's Administration, I am responsible for implementation of "special projects" as determined by the Sheriff.

Government Code 12525.5, Statutes of 2015, Chapter 466 [AB 953], effective January 1 2016, and later amended to have an effective date of January 1 2018, contain an alleged statutory mandate which requires local agencies employing peace officers to provide an enhanced-level of service by performing new activities related to the collection and reporting of stop data. As a result, agencies will incur costs from mandated activities exceeding $1,000.00. The statute mandating these activities is Government Code 12525.5 (a) (1) which requires "each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year."

Based on my research and analysis, I am familiar with our Department's costs stemming from the statutory mandate in Government Code 12525.5 (a) (1). The Riverside County Sheriff's Department first incurred costs to comply with these requirements on January 24, 2018, when our Department began planning our compliance strategy. These activities and associated costs are described below, by fiscal year:

Fiscal Year 2017 - 2018 (implementation year)

Activity	Date(s) Performed	Description	Cost
Implementation Oversight*	January 2018	Program Development	$4,200
Training*	April – May 2018	RIPA Training	$20,000
Information Technology*	May 2018	Software Engineering	$7,700

Fiscal Year 2018-2019

Activity	Date(s) Performed	Description	Cost
Data Collection[1]	Continual	Stop Data	$79,828
Training*	Continual	RIPA Training	$5,000

Fiscal Year 2019-2020*

Activity	Date(s) Performed	Description	Cost
Data Collection[1]*	Continual	Stop Data	$80,000
Information Technology[2]	Pending Purchase	LEFTA System	$38,968
Training*	Continual	RIPA Training	$5,000

Total Estimated Cost: $240,696

*Estimated Figures

While there is no specific mandate to train officers in order to comply with the mandates of Government Code 12525.5 (a) (1), the regulations created per 12525.5 (e) consist of 22 pages of

[1] Exhibit A

[2] Exhibit B

information and instruction on how to meet the mandated requirements. It would not be possible to accurately collect stop data and report it to the Attorney General, per the legislative mandate, without formal training. Thus, the Riverside County Sheriff's Department believes Government Code 12525.5 (a) (1) creates an alleged legislative mandate requiring peace officers to perform training activities in order to collect accurate data. Similarly, supervisors must be trained to determine if their officers are collecting and submitting the required stop data.

To ensure accurate reporting and tracking, our department developed training, delivered training, and then tracked the training. Exact records for course development and implementation oversight were not tracked; however, an estimated 70 hours of staff time was required. This estimated work cost was not included, as it is unsupportable. The estimated cost for the course development and implementation oversight was $4,200.00. Additionally, our Department incurred a cost for information technology development. The estimated information technology development programming cost was $7,700.00.

The Riverside County Sheriff's Department has not received any local, state, or federal funding to offset the increased costs the Department has incurred to implement Government Code 12525 (a) (1) in fiscal year 2017-2018 or the following fiscal year 2018-2019. The cost details and activities described in the attached declaration totaled $79,828 ($0.512 pay rate p/minute x 2.01 time spent x 77,570 entries) in fiscal year 2018-2019 and we estimate a similar expenditure of $80,000 in fiscal year 2019-2020. We anticipate an additional cost of $38,968 will be incurred for LEFTA Systems software which will ensure the streamline accurate collection and retention of stop data. A reoccurring training cost is expected to ensure employees receive their initial training and remain current with legal requirements. This cost is conservatively estimated at $5,000 per year.

The Riverside County Sheriff's Department logs[1] all stops where data is collected per the mandate in Government Code 12525.5 (a) (1) daily and assembles stop data reports. Additionally, these reports give details on the rank for the peace officer who conducted the stop, which provides the basis for fiscal analysis to determine the actual cost of this activity required by the mandate. However, just knowing the activity, stop data collection, and who performed it is insufficient to calculate costs without knowing how much time was spent on it. The Department of Justice field-tested time is 2.5 minutes to perform this activity; however, our data shows it takes personnel 2.01 minutes[1] on average to complete this activity.

It should be noted other Test Claims submitted to the Commission on State Mandates indicate the inclusion of direct, as well as indirect costs, is acceptable to determine actual costs imposed by state-mandated programs; however, for the purpose of this report the Riverside County Sheriff's Department used the lowest employee pay-rate ($30.76 p/hour)[2] for cost calculations. Thus, our actual costs to comply with this mandate are much greater.

Based on my personal knowledge, the costs described above were incurred to implement Government Code 12525.5 after it was added by AB 953. Based on my information and belief, I find such costs to be correctly computed (using the most conservative method) and are "costs mandated by the State", as defined in Government Code, Section 17514: "Costs mandated by the State means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or

[1] Exhibit A
[1] Exhibit A
[2] Exhibit C

higher level of service of an existing program within the meaning of Section 6 of Article **XIII B** of the California Constitution."

Except as otherwise indicated herein, I have personal knowledge of the foregoing facts and information presented in this declaration, and if so required, I could and would testify to the statements made herein.

This declaration will be electronically filed using the Commission's website satisfying service requirements mandated in the California Code of Regulations, title 2, section 1181.3.

Executed this 19th day of September 2019, in the County of Riverside.

Zachary Hall
Sheriff's Captain
Riverside County Sheriff's Department
County of Riverside, California

Exhibit A

RIPA Data from AgencyWeb
FY 18/19 Covering 07/01/18 - 09/17/19
as of 09/18/2019

Rank	Average Time*	Average Time by Persons Entered*
CAPT	9.08	9.08
LT	5.52	5.52
SGT	2.98	2.86
INVESTIGATORS	3.85	3.63
CORP	2.74	2.48
DEPUTY	1.95	1.89
RESERVE I	7.97	7.97
CSO II	2.51	2.51
Department Averages	**2.01**	**1.93**
	=2 mins .06 sec	=1 min 55 secs

Total Entries by Fiscal Year

	FY 18/19	FY 19/20	Total
CAPT	4		4
LT	10	1	11
SGT	2,088	357	2,445
INVESTIGATORS	414	53	467
CORP	1,530	314	1,844
DEPUTY	73,500	11,672	85,172
RESERVE I	5	3	8
CSO II	19		19
Total	**77,570**	**12,400**	**89,970**

* Does not include outliers

Exhibit B

COUNTY OF RIVERSIDE
SALARY STEP SCHEDULE
Effective July 4, 2019

Sal Plan	Grade	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
PKG	132	14.8420	15.2802	15.7059	16.1238	16.5533	16.9948	17.4476	17.9134	18.3913	18.8825	19.3866	19.9046	20.4368	20.9906	21.5594	22.1438	22.7439	23.3602										
PKG	133	14.7736	15.2098	15.6334	16.0411	16.4613	16.8946	17.3402	17.7859	18.2573	18.7412	19.2251	19.7218	20.2565	20.8052	21.3691	21.9482	22.5429	23.1538										
PKG	134	15.1879	15.6363	16.0719	16.4994	16.9383	17.3895	17.8529	18.3288	18.8174	19.3197	19.8353	20.3651	20.9170	21.4840	22.0662	22.6642	23.2784	23.9093										
PKG	135	15.4567	15.9130	16.3563	16.7915	17.2386	17.6978	18.1696	18.6541	19.1517	19.6628	20.1879	20.7271	21.2889	21.8658	22.4585	23.0671	23.6923	24.3343										
PKG	145	16.9040	17.4030	17.8877	18.3464	18.8302	19.3269	19.8365	20.3458	20.8935	21.4412	22.0144	22.5874	23.1996	23.8283	24.4741	25.1373	25.8185	26.5183										
PKG	146	17.0003	17.5024	17.9897	18.4736	18.9704	19.4798	19.9892	20.5241	21.0718	21.6322	22.2179	22.8167	23.4349	24.0699	24.7221	25.3922	26.0803	26.7870										
PKG	147	17.0216	17.5241	18.0123	18.4784	18.9828	19.4873	20.0167	20.5464	21.0882	21.6558	22.2360	22.8411	23.4597	24.0954	24.7483	25.4189	26.1077	26.8152										
PKG	151	17.2532	17.7626	18.2573	18.7412	19.2251	19.7218	20.2439	20.7788	21.3265	21.8996	22.4726	23.0713	23.6965	24.3388	24.9985	25.6760	26.3718	27.0865										
PKG	156	17.4438	17.9588	18.4590	18.9518	19.4577	19.9775	20.5114	21.0598	21.6231	22.2016	22.7958	23.4062	24.0332	24.6845	25.3535	26.0406	26.7463	27.4712										
PKG	157	17.6141	18.1341	18.6392	19.1359	19.6199	20.1421	20.6772	21.2247	21.7851	22.3454	22.9441	23.5426	24.1806	24.8360	25.5091	26.2004	26.9105	27.6398										
PKG	160	18.3114	18.8519	19.3770	19.8960	20.4284	20.9753	21.5367	22.1139	22.7065	23.3155	23.9404	24.5827	25.2425	25.9266	26.6291	27.3508	28.0920	28.8534										
PKG	163	18.5407	19.0881	19.6199	20.1421	20.6772	21.2247	21.7851	22.3454	22.9441	23.5426	24.1667	24.8035	25.4756	26.1661	26.8752	27.6034	28.3515	29.1199										
PKG	164	18.7022	19.2543	19.7907	20.3191	20.8621	21.4197	21.9922	22.5807	23.1849	23.8054	24.4429	25.0974	25.7774	26.4761	27.1936	27.9305	28.6874	29.4648										
PKG	166	19.1306	19.6954	20.2439	20.7788	21.3265	21.8996	22.4726	23.0713	23.6828	24.2942	24.9308	25.5931	26.2866	26.9990	27.7307	28.4822	29.2540	30.0468										
PKG	175	19.6361	20.2158	20.7788	21.3265	21.8996	22.4726	23.0713	23.6828	24.2942	24.9308	25.5931	26.2808	26.9930	27.7246	28.4760	29.2476	30.0402	30.8543										
PKG	177	20.3116	20.9112	21.4936	22.0691	22.6605	23.2672	23.8912	24.5317	25.1898	25.8658	26.5600	27.2729	28.0056	28.7646	29.5440	30.3447	31.1670	32.0117										
PKG	180	20.5814	21.1889	21.7792	22.3625	22.9617	23.5769	24.2095	24.8586	25.5254	26.2105	26.9142	27.6369	28.3791	29.1481	29.9380	30.7493	31.5827	32.4386										
PKG	181	20.6951	21.3062	21.8996	22.4726	23.0713	23.6828	24.2942	24.9308	25.5931	26.2808	26.9813	27.6945	28.4450	29.2159	30.0076	30.8208	31.6561	32.5140										
PKG	184	20.9359	21.5539	22.1543	22.7529	23.3389	23.9631	24.5996	25.2493	25.9115	26.5993	27.2998	28.0256	28.7853	29.5653	30.3665	31.1896	32.0348	32.9030										
PKG	186	21.5608	22.1972	22.8157	23.4265	24.0540	24.6986	25.3605	26.0404	26.7389	27.4562	28.1929	28.9497	29.7272	30.5327	31.3601	32.2101	33.0830	33.9796										
PKG	187	22.0553	22.7063	23.3389	23.9631	24.5996	25.2493	25.9115	26.5993	27.2998	28.0256	28.7645	29.5540	30.3550	31.1776	32.0226	32.8904	33.7818	34.6972										
PKG	195	22.9864	23.6650	24.3241	24.9759	25.6449	26.3323	27.0385	27.7634	28.5082	29.2732	30.0588	30.8659	31.7025	32.5616	33.4441	34.3503	35.2812	36.2373										
PKG	197	23.3410	24.0300	24.6994	25.3619	26.0427	26.7417	27.4594	28.1969	28.9543	29.7327	30.5318	31.3525	32.2020	33.0681	33.9642	34.8846	35.8299	36.8010										
PKG	198	23.5838	24.2800	24.9562	25.6186	26.3064	27.0068	27.7327	28.4715	29.2611	30.0380	30.8404	31.6680	32.5264	33.4078	34.3131	35.2430	36.1982	37.1791										
PKG	199	23.8606	24.5651	25.2493	25.9115	26.5993	27.2998	28.0256	28.7645	29.5540	30.3310	31.1333	31.9611	32.8273	33.7169	34.6305	35.5690	36.5329	37.5229										
PKG	218	27.8447	28.6668	29.4651	30.2573	31.0705	31.9060	32.7642	33.6455	34.5509	35.4808	36.4359	37.4169	38.4246	39.4658	40.5353	41.6339	42.7622	43.9210										
PKG	230	30.0873	30.9758	31.8385	32.6947	33.5741	34.4778	35.4057	36.3586	37.3376	38.3430	39.3759	40.4367	41.5264	42.6518	43.8077	44.9950	46.2144	47.4668										
PKS	075	13.4258	13.8221	14.2072	14.5764	14.9712	15.3788	15.7863	16.1940	16.6269	17.0853	17.5311	17.9897	18.4773	18.9781	19.4924	20.0207	20.5632	21.1204										
PKS	101	18.2107	18.7482	19.2706	19.7850	20.3133	20.8561	21.4135	21.9859	22.5739	23.1781	23.7985	24.4355	25.0978	25.7780	26.4767	27.1942	27.9312	28.6881										
PKS	102	19.3132	19.8833	20.4372	20.9846	21.5467	22.1238	22.7169	23.3259	23.9513	24.5936	25.2540	25.9315	26.6278	27.3494	28.0906	28.8518	29.6338	30.4368										
PKS	103	20.6951	21.3062	21.8996	22.4726	23.0713	23.6828	24.2942	24.9308	25.5931	26.2808	26.9813	27.6945	28.4451	29.2159	30.0076	30.8208	31.6561	32.5140										
PKS	104	21.5670	22.1454	22.7395	23.3497	23.9764	24.6201	25.2814	25.9605	26.6581	27.3746	28.1105	28.8664	29.6429	30.4403														
PKS	106	21.5597	22.1960	22.8143	23.4257	24.0545	24.6998	25.3622	26.0434	26.7424	27.4604	28.1984	28.9561	29.7346	30.5404	31.3681	32.2181	33.0912	33.9880										
PKS	109	23.4393	24.1314	24.8035	25.4656	26.1407	26.8284	27.5417	28.2804	29.0316	29.8087	30.5855	31.4007	32.2517	33.1258	34.0235	34.9456	35.8927	36.8654										
PKS	112	24.1855	24.8996	25.5931	26.2808	26.9813	27.6945	28.4334	29.1844	29.9616	30.7513	31.5791	32.4197	33.2984	34.2008	35.1277	36.0796	37.0574	38.0617										
PKS	115	26.2074	26.9811	27.7327	28.4715	29.2611	30.0380	30.8404	31.6680	32.5215	33.4003	34.2918	35.2087	36.1629	37.1429	38.1495	39.1833	40.2451	41.3358										
PKS	116	26.6831	27.4709	28.2362	28.9945	29.7732	30.5736	31.3958	32.2401	33.1074	33.9981	34.9126	35.8522	36.8177	37.8154	38.8402	39.8928	40.9739	42.0843										
PKS	120	29.5771	30.4504	31.2986	32.1257	32.9828	33.8538	34.7555	35.6711	36.6294	37.6140	38.6255	39.6639	40.7388	41.8428	42.9768	44.1413	45.3376	46.5663										
PKS	146	33.3901	34.3759	35.3334	36.2842	37.2614	38.2649	39.2952	40.3535	41.4412	42.5583	43.7054	44.8835	46.0939	47.3430	48.6261	49.9438	51.2972	52.6874										
RSA	100	18.8903	19.4118	19.9339	20.4707	21.0372	21.6037	22.1851	22.7965	23.4076	24.0487	24.6897	25.3611	26.0483	26.7541														
RSA	126	24.0132	24.6757	25.3377	26.0304	26.7382	27.4606	28.1985	28.9662	29.7491	30.5622	31.3900	32.2481	33.1220	34.0197														
RSA	142	24.9587	25.6442	26.3300	27.0456	27.7763	28.5367	29.3118	30.1021	30.9222	31.7569	32.6217	33.5162	34.4245	35.3573														
RSA	152	25.4950	26.1958	26.9112	27.6421	28.3874	29.1478	29.9529	30.7581	31.5930	32.4428	33.3376	34.2319	35.1597	36.1125														
RSA	175	26.7624	27.4930	28.2385	28.9986	29.7887	30.5941	31.4292	32.2790	33.1582	34.0533	34.9776	35.9317	36.9054	37.9055														
RSA	185	27.6111	28.3641	29.1318	29.9146	30.7278	31.5556	32.4140	33.3022	34.2054	35.1236	36.0875	37.0660	38.0706	39.1023														
RSA	198	28.1702	28.9369	29.7194	30.5318	31.3602	32.2033	33.0773	33.9665	34.9023	35.8482	36.8197	37.8176																
RSA	205	28.3874	29.1478	29.9529	30.7581	31.5930	32.4428	33.3376	34.2319	35.1560	36.1087	37.0872																	
RSA	233	29.5606	30.3666	31.1885	32.0265	32.8973	33.7834	34.7025	35.6531	36.6201	37.6034	38.6350	39.6828	40.7582	41.8628														
RSA	243	29.9146	30.7278	31.5556	32.4140	33.3022	34.2054	35.1236	36.0875	37.0660	38.0594	39.0983	40.1671	41.2557	42.3738														
RSA	249	29.9529	30.7581	31.5930	32.4428	33.3376	34.2319	35.1560	36.1107	37.0946	38.1082	39.1370	40.1959	41.2851	42.4039														
RSA	272	30.9548	31.7988	32.6594	33.5374	34.4488	35.3773	36.3393	37.3349	38.3475	39.3772	40.4575	41.5545	42.6806	43.8373														
RSA	284	31.4292	32.2790	33.1582	34.0533	34.9776	35.9317	36.9008	37.8997	38.9282	39.9869	41.0753	42.1787	43.3218	44.4958														
RSA	293	31.8919	32.7542	33.6470	34.5550	35.4923	36.4609	37.4441	38.4580	39.5018	40.5762	41.6802	42.7996	43.9595	45.1508														
RSA	299	32.0265	32.8973	33.7834	34.7025	35.6531	36.6201	37.6034	38.6350	39.6828	40.7465	41.8587	43.0028	44.1683	45.3652														

Exhibit C

LEFTA SYSTEMS

International Business Information Technologies, Inc.
d.b.a. **LEFTA Systems**
10950-60 San Jose Blvd., Suite 101
Jacksonville, FL 32223
(800) 405-3109 – Toll Free

Proposal No. 2019-CARSDSS-02

CUSTOMER					
AGENCY:	Riverside County Sheriff's Department				
ADDRESS:	4095 Lemon Street				
CITY:	Riverside	**STATE:**	CA	**ZIP:**	92501
ATTN:	Chief Deputy M. Aveling				

INFO	
DATE:	05/17/19
REP:	Bryan Selzer
PROGRAM:	SHIELD Suite

QTY	DESCRIPTION	UNIT PRICE	TOTAL
1	**FACTS** Use of Force Software	$2,500	$2,500
2,434	FACTS User Licenses *(additional licenses can be bought in batches of 5)*	$20 each	$48,680
1	Link with State of California (provided state permits)	$0.00	$0.00
1	**VIPR** Vehicle Pursuit Software	$2,500	$2,500
1216	VIPR User Licenses *(additional licenses can be bought in batches of 5)*	$20 each	$24,320
1	**V-DOC** Employee Vehicle Damage Software	$2,500	$2,500
3,000	V-DOC User Licenses *(additional licenses can be bought in batches of 5)*	$10 each	$30,000
1	**PASS** Profiling/FIR (AB953) Software	$2,500	$2,500
1	CAD link	$0.00	$0.00
1	AB953 link with State of California (provided state permits)	$0.00	$0.00
1216	PASS User Licenses *(additional licenses can be bought in batches of 5)*	$30 each	$36,480
1	**Internal Affairs** Software (unlimited users)	$20,000	$20,000
5	Customization of Application	$0.00	$0.00
2	Onsite Training Sessions. Two days of onsite training (8am-5pm)	$0.00	$0.00
		Sub-Total	$169,480
1	*Client will receive the below features free of cost in addition to a 15% multi-application discount if all the above applications are purchased at the same time.*		**-$25,422**
1	FACTS-CAD integration		$0.00
1	Early Warning System		$0.00
1	Business Intelligence Tool		$0.00
		Total	**$144,058**
	Annual IT Support and Hosting Beginning Year 2		
5	Annual IT Support @ 20% of Total Purchase Price *Includes application updates and technical support calls.*	20%	$28,812
5	Annual Hosting of Application @ $100/Month for up to 50 GB of data per application	$1,200 each	$6,000

Price quote proposals are based on information provided and are good for 90 days.

LEFTA Systems Authorized Signature

05/17/2019
Date

RIVERSIDE COUNTY INFORMATION TECHNOLOGY PROCUREMENT FORM

H11 Number:	**PR2019-08728**		
Requested Purchase:	LEFTA SYSTEM MODULES - BCTC		
Department/Agency:	Sheriff		
Primary Contact/Phone:	ERIK LUE	**Alternate Contact/Phone:**	Marta Balbach/
Purchase Request Type:			
Describe Requested Purchase:	1 - FACTS - Use of Force Software 2,434 - FACTS User Licenses 1 - VIPR - Vehicle Pursuit Software 1,216 - VIPR User Licenses 1 - V-DOC - Employee Vehicle Damage Software 3,000 V-DOC User Licenses 1 - PASS - Profiling/FIR (AB953) Software 1,216 - PASS User Licenses 1 - Internal Affairs Software (Unlimited Users)		
Terms:	Is this a Multi Year Contract?: False Length of Contract: Start Date: End Date: Special Tems and Conditions:		
Business Needs Addressed:	Support Sheriff's Department with tracking and management software to address: Use of Force, Vehicle Pursuits, Employee Vehicle Damage, AB953 Racial Profiling and Internal Affairs.		
Are there other county systems that provide the same functionality?	Unknown		
Business Criticality:	Run the Business, Grow the Business, Transform the Business		
Business Impact:	Support Current Operations, Reduce Expenses, Improve Customer Service, Improve Operational Efficiencies		

Current Cost itemization (Include all the year 1 cost)

Item Description	Purchase Type	Vendor	Quantity	Unit Cost	Sub_Total	Item Tax	Total Cost
FACTS - Use of Force Software	Software - New Purchase	LEFTA SYSTEMS	1	$2,500.00	$2,500.00		$2,500.00
FACTS User Licenses	Software - New Purchase	LEFTA SYSTEMS	2,434	$20.00	$48,680.00		$48,680.00
VIPR - Vehicle Pursuit Software	Software - New Purchase	LEFTA SYSTEMS	1	$2,500.00	$2,500.00		$2,500.00
VIPR User Licenses	Software - New Purchase	LEFTA SYSTEMS	1,216	$20.00	$24,320.00		$24,320.00
V-DOC - Employee Vehicle Damage Software	Software - New Purchase	LEFTA SYSTEMS	1	$2,500.00	$2,500.00		$2,500.00
V-DOC User Licenses	Software - New Purchase	LEFTA SYSTEMS	3,000	$10.00	$30,000.00		$30,000.00
PASS - Profiling/FIR (AB953) Software	Software - New Purchase	LEFTA SYSTEMS	1	$2,500.00	$2,500.00		$2,500.00
PASS User Licenses	Software - New Purchase	LEFTA SYSTEMS	1,216	$30.00	$36,480.00		$36,480.00
Internal Affairs Software (Unlimited Users)	Software - New Purchase	LEFTA SYSTEMS	1	$20,000.00	$20,000.00		$20,000.00

OVER 5 yrs

RIVERSIDE COUNTY INFORMATION TECHNOLOGY PROCUREMENT FORM

Annual Costs				
Item Description	**Payment Type**	**Terms (in Years)**	**Payment amount**	**Total Annual Payments**

Accounting String To be completed for pass-thru purchases that will be processed by RCIT Only						
%Billed	**Accounts (6 digits)**	**Dept.ID (6 -10 digits)**	**Program (5 digits)**	**Class (5 digits)**	**Grant (9 digits)**	**Customer Project Code (10 digits)**

Department Head or Authorized Designee Signature: Lt. Vallejo	Date: 5/20/2019 7:15 PM

RCIT Review (Standard purchases and renewals < $25000) - Administrative Review Status		
Recommended:	By:	Date:
Denial Explanation:		

ACIO Review - ACIO Review Status		
Recommended: Yes	BY: For EAB	Date: 5/29/19
Denial Explanation:		

CIO Review (Purchases and renewals >$100K) CIO Review Status		
Recommended: Yes	By:	Date: 5/29/19
Denial Explanation:		

TSOC Review (Purchases and renewals >$100K) TSOC Review Status		
Recommended: YES	By:	Date: 6/6/19
Denial Explanation:		

COUNTY OF RIVERSIDE

Purchasing and Fleet Services Department
2980 Washington St
Riverside,CA 92504
Phone: (951) 955-4937
Fax: (951) 955-3730

PURCHASE ORDER

Vendor Instructions

1. Packaging Slip showing P.O. number and contents must accompany each shipment.
2. No charge for packaging or drayage will be allowed except when specified in order.
3. No partial billings except when specified in the order.
4. THIS ORDER EXPRESSLY LIMITS ACCEPTANCE TO THE TERMS OF THIS ORDER. ANY ADDITIONAL OR DIFFERENT TERMS PROPOSED BY THE SELLER ARE REJECTED UNLESS EXPRESSLY ASSENTED TO IN WRITING BY THE BUYER.
5. MAIL INVOICE TO THE ADDRESS SHOWN BELOW. SHOW PURCHASE ORDER NUMBER AND ORDERING DEPARTMENT.
6. Out of state vendors MUST show CA Board of Equilization Permit Number. Otherwise, sales tax will be deducted.
7. IMPORTANT: Seller shall provide material safety data sheets for each product containing hazardous substances as listed by CA Dir. Ind. Rel. in CA Adm. Code, Title 8, Section 5194 and labor codes
8. If work is to be carried out on county property,vendor shall call purchasing and ascertain amounts and types of insurance required and provide proof of insurance before beginning work

SHERIFF
Sheriff Department
Accounting Finance Bureau
PO Box 512
Riverside CA 92502
United States

Dispatch Via Email

Purchase Order	Date	Revision
SHARC-0000111040	2019-09-18	
Payment Terms	**Freight Terms**	**Ship Via**
Net 30	FOB Destination, Freight Paid	BEST WAY
Buyer	**Phone**	**Currency**
Cedric M. Cason		USD

Vendor: 0000225852
International Business Information
LEFTA Systems
10950-60 San Jose Blvd
Ste 101
Jacksonville FL 32223
United States

Ship To: 6225-27170
Sheriff
Technical Services Bureau
1500 Castellano Rd
Floor 1
Riverside CA 92509
United States

Attention: Erik Lue

Bill To: Sheriff
Technical Services Bureau
1500 Castellano Rd Floor 1
Riverside CA 92509
United States

Tax Exempt? N **Tax Exempt ID:** **Replenishment Option:** Standard

Line-Sch	Item/Description	Mfg ID	Quantity	UOM	PO Price	Extended Amt	Due Date
1 - 1	(NT) FACTS Use of Force Software. PoP: 11/01/2019 to 10/31/2020		1.00	EA	2125.00	2125.00	11/02/2019
					Schedule Total	2125.00	
					Item Total 20857	2125.00	
2 - 1	(NT) FACTS User Licenses. PoP: 11/01/2019 to 10/31/2020		2434.00	EA	17.00	41378.00	11/02/2019
					Schedule Total	41378.00	
					Item Total 20857	41378.00	
3 - 1	(NT) VIPR Vehicle Pursuit Software. PoP: 11/01/2019 to 10/31/2020		1.00	EA	2125.00	2125.00	11/02/2019
					Schedule Total	2125.00	
					Item Total 20857	2125.00	
4 - 1	(NT) VIPR User Licenses. PoP: 11/01/2019 to 10/31/2020		1216.00	EA	17.00	20672.00	11/02/2019
					Schedule Total	20672.00	

Authorized Signature

COUNTY OF RIVERSIDE

Purchasing and Fleet Services Department
2980 Washington St
Riverside,CA 92504
Phone: (951) 955-4937
Fax: (951) 955-3730

PURCHASE ORDER

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SHERIFF

Sheriff Department
Accounting Finance Bureau
PO Box 512
Riverside CA 92502
United States

Dispatch Via Email

Purchase Order	Date	Revision
SHARC-0000111040	2019-09-18	
Payment Terms	**Freight Terms**	**Ship Via**
Net 30	FOB Destination, Freight Paid	BEST WAY
Buyer	**Phone**	**Currency**
Cedric M. Cason		USD

Vendor: 0000225852
International Business Information
LEFTA Systems
10950-60 San Jose Blvd
Ste 101
Jacksonville FL 32223
United States

Ship To: 6225-27170
Sheriff
Technical Services Bureau
1500 Castellano Rd
Floor 1
Riverside CA 92509
United States

Attention: Erik Lue

Bill To: Sheriff
Technical Services Bureau
1500 Castellano Rd Floor 1
Riverside CA 92509
United States

Tax Exempt? N **Tax Exempt ID:** **Replenishment Option:** Standard

Line-Sch	Item/Description	Mfg ID	Quantity	UOM	PO Price	Extended Amt	Due Date
					Item Total 20857	20672.00	
5 - 1	(NT) V-DOC Employee Vehicle Damage Software. PoP: 11/01/2019 to 10/31/2020		1.00	EA	2125.00	2125.00	11/02/2019
					Schedule Total	2125.00	
					Item Total 20857	2125.00	
6 - 1	(NT) V-Doc User Licenses. PoP: 11/01/2019 to 10/31/2020		3000.00	EA	8.50	25500.00	11/02/2019
					Schedule Total	25500.00	
					Item Total 20857	25500.00	
7 - 1	(NT) PASS Profiling/FIR (AB953) Software. PoP: 11/01/2019 to 10/31/2020		1.00	EA	2125.00	2125.00	11/02/2019
					Schedule Total	2125.00	
					Item Total 20857	2125.00	
8 - 1	(NT) PASS User Licenses. PoP:		1216.00	EA	25.50	31008.00	11/02/2019

Authorized Signature

COUNTY OF RIVERSIDE

Purchasing and Fleet Services Department
2980 Washington St
Riverside,CA 92504
Phone: (951) 955-4937
Fax: (951) 955-3730

PURCHASE ORDER

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7. IMPORTANT: Seller shall provide material safety data sheets for each product containing hazardous substances as listed by CA Dir. Ind. Rel. in CA Adm. Code, Title 8, Section 5194 and labor codes
8. If work is to be carried out on county property,vendor shall call purchasing and ascertain amounts and types of insurance required and provide proof of insurance before beginning work

SHERIFF

Sheriff Department
Accounting Finance Bureau
PO Box 512
Riverside CA 92502
United States

Dispatch Via Email

Purchase Order	Date	Revision
SHARC-0000111040	2019-09-18	
Payment Terms	**Freight Terms**	**Ship Via**
Net 30	FOB Destination, Freight Paid	BEST WAY
Buyer	**Phone**	**Currency**
Cedric M. Cason		USD

Vendor: 0000225852
International Business Information
LEFTA Systems
10950-60 San Jose Blvd
Ste 101
Jacksonville FL 32223
United States

Ship To: 6225-27170
Sheriff
Technical Services Bureau
1500 Castellano Rd
Floor 1
Riverside CA 92509
United States

Attention: Erik Lue

Bill To: Sheriff
Technical Services Bureau
1500 Castellano Rd Floor 1
Riverside CA 92509
United States

Tax Exempt? N **Tax Exempt ID:** **Replenishment Option:** Standard

Line-Sch	Item/Description	Mfg ID	Quantity	UOM	PO Price	Extended Amt	Due Date
	11/01/2019 to 10/31/2020						
					Schedule Total	31008.00	
					Item Total 20857	31008.00	
9 - 1	(NT) Internal Affairs Software. PoP: 11/01/2019 to 10/31/2020		1.00	EA	17000.00	17000.00	11/02/2019
					Schedule Total	17000.00	
					Item Total 20857	17000.00	
					Total PO Amount	144058.00	

Authorized Signature

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 20, 2019, I served the:

- **Interested Person's (Peace Officers Research Association of California's) Late Comments on the Test Claim filed September 20, 2019**
- **Interested Party's (County of Riverside 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[1]
  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 20, 2019 at Sacramento, California.

Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

[1] 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: 9/20/19

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.)

John Ades, Captain, *San Bernardino County Sheriffâ€™s Department*
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jades@sbcsd.org

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mcervone@aaronread.com

Rolando Charvel, Chief Financial Officer, *City of San Diego*
Claimant Contact
202 C Street, 9th Floor, San Diego, CA 92101
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Phill Dupper, Lieutenant, *San Bernardino County Sheriffâ€™s Department*
Information / Technical Services Division, 655 East Third Street, San Bernardino, CA 92415
Phone: (909) 884-0156
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Susan Geanacou, *Department of Finance*
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Claimant Representative
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Jill.Magee@csm.ca.gov

Brian Marvel, President, *Peace Officers Research Association of California (PORAC)*
4010 Truxel Road, Sacramento, CA 95834
Phone: (916) 928-3777
president@porac.org

Jane McPherson, Financial Services Director, *City of Oceanside*
300 North Coast Highway, Oceanside, CA 92054
Phone: (760) 435-3055
JmcPherson@oceansideca.org

Michelle Mendoza, *MAXIMUS*
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michellemendoza@maximus.com

Meredith Miller, Director of SB90 Services, *MAXIMUS*
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meredithcmiller@maximus.com

Lourdes Morales, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*
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Debra Morton, Manager, Local Reimbursements Section, *State Controller's Office*
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740, Sacramento, CA 95816
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andy@nichols-consulting.com

Arthur Palkowitz, *Artiano Shinoff*
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apalkowitz@as7law.com

Johnnie Pina, Legislative Policy Analyst, *League of Cities*
1400 K Street, Suite 400, Sacramento, CA 95814
Phone: (916) 658-8214
jpina@cacities.org

Jai Prasad, *County of San Bernardino*
Office of Auditor-Controller, 222 West Hospitality Lane, 4th Floor, San Bernardino, CA 92415-0018
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Aaron Read, Legislative Advocate, *Aaron Read & Associates*
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Exhibit E

RECEIVED
September 20, 2019
Commission on State Mandates

LATE FILING

September 19, 2019

Ms. Jill Magee
Program Analyst
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

RE: Written Comments Regarding:
***Racial and Identity Profiling*, 18-TC-02**
Public Hearing Date: January 24, 2020

Dear Ms. Magee,

I write to you today on behalf of the Peace Officers' Research Association of California (PORAC) representing 75,000 public safety members and 930 public safety associations. PORAC hereby submits these comments in response to The Racial and Identity Profiling Act of 2015 Test Claim submitted by the City of San Diego and the Sand Diego Police Department (SDPD).

Under AB 953 by Assemblywoman Shirley Weber (D-San Diego) in 2015, the state mandated each local agency that employs peace officers to perform a new set of activities that consisted of the collection and reporting of stop data. The new activities required additional training of all officers to comply with the stop date requirements and additional training in the area of reporting and submission of that data. Furthermore, the time spent in acquiring the data created additional costs for the department, and was tracked by a software application. To fulfill the mandate presented in AB 953, the City of San Diego and the SDPD also incurred costs with the information technology implementation and testing, as well as reporting, and data storage and release.

We strongly urge that you approve compensation for these state mandated local costs. Thank you for your consideration on this very important issue. Should you have any questions, please do not hesitate to call me at PORAC Headquarters (916) 928-3777.

Very Truly Yours,
BOARD OF DIRECTORS
Peace Officers Research Association of California

Brian R. Marvel

Brian R. Marvel — *President*
Damon Kurtz — *Vice President*
Tim Davis — *Treasurer*
Randy Beintema — *Secretary*

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 20, 2019, I served the:

- **Interested Person's (Peace Officers Research Association of California's) Late Comments on the Test Claim filed September 20, 2019**
- **Interested Party's (County of Riverside 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[1]
  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 20, 2019 at Sacramento, California.

Jill L. Magee
Commission on State Mandates
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[1] 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: 9/20/19

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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San Diego County Sheriff's Department
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William D. Gore, Sheriff

RECEIVED
September 27, 2019
Commission on
State Mandates
LATE FILING

September 27, 2019

Heather Halsey, Executive Director
California Commission on State Mandates
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Sacramento, CA 95814

RE: Support of City of San Diego's Test Claim on the Racial and Identity Profiling Act (RIPA)
2015 18-TC-02

Dear Ms. Halsey

The Racial and Identity Profiling Act (AB953) mandates all law enforcement agencies with more than 1000 officers participate in the collection and reporting of "stop" data related to specific interactions with the public. This state requirement of local government to provide data to the State Attorney General's Office is an unfunded state-mandated program, as such the affected law enforcement agencies are entitled to reimbursement under Article XIII B, Section 6, of the California Constitution and Government Code 17514.

The San Diego Sheriff's Department supports the City of San Diego's Test Claim (18-TC-02) that is before the State Commission on Unfunded Mandates. The City of San Diego, along with the other Tier 1 agencies, have complied with the state mandate which have led to both one-time and reoccurring costs. These costs are a financial burden to the San Diego Sheriff's Department and the other Tier 1 agencies.

In addition to the time spent by each deputy/ officer filling out RIPA forms, which currently is about 7422 hours of time spent by San Diego County Sheriff's Deputies, the state mandate also requires departments to provide ongoing training of personnel, computer hardware and software, along with ongoing administrative oversight, auditing and review of the data before submission to the Attorney General's Office. All of these tasks require reassigning and/ or additional staffing and funding.

We request the California Commission on State Mandates approve the test claim by the City of San Diego and find that the costs associated with AB953 are reimbursable to all affected law enforcement agencies throughout the state. Acceptance of the test claim, and state funding of this state mandate, will allow law enforcement agencies to continue with their primary task, law enforcement.

Thank you for your consideration.

Harold Turner, Commander
Commander Harold Turner

HFT: WBG

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.

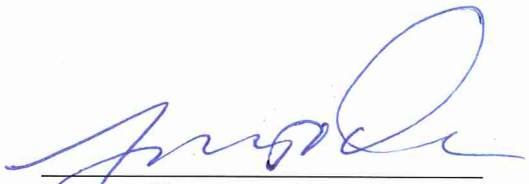
On October 3, 2019, I served the:

- **Interested Person's (County of San Diego Sheriff's Department) Late Comments on the Test Claim filed September 27, 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[1]
  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 October 3, 2019 at Sacramento, California.



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[1] 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: 10/3/19

Claim Number: 18-TC-02

Matter: Racial and Identity Profiling

Claimant: City of San Diego

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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Exhibit G

THE CITY OF SAN DIEGO

RECEIVED
October 16, 2019
Commission on
State Mandates

October 16, 2019

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

Reference: Response to Department of Finance September 19, 2019 Comments on Test Claim 18-TC-02, Racial and Identity Profiling Act of 2015 (RIPA).

Declaration of Captain Jeffrey Jordon, San Diego Police Department (SDPD)

Dear Ms. Halsey,

I, Jeffrey Jordon, declare under penalty of perjury under the laws of the State of California that the following is true and correct based on my personal knowledge, information and belief.

1) I am a police captain for the City of San Diego (SDPD). I have been employed by the City in this capacity since August, 2019 and have been a law enforcement officer since 1995. As part of my duties in the Chief's Office, I am responsible for implementation of "special projects" as determined by the Chief of Police - David Nisleit. In June of 2018, I was assigned by him as the Program Manager overseeing the Department's implementation of AB 953, which enacted the Racial and Identity Profiling Act of 2015, and added Government Code section 12525.5. I am also responsible for assisting with the recovery of costs mandated by the State.

2) On September 25, 2019, I attended the California Department of Justice (DOJ) regional meeting with law enforcement agencies in San Diego entitled, "Lessons Learned Session." There were many items on the agenda, but particularly relevant to this test claim was part 1 of the discussion agenda and it included, "Initial Implementation – **Training**, Outreach, Technology, and Timeline." The inclusion of training by the DOJ in this meeting for peace officers in attendance from throughout California impacted by RIPA and Government Code section 12525.5, along with the discussion that followed, is significant because it highlighted the absolute necessity for agencies to train their respective officers to comply with this very complex piece of alleged mandated legislation.

SAN DIEGO POLICE DEPARTMENT
CHIEF'S OFFICE
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3) On September 26, 2019, I attended the Racial and Identity Profiling Advisory Board in San Diego, and there was an agenda item and report from a subcommittee on **POST Training** to discuss the status of providing needed training to officers mandated to collect and report stop data under AB 953. Again, this assembly bill enacted the Racial and Identity Profiling Act of 2015, and added Government Code section 12525.5.

4) On September 19, 2019, the Department of Finance (DOF) responded to the test claim filed by the City of San Diego, TC 18-TC-02 Racial and Identity Profiling Act of 2015, and highlighted the cost categories associated with this claim. Those categories listed costs from the following: personnel costs from the information technology unit and a program manager, data collection, and training. While the DOF remained silent on staffing and data collection costs detailed in the test claim, which appears to be their partial recognition of costs that stem from this alleged mandate, they did oppose the reimbursement of training costs and stated, "the training provided by the SDPD to its sworn personnel in 2017-2018 and 2018-2019 was not required under the relevant statutes, and the associated costs are not reimbursable." Essentially, the DOF called the SDPD's decision to train discretionary and determined it should "absorb" the costs.

5) I, along with City of San Diego and the San Diego Police Department, believe training members of SDPD on the 22 pages of regulations developed by the DOJ to implement AB 953 and its alleged mandates, along with updating its orders, procedures and training materials to reflect them, is a standard and expected practice for law enforcement agencies. It should also be considered a very reasonable method of implementing this alleged mandate. Additionally, based on the agendas and discussions facilitated by the DOJ and the Racial and Identity Profiling Advisory Board, during the meetings previously mentioned, I believe they would disagree with DOF's finding that training is a "discretionary" cost. In fact, the DOJ and RIPA Board are considering how the training can be enhanced and standardized, particularly through a training program with Commission on Peace Officers Standards and Training (POST).

6) The City of San Diego, along with the San Diego Police Department, assert they have satisfied the requirements for submitting a Test Claim and explained the relevancy of the costs detailed within the claim. I look forward to the Commission's consideration of this matter.

Except as otherwise indicated herein, I have personal knowledge of the foregoing facts and information presented in this Test Claim, and if so required, I could and would testify to the statements made herein.

Executed this 16th day of October in San Diego, CA

Jeffrey Jordon
Captain
San Diego Police Department – City of San Diego

Enclosures:
1 Agenda California Department of Justice (DOJ) AB 953 Racial and Identity Profiling Act of 2015 – Lessons Learned – September 25, 2019
2. Agenda California Racial and Identity Profiling Advisory Board Meeting September 26, 2019

California Department of Justice (DOJ)
AB 953 Racial and Identity Profiling Act of 2015
Lessons Learned
September 25, 2019
San Diego County Operations Center – San Diego

Agenda

12:30 pm – 1:00 pm	Check-In
1:00 pm – 1:15 pm	Welcome, Introductions
1:15 pm – 1:30 pm	Data Report Out for 2018 and 2019
1:30 pm – 2:15 pm	**Part 1 – Initial Implementation** Training, Outreach, Technology, and Timeline
2:15 pm – 2:30 pm	BREAK
2:30 pm – 3:15 pm	**Part 2 – Post Implementation** Annual Close-out process, PII/PRAs, Reports/Data Analysis, and Enhancements
3:15 pm – 3:30 pm	CRES/Annual RIPA Report
3:30 pm – 3:45 pm	Next Steps
3:45 pm – 4:30 pm	Networking

CALIFORNIA RACIAL AND IDENTITY PROFILING
ADVISORY BOARD MEETING

MEETING NOTICE AND AGENDA

Meeting of the Racial and Identity Profiling Advisory (RIPA) Board

September 26, 2019, 10:00 a.m.
Skyline Hills Library
Multipurpose Room
7900 Paradise Valley Road
San Diego, CA 92139

Meeting will be recorded and posted to the Board's website at: https://oag.ca.gov/ab953/board.

If possible, live stream will be available at https://oag.ca.gov.

1. CALL TO ORDER BY BOARD CO-CHAIRS (10:00 a.m.)
2. WELCOME AND INTRODUCTION OF NEW BOARD MEMBERS (10:01)
3. APPROVAL OF APRIL 8, 2019 MEETING MINUTES (10:05 a.m.)
4. UPDATE FROM THE DEPARTMENT OF JUSTICE (10:06 a.m.)
5. SUBCOMMITTEE REPORTS (10:30 a.m.)
   a. Civilian Complaints – *Subcommittee Co-Chairs*
   b. State and Local Racial & Identity Profiling Policies and Accountability – *Subcommittee Co-Chairs*
   c. POST Training & Recruitment – *Subcommittee Co-Chairs*
   d. Calls for Service – *Subcommittee Co-Chairs*
   e. Stop Data Analysis – *Subcommittee Co-Chairs and Department of Justice staff*
6. PUBLIC COMMENT (11:45 a.m.)
7. BREAK (12:15 p.m.)
8. BOARD DISCUSSION OF 2020 DRAFT RIPA REPORT (12:45 p.m.)
9. PUBLIC COMMENT (1:45 p.m.)
10. DISCUSSION AND APPROVAL OF NEW BOARD CHAIR (2:10 p.m.)
11. APPROVAL OF NEXT STEPS (2:20 p.m.)
12. ADJOURN (2:30 p.m.)

The meeting will begin at the designated time. Other times on the agenda are approximate and may vary as the business of the Board requires. For any questions about the Board meeting, please contact Deputy Attorney General Allison Elgart, California Department of Justice, 1515 Clay Street, Suite 2000, Oakland, CA 94612, 510-879-0814. Access to the meeting sites are accessible to persons with disabilities and if you need information or assistance with accommodation requests, please contact Deputy Attorney General Elgart at least five calendar days before the scheduled meeting.

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 October 17, 2019, I served the:

- **Claimant's Rebuttal Comments filed October 16, 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[1]
  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 October 17, 2019 at Sacramento, California.

Lorenzo Duran
Commission on State Mandates
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[1] 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: 10/3/19

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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STATE of CALIFORNIA
COMMISSION ON STATE MANDATES

December 31, 2019

Mr. Jeffrey Jordon
City of San Diego
San Diego Police Department
1401 Broadway
San Diego, CA 92101

Ms. Erika Li
Department of Finance
915 L Street
Sacramento, CA 95814

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Draft Proposed Decision, Schedule for Comments, and Notice of Hearing
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[1]
City of San Diego, Claimant

Dear Mr. Jordan and Ms. Li:

The Draft Proposed Decision for the above-captioned matter is enclosed for your review and comment.

Written Comments

Written comments may be filed on the Draft Proposed Decision by **January 30, 2020**. Please note that all representations of fact submitted to the Commission must be signed under penalty of perjury by persons who are authorized and competent to do so and must be based upon the declarant's personal knowledge, information, or belief. (Cal. Code Regs., tit. 2, § 1187.5.) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over an objection in civil actions. (Cal. Code Regs., tit. 2, § 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.[2]

You are advised that comments filed with the Commission on State Mandates (Commission) are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents. Refer to http://www.csm.ca.gov/dropbox_procedures.php

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[1] 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.

[2] Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

on the Commission's website for electronic filing instructions. (Cal. Code Regs., tit. 2, § 1181.3.)

If you would like to request an extension of time to file comments, please refer to section 1187.9(a) of the Commission's regulations.

Hearing

This matter is set for hearing on **Friday, March 27, 2020** at 10:00 a.m., State Capitol, Room 447, Sacramento, California. The Proposed Decision will be issued on or about March 13, 2020.

Please notify Commission staff not later than the Wednesday prior to the hearing that you or a witness you are bringing plan to testify and please specify the names of the people who will be speaking for inclusion on the witness list. Staff will no longer be sending reminder emails. Therefore, the last communication from Commission staff is the Proposed Decision which will be issued approximately 2 weeks prior to the hearing and it is incumbent upon the participants to let Commission staff know if they wish to testify or bring witnesses.

If you would like to request postponement of the hearing, please refer to section 1187.9(b) of the Commission's regulations.

Sincerely,

Heather Halsey
Executive Director

ITEM ___

TEST CLAIM

DRAFT PROPOSED DECISION

Government Code Section 12525.5 and Penal Code Sections 13012 and 13519.4; as added or amended by 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 as added by Register 2017, No. 46[1]

Racial and Identity Profiling

18-TC-02

City of San Diego, Claimant

EXECUTIVE SUMMARY

Overview

This Test Claim addresses the Racial and Identity Profiling Act of 2015 (Stats. 2015, ch. 466; Stat. 2017, ch. 46), which added to the Government Code section 12525.5, and amended Penal Code sections 13012 and 13519.4; and California Code of Regulations, title 11, sections 999.224-999.229 adopted by the Department of Justice (DOJ) to implement Government Code section 12525.5. The Act and implementing regulations require, with respect to local governments, that each reporting agency, as defined, that employs peace officers to electronically report to the Attorney General, on an annual basis, data on all "stops" conducted by the agency's peace officers.[2] The data required to be reported includes the time, date, and location of the stop; the reason for the stop; the perceived: race or ethnicity, gender, LGBT status, approximate age and English fluency of the person stopped; the actions taken by the officer during the stop, and the result of the stop. Also required to be reported are the officer's: identification number, years of experience, and type of assignment.

For the reasons stated below, staff recommends that the Commission partially approve this Test Claim.

[1] Note that Register 2016, 50-2 was incorrectly cited in the test claim filing. The correct register is Register 2017, No. 46.

[2] For purposes of local government, agencies required to report stop data include any city or county law enforcement agency that employs peace officers and the police departments of all California Community Colleges established pursuant to Education Code section 72330 and K-12 school districts that employ peace officers pursuant to the authority provided by Education Code section 38000(b). (California Code of Regulations, title 11, section 999.224(a)(11), Register 2017, No. 46.)

Procedural History

Statutes 2015, chapter 466 (AB 953), adding Government Code section 12525.5, and amending Penal Code sections 13012 and 13519.4, became effective on January 1, 2016. California Code of Regulations, Title 11, sections 999.224, 999.225, 999.226, 999.227, 999.228, and 999.229 as added by Register 2017, No. 46, became effective November 7, 2017. Statutes 2017, Chapter 328 (AB 1518), amending Government Code section 12525.5 and Penal Code section 13012, became effective on January 1, 2018. The City of San Diego (claimant) filed the Test Claim on June 14, 2019, alleging that it first incurred costs under the test claim statute and regulations on June 15, 2018, when it began providing training to its peace officers on the stop data collection requirements.[3] The Test Claim was deemed complete and issued for comment on August 20, 2019. The Department of Finance (Finance) filed comments on the Test Claim on September 19, 2019.[4] The San Bernardino County Sheriff's Department filed comments on the Test Claim on September 19, 2019.[5] The Riverside County Sheriff's Department filed comments on the Test Claim on September 19, 2019.[6] The Peace Officers' Research Association of California (PORAC) filed late comments on the Test Claim on September 20, 2019.[7] The San Diego County Sheriff's Department filed late comments on the Test Claim on September 27, 2019.[8] The claimant filed rebuttal comments on October 16, 2019.[9] Commission staff issued the Draft Proposed Decision on December 31, 2019.[10]

Commission Responsibilities

Under article XIII B, section 6 of the California Constitution, local agencies and school districts are entitled to reimbursement for the costs of state-mandated new programs or higher levels of service. In order for local government to be eligible for reimbursement, one or more similarly situated local agencies or school districts must file a test claim with the Commission. "Test claim" means the first claim filed with the Commission alleging that a particular statue or executive order imposes costs mandated by the state. Test claims function similarly to class actions and all members of the class have the opportunity to participate in the test claim process and all are bound by the final decision of the Commission for purposes of that test claim.

The Commission is the quasi-judicial body vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6 of

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[3] Exhibit A, Test Claim, pages 1, 20 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

[4] Exhibit B, Finance's Comments on the Test Claim.

[5] Exhibit C, San Bernardino County Sheriff's Department's Comments on the Test Claim.

[6] Exhibit D, Riverside County Sheriff's Department's Comments on the Test Claim.

[7] Exhibit E, Peace Officers Research Association of California's (PORAC's) Comments on the Test Claim.

[8] Exhibit F, San Diego County Sheriff's Department's Late Comments on the Test Claim.

[9] Exhibit G, Claimant's Rebuttal Comments.

[10] Exhibit H, Draft Proposed Decision.

the California Constitution and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities."[11]

Claims

The following chart provides a brief summary of the claims and issues raised and staff's recommendation.

Issue	Description	Staff Recommendation
Was the Test Claim timely filed?	Government Code section 17551(c) states: "test claims shall be filed not later than 12 months following the effective date of a statue or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later." Section 1183.1(c) of the Commission's regulations defines "12 months" as 365 days.[12]	*Timely Filed* – The Test Claim filing alleges costs were first incurred on June 15, 2018, when claimant began providing training to its peace officers on stop data collection requirements.[13] The Test Claim was filed on June 14, 2019, within 12 months of first incurring costs, and is, therefore, timely pursuant to the second prong of the Government Code section 17551(c).
When does the potential period of reimbursement begin?	Government Code section 17557(e) establishes the period of reimbursement for an approved test claim based on when the test claim is filed; "[a] test claim shall be submitted on or before June 30 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year."	*The Potential Period of Reimbursement Begins November 7, 2017* – Based on the filing date of June 14, 2019 for this Test Claim, the potential period of reimbursement, pursuant to Government Code section 17557(e), would begin July 1, 2017. However, staff recommends that the Commission partially approve this Test Claim *only* for the activities mandated by Government Code section 12525.5 and California Code of

[11] *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1281, citing *City of San Jose v. State of California* (1996) 46 Cal.App.4th 1802, 1817.

[12] California Code of Regulations, title 2, section 1183.1(c), Register 2018, No. 18 (eff. April 1, 2018).

[13] Exhibit A, Test Claim, pages 2, 20 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

Issue	Description	Staff Recommendation
		Regulations, title 11, sections 999.224-999.229, adopted by DOJ to implement section 12525.5 (Register 2017, No. 46, eff. November 7, 2017). Government Code section 12525.5(a)(2) and (e), delayed local agency compliance with the program to a date after the regulations were required to be adopted. Accordingly, the period of reimbursement for this Test Claim begins November 7, 2017.
Do Penal Code sections 13012 and 13519.4 as amended by Statutes 2015, chapter 466 and Statutes 2017, chapter 328, impose a reimbursable state-mandated program on local government?	Penal Code sections 13012 and 13519.4, as amended by the test claim statutes, impose requirements only on state agencies and the Racial and Identity Profiling Advisory Board (RIPA), whose membership does not include local government.[14] The claimant states that "An explanation of these [P]enal [C]odes is being provided for informational purposes only."[15]	*Deny* – Penal Code sections 13012 and 13519.4 do not impose any activities on local government and, thus, do not constitute a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.
Do Government Code section 12525.5, and California Code of Regulations, title 11, sections 999.224 through 999.229, as added by Register 2017, No. 46, impose a reimbursable state-mandated program on local government?.	Government Code section 12525.5 and the test claim regulations require each state and local agency that employs peace officers to electronically report to the Attorney General, on an annual basis, specified data on all "stops" conducted by the agency's peace officers. Section 999.224(a)(11) of the test claim regulations refers to these agencies as "reporting	*Partially Approve* – Government Code section 12525.5 and the test claim regulations constitute a state-mandated new program or higher level of service, and impose costs mandated by the state, *only* on city and county law enforcement agencies that employ peace officers (other than probation officers and officers in a custodial setting) who perform the requirements

[14] Penal Code section 13519.4(j)(2) (Stats. 2015, ch. 466).

[15] Exhibit A, Test Claim, page 7.

Issue	Description	Staff Recommendation
	agencies" which it defines, for purposes of local government, as any city or county law enforcement agency that employs peace officers (other than probation officers and officers in a custodial setting), *including* those who are contracted to work at other government agencies or private entities (such as housing or transit agencies and state educational institutions); K-12 school districts that employ peace officers pursuant to the authority provided by Education Code section 38000(b); and community college districts that employ peace officers pursuant to the authority provided by Education Code section 72300.	of the test claim statutes and regulations for stops within their own jurisdictions, and on cities and counties that contract for officers from other city or county reporting agencies in order to carry out their basic and essential function of providing police protection services in their jurisdictions,[16] for the new activities required by the test claim statutes and regulations. However, Government Code section 12525.5 and the test claim regulations do *not* impose a reimbursable state-mandated program for K-12 school districts or community college districts that are authorized, but not required, to employ peace officers, and for which the provision of police protection services is not an essential and basic function. Thus, K-12 school districts or community college districts are not eligible for reimbursement.[17] In addition, Government Code section 12525.5 and the test claim regulations do *not* impose a reimbursable state-mandated program when a city or county assigns their peace officer employees *out* to work for other government or private

[16] *Department of Finance v. Commission on State Mandates* (*POBRA*) (2009) 170 Cal.App.4th 1355, 1367; *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 888.

[17] *Department of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, 1357-1367.

Issue	Description	Staff Recommendation
		entities based on a contract or memorandum of understanding. The courts have made it clear that activities required by state law, but triggered by a local discretionary decision, do not result in a state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.[18]

Staff Analysis

A. This Test Claim Was Timely Filed Pursuant to Government Code Section 17551.

Government Code section 17551(c) provides that test claims "shall be filed not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later."[19] Section 1183.1(c) of the Commission's regulations defines "12 months" as 365 days.[20]

This Test Claim was filed on June 14, 2019, with a declaration signed under penalty of perjury by Lieutenant Jordan, the program manager overseeing the claimant's implementation of the test claim statutes, which states that the claimant first incurred costs as a result of the test claim statutes and regulations on June 15, 2018, when initial training was provided to the claimant's officers.[21] There is no evidence in the record rebutting Lieutenant Jordan's declaration. Since the Test Claim was filed on June 14, 2019, within 12 months of first incurring costs, the Test Claim is timely filed pursuant to the second prong of Government Code section 17551(c).

B. The Potential Period of Reimbursement Begins November 7, 2017.

Government Code section 17557(e) establishes the period of reimbursement for an approved test claim based on when the test claim is filed; "[a] test claim shall be submitted on or before June 30 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year." Based on the filing date of June 14, 2019 for this Test Claim, the potential period of reimbursement, pursuant to Government Code section 17557(e), would begin July 1, 2017. However, as indicated in the Proposed Decision, staff recommends that the Commission partially approve this Test Claim *only* for the activities mandated by Government Code section 12525.5

[18] *City of Merced v. State of California* (1984) 153 Cal.App.3d 777, 783; *Department of Finance v. Commission on State Mandates (Kern High School Dist.)* (2003) 30 Cal.4th 727, 742.

[19] Government Code section 17551(c) (Stats. 2007, ch. 329).

[20] California Code of Regulations, title 2, section 1183.1(c), Register 2018, No. 18 (eff. April 1, 2018).

[21] Exhibit A, Test Claim, page 20 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

and the regulations adopted by DOJ to implement section 12525.5 (Cal. Code Regs., tit. 11, §§ 999.224 through 999.229, Register 2017, No. 46). These regulations became operative and effective on November 7, 2017. The Legislature, in Government Code section 12525.5(a)(2) and (e), delayed local agency compliance with the program to a date after the regulations were required to be adopted. Accordingly, the period of reimbursement for this Test Claim begins November 7, 2017.

C. Penal Code Sections 13012 and 13519.4 as Amended by Statutes 2015, Chapter 466 and Statutes 2017, Chapter 328, Do Not Impose Any Activities on Local Government, and Thus, Do Not Constitute a Reimbursable State-Mandated Program Within the Meaning of Article XIII B, Section 6 of the California Constitution.

The claimant states that an explanation of Penal Code sections 13012 and 13519.4 "is being provided for informational purposes only."[22]

Penal Code sections 13012 and 13519.4, as amended by the test claim statutes, impose requirements on state agencies and the Racial and Identity Profiling Advisory Board (RIPA), whose membership does not include local government.[23] Penal Code sections 13012 and 13519.4, however, do not impose any activities on local government and, thus, do not constitute a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.

D. Government Code Section 12525.5, as Added and Amended by Statutes 2015, Chapter 466 and Statutes 2017, Chapter 328, and California Code of Regulations Title 11, Sections 999-224-999.229 (Register 2017, No. 46) Impose a Reimbursable State-Mandated Program on Cities and Counties, as Specified.

Government Code section 12525.5 and the test claim regulations require each state and local agency that employs peace officers to electronically report to the Attorney General, on an annual basis, data on all "stops" conducted by the agency's peace officers. The data required to be reported includes the time, date, and location of the stop; the reason for the stop; the perceived: race or ethnicity, gender, LGBT status, approximate age and English fluency of the person stopped; the actions taken by the officer during the stop, and the result of the stop. Also required to be reported are the officer's: identification number, years of experience, and type of assignment.

Section 999.224(a)(11) of the test claim regulations refers to these agencies required to submit reports on stop data as "reporting agencies" which it defines, for purposes of local government, as any city or county law enforcement agency that employs peace officers (other than probation officers and officers in a custodial setting), including those who are contracted to work at other government agencies or private entities (such as housing or transit agencies and state educational institutions); K-12 school districts that employ peace officers pursuant to the authority provided by Education Code section 38000(b); and community college districts that employ peace officers

[22] Exhibit A, Test Claim, page 7.

[23] Penal Code section 13519.4(j)(2) (Stats. 2015, ch. 466).

pursuant to the authority provided by Education Code section 72300. Special districts are excluded from the definition of "reporting agencies."

Staff finds that Government Code section 12525.5, as added and amended by Statutes 2015, chapter 466 and Statutes 2017, chapter 328, and sections 999-224-999.229 of the test claim regulations (Register 2017, No. 46), constitute a state-mandated new program or higher level of service, and impose costs mandated by the state, beginning November 7, 2017, *only* on city and county law enforcement agencies that employ peace officers (other than probation officers and officers in a custodial setting) who perform the requirements of the test claim statute and regulations for stops within their own jurisdictions, and on cities and counties that contract for officers from other city or county reporting agencies in order to carry out their basic and essential function of providing police protection services in their jurisdictions, for the stop data collection and reporting requirements, as specified.

These activities are mandated by the state to the extent that cities and counties' peace officers perform the requirements of the test claim statute and regulations for stops within their own jurisdictions. In addition, there are many cities that, by law, provide police protection services within their jurisdictions as a part of their core governmental function[24] through a contract with other city or county reporting agencies (such as a county sheriff's department providing services within the city), and may therefore incur costs as a result of the mandate. As indicated by the court in *Department of Finance v. Commission on State Mandates* (*POBRA*), cities and counties have as an ordinary, principal, and mandatory duty the provision of policing services *within their* territorial jurisdiction.[25] And in *San Diego Unified*, the court recognized that reimbursement under article XIII B, section 6 should not be foreclosed under the *City of Merced* and *Department of Finance v. Commission on State Mandates (Kern High School Dist.)* cases based on local decisions, such as the number of people to hire for example, in order to carry out the agency's core government function.[26] Therefore, staff finds that the test claim statute and regulations impose a state-mandated program on cities and counties that contract for officers from other city or county reporting agencies in order to carry out their basic and essential function of providing police protection services in their jurisdictions.

Staff finds, however, that Government Code section 12525.5 and the test claim regulations do *not* impose a reimbursable state-mandated program for K-12 school districts or community college districts that are authorized, but not required, to employ peace officers, and for which the

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[24] Article XI, section 5 of the California Constitution specifies that "It shall be competent in all city charters to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State for: (1) the constitution, regulation, and government of the city police force . . . ." Government Code section 36501 further provides that "[t]he government of a general law city is vested in: . . . (d) A chief of police."

[25] *Department of Finance v. Commission on State Mandates* (*POBRA*) (2009) 170 Cal.App.4th 1355, 1367, emphasis added.

[26] *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 888.

provision of police protection services is not an essential and basic function. Thus, K-12 school districts or community college districts are not eligible for reimbursement.[27]

In addition, Government Code section 12525.5 and the test claim regulations do *not* impose a reimbursable state-mandated program when a city or county assigns their peace officer employees *out* to work for other government or private entities based on a contract or memorandum of understanding. The courts have made it clear that activities required by state law, but triggered by a local discretionary decision, do not result in a state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.[28]

Conclusion

Based on the forgoing analysis, staff finds that Government Code section 12525.5, as added and amended by Statutes 2015, chapter 466 and Statutes 2017, chapter 328, and California Code of Regulations, Title 11, sections 999-224-999.229 (Register 2017, No. 46) impose a reimbursable state-mandated program, beginning November 7, 2017, as specified in the Proposed Decision.

Staff Recommendation

Staff recommends that the Commission adopt the Proposed Decision to partially approve the Test Claim and authorize staff to make any technical, non-substantive changes to the Proposed Decision following the hearing.

[27] *Department of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, 1357-1367.

[28] *City of Merced v. State of California* (1984) 153 Cal.App.3d 777, 783; *Department of Finance v. Commission on State Mandates (Kern High School Dist.)* (2003) 30 Cal.4th 727, 742.

BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE TEST CLAIM Government Code Section 12525.5 and Penal Code Sections 13012 and 13519.4; as added or amended by Statutes 2015, Chapter 466 (AB 953) and 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; as added by Register 2017, No. 46[29] Filed on June 14, 2019 City of San Diego, Claimant	Case No.: 18-TC-02 *Racial and Identity Profiling* DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7. (*Adopted March 27, 2020*)

DECISION

The Commission in State Mandates (Commission) heard and decided this Test Claim during a regularly scheduled hearing on March 27, 2020. [Witness list will be included in the adopted Decision.]

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code sections 17500 et seq., and related case law.

The Commission [adopted/modified] the Proposed Decision to [approve/partially approve/deny] the Test Claim by a vote of [vote will be included in the adopted Decision], as follows:

Member	**Vote**
Lee Adams, County Supervisor	
Mark Hariri, Representative of the State Treasurer	
Jeannie Lee, Representative of the Director of the Office of Planning and Research	
Gayle Miller, Representative of the Director of the Department of Finance, Chairperson	
Sarah Olsen, Public Member	
Carmen Ramirez, City Council Member	
Jacqueline Wong-Hernandez, Representative of the State Controller, Vice Chairperson	

[29] Note that Register 2016, 50-2 was incorrectly cited in the test claim filing. The correct register is Register 2017, No. 46.

Summary of the Findings

This Test Claim addresses the Racial and Identity Profiling Act of 2015 (Stats. 2015, ch. 466; Stat. 2017, ch. 46), which added to the Government Code section 12525.5, and amended Penal Code sections 13012 and 13519.4; and the regulations adopted by the Department of Justice (DOJ) to implement Government Code section 12525.5, California Code of Regulations, title 11, sections 999-224-999.229 (Register 2017, No. 46). The test claim statutes and regulations, with respect to local governments, require that each reporting agency, as defined, that employs peace officers to annually report to the Attorney General data in electronic format on all "stops" conducted by the agency's peace officers. The data required to be reported includes the time, date, and location of the stop; the reason for the stop; the perceived: race or ethnicity, gender, LGBT status, and approximate age and English fluency of the person stopped; the actions taken by the officer during the stop, and the result of the stop. Also required to be reported are the officer's: identification number, years of experience, and type of assignment.

The Commission finds that Test Claim is timely filed pursuant to Government Code section 17551(c).

The Commission further finds that Penal Code sections 13012 and 13519.4, as amended by Statutes 2015, chapter 466 and Statutes 2017, chapter 328, do not impose any activities on local government, and thus, do not constitute a reimbursable state-mandated program within the meaning of article XIII B, Section 6 of the California Constitution.

The Commission also finds that Government Code section 12525.5, as added and amended by Statutes 2015, chapter 466 and Statutes 2017, chapter 328, and Title 11, California Code of Regulations sections 999-224-999.229 (Register 2017, No. 46), constitute a state-mandated new program or higher level of service, and impose costs mandated by the state, beginning November 7, 2017, *only* on city and county law enforcement agencies that employ peace officers (other than probation officers and officers in a custodial setting) who perform the requirements of the test claim statute and regulations for stops within their own jurisdictions, and cities and counties that contract for officers from other city or county reporting agencies in order to carry out their basic and essential function of providing police protection services in their jurisdictions, for the following mandated stop data collection and reporting activities:

1. Identification of the peace officers required to report stops, and maintenance of a system to match individual officers to their Officer I.D. number.
    a. On January 1 of each year until the agency begins reporting data to the DOJ, each reporting agency shall count the number of peace officers it employs who are required to report stops to determine the date that agency must start collecting stop data and reporting to the DOJ pursuant to Government Code section 12525.5(a)(1)(2). (Cal. Code Regs, tit. 11, § 999.227(a)(8) [Register 2017, No. 46].)
    b. Reporting agencies shall create the Officer's I.D. Number for each officer required to report stops. (Cal. Code Regs, tit. 11, § 999.227(a)(11) [Register 2017, No. 46].)
    c. Reporting agencies shall maintain a system to match an individual officer required to report stops to his or her Officer's I.D. Number. (Cal. Code Regs, tit. 11, § 999.227(a)(11) [Register 2017, No. 46].)

2. Collection and reporting data on all stops, as defined,[30] conducted by that agency's peace officers for the preceding calendar year in accordance with sections 999.226(a) and 999.227 of the regulations.

   a. Begin collecting and reporting data on all stops on or before the following dates:

      (1) An agency that employs 1,000 or more peace officers shall begin collecting data on or before July 1, 2018, and shall issue its first round of reports on or before April 1, 2019.

      (2) An agency that employs 667 or more but less than 1,000 peace officers shall begin collecting data on or before January 1, 2019, and shall issue its first round of reports on or before April 1, 2020.

      (3) An agency that employs 334 or more but less than 667 peace officers shall begin collecting data on or before January 1, 2021, and shall issue its first round of reports on or before April 1, 2022.

      (4) An agency that employs one or more but less than 334 peace officers shall begin collecting data on or before January 1, 2022, and shall issue its first round of reports on or before April 1, 2023.

      (Gov. Code, § 12525.5(a)(2), Stats. 2017, ch. 328).

   The following are not reportable:

      (5) Data elements described in section 999.226(a) for passengers in vehicles subject to a stop who have not been observed or suspected of violating the law, or who have not been subjected to the actions listed in section 999.226(a)(12)(A), excluding "Vehicle impounded" and "None."[31]

      (6) Stops made during public safety mass evacuations.[32]

      (7) Stops during an active shooter incident.[33]

      (8) Stops that occur during or as a result of routine security screenings required of all persons to enter a building or special event, including

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[30] Government Code section 12525.5(g)(2) (Stats.2015, ch.466); see also, California Code of Regulations, title 11, section 999.224(a)(14), which defines a "stop" as "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."

[31] California Code of Regulations, title 11, section 999.227(b), Register 2017, No. 46.

[32] California Code of Regulations, title 11, section 999.227(c)(1), Register 2017, No. 46.

[33] California Code of Regulations, title 11, section 999.227(c)(2), Register 2017, No. 46.

metal detector screenings, including any secondary searches that result from the screening.[34]

(9) Interactions that take place with a person in his or her residence who is the subject of a warrant or search condition.[35]

(10) Interactions that take place with a person in his or her residence who is the subject of home detention or house arrest while an officer is on home detention or house arrest assignment.[36]

(11) Stops in a custodial setting.[37]

(12) Stops that occur while the officer is off-duty.[38]

b. The agency's peace officers shall collect the following required categories of stop data, and all applicable "data elements," "data values," and narrative explanatory fields described in section 999.226(a) for every person stopped, and in accordance with section 999.227(a)(4)-(6), (b) and (d) of the regulations, and complete all stop reports for stops made during the officer's shift by the end of the officer's shift, or if exigent circumstances preclude doing so, as soon as practicable. (Gov. Code, §12525.5(b), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, §§999.226(a), 999.227(a)(1)(2)(4)(5)(6)(9), (b) and (d) [Register 2017, No. 46].)

(1) "ORI number," which is "the data element that refers to the reporting agency's Originating Agency Identifier, a unique identification code number assigned by the Federal Bureau of Investigation." (Cal Code Regs., tit. 11, § 999. 226(a)(1) [Register 2017, No. 46].)

(2) "Date, Time, and Duration of Stop." (Gov. Code, §12525.5(b)(1), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(2) [Register 2017, No. 46].)

(3) "Location of Stop." (Gov. Code, §12525.5(b)(1), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(3) [Register 2017, No. 46].)

(4) "Perceived Race or Ethnicity of Person Stopped." (Gov. Code, § 12525.5(b)(6), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(4) [Register 2017, No. 46].)

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[34] California Code of Regulations, title 11, section 999.227(c)(3), Register 2017, No. 46.

[35] California Code of Regulations, title 11, section 999.227(d)(2), Register 2017, No. 46.

[36] California Code of Regulations, title 11, section 999.227(d)(3), Register 2017, No. 46.

[37] California Code of Regulations, title 11, section 999.225(c), Register 2017, No. 46.

[38] Exhibit X, Final Statement of Reasons, Proposed Regulations, Title 11, Sections 999.224-999.229, pages 12-13, https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/stop-data-reg-fsor-revised-110817.pdf (accessed on November 8, 2019).

(5) "Perceived Gender of Person Stopped." (Gov. Code, §12525.5(b)(6), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(5) [Register 2017, No. 46].)

(6) "Person Stopped Perceived to be LGBT." (Cal Code Regs., tit. 11, § 999.226(a)(6) [Register 2017, No. 46].)

(7) "Perceived Age of Person Stopped." (Gov. Code, §12525.5(b)(6), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(7) [Register 2017, No. 46].)

(8) "Person Stopped Has Limited or No English Fluency." (Cal Code Regs, tit. 11, § 999.226(a)(8) [Register 2017, No. 46].)

(9) "Perceived or Known Disability of Person Stopped." (Cal Code Regs., tit. 11, § 999.226(a)(9) [Register 2017, No. 46].)

(10) "Reason for Stop." (Gov. Code, §12525.5(b)(2), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(10) [Register 2017, No. 46].)

(11) "Stop Made in Response to a Call for Service." (Cal Code Regs., tit. 11, § 999.226(a)(11) [Register 2017, No. 46].)

(12) "Actions Taken by Officer During Stop." (Gov. Code, §12525.5(b)(7), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(12) [Register 2017, No. 46].)

(13) "Result of Stop." (Gov. Code, §12525.5(b)(3)(4)(5), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(13) [Register 2017, No. 46].)

(14) "Officer's Identification (I.D.) Number." (Cal Code Regs., tit. 11, § 999.226(a)(14) [Register 2017, No. 46].)

(15) "Officer's Years of Experience." (Cal Code Regs., tit. 11, § 999.226(a)(15) [Register 2017, No. 46].)

(16) "Type of Assignment of Officer." (Cal Code Regs., tit. 11, § 999.226(a)(16) [Register 2017, No. 46].)

c. The following additional data values shall be reported for stops (as defined in section 999.227(e)(3) of the regulations) at a K-12 school: the name of the school where the stop took place; indicate if the stop is of a student, whether there is a perceived disability related to hyperactivity or impulsive behavior of the student, the possible conduct warranting discipline under the Education Code, whether there was an admission or written statement obtained from the student, whether the student is suspected of violating school policy, and whether the student was referred to a school administrator or counselor. (Cal Code Regs., tit. 11, § 999.227(e)(3)(4) [Register 2017, No. 46].)

3. Electronic submission of data to DOJ and retention of stop data collected

a. Submit all required stop data to the system developed by DOJ in electronic format that complies with the DOJ interface specifications via one of the three

approved submission methods: (1) a web-browser based application developed by the DOJ; (2) a system-to-system web service; or (3) a secured file transfer protocol. (Cal Code Regs., tit. 11, § 999.228(a), (b) [Register 2017, No. 46].)

b. Authorize and remove users to the system as necessary. Automated systems handling stop data and the information derived therein shall be secure from unauthorized access, alteration, deletion or release. (Cal Code Regs., tit. 11, § 999.228(e) [Register 2017, No. 46].)

c. Each reporting agency, *except* those agencies that report stop data via the DOJ web-browser based application, shall keep a record of its source data for three years and to make it available for inspection by DOJ. (Cal Code Regs., tit. 11, § 999.228(h) [Register 2017, No. 46].)

4. Audits and validation of data collected

a. Ensure that the technical specifications for data values are consistent with the regulations and follow the data dictionary prepared by DOJ. (Cal Code Regs., tit. 11, § 999.224(a)(5) [Register 2017, No. 46].)

b. Ensure that all data elements, data values, and narrative explanatory fields conform to the regulations and correct any errors in the data submission process through the DOJ's error resolution process. (Cal Code Regs., tit. 11, § 999.229(b) [Register 2017, No. 46].)

c. Agencies submitting records via the system-to-system web service or the secure file transfer protocol shall include a unique stop record number for each stop, so that DOJ can use the record number to relay information on errors when necessary. (Cal Code Regs., tit. 11, § 999.229(c) [Register 2017, No. 46].)

5. For stop data collected, ensure that the name, address, social security number, or other unique personally identifiable information of the individual stopped, searched, or subjected to property seizure, and the badge number or other unique identifying information of the peace officer involved, is not transmitted to the Attorney General in an open text field. (Gov. Code, § 12525.5, Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.228(d) [Register 2017, No. 46].)

Government Code section 12525.5 and the test claim regulations do not impose a state-mandated program for K-12 school districts or community college districts that are authorized, but not required, to employ peace officers, and for which the provision of police protection services is not an essential and basic function. Thus, K-12 school districts or community college districts are not eligible for reimbursement.[39]

In addition, Government Code section 12525.5 and the test claim regulations do not impose a state-mandated program when a city or county assigns their peace officer employees *out* to work for other government or private entities based on a contract or memorandum of understanding.

[39] *Department of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, 1357-1367.

The courts have made it clear that activities required by state law, but triggered by a local discretionary decision, do not result in a state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.[40] There is no requirement in law that a city of county contract *out* their law enforcement officers and any costs resulting from the discretionary decision to do so are not mandated by the State.

Accordingly, the Commission partially approves this Test Claim.

COMMISSION FINDINGS

I. Chronology

01/01/2016	Effective date of Statutes 2015, chapter 466.
11/17/2017	Effective date of California Code of Regulations, Title 11, sections 999.224, 999.225, 999.226, 999.227, 999.228, and 999.229 as added by Register 2017, No. 46.
01/01/2018	Effective date of Statutes 2017, chapter 328.
06/15/2018	The date that claimant alleges that it first incurred costs to implement the test claim statutes and regulations.[41]
06/14/2019	The claimant filed the Test Claim.[42]
08/20/2019	Commission staff issued the Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date.
09/19/2019	The Department of Finance (Finance) filed comments on the Test Claim.[43]
09/19/2019	The San Bernardino County Sheriff's Department filed comments on the Test Claim.[44]
09/19/2019	The Riverside County Sheriff's Department filed comments on the Test Claim.[45]
09/20/2019	The Peace Officers' Research Association of California (PORAC) filed late comments on the Test Claim.[46]

[40] *City of Merced v. State of California* (1984) 153 Cal.App.3d 777, 783; *Department of Finance v. Commission on State Mandates (Kern High School Dist.)* (2003) 30 Cal.4th 727, 742.

[41] Exhibit A, Test Claim, page 20 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

[42] Exhibit A, Test Claim.

[43] Exhibit B, Finance's Comments on the Test Claim.

[44] Exhibit C, San Bernardino County Sheriff's Department's Comments on the Test Claim.

[45] Exhibit D, Riverside County Sheriff's Department's Comments on the Test Claim.

[46] Exhibit E, PORAC's Comments on the Test Claim.

09/27/2019	The San Diego County Sheriff's Department filed late comments on the Test Claim.[47]
10/16/2019	The claimant filed rebuttal comments.[48]
12/31/2019	Commission staff issued the Draft Proposed Decision.[49]

II. Background

This Test Claim addresses the Racial and Identity Profiling Act of 2015 (Stats. 2015, ch. 466; Stats. 2017. ch. 328), which added to the Government Code section 12525.5, and amended Penal Code sections 13012 and 13519.4; and title 11, California Code of Regulations sections 999-224-999.229 (Register 2017, No. 46), adopted by the Department of Justice (DOJ) that implement Government Code section 12525.5. The Act and implementing regulations require, with respect to local government, each reporting agency, as defined, that employs peace officers to annually report to the Attorney General data in electronic format on all "stops" conducted by the agency's peace officers.[50] The data required to be reported includes the time, date, and location of the stop; the reason for the stop; the perceived: race or ethnicity, gender, LGBT status, approximate age and English fluency of the person stopped; the actions taken by the officer during the stop, and the result of the stop. Also required to be reported are the officer's: identification number, years of experience, and type of assignment.

A. Prior law

Since 1955, Penal Code section 13010(g) has required DOJ to present to the Governor an annual report containing the criminal statistics of the preceding calendar year.[51] The contents of the annual report are described in Penal Code section 13012, which requires the report to contain statistics showing the amount and type of offenses known to the public authorities; the personal and social characteristics of criminals and delinquents; the administrative actions taken by law enforcement; and the number of citizen complaints received.[52] State and local law enforcement agencies are required to report statistical data to DOJ at those times and in the manner that the Attorney General prescribes.[53] In addition, the Legislature has required local law enforcement agencies to report to the Attorney General certain specified information, including demographic

[47] Exhibit F, San Diego County Sheriff's Department's Late Comments on the Test Claim.

[48] Exhibit G, Claimant's Rebuttal Comments.

[49] Exhibit H, Draft Proposed Decision.

[50] For purposes of local government, agencies required to report stop data include any city or county law enforcement agency that employs peace officers and the police departments of all California Community colleges established pursuant to Education Code section 72330 and K-12 school districts that employ peace officers pursuant to the authority provided by Education Code section 38000. (California Code of Regulations, Title 11, Section 999.224(a)(11).) Special districts are not included.

[51] Statutes 1955, chapter 1128.

[52] As last amended by Statutes 2001, chapter 468.

[53] Penal Code section 13020, as last amended by Statutes 1996, chapter 872.

information (age, gender, race, and ethnic background) about the victim and the person charged with homicide;[54] information that may be required relative to hate crimes;[55] and profiles by race, age, gender, and ethnicity of any person charged with a felony or misdemeanor for carrying a concealed firearm or carrying a loaded firearm in a public place.[56]

In 1999, the Legislature approved Senate Bill 78, which directed the California Highway Patrol (CHP) and local law enforcement agencies to begin collecting data on the race and ethnicity of all motorists stopped for traffic enforcement or investigation, and required DOJ to include in its annual report on criminal justice statistics specified information regarding all motorists stopped by law enforcement officers. The Governor vetoed the bill, but directed CHP to begin collecting race, gender, and age data from all traffic stops made by its officers from 2000 through 2002 and to submit its findings to the Governor and the Legislature in three annual reports.[57]

Statutes 2000, chapter 684 amended Penal Code section 13519.4 to prohibit law enforcement officers from engaging in racial profiling and to require every law enforcement officer in the state to participate in expanded mandatory training approved by the Commission on Peace Officer Standards and Training (POST) that examines the patterns, practices, and protocols that prevent racial profiling.[58] "Racial profiling" was defined by Statutes 2000, chapter 684 as "the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped."[59] This legislation was enacted based on findings that racial profiling is a practice that presents a great danger to the fundamental principles of a democratic society, is abhorrent and cannot be tolerated.[60] The Legislature further found that motorists who have been stopped by the police for no reason other than the color of their skin or their apparent nationality or ethnicity are the victims of discriminatory practices.[61] POST developed a five-hour approved curriculum to meet the initial racial profiling training required by Penal Code section 13519.4, as amended by Statutes 2000, chapter 684, for peace officer applicants through the Basic Training Course, and for incumbent officers as well. A refresher racial profiling course for all officers was then required every five years.[62]

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[54] Penal Code section 13014, as last amended by Statutes 2004, chapter 405.

[55] Penal Code section 13023, as last amended by Statutes 2004, chapter 700.

[56] Penal Code sections 12025 and 12031, as amended by Statutes 1999, chapter 571.

[57] Exhibit X, Governor's Veto Message (SB 79, 1999-2000 Reg. Sess.) http://www.leginfo.ca.gov/pub/99-00/bill/sen/sb_0051-0100/sb_78_vt_19990928.html, accessed on December 6, 2019; Exhibit A, Test Claim, page 59 (Senate Committee on Appropriations Analysis of SB 953, 2015-2016 Reg. Sess., as amended August 27, 2015).

[58] Penal Code section 13519.4(e), (f), and (h) (Stats. 2000, ch. 684).

[59] Penal Code section 13519.4(d) (Stats. 2000, ch. 684).

[60] Penal Code section 13519.4(c)(1) (Stats. 2000, ch. 684).

[61] Penal Code section 13519.4(c)(2) (Stats. 2000, ch. 684).

[62] Penal Code section 13519.4(i) (Stats. 2000, ch. 684).

In fiscal year 2000-2001, the Legislature established a $5 million grant program for local law enforcement agencies to collect racial composition data with respect to their public contacts. Many local law enforcement agencies participated in the program in order to determine whether their officers engaged in racial profiling.[63] The Legislature, in former Penal Code section 13519.4(j), also charged the Legislative Analyst's Office (LAO) with analyzing the data collected through these volunteer efforts and with preparing a report to the Legislature with recommendations.[64]

> The Legislative Analyst shall conduct a study of the data being voluntarily collected by those jurisdictions that have instituted a program of data collection with regard to racial profiling, including, but not limited to, the California Highway Patrol, the City of San Jose, and the City of San Diego, both to ascertain the incidence of racial profiling and whether data collection serves to address and prevent such practices, as well as to assess the value and efficacy of the training prescribed with respect to preventing local profiling; and required the Legislative Analyst to provide to the Legislature a report and recommendations with regard to racial profiling by July 1, 2002.[65]

On August 27, 2002, LAO released its report, titled "An Evaluation of Racial Profiling Data Collection and Training," concluding that even though nearly 100 law enforcement agencies were collecting stop data, "the manner in which the data are gathered and analyzed remains fragmented."[66] As relevant here, LAO recommended that the Legislature take the following actions:

- Revisit the definition of racial profiling and develop one which more explicitly defines what activities are acceptable under state law.
- Require all participating agencies to use the same standard format and definitions (for example, what racial categories to use and what constitutes a search) for the data collection.

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[63] According to the LAO Report "To provide an incentive for local law enforcement agencies to collect racial composition data on their public contacts, the Legislature established a grant program in 2000-01. Funds were provided to local agencies to cover their costs of data collection. The 2000-01 budget provided a $5 million appropriation for this purpose. Agencies were eligible for grants between $5,000 and $75,000, depending on their number of sworn officers, as well as supplemental allocations. . . In total, 16 sheriffs, 75 police departments, and 1 community college district were collecting data as of 2001." (Exhibit X, LAO Report, *An Evaluation of Racial Profiling Data Collection and Training* (2002), page 9, https://lao.ca.gov/2002/racial_profiling/8-02_racial_profiling.html (accessed on October 10, 2019)).

[64] Penal Code section 13519.4(j) (Stats. 2000, ch. 684).

[65] Penal Code section 13519.4(j) (Stats. 2000, ch. 684).

[66] Exhibit X, LAO Report, *An Evaluation of Profiling Data Collection and Training* (2002), available at https://lao.ca.gov/2002/racial_profiling/8-02_racial_profiling.html (accessed on October 22, 2019)

- For any future program, select a state department better equipped to collect and analyze the data in a standardized manner.[67]

B. Prior Test Claims

Several test claim filings relating to this prior law have been filed with the Commission. In 2006, the Commission adopted its Decision in *Racial Profiling: Law Enforcement Training*, 01-TC-01, finding that Penal Code section 13519.4, as amended in 2000 (Stats. 2000, ch. 684), imposed reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution with respect to the initial racial profiling training for incumbent law enforcement officers, as specified in the decision. The Commission denied reimbursement for the training in the Basic Training Course and for refresher training every five years on the ground that such costs did not result in costs mandated by the state.[68]

In 2008, the Commission adopted its Test Claim Decision for *Crime Statistics Reports for the Department of Justice*, 02-TC-04 and 02-TC-11, finding that the following statutes imposed a reimbursable state-mandated program:

- A local government entity responsible for the investigation and prosecution of a homicide case to provide DOJ with demographic information about the victim and the person or persons charged with the crime, including the victim's and person's age, gender, race, and ethnic background. (Pen. Code, §13014, Stats. 1992, ch. 1338.)
- Local law enforcement agencies to report, in a manner to be prescribed by the Attorney General, any information that may be required relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, or physical or mental disability, or gender or national origin. (Pen. Code, §13023, Stats. 1989, ch. 1172.)
- For district attorneys to report annually on or before June 30, to the Attorney General, on profiles by race, age, gender, and ethnicity any person charged with a felony or misdemeanor under section 12025 (carrying a concealed firearm) or section 12031 of the Penal Code (carrying a loaded firearm in a public place), and any other offense charged in the same complaint, indictment, or information. The Commission finds that this is a reimbursable mandate from July 1, 2001 (the beginning of the reimbursement period for this test claim) until January 1, 2005. (Pen. Code, §§ 12025(h)(1) & (h)(3) & 12031(m)(1) & (m)(3), Stats. 1999, ch. 571.)

[67] Exhibit X, LAO Report, *An Evaluation of Profiling Data Collection and Training* (2002), available at https://lao.ca.gov/2002/racial_profiling/8-02_racial_profiling.html (accessed on October 22, 2019).

[68] Exhibit X, Commission on State Mandates, Decision, *Racial Profiling: Law Enforcement Training*, 01-TC-01, https://csm.ca.gov/decisions/01tc01sod.pdf.

- For local law enforcement agencies to support all domestic-violence related calls for assistance with a written incident report (Pen. Code, § 13730(a), Stats. 1993, ch. 1230).[69]

In 2009, the Commission adopted its Test Claim Decision for *Crime Statistics Reports for the Department of Justice*, 07-TC-10, finding that Penal Code section 13023 (Stats. 2004, ch. 700) imposes a reimbursable state-mandated program, within the meaning of article XIII B, section 6 of the California Constitution, on local law enforcement agencies beginning January 1, 2004, to report the following in a manner to be prescribed by the Attorney General:

- Any information that may be required relative to hate crimes, as defined in Penal Code section 422.55 as criminal acts committed, in whole or in part, because of one or more of the following perceived characteristics of the victim: (1) disability, (2) gender, (3) nationality, (4) race or ethnicity, (5) religion, (6) sexual orientation.
- Any information that may be required relative to hate crimes, defined in Penal Code section 422.55 as criminal acts committed, in whole or in part, because of association with a person or group with one or more of the following actual or perceived characteristics: (1) disability, (2) gender, (3) nationality, (4) race or ethnicity, (5) religion, (6) sexual orientation.[70]

C. Test Claim Statutes and Regulations

The Legislature enacted Statutes 2015, chapter 466 (AB 953), the Racial and Identity Profiling Act of 2015, to: "1) modify the definition of 'racial profiling;' 2) require local law enforcement agencies to report specified information on stops to the Attorney General's office; and, 3) establish the Racial and Identity Profiling Advisory Board (RIPA)."[71]

The Senate Floor analysis of the bill states:

> Although racial profiling is prohibited, studies show that racial profiling by law enforcement does occur. For example, according to a report by the Oakland Police Department, African-Americans, who compose 28 percent of Oakland's population, accounted for 62 percent of police stops from last April to November. The figures also showed that stops of African-Americans were more likely to

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[69] Exhibit X, Commission on State Mandates, Test Claim Decision *Crime Statistics Reports for the Department of Justice*, 02-TC-04 and 02-TC-11, https://csm.ca.gov/matters/02-TC-04/doc1.pdf.

[70] Exhibit X, Commission on State Mandates, Test Claim Decision *Crime Statistics Reports for the Department of Justice*, 07-TC-10, https://csm.ca.gov/matters/02-TC-04/doc2.pdf. (Emphasis in original.) The Corrected Statement of Decision was issued on April 12, 2010, to correct the operative and effective date of the test claim statute. (Exhibit X, Notice of Corrected Statement of Decision, *Crime Statistics Reports for the Department of Justice (Amendment to 02-TC-04 and 02-TC-11)*, 07-TC-10, https://csm.ca.gov/matters/02-TC-04/07-tc-10correctedsodtrans041210.pdf.

[71] Exhibit X, Senate Committee on Public Safety Analysis of AB 953 (2015-2016 Reg. Sess.) as amended June 30, 2015, page 2.

> result in felony arrests. 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.[72]

The Senate Public Safety Committee analysis, quoting the author of the bill, states:

> AB 953 will help eliminate the harmful and unjust practice of racial and identity profiling, and improve the relationship between law enforcement and the communities they serve. AB 953 promotes equal protection and prevents unreasonable searches and seizures.
>
> [¶] . . . [¶]
>
> AB 953 would prevent profiling by, among other things, clarifying and modernizing California's current prohibition against profiling to better account for the ways in which profiling occurs, establishing a uniform system for collecting and analyzing data on law enforcement-community interactions, and establishing an advisory board that investigates profiling patterns and practices and provides recommendations on how to curb its harmful impact.[73]

Accordingly, the Act added section 12525.5 to the Government Code and amended Penal Code sections 13012 and 13519.4. Subsequent amendments were made by Statutes 2017, chapter 328 to Government Code section 12525.5 and Penal Code section 13012. In addition, DOJ adopted regulations to implement the Act (Cal. Code Regs,, tit. 11, §§ 999.224 - 999.228, Register 2017, No. 46), which became effective on November 7, 2017. These code sections and regulations are described below.

1. Penal Code section 13519.4, as amended by Statutes 2015, chapter 466

Penal Code section 13519.4 was amended by the 2015 Act to declare:

> (1) The working men and women in California law enforcement risk their lives every day. The people of California greatly appreciate the hard work and dedication of peace officers in protecting public safety. The good name of these officers should not be tarnished by the actions of those few who commit discriminatory practices.
>
> (2) Racial or identity profiling is a practice that presents a great danger to the fundamental principles of our Constitution and a democratic society. It is abhorrent and cannot be tolerated.
>
> (3) Racial or identity profiling alienates people from law enforcement, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people whom law enforcement is sworn to protect and serve.

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[72] Exhibit X, Senate Rules Committee, Office of Senate Floor Analyses, Third Reading Analysis of AB 953 (2015-2016 Reg. Sess.), as amended August 31, 2015, page 5.

[73] Exhibit X, Senate Committee on Public Safety Analysis of AB 953 (2015-2016 Reg. Sess.), as amended June 30, 2015, page 7.

(4) Pedestrians, users of public transportation, and vehicular occupants who have been stopped, searched, interrogated, and subjected to a property seizure by a peace officer for no reason other than the color of their skin, national origin, religion, gender identity or expression, housing status, sexual orientation, or mental or physical disability are the victims of discriminatory practices.[74]

The Legislature renamed "racial profiling" as "racial or identity profiling" and redefined it in Penal Code section 13519.4(e) 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 and 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 activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as, asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.[75]

In addition, Statutes 2015, chapter 466 amended Penal Code section 13519.4(j) to require the Attorney General to establish the Racial and Identity Profiling Advisory Board (RIPA) beginning July 1, 2016, for the purpose of eliminating racial and identity profiling, and improving diversity and racial sensitivity in law enforcement.[76] The members of RIPA include the Attorney General; the President of the California Public Defenders Association; the President of the California Police Chiefs Association; the President of the California State Sheriff's Association; the President of the Peace Officers Research Association of California; the Commissioner of the CHP; a university professor who specializes in policing and racial and identify profiling; two representatives of human or civil rights tax exempt organizations; two representatives of community organizations who specialize in civil or human rights and criminal justice and work with victims of racial and identity profiling; two religious clergy members; and appointees of the Governor, the President Pro Tempore of the Senate, and the Speaker of the Assembly.[77]

RIPA is directed to analyze the racial and identity data provided under Government Code section 12525.5 (racial and identity stop data reported to the Attorney General by state and local agencies that employ peace officers) and Penal Code section 13012 (DOJ's annual report to the Governor), and issue an annual report that includes detailed findings and policy recommendations for eliminating racial and identify profiling.[78]

Penal Code section 13519.4(h) was also amended to require that POST training for peace officers on racial profiling prescribe evidence-based patterns, practices, and protocols that

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[74] Penal Code section 13519.4(d) (Stats. 2015, ch. 466).

[75] Penal Code section 13519.4(e) (Stats. 2015, ch. 466).

[76] Penal Code section 13519.4(j) (Stats. 2015, ch. 466).

[77] Penal Code section 13519.4(j)(2) (Stats. 2015, ch. 466).

[78] Penal Code section 13519.4(j)(3) (Stats. 2015, ch. 466).

prevent racial and identity profiling, and directed POST to consult with RIPA in developing that training.[79]

2. Penal Code section 13012, as amended by Statutes 2015, chapter 466, and Statutes 2017, chapter 328

Penal Code section 13012 was amended by Statutes 2015, chapter 466, to expand the content of the DOJ annual report to the Governor on criminal statistics to include citizen complaints alleging racial or identity profiling. These statistics are required to be disaggregated by the specific type of racial or identity profiling alleged.[80] In addition, section 13012(c) was added to require RIPA to analyze the statistics reported by DOJ.[81]

Section 13012 was further amended by Statutes 2016, chapter 99 and Statutes 2016, chapter 418, neither of which have been pled in this Test Claim, to require that criminal statistics collected by DOJ and the RIPA's annual report be made available to the public through the DOJ's OpenJustice Web portal.

Finally, section 13012 was again amended by Statutes 2017, chapter 328 to delete references to "*citizen*" complaints and instead include reference to "*civilian*" complaints, and to make several minor changes.

3. Government Code section 12525.5, as added by Statutes 2015, chapter 466, and amended by Statutes 2017, chapter 328

Statutes 2015, chapter 466 added section 12525.5 to the Government Code to require the CHP, city or county law enforcement agencies, and California state or university educational institutions that employ peace officers to annually report to the Attorney General data on all stops by peace officers for the preceding calendar year.[82] Each agency that employs 1,000 or more peace officers shall issue its first round of reports on or before April 1, 2019. Each agency that employs 667 or more but less than 1,000 peace officers shall issue its first round of reports on or before April 1, 2020. Each agency that employs 334 or more but less than 667 peace officers shall issue its first round of reports on or before April 1, 2022. And each agency that employs one or more but less than 334 peace officers shall issue its first round of reports on or before April 1, 2023.[83]

Section 12525.5(g) defines a "stop" as "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."[84] Peace officers subject to these requirements include "members of the California Highway Patrol,

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[79] Penal Code section 13519.4(h) (Stats. 2015, ch. 466).

[80] Penal Code section 13012(a)(5)(iii) (Stats. 2015, ch. 466).

[81] Penal Code section 13012(c) (Stats. 2015, ch. 466).

[82] Government Code section 12525.5(a)(1), (g)(1) (Stats. 2015, ch. 466).

[83] Government Code section 12525.5(a)(2) (Stats. 2015, ch. 466).

[84] Government Code section 12525.5(g)(2) (Stats.2015, ch.466).

a city or county law enforcement agency, and California state or university educational institutions," but "does not include probation officers and officers in a custodial setting."[85]

The reporting shall include, at a minimum, the following information for each stop:

(1) The time, date, and location of the stop.

(2) The reason for the stop.

(3) The result of the stop, such as, no action, warning, citation, property seizure, or arrest.

(4) If a warning or citation was issued, the warning provided or violation cited.

(5) If an arrest was made, the offense charged.

(6) The perceived race or ethnicity, gender, and approximate age of the person stopped.

(7) Actions taken by the peace officer during the stop, including, whether the peace officer asked for consent to search the person, and, if so, whether consent was provided, whether the officer searched the person or any property, and whether any property was seized and the basis for seizing the property.[86]

Section 12525.5(f) further provides that all data and records required by the code section are public records. However, subdivision (d) states that law enforcement agencies shall not report the name, address, social security number, or other unique personal identifying information of persons stopped, searched, or subjected to a property seizure.[87]

Finally, section 12525.5(e) requires the Attorney General, in consultation with RIPA and other stakeholders, to issue regulations for the collection and reporting of data required by section 12525.5. The regulations shall specify all data to be reported, and provide standards, definitions, and technical specifications to ensure uniform reporting practices across all reporting agencies. To the best extent possible, the regulations should be compatible with any similar federal data collection or reporting program.[88]

Statutes 2017, chapter 328 amended section 12525.5 (e) to extend the date by which the Attorney General is required to issue regulations for the collection and reporting of data to January 1, 2018, and to identify the dates in section 12525.5(a)(2) for law enforcement agencies to begin collecting data after the regulations are adopted as follows (amendments are indicated in underline and strikeout):

> Each agency that employs 1,000 or more peace officers shall <u>begin collecting data on or before July 1, 2018, and shall</u> issue its first round of reports on or before April 1, 2019. Each agency that employs 667 or more but less than 1,000 peace

[85] Government Code section 12525.5(g)(1) (Stats.2015, ch.466).

[86] Government Code section 12525.5(b) (Stats. 2015, ch. 466).

[87] Government Code section 12525.5(d)(f) (Stats. 2015, ch. 466).

[88] Government Code section 12525.5(e) (Stats. 2015, ch. 466).

officers shall begin collecting data on or before January 1, 2019, and shall issue its first round of reports on or before April 1, 2020. Each agency that employs 334 or more but less than 667 peace officers shall begin collecting data on or before January 1, 2021, and shall issue its first round of reports on or before April 1, 2022. Each agency that employs one or more but less than 334 peace officers shall begin collecting data on or before January 1, 2022, and shall issue its first round of reports on or before April 1, 2023.

In addition, Statutes 2017, chapter 328 amended Section 12525.5(d) to clarify that law enforcement agencies are solely responsible for ensuring that personally identifiable information of the individual stopped or any other information that is exempt from disclosure is not transmitted to the Attorney General in an open text field, as follows:

> State and local law enforcement agencies shall not report the name, address, social security number, or other unique personal identifying information of persons stopped, searched, or subjected to a property seizure, for purposes of this section. Notwithstanding any other law, the data reported shall be available to the public, except for the badge number or other unique identifying information of the peace officer involved~~, which shall be released to the public only to the extent the release is permissible under state law~~. Law enforcement agencies are solely responsible for ensuring that personally identifiable information of the individual stopped or any other information that is exempt from disclosure pursuant to this section is not transmitted to the Attorney General in an open text field.

The Senate Floor Analysis for AB 953, Statutes 2017, chapter 328, indicates an expectation that the statute may result in reimbursable state-mandated costs as follows:

> Data collection, reporting, retention, and training: Major future one-time and ongoing costs, potentially in the millions to tens of millions of dollars annually, once fully phased in, to local law enforcement agencies for data collection, reporting, and retention requirements specified in the bill. Additional costs for training on the process would likely be required. There are currently 482 cities and 58 counties in California. To the extent local agency expenditures qualify as a reimbursable state mandate, agencies could claim reimbursement of those costs (General Fund). While costs could vary widely, for context, the Commission on State Mandates' statewide cost estimate for Crime Statistics Reports for the DOJ reflects eligible reimbursement of over $13.6 million per year for slightly over 50 percent of local agencies reporting.[89]

4. Regulations adopted by DOJ (Cal. Code Regs., tit. 11, §§ 999.224 through 999.229, Register 2017, No. 46)

As required by Government Code section 12525.5(e), DOJ adopted regulations for the collection and reporting of racial and identity data, which became effective and operative on

[89] Exhibit X, Senate Rules Committee, Office of Senate Floor Analyses, Third Reading Analysis of AB 953, (2015-2016), as amended August 31, 2015, page 5.

November 7, 2017.[90] These regulations define the scope of the collection and reporting requirements and generally do the following:

- Define the reporting agencies required to comply with the Act.
- Identify the "stop data," which consists of specified "data elements" and "data values," required to be collected by peace officers during a stop and reported to DOJ.
- Provide standards, definitions, and technical specifications for collection and reporting of stop data.
- Require the electronic submission of the data to DOJ.
- Require data validation, retention, and audits.

In the Final Statement of Reasons for these regulations, DOJ made the following determination with respect to whether the regulations impose a reimbursable state-mandated program:

> The Department has determined that the proposed regulations do impose a reimbursable mandate on local government. City and county law enforcement agencies subject to the reporting requirements of Government Code section 12525.5 shall provide officers with the means to collect the additional data elements and data values set forth in these proposed regulations (in addition to the requirements set forth in Government Code section 12525.5 itself). They shall also obtain the necessary personnel and/or technology to report the required stop data to the Department as provided in proposed Section 999.228, subdivisions (a) and (b).
>
> These provisions may require additional investments in technology and/or personnel time, as detailed in the Revised STD 399 and STD 399 Addendum.[91]

III. Positions of the Parties and Interested Persons

A. Claimant, City of San Diego

The claimant states that it pled Penal Code sections 13012 and 13519.4, as amended by the test claim statutes, for "informational purposes only."[92] The claimant asserts, however, that Government Code section 12525.5 (Stats. 2015, ch. 466; Stats. 2017, ch. 328) and Title 11, Sections 999.224-999.229 (Register 2017, No. 46) constitute a reimbursable state-mandated program for the following new activities:[93]

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[90] California Code of Regulations, title 11, sections 999.224 through 999.229 (Register 2017, No. 46).

[91] Exhibit X, Final Statement of Reasons, Proposed Regulations, Title 11, Sections 999.224-999.229, page 4, https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/stop-data-reg-fsor-revised-110817.pdf (accessed on November 8, 2019).

[92] Exhibit A, Test Claim, page 7.

[93] Exhibit A, Test Claim, pages 7-9.

1. Training, and Updating Policies and Procedures. The claimant alleges that, in order to comply with the test claim statutes, it is necessary for local agencies that employ peace officers to update their policies and procedures, and provide training related to data collection and reporting. The claimant states that all sworn members of the San Diego Police Department were required to receive at least 15 minutes of training via an online PowerPoint presentation related to new stop data items to be collected and submitted, while supervisors were required to receive an additional hour of training to ensure officers assigned to them were accurately collecting and submitting the data pursuant to the alleged mandate.[94]
2. Data Collection. Law enforcement personnel are now required to document and submit information on every stop they make.[95]
3. Information Technology. Costs were incurred to obtain, test, process, and validate the collected data through hardware and software applications. Different contingency methods, such as paper data collection, also have to be in place in case of computer system failures. The claimant states that information technology costs were relatively minor for the San Diego Police Department, because the San Diego Sheriff's Department provided it with substantial technical support and assistance. Specifically, the Sheriff's Department provided its custom data collection application and submission tools free of charge, as well as to other law enforcement agencies required to collect data under the statutory mandate. The data collection application was loaded by Data Systems members onto the San Diego Police Department's desktop and mobile computers so officers could use it to submit the data they collected. Additional testing was done to make sure the software worked properly.[96]
4. Reporting to DOJ. Reporting to DOJ is required by Government Code section 12525.5. However, before data can be reported, it must be reviewed and validated. Also, that data has to be accurate and free of personal identifying information (PII). It took the claimant's personnel approximately 240 hours to ensure collected stop data was reported correctly to DOJ.[97]
5. Data Storage and Release. The claimant alleges that the data collected under the test claim statutes and regulations is constantly being requested through the California Public Records Act. The claimant is not requesting reimbursement for the costs related to storing stop data locally or releasing it publicly, but the claimant alleges that these activities will undoubtedly be performed by local agencies and costs will be incurred as a result of

[94] Exhibit A, Test Claim, page 8.

[95] Exhibit A, Test Claim, page 8.

[96] Exhibit A, Test Claim, page 9.

[97] Exhibit A, Test Claim, page 9.

> Government Code section 12525.5. Claimant states that data storage can possibly be mitigated by the type of application used to collect and submit data; for instance if data is submitted directly to DOJ, instead of being stored at a local law enforcement agency first to allow for validation and review.[98]

The claimant alleges that it first incurred costs on June 15, 2018, when it began providing training to its peace officers on stop data collection requirements.[99] The claimant began collecting data on June 27, 2018 "to test the functionality of its data collection application, as well as to ensure it would be in compliance with the alleged statutory mandate GC 12525.5(a)(1) by July 1, 2018."[100]

The total increased costs alleged by the claimant in a declaration filed under penalty of perjury by Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, for the 2017-2018 fiscal year amounted to $97,367.95, including the costs for training, software update and testing, and collection of stop data.[101] Lieutenant Jordan's declaration further states that total costs for the 2018-2019 fiscal year amounted to $871,675.56, including the costs for training, compliance, reporting, management, and collection of stop data.[102] The majority of the fiscal year 2018-2019 costs ($744,005.98) were for officers collecting stop data.[103] The claimant notes that there could be some potential grants and funding sources to partially offset the cost of complying with the mandate; for example, for purchasing equipment to facilitate data collection. However, the claimant "is not aware of any current State, Federal, or other non-local agency funds to pay for its substantial costs already incurred and those anticipated going forward from the alleged statutory mandate in Government Code 12525.5(a)(1), which was enacted by AB 953." [104]

The claimant filed rebuttal comments on October 16, 2019, in response to Finance's argument that "the training provided by the SDPD to its sworn personnel in 2017-2018 and 2018-2019 was not required under the relevant statutes, and the associated costs are not reimbursable."[105] The claimant states that:

> . . . training members of SDPD on the 22 pages of regulations developed by the DOJ to implement AB 953 and its alleged mandates, along with updating its orders, procedures and training materials to reflect them, is a standard and

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[98] Exhibit A, Test Claim, page 9.

[99] Exhibit A, Test Claim, pages 2, 20 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

[100] Exhibit A, Test Claim, page 12.

[101] Exhibit A, Test Claim, pages 11, 16, 20-21 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

[102] Exhibit A, Test Claim, pages 14, 16, 20-21 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

[103] Exhibit A, Test Claim, page 20 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

[104] Exhibit A, Test Claim, page 17.

[105] Exhibit G, Claimant's Rebuttal Comments, page 2.

expected practice for law enforcement agencies. It should also be considered a very reasonable method of implementing this alleged mandate.[106]

B. Department of Finance

Finance does not dispute that the test claim statutes and implementing regulations require local law enforcement agencies to collect data and annually report to DOJ data on all stops conducted by the agency's peace officers for the preceding calendar year.[107] Finance, however, argues that the training provided by the claimant's police department "was not required under the relevant statutes, and the associated costs are therefore not reimbursable."[108] According to Finance, the law enforcement agencies made a discretionary decision to provide training, and should therefore absorb the associated costs.[109]

C. Interested Persons

The San Bernardino County Sheriff's Department expresses support for the Test Claim and states that "all the affected first wave law enforcement agencies in California, including the San Bernardino County Sheriff's Department, have incurred similar one-time and reoccurring costs as well."[110] The Department asserts that the test claim statute mandates the following activities:

> In addition to the time spent by each officer filling out RIPA forms (lost **FTE** productivity), this mandate also requires ongoing training of sworn personnel, Information Technology equipment and support, administrative oversight, manual auditing of the data to ensure compliance before final submission to the Department of Justice, and considerable project management time. These required functions are staff intensive and have created increased workload demands for both safety and professional staff throughout the organization.[111]

The Riverside County Sheriff's Department asserts that AB 953, which enacted the Racial and Identity Profiling Act of 2015, "contains a statutory mandate that requires local agencies that employ peace officers to provide an enhanced-level of service by performing new activities related to the collection and reporting of stop data," and requests that the Commission approve the Test Claim filed by the [City] of San Diego.[112] The Department states that to implement the mandate it incurred $79,828 in fiscal year 2018-2019; and estimates that its costs will exceed $80,000 in fiscal year 2019-2020.[113] In addition, the Department estimates that it incurred

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[106] Exhibit G, Claimant's Rebuttal Comments, page 2.

[107] Exhibit B, Finance's Comments on the Test Claim, page 1.

[108] Exhibit B, Finance's Comments on the Test Claim, page 2.

[109] Exhibit B, Finance's Comments on the Test Claim, page 2.

[110] Exhibit C, San Bernardino County Sheriff's Department's Comments on the Test Claim, page 1.

[111] Exhibit C, San Bernardino County Sheriff's Department's Comments on the Test Claim, page 1.

[112] Exhibit D, Riverside County Sheriff's Department's Comments on the Test Claim, page 1.

[113] Exhibit D, Riverside County Sheriff's Department's Comments on the Test Claim, page 1.

"approximately $31,000 in associated training and information technology related costs." The Department filed documents evidencing its costs, including a declaration of Zachary Hall, Captain for the Riverside County Sheriff's Department, which details the costs and describes the activities performed to implement the mandate.[114] With respect to training activities, the declaration states that "the regulations created per 12525.5(e) consist of 22 pages of information and instruction on how to meet the mandated requirements. It would not be possible to accurately collect stop data and report it to the Attorney General, per the legislative mandate without formal training."[115]

The San Diego County Sheriff's Department expresses support for the Test Claim and requests that the Commission approve the claim.[116] The Department asserts that the Racial and Identity Profiling Act (AB 953) constitutes a mandate which resulted in "both one-time and reoccurring costs" for the Department:

> In addition to the time spent by each deputy/officer filling out RIPA forms, which currently is about 7422 hours of time spent by San Diego County Sheriff's Deputies, the state mandate also requires departments to provide ongoing training of personnel, computer hardware and software, along with ongoing administrative oversight, auditing and review of the data before submission to the Attorney General's Office. All of these tasks require reassigning and/ or additional staffing and funding.[117]

The Peace Officers' Research Association of California (PORAC) represents 75,000 public safety members and 930 public safety associations, and supports the Test Claim, stating that:

> Under AB 953 by Assemblywoman Shirley Weber (D-San Diego) in 2015, the state mandated each local agency that employs peace officers to perform a new set of activities that consisted of the collection and reporting of stop data. The new activities required additional training of all officers to comply with the stop date requirements and additional training in the area of reporting and submission of that data. Furthermore, the time spent in acquiring the data created additional costs for the department, and was tracked by a software application. To fulfill the mandate presented in AB 953, the City of San Diego and the SDPD also incurred costs with the information technology implementation and testing, as well as reporting, and data storage and release.[118]

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[114] Exhibit D, Riverside County Sheriff's Department's Comments on the Test Claim, pages 3-8.

[115] Exhibit D, Riverside County Sheriff's Department's Comments on the Test Claim, pages 3-4 (Declaration of Zachary Hall, Captain for the Riverside County Sheriff's Department, September 19, 2019).

[116] Exhibit F, San Diego County Sheriff's Department's Late Comments on the Test Claim, page 1.

[117] Exhibit F, San Diego County Sheriff's Department's Late Comments on the Test Claim, page 1.

[118] Exhibit E, PORAC's Late Comments on the Test Claim, page 1.

IV. Discussion

Article XIII B, section 6 of the California Constitution provides in relevant part the following:

> Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such programs or increased level of service…

The purpose of article XIII B, section 6 is to "preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are 'ill equipped' to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose."[119] Thus, the subvention requirement of section 6 is "directed to state-mandated increases in the services provided by [local government] …"[120]

Reimbursement under article XIII B, section 6 is required when the following elements are met:

1. A state statute or executive order requires or "mandates" local agencies or school districts to perform an activity.[121]
2. The mandated activity constitutes a "program" that either:
    a. Carries out the governmental function of providing a service to the public; or
    b. Imposes unique requirements on local agencies or school districts and does not apply generally to all residents and entities in the state.[122]
3. The mandated activity is new when compared with the legal requirements in effect immediately before the enactment of the test claim statute or executive order and it increases the level of service provided to the public.[123]
4. The mandated activity results in the local agency or school district incurring increased costs, within the meaning of section 17514. Increased costs, however, are not reimbursable if an exception identified in Government Code section 17556 applies to the activity.[124]

The Commission is vested with the exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6 of the California

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[119] *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.

[120] *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.

[121] *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874.

[122] *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874-875 (reaffirming the test set out in *County of Los Angeles* (1987) 43 Cal.3d 46, 56).

[123] *San Diego Unified School Dist.* (2004) 33 Cal.4th 859, 874-875, 878; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal3d 830, 835.

[124] *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1284; Government Code sections 17514 and 17556.

Constitution.[125] The determination whether a statute or executive order imposes a reimbursable state-mandated program is a question of law.[126] In making its decisions, the Commission must strictly construe article XIII B, section 6 of the California Constitution, and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities."[127]

A. This Test Claim Was Timely Filed Pursuant to Government Code Section 17551.

Government Code section 17551(c) provides that test claims "shall be filed not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later."[128] Section 1183.1(c) of the Commission's regulations defines "12 months" as 365 days.[129]

This Test Claim was filed on June 14, 2019, with a declaration signed under penalty of perjury by Lieutenant Jordan, the program manager overseeing the claimant's implementation of the test claim statutes, which states that the claimant first incurred costs as a result of the test claim statutes and regulations on June 15, 2018, when initial training was provided to the claimant's officers.[130] Pursuant to Government Code section 12525.5(a)(2), as amended by Statutes 2017, chapter 328, the claimant, as an agency that employees 1,000 or more peace officers, was required to begin collecting data on or before July 1, 2018.[131] There is no evidence rebutting Lieutenant Jordan's declaration.

Since the Test Claim was filed on June 14, 2019, within 12 months of first incurring costs, the Test Claim is timely filed pursuant to the second prong of Government Code section 17551(c).

B. The Potential Period of Reimbursement Begins November 7, 2017.

Government Code section 17557(e) establishes the period of reimbursement for an approved test claim based on when the test claim is filed; "[a] test claim shall be submitted on or before June 30 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year." Based on the filing date of June 14, 2019 for this Test Claim, the potential period of reimbursement, pursuant to Government Code section 17557(e), would begin July 1, 2017. However, as indicated in this Decision, the Commission partially approves this Test Claim *only* for the activities mandated by Government Code section 12525.5 and the regulations adopted by DOJ to implement section 12525.5 (Cal. Code Regs., tit. 11, §§ 999.224 through 999.229,

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[125] *Kinlaw v. State of California* (1991) 53 Cal.3d 482, 487.

[126] *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 109.

[127] *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1280 [citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817].

[128] Government Code section 17551(c) (Stats. 2007, ch. 329).

[129] California Code of Regulations, title 2, section 1183.1(c), Register 2018, No. 18 (eff. April 1, 2018).

[130] Exhibit A, Test Claim, page 20 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

[131] Exhibit A, Test Claim, page 7.

Register 2017, No. 46). These regulations became operative and effective on November 7, 2017. The Legislature, in Government Code section 12525.5(a)(2) and (e), delayed local agency compliance with the program to a date after the regulations were required to be adopted. Accordingly, the period of reimbursement for this Test Claim begins November 7, 2017.

C. Penal Code Sections 13012 and 13519.4 as Amended by Statutes 2015, Chapter 466 and Statutes 2017, Chapter 328, Do Not Impose Any Activities on Local Government, and Thus, Do Not Constitute a Reimbursable State-Mandated Program Within the Meaning of Article XIII B, Section 6 of the California Constitution.

The claimant states that Penal Code sections 13012 and 13519.4 were included in the Test Claim because they "provide additional details regarding who is required to analyze the data, the frequency of that analysis, and the manner in which the collected data shall be reported and published. An explanation of these [P]enal [C]odes is being provided for informational purposes only."[132]

Penal Code sections 13012 and 13519.4, as amended by the test claim statutes, impose requirements on state agencies and RIPA (whose membership does not include local government).[133] Penal Code sections 13012 and 13519.4, however, do not impose any activities on local government and, thus, do not constitute a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.

Penal Code section 13012 was amended by Statutes 2015, chapter 466, to expand the content of the DOJ annual report to the Governor on criminal statistics to include citizen complaints alleging racial or identity profiling.[134] In addition, Statutes 2015, chapter 466 added subdivision (c) to section 13012 to require RIPA to analyze the statistics reported by DOJ.[135] Section 13012 was again amended by Statutes 2017, chapter 328 to delete references to "*citizen*" complaints and instead include reference to "*civilian*" complaints, and to make several non-substantive changes that do not require local government to do anything.

Similarly, Penal Code section 13519.4 was amended by Statutes 2015, chapter 466, to define "racial or identity profiling";[136] require the Attorney General to establish RIPA for the purpose of eliminating racial and identity profiling, and improving diversity and racial sensitivity in law enforcement;[137] direct RIPA to analyze the racial and identity data provided under Government Code section 12525.5 (racial and identity stop data reported to the Attorney General by state and local agencies that employ peace officers) and Penal Code section 13012 (DOJ's annual report to the Governor), and issue an annual report that includes detailed findings and policy

[132] Exhibit A, Test Claim, page 7.

[133] Penal Code section 13519.4(j)(2) (Stats. 2015, ch. 466).

[134] Penal Code section 13012(a)(5)(iii) (Stats. 2015, ch. 466).

[135] Penal Code section 13012(c) (Stats. 2015, ch. 466).

[136] Penal Code section 13519.4(e) (Stats. 2015, ch. 466).

[137] Penal Code section 13519.4(j) (Stats. 2015, ch. 466).

recommendations for eliminating racial and identify profiling;[138] and require POST to consult with RIPA in developing an updated racial profiling training for peace officers that prescribes evidence-based patterns, practices, and protocols that prevent racial and identity profiling.[139]

Penal Code sections 13012 and 13519.4, as amended by the test claim statutes, do not impose any activities on local government and, thus, do not constitute a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.

D. Government Code Section 12525.5, as Added and Amended by Statutes 2015, Chapter 466 and Statutes 2017, Chapter 328, and California Code of Regulations, Title 11, Sections 999-224-999.229 (Register 2017, No. 46) Impose a Reimbursable State-Mandated Program on Cities and Counties.

As described below, the Commission finds that Government Code section 12525.5, as added and amended by the test claim statutes (Stats. 2015, ch 466 and Stats. 2017, ch. 328), and California Code of Regulations, Title 11, sections 999.224-999.229 (Register 2017, No. 46), impose a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution on cities and counties, as specified below.

1. Government Code section 12525.5, as added and amended by Statutes 2015, chapter 466 and Statutes 2017, chapter 328, and California Code of Regulations, Title 11, sections 999-224-999.229 (Register 2017, No. 46) impose requirements on local governments.

Government Code section 12525.5(a)(1),(g)(1) requires city and county law enforcement agencies, and the California Highway Patrol and California state and university educational institutions that employ peace officers to annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year. Section 12525.5 and the test claim regulations describe how to comply with this reporting requirement and the scope of the requirement, as described below.

a. Identify the peace officers required to report stops, and maintain a system to match individual officers to their Officer I.D. Number

California Code of Regulations, Title 11, section 999.227(a)(8) requires that "[o]n January 1 of each year until the agency begins reporting to the Department, each reporting agency shall count the number of peace officers it employs who are subject to this chapter to determine the date that agency must start collecting stop data and reporting to the Department pursuant to Government Code section 12525.5, subdivisions (a)(1) and (a)(2)."

Section 999.227(a)(11) then requires the reporting agencies to "create the Officer's I.D. Number . . . for each officer required to report stops . . . ."[140] "Officer I.D. Number" is defined in section 999.226(a)(14), as "a permanent identification number assigned by the reporting agency to the reporting officer, which shall be used for all reporting to the Department . . ." and "shall be

[138] Penal Code section 13519.4(j)(3) (Stats. 2015, ch. 466).

[139] Penal Code section 13519.4(h) (Stats. 2015, ch. 466).

[140] California Code of Regulations, title 11, section 999.227(a)(11).

considered Unique Identifying Information."[141] The stop reports submitted to DOJ "shall" include the Officer's I.D. Number, but shall not include the officer's name or badge number.[142] However, each reporting agency "shall maintain a system to match an individual officer to his or her Officer's I.D. Number."[143]

b. Collect and report stop data.

Government Code section 12525.5(g) defines a "stop" as "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."[144]

Agencies are required to begin collecting and reporting data on all stops on or before the following dates:

(1) An agency that employs 1,000 or more peace officers shall begin collecting data on or before July 1, 2018, and shall issue its first round of reports on or before April 1, 2019.

(2) An agency that employs 667 or more but less than 1,000 peace officers shall begin collecting data on or before January 1, 2019, and shall issue its first round of reports on or before April 1, 2020.

(3) An agency that employs 334 or more but less than 667 peace officers shall begin collecting data on or before January 1, 2021, and shall issue its first round of reports on or before April 1, 2022.

(4) An agency that employs one or more but less than 334 peace officers shall begin collecting data on or before January 1, 2022, and shall issue its first round of reports on or before April 1, 2023.[145]

[141] California Code of Regulations, title 11, section 999.226(a)(14). "Unique Identifying Information" is defined in section 999.224(a)(17) to mean "personally identifying information, the release of which, either alone or in combination with other data reported, is reasonably likely to reveal the identity of the individual officer who collected the stop data information. It does not include the minimum information that is specified in Government Code section 12525.5, subdivision (b)."

[142] California Code of Regulations, title 11, section 999.227(a)(11).

[143] California Code of Regulations, title 11, section 999.227(a)(11).

[144] Government Code section 12525.5(g)(2) (Stats.2015, ch.466); see also, California Code of Regulations, title 11, section 999.224(a)(14).

[145] Government Code section 12525.5(a)(2) (Stats. 2017, ch. 328).

The minimum "data elements"[146] required to be collected and reported are described in Government Code section 12525.5(b), and sections 999.226(a)(1)-(16) and 999.227(a)(2) of the regulations as follows:[147]

(1) "ORI number," which is "the data element that refers to the reporting agency's Originating Agency Identifier, a unique identification code number assigned by the Federal Bureau of Investigation."[148]

(2) "Date, Time, and Duration of Stop."[149]

(3) "Location of Stop"[150]

(4) "Perceived Race or Ethnicity of Person Stopped"[151]

(5) "Perceived Gender of Person Stopped"[152]

(6) "Person Stopped Perceived to be LGBT"[153]

(7) "Perceived Age of Person Stopped"[154]

(8) "Person Stopped Has Limited or No English Fluency"[155]

(9) "Perceived or Known Disability of Person Stopped"[156]

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[146] "Data element" is defined as "a category of information the peace officer must report regarding a stop. For example, "perceived gender of person stopped" is a data element that must be collected under Government Code section 12525.5." (Cal. Code Regs., tit. 11, § 999.224(a)(4).)

[147] Section 999.227(a)(2) of the regulations states that "[t]he data elements described in section 999.226, subdivision (a) are the minimum that a reporting agency shall collect and report. Nothing in this section prohibits a reporting agency from voluntarily collecting additional data."

[148] California Code of Regulations, title 11, section 999.226(a)(1).

[149] Government Code section 12525.5(b)(1) (Stats. 2015, ch. 466); California Code of Regulations, title 11, section 999.226(a)(2).

[150] Government Code section 12525.5(b)(1) (Stats. 2015, ch. 466); California Code of Regulations, title 11, section 999.226(a)(3).

[151] Government Code section 12525.5(b)(6) (Stats. 2015, ch. 466); California Code of Regulations, title 11, section 999.226(a)(4).

[152] Government Code section 12525.5(b)(6) (Stats. 2015, ch. 466); California Code of Regulations, title 11, section 999.226(a)(5).

[153] California Code of Regulations, title 11, section 999.226(a)(6).

[154] Government Code section 12525.5(b)(6) (Stats. 2015, ch. 466); California Code of Regulations, title 11, section 999.226(a)(7).

[155] California Code of Regulations, title 11, section 999.226(a)(8).

[156] California Code of Regulations, title 11, section 999.226(a)(9).

(10) "Reason for Stop"[157]

(11) "Stop Made in Response to a Call for Service."[158]

(12) "Actions Taken by Officer During Stop"[159]

(13) "Result of Stop"[160]

(14) "Officer's Identification (I.D.) Number"[161]

(15) "Officer's Years of Experience"[162]

(16) "Type of Assignment of Officer"[163]

For each "data element" the officer must select all applicable "data values" in accordance with the instructions provided in section 999.226 of the regulations.[164] For example, for data element "Location of Stop" the officer "shall report one of the following options, which are provided in order of preference:

1. Block number and street name;
2. Closest intersection; or
3. Highway and closest highway exit.
4. If none of these options are applicable, the officer may report a road marker, landmark, or other description, except that the officer shall not provide a street address if the location is a residence."[165]

Reporting some of the data elements requires multiple steps. For example, when reporting data element "(10) 'Reason for Stop,'" the officer must do all of the following:

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[157] Government Code section 12525.5(b)(2) (Stats. 2015, ch. 466); California Code of Regulations, title 11, section 999.226(a)(10).

[158] California Code of Regulations, title 11, section 999.226(a)(11).

[159] Government Code section 12525.5(b)(7) (Stats. 2015, ch. 466); California Code of Regulations, title 11, section 999.226(a)(12).

[160] Government Code section 12525.5(b)(3) (Stats. 2015, ch. 466); California Code of Regulations, title 11, section 999.226(a)(13).

[161] California Code of Regulations, title 11, section 999.226(a)(14).

[162] California Code of Regulations, title 11, section 999.226(a)(15).

[163] California Code of Regulations, title 11, section 999.226(a)(16).

[164] "Data value" defined as "a component or characteristic of a data element to be used in reporting each data element. For example, "male," "female," "transgender man/boy," "transgender woman/girl," and "gender nonconforming" are each data values to use in reporting the data element "perceived gender of person stopped." (Cal. Code Regs., tit. 11, § 999.224(a)(5).)

[165] California Code of Regulations, title 11, section 999.226(a)(3)(A).

a. Report the primary reason for stopping a person and select one applicable data value from the list of six possible reasons for stop; for example, "*2. Reasonable suspicion that the person was engaged in criminal activity*";[166]

b. Select all applicable circumstances that gave rise to the officer's reasonable suspicion from the list provided;[167]

c. "[U]sing the Department's standard CJIS Offense Table, the officer shall identify the primary code section and subdivision of the suspected violation of law that formed the basis for the stop, if known to the officer";[168] and

d. "[T]he officer shall also provide a brief explanation (250-character maximum) regarding the reason for the stop. This explanation shall include additional detail beyond the general data values selected for the 'Reason for Stop.'"[169]

In addition, data element "(12) 'Actions Taken by Officer During Stop'" includes several additional reportable data elements, which are triggered when corresponding data values are selected.[170] For example, to report this data element the officer must select all applicable data values from the list of twenty three values describing the officer's actions during the stop, such as, "*1. Person removed from vehicle by order*" and "*8. Firearm pointed at person.*"[171] If during the stop the officer's actions included a search of the person, the person's property, or both, the officer is also required to report the "Basis for Search," by selecting all applicable data values that describe the reason for the search from the list of twelve data values; and, in addition, "provide a brief explanation (250-character maximum) regarding the basis for the search. This explanation shall include additional detail beyond the general data values selected for 'Basis for Search.'"[172]

Similarly, if the officer's actions included action "*21. Property was seized,*" the officer is further required to report the "Basis for Property Seizure" by selecting all applicable data values that describe the basis for the property seizure from the list of five data values; for example "a. *Safekeeping as allowed by law/statute*" or "*c. Evidence*"; and to report the type of property seized by selecting all of the data values that apply from the provided list of eleven types of property, such as "*a. Firearm(s)*" or "*k. Other contraband or evidence*."[173]

In addition to the data elements and corresponding data values set forth in section 999.226(a), section 999.227(e) specifies additional data that must be collected for reportable peace officer

[166] California Code of Regulations, title 11, section 999.226(a)(10)(A).

[167] California Code of Regulations, title 11, section 999.226(a)(10)(A)(2).

[168] California Code of Regulations, title 11, section 999.226(a)(10)(A)(2).

[169] California Code of Regulations, title 11, section 999.226(a)(10)(B).

[170] California Code of Regulations, title 11, section 999.226(a)(12).

[171] California Code of Regulations, title 11, section 999.226(a)(12)(A).

[172] California Code of Regulations, title 11, section 999.226(a)(12)(B).

[173] California Code of Regulations, title 11, section 999.226(a)(12)(D).

interactions with students at a K-12 public school. Under these circumstances, the following situations constitute a reportable stop:

a. Any interaction that results in a temporary custody under Welfare and Institutions Code section 625, citation, arrest, permanent seizure of property as evidence of a criminal offense, or referral to a school administrator because of suspected criminal activity.

b. Any interaction in which the student is questioned for the purpose of investigating whether the student committed a violation of law, including violations of Education Code sections 48900, 48900.2, 48000.4, and 48000.7 (addressing the suspension and expulsion of students), or to determine whether the student is truant.

c. Any interaction in which an officer engages in one or more data values identified in section 999.226(a), excluding "none." However, this does not include a detention or search that is conducted of all persons as part of a neutrally applied formula that is not based upon personal characteristics (such as searches conducted at the entries and exits of school facilities by screening devices).[174]

The following additional data values shall be reported for stops at a K-12 school: the name of the school where the stop took place, whether the stop is of a student, whether there is a perceived disability related to hyperactivity or impulsive behavior of the student, the possible conduct warranting discipline under the Education Code, whether there was an admission or written statement obtained from the student, whether the student is suspected of violating school policy, and whether the student was referred to a school administrator or counselor.

c. Scope of reporting requirements

Section 999.227(a)(4) explains that when two or more reporting agencies are involved in a stop, only the primary agency shall submit the report. The primary agency is the agency with investigative jurisdiction based on local, county, or state law or interagency agreement or memoranda of understanding. If there is uncertainty as to the primary agency, the agencies shall agree on which agency is the primary agency for reporting purposes. If, however, a stop is done in conjunction with a reporting agency and an agency that is not subject to the reporting requirements, the reporting agency is required to submit data on the stop even if it is not the primary agency responsible for the stop.

Section 999.227(a)(5) states that if more than one peace officer of the agency conducts the stop, the officer with the highest level of engagement with the person stopped shall submit the full report.

Section 999.227(a)(6) states that if multiple persons are stopped during one incident, the stop data shall be submitted for each person within a single report.

[174] California Code of Regulations, title 11, section 999.227(e)(3).

And section 999.227(a)(9) requires peace officers to complete their stop data report by the end of their shift, unless exigent circumstances preclude doing so. In such circumstances, the data shall be completed as soon as practicable.

In addition, section 999.227(a)(1) requires peace officers to submit the data elements described in section 999.226(a) for every person stopped by the officer, *except* as provided in subdivisions (b), (c), (d) and (e) of this section. Accordingly, reports are not required to be submitted in the following circumstances described in section 999.227(b) and (c):

(1) Peace officers shall not submit data elements for passengers in vehicles to a stop, unless the passenger is observed or suspected of violating the law or the passenger is subjected to any of the actions identified as data values in section 999.226(a)(12), "Actions Taken by Officer During Stop, excluding "Vehicle impounded" and "None."[175]

(2) Peace officers shall not submit data elements for stops during public safety mass evacuations, active shooter incidents, or routine security screenings of all persons entering a building or special event.[176]

In addition, section 999.227(d) states there are some peace officer interactions that are reportable only if the officer takes certain actions:

(1) Interactions during traffic control of vehicles, crowd control, interactions at a residence where people are detained so that the officer may check for proof of age for purposes of investigating underage drinking, and checkpoints and roadblocks are reportable only if a person is detained based upon individualized suspicion or personal characteristics, or the officer engages in the actions described in the data values in section 999.226(a)(12), "Actions Taken by Officer During Stop."[177]

(2) Interactions that take place with a person in his or her residence who is the subject of a warrant or search condition is not subject to the reporting requirements. However, a peace officer shall report any interactions with persons in the home who are not the subject of a warrant or search condition if the officer handcuffs the person; arrests the person; points a firearm at the person; discharges or uses a firearm, electronic control device, impact projectile, baton or other impact weapon, or chemical spray on the person; or if a canine bit or held the person.[178]

(3) Interactions that take place with a person in his or her residence who is the subject of home detention or house arrest while an officer is on home detention or house arrest assignment are not subject to the reporting requirements. However, the officer shall report any interactions with person

[175] California Code of Regulations, title 11, section 999.227(b).

[176] California Code of Regulations, title 11, section 999.227(c).

[177] California Code of Regulations, title 11, section 999.227(d)(1).

[178] California Code of Regulations, title 11, section 999.227(d)(2).

> in the home who are not under home detention or house arrest if the officer takes the following actions: the officer handcuffs the person; arrests the person; points a firearm at the person; discharges or uses a firearm, electronic control device, impact projectile, baton or other impact weapon, or chemical spray on the person; or if a canine bit or held the person.[179]

Finally, section 999.225(d) states that peace officers shall not report stops that occur in a custodial setting.[180]

d. Electronically submit data to DOJ and retain stop data.

California Code of Regulations, Title 11, section 999.228 requires, that all stop data be transmitted to the DOJ electronically. Section 999.228(a) specifically states that "[t]he system developed by the Department *shall require the electronic submission of data from reporting agencies*." The Addendum to Initial Statement of Reasons for the regulations states that the intent of this provision is "to require electronic versus paper submission of data in order to ensure data is both accurate and accessible," as follows:

> E. Article 5. Section 999.228 (Technical Specifications and Uniform Reporting Practices)
>
> 999.228, subd. (a). Electronic System. Subdivision (a) was amended nonsubstantively to replace the term "automated" with "electronic." This change is intended to conform to the original intent of the provision, which was to require electronic versus paper submission of data in order to ensure data is both accurate and accessible (consistent with the intent of Government Code section 12525.5) and to make clear that agencies can use any form of electronic data submission—including secure file transfer of spreadsheets or other common file formats—to comply with the reporting requirements.[181]

Section 999.228(b) then provides for three permissible methods of electronic data transmission of stop data to the DOJ, as follows:

> Submission of Data. Agencies shall be provided with the following options to submit their stop data to the Department: (1) a web-browser based application, which shall include mobile capabilities for agencies that choose to use the Department's developed and hosted solution to submit stop data; (2) a system-to-system web service for agencies that elect to collect the data in a local system and

[179] California Code of Regulations, title 11, section 999.227(d)(3).

[180] California Code of Regulations, title 11, section 999.225(c). "Custodial setting" means correctional institutions, juvenile detention facilities, and jails, including parking lots and grounds within the perimeter of these enumerated facilities. "Custodial setting" does not include home detention or any circumstances where persons are under house arrest outside of correctional institutions, juvenile detention facilities, or jails. (California Code of Regulations, title 11, section 999.224(a)(3)).

[181] Exhibit X, Addendum to Initial Statement of Reasons (OAL File No. Z-2016-1129-03), pages 30-31, https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/isor-addendum-08012017.pdf (accessed on November 8, 2019).

> then submit the data to the Department; and (3) a secured file transfer protocol for agencies that elect to collect the data in a local repository and then submit the data to the Department. Agencies that select option 3 shall be permitted to submit batch uploads of stop data in Excel spreadsheets and other delimited text formats of electronic documentation that complies with the Department's interface specifications.[182]

The Addendum to Initial Statement of Reasons for the regulations explains that "…DOJ will accept data in any electronic format that complies with the Department's interface specifications."[183] The "interface specifications" are not included with the implementing regulations. Instead, section 999.228(f) of the regulations states that the DOJ shall publish a data dictionary and interface specifications for submission of stop data, as follows:

> Data Standards. The Department shall publish a data dictionary and interface specifications to ensure uniform and complete reporting of stop data. These documents will define each required data element and acceptable data values. These data standards shall be consistent with the definitions and technical specifications set forth in this chapter.[184]

According to DOJ, each method of submission carries costs and benefits from a fiscal perspective, as follows:

- **DOJ-hosted application** may require up-front costs in technology investment to equip officers in the field with a laptop, tablet, or smartphone (although many departments already provide some or all of their officers with such tools), but it eliminates the need for data input services, paper publication, and data storage costs.
- **Paper-based collection** will require few upfront costs but significant ongoing resources to produce paper forms and to input the data. It will also require some minimal costs to store the data.
- **Relay-to-dispatch** eliminates the need for paper forms but requires similar costs for data input. It will also require some minimal costs to store the data.
- Modifying an existing **agency-hosted data collection process** to accommodate the statutory and regulatory requirements-or acquiring such a system-may result in significant upfront costs for technology, as well as ongoing vendor costs to maintain and support the system, but may streamline the data collection process by syncing with other agency data collection requirements. It may be especially challenging and costly for some law enforcement agencies with older record management systems to modify these

[182] California Code of Regulations, title 11, section 999.228(b).

[183] Exhibit X, Addendum to Initial Statement of Reasons (OAL File No. Z-2016-1129-03), pages 30-31, https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/isor-addendum-08012017.pdf (accessed on November 8, 2019).

[184] California Code of Regulations, title 11, section 999.228(f).

> systems to allow for the collection of stop data. Some agencies are using systems that are 20+ years old. If agencies are unable to make modifications to their existing systems due to the age or other limitations, an alternative would be to use the DOJ AB 953 application or other acceptable submission methods.[185]

Thus, while the regulations provide for a choice of data submission methods, all reporting agencies are required to ensure that their electronic stop data submission is compatible with the DOJ interface specifications.

Section 999.228(e) of the regulations further requires that the reporting agencies authorize and remove users from the system developed by the DOJ as necessary, and that automated systems handling the stop data shall be secure from unauthorized access, alteration, deletion, or release:

> (e) System Security. The Department shall design its system to be easily accessible for authorized users, confidential, and accurate. The system will provide role-based authorization services. Reporting agencies will be required to authorize and remove users to the system as necessary. Automated systems handling stop data and the information derived therein shall be secure from unauthorized access, alteration, deletion or release.

Finally, section 999.228(h) states "[e]ach reporting agency shall keep a record of its source data for a minimum of three years, and shall make this data available for inspection by the Department should any issues arise regarding the transfer of data to the Department." However, the last sentence of this section provides that for agencies that report stop data via DOJ web-browser based application, the DOJ "shall host the data for the agency for the requisite retention period," which would result in no costs to the local agency for stop-data retention.[186] The rulemaking materials for Section 999.228 indicate that the DOJ will assume responsibility for the three-year retention period for the agencies that use the DOJ web-browser based application to collect stop data where the DOJ retains sole possession of the transmitted stop data.[187] In the alternative, "*at the agency's election*" the DOJ will transfer this data back to the agency.[188] Thus, if an agency uses DOJ's web-browser based application, it is not required by state law to store and retain the data because DOJ will host the data for the agency for the retention period. If the agency elects to store and retain the data under these circumstances, however, any costs incurred

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[185] Exhibit A, Test Claim, page 105 (AB 953 Stop Data Reporting Regulations, Addendum to Form 399).

[186] Exhibit X, California Department of Justice Economic and Fiscal Impact Statement (STD 399), AB 953 Stop Data Reporting Regulations to Implement Gov. Code Section 12525.5, page 17, https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/stop-data-reg-std399-signed-110817.pdf (accessed on November 8, 2019).

[187] Exhibit X, California Department of Justice Economic and Fiscal Impact Statement (STD 399), AB 953 Stop Data Reporting Regulations to Implement Gov. Code Section 12525.5, page 17, https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/stop-data-reg-std399-signed-110817.pdf (accessed on November 8, 2019).

[188] California Code of Regulations, title 11, section 999.228(h).

for storage and retention are triggered by the agency's own discretion.[189] Therefore, section 999.228(h) authorizes, but does not require, storage and retention of the stop data by the reporting agencies that use the DOJ web-browser based application to report stop data.

e. Audit and validation requirements

California Code of Regulations, title 11, section 999.229(b) states that DOJ shall perform data validation on stop data submitted to ensure data integrity and quality assurance. Each reporting agency, therefore, "is responsible for ensuring that all data elements, data values, and narrative explanatory fields conform to these regulations and for correcting any errors in the data submission process, and shall do so through the Department's error resolution process." Section 999.227(a)(10) makes clear that "[o]nce stop data is submitted to the Department . . . an agency can only revise stop data through the Department's error resolution process." Although the regulations do not define "error resolution process," the Final Statement of Reasons for these regulations explains that it is a term of art in database management and that this process will be used to ensure compliance with the technical requirements of the database system and to obtain missing data:

> As used here, "error resolution process" is a term of art in database management, which refers to a common technical process imposed by the database manager to impose a uniform, standard mechanism for correction of submitted data to ensure compliance with the technical requirements of the database system; it does not refer to a substantive or qualitative review of the reported data. It will be used simply to obtain missing data. Law enforcement agencies are familiar with error resolution processes in place for a variety of databases maintained by the Department of Justice that require the submission of data. For example, an error resolution process would apply if an agency attempted to batch upload 6 months of data into the Department's system, but neglected to include one of the required data fields. In that case, the agency's database manager would receive an electronic notice of the error, and the data will be sent back for the agency to resolve and resubmit the corrected data as required by AB 953 and its implementing regulations.[190]

Section 999.224(a)(5) similarly requires reporting agencies to "ensure that the technical specifications for data values are consistent with these regulations and in doing so shall follow the data dictionary prepared by the Department. In this respect, the Addendum to the Initial Statement of Reasons for the regulation package adopting California Code of Regulations, title 11, sections 999.224-999.229 states the following:

> 999.224, subds. (a)(4)-(5). *"Data element"* and *"Data Value."*
>
> [¶] . . . [¶]

[189] *Department of Finance v. Commission on State Mandates (Kern High School District)* (2003) 30 Cal.4th 727, 743.

[190] Exhibit X, Final Statement of Reasons, Proposed Regulations, Title 11, Sections 999.224-999.229, page 3, https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/stop-data-reg-fsor-revised-110817.pdf (accessed on November 8, 2019).

> . . . [T]he following language was added to the definition of "data value": "[r]eporting agencies shall ensure that the technical specifications for data values are consistent with these regulations and in doing so shall follow the data dictionary prepared by the Department." This amendment is intended to provide guidance to law enforcement agencies so that agencies develop technical specifications for their computer systems that are consistent with the requirements of the regulations. To assist agencies in this objective, the regulations also reference the data dictionary that the Department shall prepare, as required by section 999.228, subdivision (f). As subdivision (f) makes clear, this data dictionary is designed to provide technical specifications regarding the requirements in these regulations and must be consistent with those requirements.[191]

In addition, section 999.229(c) requires each reporting agency "submitting records via the system-to-system web service or the secure file transfer protocol . . . [to] include a unique stop record number for each stop," so that DOJ can use the record number to relay information on errors when necessary.

f. Ensuring that personally identifiable information of the individual stopped or any other information exempt from disclosure is not transmitted to the Attorney General

Government Code section 12525.5(f) states that all data and reports under the Act are public records within the meaning of Government Code section 6252(e), and are open to public inspection. However, section 12525.5(d) states that local law enforcement agencies "shall not report the name, address, social security number, or other unique personal identifying information of persons stopped, searched, or subjected to property seizure. . . ." and not report "the badge number or other unique identifying information of the peace officer involved."[192] Section 12525.5(d) and section 999.228(d) of the test claim regulations further state that the law enforcement agencies are "solely responsible for ensuring that personally identifiable information of the individual stopped or any other information that is exempt from disclosure" pursuant to this section is not transmitted to the Attorney General in an open text field.

The Addendum to the Initial Statement of Reasons for the test claim regulations explains that this provision is "intended to make clear that the reporting agencies are responsible to ensure-through training, supervisory review, or any other methodology-that these fields do not contain information that is exempt from public disclosure," and notes that the earlier version "provided that law enforcement agencies must redact any personally identifiable information with respect

[191] Exhibit X, Addendum to Initial Statement of Reasons (OAL File No. Z-2016-1129-03), page 2, https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/isor-addendum-08012017.pdf (accessed on November 8, 2019).

[192] The term "Unique Identifying Information" is defined in section 999.224(a)(17) of the title 11 regulations to mean "personally identifying information, the release of which, either alone or in combination with other data reported, is reasonably likely to reveal the identity of the individual officer who collected the stop data information. It does not include the minimum information that is specified in Government Code section 12525.5, subdivision (b)."

to the person stopped and officer, except for the Officer's Unique Identifier, prior to transmission of stop data."[193]

g. Summary of required activities

Accordingly, the following activities are required by Government Code section 12525.5, as added and amended by Statutes 2015, chapter 466 and Statutes 2017, chapter 328, and California Code of Regulations, title 11, sections 999-224-999.229 (Register 2017, No. 46):

1. Identification of the peace officers required to report stops, and maintenance of a system to match individual officers to their Officer I.D. number
   a. On January 1 of each year until the agency begins reporting data to the DOJ, each reporting agency shall count the number of peace officers it employs who are required to report stops to determine the date that agency must start collecting stop data and reporting to the DOJ pursuant to Government Code section 12525.5(a)(1)(2). (Cal. Code Regs, tit. 11, § 999.227(a)(8) [Register 2017, No. 46].)
   b. Reporting agencies shall create the Officer's I.D. Number for each officer required to report stops. (Cal. Code Regs, tit. 11, § 999.227(a)(11) [Register 2017, No. 46].)
   c. Reporting agencies shall maintain a system to match an individual officer required to report stops to his or her Officer's I.D. Number. (Cal. Code Regs, tit. 11, § 999.227(a)(11) [Register 2017, No. 46].)
2. Collection and reporting data on all stops, as defined,[194] conducted by that agency's peace officers for the preceding calendar year in accordance with sections 999.226(a) and 999.227 of the regulations.
   a. Begin collecting and reporting data on all stops on or before the following dates:
      (1) An agency that employs 1,000 or more peace officers shall begin collecting data on or before July 1, 2018, and shall issue its first round of reports on or before April 1, 2019.

[193] Exhibit X, Addendum to Initial Statement of Reasons (OAL File No. Z-2016-1129-03), page 31, https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/isor-addendum-08012017.pdf (accessed on November 8, 2019).

[194] Government Code section 12525.5(g)(2) (Stats.2015, ch.466); see also, California Code of Regulations, title 11, section 999.224(a)(14) (Register 2017, No. 46), which defines a "stop" as "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;" section 999.227(b) and (c) for interactions that are not reportable as "stops;" and section 999.227(d) for peace officer interactions that are reportable only if the officer takes additional specified actions.

(2) An agency that employs 667 or more but less than 1,000 peace officers shall begin collecting data on or before January 1, 2019, and shall issue its first round of reports on or before April 1, 2020.

(3) An agency that employs 334 or more but less than 667 peace officers shall begin collecting data on or before January 1, 2021, and shall issue its first round of reports on or before April 1, 2022.

(4) An agency that employs one or more but less than 334 peace officers shall begin collecting data on or before January 1, 2022, and shall issue its first round of reports on or before April 1, 2023.

(Gov. Code, § 12525.5(a)(2), Stats. 2017, ch. 328).

The following are not reportable:

(5) Data elements described in section 999.226(a) for passengers in vehicles subject to a stop who have not been observed or suspected of violating the law, or who have not been subjected to the officer's actions listed in section 999.226(a)(12)(A) excluding "Vehicle impounded" and "None).[195]

(6) Stops made during public safety mass evacuations.[196]

(7) Stops during an active shooter incident.[197]

(8) Stops that occur during or as a result of routine security screenings required of all persons to enter a building or special event, including metal detector screenings, including any secondary searches that result from the screening.[198]

(9) Interactions that take place with a person in his or her residence who is the subject of a warrant or search condition.[199]

(10) Interactions that take place with a person in his or her residence who is the subject of home detention or house arrest while an officer is on home detention or house arrest assignment.[200]

(11) Stops in a custodial setting.[201]

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[195] California Code of Regulations, title 11, section 999.227(b), Register 2017, No. 46.

[196] California Code of Regulations, title 11, section 999.227(c)(1), Register 2017, No. 46.

[197] California Code of Regulations, title 11, section 999.227(c)(2), Register 2017, No. 46.

[198] California Code of Regulations, title 11, section 999.227(c)(3), Register 2017, No. 46.

[199] California Code of Regulations, title 11, section 999.227(d)(2), Register 2017, No. 46.

[200] California Code of Regulations, title 11, section 999.227(d)(3), Register 2017, No. 46.

[201] California Code of Regulations, title 11, section 999.225(c), Register 2017, No. 46.

(12) Stops that occur while the officer is off-duty.[202]

b. The agency's peace officers shall collect the following minimum required categories of stop data, and all applicable "data elements," "data values," and narrative explanatory fields described in section 999.226(a) for every person stopped, and in accordance with section 999.227(a)(4)-(6), (b) and (d) of the regulations, and complete all stop reports for stops made during the officer's shift by the end of the officer's shift, or if exigent circumstances preclude doing so, as soon as practicable: (Gov. Code, §12525.5(b), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, §§999.226(a), 999.227(a)(1)(2)(4)(5)(6)(9),(b) and (d) [Register 2017, No. 46].)

(1) "ORI number," which is "the data element that refers to the reporting agency's Originating Agency Identifier, a unique identification code number assigned by the Federal Bureau of Investigation." (Cal Code Regs., tit. 11, § 999. 226(a)(1) [Register 2017, No. 46].)

(2) "Date, Time, and Duration of Stop." (Gov. Code, §12525.5(b)(1), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(2) [Register 2017, No. 46].)

(3) "Location of Stop." (Gov. Code, §12525.5(b)(1), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(3) [Register 2017, No. 46].)

(4) "Perceived Race or Ethnicity of Person Stopped" (Gov. Code, § 12525.5(b)(6), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(4) [Register 2017, No. 46].)

(5) "Perceived Gender of Person Stopped." (Gov. Code, §12525.5(b)(6), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(5) [Register 2017, No. 46].)

(6) "Person Stopped Perceived to be LGBT." (Cal Code Regs., tit. 11, § 999.226(a)(6) [Register 2017, No. 46].)

(7) "Perceived Age of Person Stopped." (Gov. Code, §12525.5(b)(6), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(7) [Register 2017, No. 46].)

(8) "Person Stopped Has Limited or No English Fluency." (Cal Code Regs, tit. 11, § 999.226(a)(8) [Register 2017, No. 46].)

(9) "Perceived or Known Disability of Person Stopped." (Cal Code Regs., tit. 11, § 999.226(a)(9) [Register 2017, No. 46].)

(10) "Reason for Stop." (Gov. Code, §12525.5(b)(2), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(10) [Register 2017, No. 46].)

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[202] Exhibit X, Final Statement of Reasons, Proposed Regulations, Title 11, Sections 999.224-999.229, pages 12-13, https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/stop-data-reg-fsor-revised-110817.pdf (accessed on November 8, 2019).

(11) "Stop Made in Response to a Call for Service." (Cal Code Regs., tit. 11, § 999.226(a)(11) [Register 2017, No. 46].)

(12) "Actions Taken by Officer During Stop." (Gov. Code, §12525.5(b)(7), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(12) [Register 2017, No. 46].)

(13) "Result of Stop." (Gov. Code, §12525.5(b)(3)(4)(5), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(13) [Register 2017, No. 46].)

(14) "Officer's Identification (I.D.) Number." (Cal Code Regs., tit. 11, § 999.226(a)(14) [Register 2017, No. 46].)

(15) "Officer's Years of Experience." (Cal Code Regs., tit. 11, § 999.226(a)(15) [Register 2017, No. 46].)

(16) "Type of Assignment of Officer." (Cal Code Regs., tit. 11, § 999.226(a)(16) [Register 2017, No. 46].)

c. The following additional data values shall be reported for stops (as defined in section 999.227(e)(3) of the regulations) at a K-12 school: the name of the school where the stop took place; indicate if the stop is of a student, whether there is a perceived disability related to hyperactivity or impulsive behavior of the student, the possible conduct warranting discipline under the Education Code, whether there was an admission or written statement obtained from the student, whether the student is suspected of violating school policy, and whether the student was referred to a school administrator or counselor. (Cal Code Regs., tit. 11, § 999.227(e)(3)(4) [Register 2017, No. 46].)

3. Electronic submission of data to DOJ and retention of stop data collected

a. Submit all required stop data to the system developed by the DOJ in electronic format that complies with the DOJ interface specifications via one of the three approved submission methods: (1) a web-browser based application developed by the DOJ; (2) a system-to-system web service; and (3) a secured file transfer protocol. (Cal Code Regs., tit. 11, § 999.228(a), (b) [Register 2017, No. 46].)

b. Authorize and remove users to the system as necessary. Automated systems handling stop data and the information derived therein shall be secure from unauthorized access, alteration, deletion or release. (Cal Code Regs., tit. 11, § 999.228(e) [Register 2017, No. 46].)

c. Each reporting agency, *except* those agencies that report stop data via the DOJ web-browser based application, shall keep a record of its source data for three years and to make it available for inspection by DOJ. (Cal Code Regs., tit. 11, § 999.228(h) [Register 2017, No. 46].)

4. Audits and validation of data collected

a. Ensure that the technical specifications for data values are consistent with the regulations and follow the data dictionary prepared by DOJ. (Cal Code Regs., tit. 11, § 999.224(a)(5) [Register 2017, No. 46].)

b. Ensure that all data elements, data values, and narrative explanatory fields conform to the regulations and correct any errors in the data submission process through the DOJ's error resolution process. (Cal Code Regs., tit. 11, § 999.229(b) [Register 2017, No. 46].)

c. Agencies submitting records via the system-to-system web service or the secure file transfer protocol shall include a unique stop record number for each stop, so that DOJ can use the record number to relay information on errors when necessary. (Cal Code Regs., tit. 11, § 999.229(c) [Register 2017, No. 46].)

5. For stop data collected, ensure that the name, address, social security number, or other unique personally identifiable information of the individual stopped, searched, or subjected to property seizure, and the badge number or other unique identifying information of the peace officer involved, is not transmitted to the Attorney General in an open text field. (Gov. Code, § 12525.5, Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.228(d) [Register 2017, No. 46].)

In addition, the claimant requests reimbursement for the costs of training, updating policies and procedures, supervisory review, and for installation and testing of software.[203] Although the legislative history of the test claim statute[204] and rulemaking materials[205] acknowledge that the mandate would result in local agencies incurring costs for training and technology, and the claimant has filed evidence supporting such costs,[206] these activities and costs are not required by the plain language of the test claim statutes and regulations. Nevertheless, these activities and costs may be proposed by claimant for inclusion in the Parameters and Guidelines if they are supported by evidence in the record showing they are "reasonably necessary for the performance of the state-mandated program" in accordance with Government Code section 17557(a), and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5.

2. Government Code section 12525.5 and the test claim regulations impose a state-mandated program on counties and cities only.

The activities addressed above are required of agencies identified in Government Code section 12525.5(a)(1) and (g)(1) as "each state or local agency that employs peace officers," as "defined

[203] Exhibit A, Test Claim, pages 8-9.

[204] Exhibit X, Senate Rules Committee, Office of Senate Floor Analyses, Third Reading Analysis of AB 953, (2015-2016 Reg. Sess.), as amended August 31, 2015, page 5.

[205] Exhibit X, California Department of Justice Economic and Fiscal Impact Statement (STD 399), AB 953 Stop Data Reporting Regulations to Implement Government Code section 12525.5, pages 15-20, https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/stop-data-reg-std399-signed-110817.pdf (accessed on November 8, 2019).

[206] Exhibit A, Test Claim, pages 20-21 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code," "limited to members of the California Highway Patrol, a city or county law enforcement agency, and California state or university educational institutions."[207] Section 12525.5(g)(1) further states that "peace officer" does not include probation officers and officers in a custodial setting. Thus, section 12525.5 imposes the requirements on city and county law enforcement agencies and law enforcement agencies of California state or university educational institutions that employ persons, other than probation and custodial officers, who have been designated by statute to have peace officer powers and duties.[208]

California Code of Regulations, title 11, section 999.224(a)(11) refers to agencies required to collect and report stop data as "reporting agencies". And, Section 999.224(a)(11) defines reporting agency, for purposes of local government, as any city or county law enforcement agency that employs peace officers, including those who are contracted to work at other government agencies or private entities (such as housing or transit agencies and state educational institutions) and the law enforcement agencies of any California state or university educational institutions. California Code of Regulations, title 11, section 999.224(a)(11) then defines "California state or university educational institutions," as used in the statute, rather broadly to include K-12 school districts that employ peace officers pursuant to the authority provided by Education Code section 38000; and community college districts that employ peace officers pursuant to the authority provided by Education Code section 72300. Section 999.224(a)(11) states the following:

> (11) "Reporting agency" means:
>
> (A) Any city or county law enforcement agency that employs peace officers.
>
> 1. "Reporting agency" includes any city or county law enforcement agency that employs peace officers, including officers who are contracted to work at other government agencies or private entities. This includes, but is not limited to, peace officers assigned to work in cities or other jurisdictions that are not within the original jurisdiction of the city or county law enforcement agency; peace officers of city or

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[207] DOJ's interpretation of Government Code section 12525.5(a)(1) and (g)(1) is stated as follows: "Government Code section 12525.5, subdivision (a) provides that the reporting requirements apply only to those state and local agencies that employ "peace officers," a term that Government Code section 12525.5, subdivision (g)(1) limits for purposes of reporting agencies "to members of the California Highway Patrol, a city or county law enforcement agency, and California state or university educational institutions," excluding "probation officers and officers in a custodial setting." (Exhibit X, Final Statement of Reasons, Proposed Regulations, Title 11, Sections 999.224-999.229, page 8, https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/stop-data-reg-fsor-revised-110817.pdf (accessed on November 8, 2019).)

[208] The Legislature enacted chapter 4.5 of the Penal Code to "define peace officers, the extent of their jurisdiction, and the nature and scope of their authority, powers and duties." (*County of Santa Clara v. Deputy Sheriffs' Ass'n. of Santa Clara County, Inc.* (1992) 3 Cal.4th 873, 879; see also, *People v. Pennington* (2017) 3 Cal.5th 786, 792-793.)

county law enforcement agencies assigned to or contracted to work at housing or transit agencies; and school resource officers assigned to work in California state educational institutions.

(B) The California Highway Patrol.

(C) The law enforcement agencies of any California state or university educational institutions.

1. "California state educational institution" means any public elementary or secondary school; the governing board of a school district; or any combination of school districts or counties recognized as the administrative agency for public elementary or secondary schools.

   a. "The law enforcement agencies of California state educational institutions" refers to any police department established by a public school district pursuant to Education Code section 38000, subdivision (b).

2. "California university educational institution" means the University of California, the California State University, and any college of the California Community Colleges.

   a. "The law enforcement agencies of California university educational institutions" refers to the following:

      (1) Police departments of all campuses of the California State University established pursuant to Education Code section 89560;

      (2) Police departments of all campuses of the University of California established pursuant to Education Code section 92600; and

      (3) Police departments of all California community colleges established pursuant to Education Code section 72330.[209]

California Code of Regulations, Title 11, sections 999.225(d) further explains that "all peace officers employed by a reporting agency, except for probation officers [and officers in a custodial setting], are subject to this chapter even if the officer makes a stop while assigned or contracted to work for another governmental agency or a private entity pursuant to a contract or memorandum of understanding between the reporting agency and the government agency or private entity." Section 999.225(d)(1),(2) describes the following examples:

(1) Example: A peace officer of a reporting agency who is also a member of a federal task force is subject to this chapter when stopping a person while the officer is performing duties as part of the task force, regardless of whether the officer must also comply with federal data collection policies, if any.

[209] California Code of Regulations, title 11, section 999.224(a)(11), Register 2017, No. 46.

(2) Example: A peace officer of a reporting agency assigned to work as a school resource officer in a K-12 Public School pursuant to a memorandum of understanding or other contractual relationship is subject to this chapter when stopping a person while on that assignment.

The Final Statement of Reasons for the DOJ regulations further makes clear that off-duty officers are not required to collect and report stop data, as follows:

> . . . the Department has modified proposed Section 999.225, subdivision (d) to *delete* the provision that these reporting requirements apply to off-duty officers and to delete the examples pertaining to off-duty officers. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. As explained in the ISOR Addendum: "This amendment was made upon further review of the regulations because of the infrequent nature of such stops and the practical and logistical complications that may arise regarding the reporting by an officer who is off-duty. For example, an officer who is off-duty will be unable to complete the reporting requirement by the end of his or her shift, and my not have access to mobile or electronic devices, or other means of reporting the data electronically, as he or she would if on-duty."[210]

Thus, the local government reporting agencies required to comply with Government Code section 12525.5 and the test claim regulations are limited to city and county law enforcement agencies that employ peace officers (other than probationary and custodial officers) assigned to work in the city or county jurisdiction and those city and county peace officer employees assigned by contract to provide services for other government and private entities; and to K-12 and community college districts that have established police departments and employ peace officers. As described below, however, the test claim statutes and regulations do not impose a state-mandated program in all of these circumstances.

a. Government Code section 12525.5 and the test claim regulations do **not** impose a state-mandated program on K-12 school districts and community college districts.

The courts have made clear that activities required by state law, but triggered by a local discretionary decision (that is, action undertaken without any legal compulsion from the state or threat of penalty for nonparticipation) do not result in a state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.[211] In *Department of Finance v. Commission on State Mandates* (*POBRA*), the court addressed legislation that provided procedural protections to peace officers employed by counties, cities, and school districts when a

[210] Exhibit X, Final Statement of Reasons, Proposed Regulations, Title 11, Sections 999.224-999.229, pages 12-13, https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/stop-data-reg-fsor-revised-110817.pdf (accessed on November 8, 2019).

[211] *City of Merced v. State of California* (1984) 153 Cal.App.3d 777, 783; *Department of Finance v. Commission on State Mandates (Kern High School Dist.)* (2003) 30 Cal.4th 727, 742; *Department of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, 1363.

peace officer employee is subject to an interrogation by the employer, is facing punitive action, or receives an adverse comment in his or her personnel file. The court specifically held that "school districts . . . that are permitted by statute [i.e., Education Code sections 38000 and 72330], but not required, to employ peace officers who supplement the general law enforcement units of cities and counties" are not eligible to claim reimbursement under article XIII B, section 6 for the new activities required by the state because school districts and community college districts are not legally or practically compelled by state law to comply.[212] The court reasoned that unlike cities and counties,[213] school districts and community college districts do not have the provision of police protection as an essential and basic function, and instead make a discretionary decision to form a police department and employ peace officers pursuant to statutory authority:

> The Commission notes that *Carmel Valley Fire Protection Dist. v. State* characterizes police protection as one of "'the most essential and basic functions of local government.'" [Citation omitted.] However, that characterization is in the context of cities, counties, and districts that have as an ordinary, principal, and mandatory duty the provision of policing services within their territorial jurisdiction. A fire protection district perforce must hire firefighters to supply that protection.
>
> Thus, as to cities, counties, and such districts, new statutory duties that increase the costs of such services are prima facie reimbursable. This is true, notwithstanding a potential argument that such a local government's discretionary decision is voluntary in part, as to the number of personnel it hires. (See *San Diego Unified School Dist., supra*, 33 Cal.4th at p. 888. . . .) A school district, for example, has an analogous basic and mandatory duty to educate students. In the course of carrying out that duty, some "discretionary" expulsions will necessarily occur. [Citation to *San Diego Unified School Dist.* omitted.] Accordingly, San Diego Unified School Dist. suggests additional costs of "discretionary" expulsions should not be considered voluntary. Where, as a practical matter, it is inevitable that certain actions will occur in the administration of a mandatory program, costs attendant to those actions cannot fairly and reasonably be characterized as voluntary under the rationale of *City of Merced*. [Citation to *San Diego Unified School Dist*. omitted.]
>
> However, the districts in issue are authorized, but not required, to provide their own peace officers and do not have provision of police protection as an essential

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[212] *Department of Finance v. Commission on State Mandates* (*POBRA*) (2009) 170 Cal.App.4th 1355, 1357-1367.

[213] Article XI of the California Constitution provides for the formation of cities and counties. Section 1, Counties, states that the Legislature shall provide for an elected county sheriff. Section 5, City charter provision, specifies that "It shall be competent in all city charters to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State for: (1) the constitution, regulation, and government of the city police force . . . ." Government Code section 36501 further provides that "[t]he government of a general law city is vested in: . . . (d)A chief of police."

> and basic function. It is not essential unless there is a showing that, as a practical matter, exercising the authority to hire peace officers is the only reasonable means to carry out their core mandatory functions.[214]

In this case, section 999.224(a)(11) states that "any police department established by a public school district pursuant to Education Code section 38000, subdivision (b)" and "police departments of all California community colleges established pursuant to Education Code section 72330" are required to comply with Government Code section 12525.5 and the test claim regulations. Education Code section 38000(b) states that "The governing board of a school district *may* establish a school police department under the supervision of a school chief of police and, in accordance with Chapter 5 (commencing with a Section 45100) of Part 25, may employ peace officers, as defined in subdivision (b) of Section 830.32 of the Penal Code, to ensure the safety of school district personnel and pupils, and the security of the real and personal property of the school district."

Similarly, Education Code section 72330(a) states that "The governing board of a community college district *may* establish a community college police department under the supervision of a community college chief of police and, in accordance with Chapter 4 (commencing with Section 88000) of Part 51, may employ personnel as necessary to enforce the law on or near the campus of the community college and on or near other grounds or properties owned, operated, controlled, or administered by the community college or by the state acting on behalf of the community college."

Thus, as recognized by the court in *Department of Finance (POBRA)*, K-12 school districts and community college districts are authorized, but not mandated by state law, to have police departments and employ peace officers. Police protection is not a basic or essential function of K-12 school districts and community college districts. Thus, K-12 school districts and community college districts are not legally compelled to comply with the activities required by Government Code section 12525.5 and the test claim regulations. Nor is there any evidence in the record that, as a practical matter, exercising the authority to hire peace officers is the only reasonable means to carry out their core mandatory function to provide educational services.

Accordingly, the Commission finds that Government Code section 12525.5 and the test claim regulations do not impose a state-mandated program on K-12 school districts and community college districts and, thus, K-12 school districts and community college districts are not eligible to claim reimbursement for this program.

b. Government Code section 12525.5 and California Code of Regulations, Title 11, sections 999.224- 999.229, as added or amended by the test claim statutes and regulations do **not** impose a state-mandated program when a city or county assigns their peace officer employees out to work for other government or private entities based on a contract or memorandum of understanding.

As indicated above, California Code of Regulations, title 11, section 999.224(a)(11) states that "[a]ny city or county law enforcement agency that employs peace officers, *including officers who are contracted to work at other government agencies or private entities*" is a reporting

[214] *Department of Finance v. Commission on State Mandates* (*POBRA*) (2009) 170 Cal.App.4th 1355, 1367-1368.

agency and is required to comply with Government Code section 12525.5 and the test claim regulations. This includes,

- Peace officers assigned to work in cities or other jurisdictions that are not within the original jurisdiction of the city or county law enforcement agency.
- Peace officers of city or county law enforcement agencies assigned to or contracted to work at housing or transit agencies.
- School resource officers assigned to work in California state educational institutions.

Section 999.225(d) similarly provides that the peace officers assigned by the reporting agency (i.e., a city or county) to work for other governmental agencies under contractual arrangements (such as a federal task force) are "subject to this chapter" and must comply with the reporting requirements of the test claim statute and regulations.

Thus, the activities required by Government Code section 12525.5 and the test claim regulations apply when a county or city peace officer is assigned to work for other government (such as other cities or counties, housing or transit agencies, schools as their resource officer, or a federal task force) or private entities based on a contract or memorandum of understanding entered into by the county or city employer.

The Commission finds, however, that the test claim statutes and regulations do *not* impose a state-mandated program on city or county law enforcement agencies when the city or county assigns their peace officer employees *out* to work for other government entities (such as other cities or counties, housing or transit agencies, schools as their resource officer, or a federal task force) or private entities based on a contract or memorandum of understanding. In such cases, any costs incurred by the county or city to comply with Government Code section 12525.5 and California Code of Regulations, Title 11, sections 999.224- 999.229, as added or amended by the test claim statutes and regulations are triggered by the local discretionary decision to enter into the contract with the other entity, and are not mandated by the state. As indicated by the court in *Department of Finance v. Commission on State Mandates* (*POBRA*), cities and counties have as an ordinary, principal, and mandatory duty the provision of policing services *within their* territorial jurisdiction.[215] There is no duty to provide services by contract to other entities. Government Code section 53069.8 authorizes a county or city to enter into contract on behalf of the sheriff or chief of police to provide supplemental services to private entities. And Government Code section 51301 provides that "[a] board of supervisors may contract with a city, governed under general laws or charter, within the county, and the city legislative body may contract with the county for the performance by its appropriate officers and employees, of city functions."

The court in *Department of Finance v. Commission on State Mandates (Kern High School Dist.)* made it clear that activities required by state law, but triggered by a local discretionary decision,

[215] *Department of Finance v. Commission on State Mandates* (*POBRA*) (2009) 170 Cal.App.4th 1355, 1367, emphasis added.

do not result in a state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.[216]

Thus, the test claim statutes and regulations do not impose a state-mandated program when a city or county assigns their peace officer employees out to work for other government or private entities based on a contract or memorandum of understanding.

c. Government Code section 12525.5 and California Code of Regulations, Title 11, sections 999.224- 999.229, as added or amended by the test claim statutes and regulations constitute a state-mandated program on city and county law enforcement agencies that employ peace officers (other than probation officers and officers in a custodial setting) who perform the requirements of the test claim statute and regulations in their own jurisdictions, and cities and counties that **contract for** officers from other *city or county reporting agencies in order to carry out their basic and essential function of providing police protection services in their own jurisdictions.*

Section 999.224(a)(11) states that "[a]ny city or county law enforcement agency that employs peace officers" other than probation officers and officers in a custodial setting, is a reporting agency and is required to comply with Government Code section 12525.5 and the test claim regulations. As indicated by the court in *Department of Finance v. Commission on State Mandates* (*POBRA*), cities and counties have as an ordinary, principal, and mandatory duty the provision of policing services within their territorial jurisdiction and, thus, new statutory duties that increase the costs of such services are "prima facie reimbursable," notwithstanding the number of personnel it hires.[217] Thus, Government Code section 12525.5 and California Code of Regulations, Title 11, sections 999.224- 999.229, as added or amended by the test claim statutes and regulations impose a state-mandated program on city and county law enforcement agencies that employ peace officers to perform the requirements of the test claim statute and regulations in their own jurisdictions.

In addition, however, there are many cities that, by law, provide police protection services within their jurisdictions,[218] but contract with the county sheriff's department for those services within the city. It is estimated that nearly 30 percent of the cities in California contract with the county for police protection services.[219] Similarly, city or county law enforcement agencies that employ

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[216] See also, *City of Merced v. State of California* (1984) 153 Cal.App.3d 777, 783; *Department of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, 1363.

[217] *Department of Finance v. Commission on State Mandates* (*POBRA*) (2009) 170 Cal.App.4th 1355, 1367-1368.

[218] Article XI, section 5 of the California Constitution specifies that "It shall be competent in all city charters to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State for: (1) the constitution, regulation, and government of the city police force . . . ." Government Code section 36501 further provides that "[t]he government of a general law city is vested in: . . . (d) A chief of police."

[219] See Exhibit X, Abstract of the Peter J. Nelligan & William Bourns, Municipal Contracting With County Sheriffs for Police Services in California: Comparison of Cost and Effectiveness, 14 Police Q. 70 (2011), SAGE Journals,

peace officers have the authority to enter into contracts with other city and county law enforcement agencies for additional police protection services in their jurisdictions, and may need these supplemental services from time to time.[220] Under these circumstances, the Commission finds that Government Code section 12525.5 and California Code of Regulations, Title 11, sections 999.224- 999.229, as added or amended by the test claim statutes and regulations constitute a state-mandated program on city and county law enforcement agencies that contract *for* officers from other cities or counties in order to carry out their basic and essential function of providing police protection services in their own jurisdictions.

Although section 999.224(a)(11) defines reporting agencies as city or county law enforcement agencies that "employ" peace officers, the regulation defines peace officers required to comply with the collection and reporting activities broadly to include those city or county employees assigned to work in cities or other jurisdictions based on contract or memorandum of understanding. As indicated by the court in *Department of Finance v. Commission on State Mandates* (*POBRA*), cities and counties have as an ordinary, principal, and mandatory duty the provision of policing services *within their* territorial jurisdiction.[221] And in *San Diego Unified*, the court recognized that reimbursement under article XIII B, section 6 should not be foreclosed under the *City of Merced* and *Department of Finance v. Commission on State Mandates (Kern High School Dist.)* cases based on local decisions, such as the number of people to hire for example, in order to carry out the agency's core government function:

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https://journals.sagepub.com/doi/abs/10.1177/1098611110393133 (accessed on October 14, 2019).

For example, the Sheriff of Stanislaus County "provides contractual law enforcement services for the cities of Riverbank, Patterson, Waterford and Hughson. The contract funds police services and all general law enforcement services as specified in the respective contract with each city. Each city government, in partnership with the Sheriff's Department, establishes the level of service to be provided. Law enforcement services are based upon a philosophy of community-oriented policing which is the foundation to ensure and maintain a safe community for the residents of and visitors to Stanislaus County." (Exhibit X, Stanislaus County Sheriff's Department, Contract Cities, https://www.scsdonline.com/ops/contract-cities.html (accessed on December 5, 2019)).

In addition, the Los Angeles Sheriff's Department provides contractual law enforcement services for forty cities in Los Angeles County. (Exhibit X, Excerpt from the L. Baca, Contract Law Enforcement Services, Los Angeles Sheriff's Department, Contract Law Enforcement Bureau (revised January 2009), page 3, https://www.sheriffs.org/sites/default/files/uploads/CLESDocument.pdf (accessed on October 14, 2019)

[220] Government Code section 51301 provides that "A board of supervisors may contract with a city, governed under general laws or charter, within the county, and the city legislative body may contract with the county for the performance by its appropriate officers and employees, of city functions."

[221] *Department of Finance v. Commission on State Mandates* (*POBRA*) (2009) 170 Cal.App.4th 1355, 1367, emphasis added.

> Upon reflection, we agree with the District and amici curiae that there is reason to question an extension of the holding of *City of Merced* so as to preclude reimbursement under article XIII B, section 6 of the state Constitution and Government Code section 17514, whenever an entity makes an initial discretionary decision that in turn triggers mandated costs. Indeed, it would appear that under a strict application of the language in *City of Merced*, public entities would be denied reimbursement for state-mandated costs in apparent contravention of the intent underlying article XIII B, section 6 of the state Constitution and Government Code section 17514 and contrary to past decisions in which it has been established that reimbursement was in fact proper. For example, as explained above, in *Carmel Valley* [citation omitted], an executive order requiring that county firefighters be provided with protection clothing and safety equipment was found to create a reimbursable state mandated for the added costs of such clothing and equipment. [Citation omitted.] The court in *Carmel Valley* apparently did not contemplate that reimbursement would be foreclosed in that setting merely because a local agency possessed discretion concerning how many firefighters it would employ – and hence, in that sense, could control or perhaps even avoid the extra costs to which it would be subjected. Yet, under a strict application of the rule gleaned from *City of Merced* [citation omitted], such costs would not be reimbursable for the simple reason that the local agency's decision to employ firefighters involves an exercise of discretion concerning, for example, how many firefighters are needed to be employed, etc. We find it doubtful that the voters who enacted article XIII B, section 6, or the Legislature that adopted Government Code section 17514, intended that result, and hence we are reluctant to endorse, in this case, an application of the rule of *City of Merced* that might lead to such a result.[222]

Thus, the application of the rule in *City of Merced* and *Department of Finance v. Commission on State Mandates (Kern High School Dist.)* [that activities triggered by a local discretionary decision do not result in a state-mandated program] should not foreclose reimbursement based on a decision to employ peace officers or to contract with other cities or counties for peace officers to provide the police protection services in their jurisdictions.

Accordingly, the Commission finds that Government Code section 12525.5 and California Code of Regulations, Title 11, sections 999.224- 999.229, as added or amended by the test claim statutes and regulations constitute a state-mandated program on city and county law enforcement agencies that employ peace officers (other than probation officers and officers in a custodial setting) who perform the requirements of the test claim statute and regulations in their own jurisdictions, and on cities and counties that contract *for* officers from other city or county reporting agencies in order to carry out their basic and essential function of providing police protection services in their own jurisdictions.

[222] *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 888.

3. The activities mandated by Government Code section 12525.5, as added and amended by Statutes 2015, chapter 466 and Statutes 2017, chapter 328, and California Code of Regulations, Title 11, sections 999-224-999.229 (Register 2017, No. 46) constitute a new program or higher level of service.

State mandate reimbursement is not required for any and all costs that might be incurred by local government as an incident of a change in law or regulation. Alleged costs must be *mandated by the state*, and must constitute a *new program or higher level of service*, within the meaning of article XIII B, section 6. The California Supreme Court explained in *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46:

> Looking at the language of section 6 then, it seems clear that by itself the term "higher level of service" is meaningless. It must be read in conjunction with the predecessor phrase "new program" to give it meaning. Thus read, it is apparent that the subvention requirement for increased or higher level of service is directed to state mandated increases in the services provided by local agencies in existing "programs." But the term "program" itself is not defined in article XIII B. What programs then did the electorate have in mind when section 6 was adopted? We conclude that the drafters and the electorate had in mind the commonly understood meanings of the term – programs that carry out the governmental function of providing services to the public, or laws which, to implement a state policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state.[223]

Here, the activities mandated by the state are new. Prior law prohibited peace officers from engaging in racial profiling,[224] required every law enforcement officer in the state to participate in racial profiling training approved by POST;[225] and required submission of certain criminal statistics requested by the Attorney General, including in some cases, the person's age, gender, race, and ethnic background;[226] and required the Legislative Analyst's Office to conduct a study of the racial profiling data that was voluntarily collected by some law enforcement agencies, but it did not require the collection and reporting of the specific stop data or the manner of electronic reporting mandated by the test claim statutes and regulations.[227] And, though some local agencies were voluntarily collecting limited data on traffic stops before the enactment of the test claim statute, they were not mandated by state law to do so. The claimant describes its prior stop data collection activities as follows:

> [T]he Department already collected data on approximately ten elements related to a traffic stop -primarily on paper forms prior to AB 953 and Government Code it enacted that produced the alleged mandate 12525.5 (a) (1). SDPD's collection of data could be accomplished in a matter of seconds by sworn officers in the field

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[223] *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56, emphasis added.

[224] Penal Code section 13519.4(e) (Stats. 2000, ch. 684).

[225] Penal Code section 13519.4(f)(h) (Stats. 2000, ch. 684).

[226] Penal Code sections 13014 (Stats., ch. 1992, ch. 1338), 13023 (Stats. 1989, ch. 1172).

[227] Penal Code section 13519.4(j) (Stats. 2000, ch. 684).

> and later entered by data entry personnel without significantly increasing out of service time for sworn officers. Prior to AB 953, SDPD officers could also use their mobile computer to enter stop data, but since SDPD collected very limited stop data elements it could be collected and entered almost instantaneously. This SDPD practice was not mandated by any local, state or federal statutes, and conducted voluntarily by the Department.[228]

Government Code section 17565 states "[i]f a local agency or a school district, at its option, has been incurring costs which are subsequently mandated by the state, the state shall reimburse the local agency or school district for those costs incurred after the operative date of the mandate." No prior state law required local agencies to collect and submit an additional report on racial and identity profiling data for all stops made by their peace officers. Thus, the mandated activities with respect to collecting and reporting stop data to the DOJ are new.

In addition, the activities mandated by Government Code section 12525.5 and California Code of Regulations, title 11, sections 999.224- 999.229, as added or amended by the test claim statutes and regulations are unique to government as by the plain language of the statutes and regulations the requirements are only applicable to governmental entities. Moreover, the activities provide a peculiarly governmental service to the public – police protection is one of the most essential and basic functions of local government.[229] The legislative history of statutes 2015, chapter 466 indicated that by enacting this statute the Legislature "seeks to facilitate the development of evidence-based policing by establishing a system of collecting and reporting information on law enforcement stops" [230] and intends that the activities required "will help eliminate the harmful and unjust practice of racial and identity profiling, and improve the relationship between law enforcement and the communities they serve."[231]

Accordingly, Government Code section 12525.5 and California Code of Regulations, title 11, sections 999.224- 999.229, as added and amended by the test claim statutes impose a new program or higher level of service.

4. Government Code section 12525.5, as added and amended by Statutes 2015, chapter 466 and Statutes 2017, chapter 328, and California Code of Regulations, Title 11, sections 999.224- 999.229 (Register 2017, No. 46) impose increased costs mandated by the state for counties and cities within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

For the mandated activities to constitute reimbursable state-mandated activities under article XIII B, section 6 of the California Constitution, they must result in local agencies incurring increased costs mandated by the state. Government Code section 17514 defines "costs mandated by the state" as any increased cost that a local agency or school district incurs as a result of any

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[228] Exhibit A, Test Claim, page 10.

[229] *Carmel Valley Fire Protection Dist. v. State of California* (1987) 190 Cal.App.3d 521, 537.

[230] Exhibit A, Test Claim, page 56 (Senate Committee on Appropriations Analysis of AB 953 (2015-2016 Reg. Sess.), as amended August 27, 2015).

[231] Exhibit X, Senate Committee on Public Safety Analysis of AB 953, (2015-2016 Reg. Sess.), as amended June 30, 2015, page 7.

statute or executive order that mandates a new program or higher level of service. Government Code section 17564(a) further requires that no claim shall be made nor shall any payment be made unless the claim exceeds $1,000. In addition, a finding of costs mandated by the state means that none of the exceptions in Government Code section 17556 apply to deny the claim.

Here, the claimant alleges that it has incurred increased costs of $97,367.95 to comply with the mandate in fiscal year 2017-2018.[232] This amount includes costs for initial training, information technology staff costs for software update and testing, labor costs for stop data collection, and program manager labor costs.[233] The claimant supports these assertions with a declaration from Jeffrey Jordon, Lieutenant for the City of San Diego Police Department.[234] The claimant identifies the following actual costs incurred in fiscal year 2017-2018 with respect to stop data collection and reporting:[235]

> FY2017-2018 is the fiscal year the alleged mandate in GC 12525.5(a)(1) was implemented.

Activity	Date(s) Performed	Description	Cost
1) Initial Training	6/15/2018-6/26/2018	Online PowerPoint	$56,476.35
2) IT Activity	6/20/2018-6/27/2018	Software Update/Testing	$5,754.50
3) Data Collection	6/27/2018-6/30/2018	Officers Collecting Stop Data	$10,048.70
4) Program Manager	6/15/2018-6/30/2018	Implement Training	$25,088.40
Total			$97,367.95

The total costs alleged for the 2018-2019 fiscal year, and supported by the Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, amounted to $871,675.56, including the $744,005.98 in labor costs for stop data collection, $62,080.60 in supervisor training costs, $40,500.58 in information technology staff costs for DOJ compliance and reporting, and $ 25,088.40 in program manager labor costs.[236]

The claimant also estimated the statewide cost to implement the mandated activities at $18,000,000 for fiscal year 2018-2019.[237]

Finance argues that costs for the training provided by the claimant's police department to its sworn personnel in 2017-2018 and 2018-2019 "was not required under the relevant statutes, and

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[232] Exhibit A, Test Claim, page 14.

[233] Exhibit A, Test Claim, pages 11-14.

[234] Exhibit A, Test Claim, pages 20-21 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

[235] Exhibit A, Test Claim, page 20 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

[236] Exhibit A, Test Claim, pages 15-16 and page 20 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

[237] Exhibit A, Test Claim, pages 3, 16-17.

the associated costs are therefore not reimbursable."[238] According to Finance, the police department made a discretionary decision to provide training, and should therefore absorb the associated costs.[239] As indicated earlier in this Decision, training is not required by the plain language of the Government Code section 12525.5 or California Code of Regulations, title 11, sections 999.224- 999.229, as added or amended by the test claim statutes and regulations. However, training costs may be proposed by the claimant for consideration in the Parameters and Guidelines as a reasonably necessary activity. Even without the training costs, the record contains substantial evidence, which has not been disputed, that the claimant's costs to comply with the mandate in fiscal year 2017-2018 exceeded $1,000.

Additionally, no law or facts in the record support a finding that the exceptions specified in Government Code section 17556 apply to this claim. There is, for example, no law or evidence in the record that additional funds have been made available for the new state-mandated activities, or that there is any fee authority specifically intended to pay the costs of the alleged mandate.[240] Although claimant noted that "[t]here could be *potentially* some grants and funding sources to partially pay for the mandated regulations associated with AB 953 and the DOJ has spoken to SDPD about limited grant monies to assist purchasing equipment to facilitate data collection," the claimant states that it "is not aware of any *current* State, Federal, or other non-local agency funds to pay for its substantial costs already incurred and those anticipated going forward from the alleged statutory mandate."[241]

Based on the foregoing, the Commission finds that Government Code section 12525.5, as added and amended by Statutes 2015, chapter 466 and Statutes 2017, chapter 328 and California Code of Regulations, Title 11, sections 999.224- 999.229 (Register 2017, No. 46), impose increased costs mandated by the state within the meaning of article XIII B, section 6 and Government Code section 17514.

V. Conclusion

Based on the forgoing analysis, the Commission partially approves this Test Claim, with a reimbursement period beginning November 7, 2017, and finds that Government Code section 12525.5, as added and amended by Statutes 2015, chapter 466 and Statutes 2017, chapter 328, and California Code of Regulations, Title 11, sections 999.224- 999.229 (Register 2017, No. 46), constitute a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution *only* on city and county law enforcement agencies that employ peace officers (other than probation officers and officers in a custodial setting) to perform the requirements of the test claim statute and regulations for stops within their own jurisdictions, and city and county law enforcement agencies that contract for officers from other cities or counties in order to carry out their basic and essential function of providing police protection services in their jurisdictions, for the following activities:

[238] Exhibit B, Finance's Comments on the Test Claim, page 2.

[239] Exhibit B, Finance's Comments on the Test Claim, page 2.

[240] See Government Code section 17556(d-e).

[241] Exhibit A, Test Claim, page 17, emphasis added.

1. Identification of the peace officers required to report stops, and maintenance of a system to match individual officers to their Officer I.D. number

    a. On January 1 of each year until the agency begins reporting data to the DOJ, each reporting agency shall count the number of peace officers it employs who are required to report stops to determine the date that agency must start collecting stop data and reporting to the DOJ pursuant to Government Code section 12525.5(a)(1)(2). (Cal. Code Regs, tit. 11, § 999.227(a)(8) [Register 2017, No. 46].)

    b. Reporting agencies shall create the Officer's I.D. Number for each officer required to report stops (Cal. Code Regs, tit. 11, § 999.227(a)(11) [Register 2017, No. 46].)

    c. Reporting agencies shall maintain a system to match an individual officer required to report stops to his or her Officer's I.D. Number. (Cal. Code Regs, tit. 11, § 999.227(a)(11) [Register 2017, No. 46].)

2. Collection and reporting data on all stops, as defined,[242] conducted by that agency's peace officers for the preceding calendar year in accordance with sections 999.226(a) and 999.227 of the regulations.

    a. Begin collecting and reporting data on all stops on or before the following dates:

        (1) An agency that employs 1,000 or more peace officers shall begin collecting data on or before July 1, 2018, and shall issue its first round of reports on or before April 1, 2019.

        (2) An agency that employs 667 or more but less than 1,000 peace officers shall begin collecting data on or before January 1, 2019, and shall issue its first round of reports on or before April 1, 2020.

        (3) An agency that employs 334 or more but less than 667 peace officers shall begin collecting data on or before January 1, 2021, and shall issue its first round of reports on or before April 1, 2022.

        (4) An agency that employs one or more but less than 334 peace officers shall begin collecting data on or before January 1, 2022, and shall issue its first round of reports on or before April 1, 2023.

        (Gov. Code, § 12525.5(a)(2), Stats. 2017, ch. 328).

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[242] Government Code section 12525.5(g)(2) (Stats.2015, ch.466); see also, California Code of Regulations, title 11, section 999.224(a)(14) (Register 2017, No. 46), which defines a "stop" as "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;" section 999.227(b) and (c) for interactions that are not reportable as "stops;" and section 999.227(d) for peace officer interactions that are reportable only if the officer takes additional specified actions.

The following are not reportable:

(5) Data elements described in section 999.226(a) for passengers in vehicles subject to a stop who have not been observed or suspected of violating the law, or who have not been subjected to the officer's actions listed in section 999.226(a)(12)(A), excluding "Vehicle impounded" and "None".[243]

(6) Stops made during public safety mass evacuations.[244]

(7) Stops during an active shooter incident.[245]

(8) Stops that occur during or as a result of routine security screenings required of all persons to enter a building or special event, including metal detector screenings, including any secondary searches that result from the screening.[246]

(9) Interactions that take place with a person in his or her residence who is the subject of a warrant or search condition.[247]

(10) Interactions that take place with a person in his or her residence who is the subject of home detention or house arrest while an officer is on home detention or house arrest assignment.[248]

(11) Stops in a custodial setting.[249]

(12) Stops that occur while the officer is off-duty.[250]

b. The agency's peace officers shall collect the following required categories of stop data, and all applicable "data elements," "data values," and narrative explanatory fields described in section 999.226(a) for every person stopped, and in accordance with section 999.227(a)(4)-(6), (b) and (d) of the regulations, and complete all stop reports for stops made during the officer's shift by the end of the officer's shift, or if exigent circumstances preclude doing so, as soon as practicable: (Gov. Code, §12525.5(b), Stats. 2015, ch.

[243] California Code of Regulations, title 11, section 999.227(b) (Register 2017, No. 46).

[244] California Code of Regulations, title 11, section 999.227(c)(1) (Register 2017, No. 46).

[245] California Code of Regulations, title 11, section 999.227(c)(2) (Register 2017, No. 46).

[246] California Code of Regulations, title 11, section 999.227(c)(3) (Register 2017, No. 46).

[247] California Code of Regulations, title 11, section 999.227(d)(2) (Register 2017, No. 46).

[248] California Code of Regulations, title 11, section 999.227(d)(3) (Register 2017, No. 46).

[249] California Code of Regulations, title 11, section 999.225(c) (Register 2017, No. 46).

[250] Exhibit X, Final Statement of Reasons, Proposed Regulations, Title 11, Sections 999.224-999.229, pages 12-13, https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/stop-data-reg-fsor-revised-110817.pdf (accessed on November 8, 2019).

466; Cal Code Regs., tit. 11, §§999.226(a), 999.227(a)(1)(2)(4)(5)(6)(9), (b) and (d) [Register 2017, No. 46].)

(1) "ORI number," which is "the data element that refers to the reporting agency's Originating Agency Identifier, a unique identification code number assigned by the Federal Bureau of Investigation." (Cal Code Regs., tit. 11, § 999. 226(a)(1) [Register 2017, No. 46].)

(2) "Date, Time, and Duration of Stop." (Gov. Code, §12525.5(b)(1), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(2) [Register 2017, No. 46].)

(3) "Location of Stop." (Gov. Code, §12525.5(b)(1), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(3) [Register 2017, No. 46].)

(4) "Perceived Race or Ethnicity of Person Stopped" (Gov. Code, § 12525.5(b)(6), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(4) [Register 2017, No. 46].)

(5) "Perceived Gender of Person Stopped." (Gov. Code, §12525.5(b)(6), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(5) [Register 2017, No. 46].)

(6) "Person Stopped Perceived to be LGBT." (Cal Code Regs., tit. 11, § 999.226(a)(6) [Register 2017, No. 46].)

(7) "Perceived Age of Person Stopped." (Gov. Code, §12525.5(b)(6), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(7) [Register 2017, No. 46].)

(8) "Person Stopped Has Limited or No English Fluency." (Cal Code Regs, tit. 11, § 999.226(a)(8) [Register 2017, No. 46].)

(9) "Perceived or Known Disability of Person Stopped." (Cal Code Regs., tit. 11, § 999.226(a)(9) [Register 2017, No. 46].)

(10) "Reason for Stop." (Gov. Code, §12525.5(b)(2), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(10) [Register 2017, No. 46].)

(11) "Stop Made in Response to a Call for Service." (Cal Code Regs., tit. 11, § 999.226(a)(11) [Register 2017, No. 46].)

(12) "Actions Taken by Officer During Stop." (Gov. Code, §12525.5(b)(7), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(12) [Register 2017, No. 46].)

(13) "Result of Stop." (Gov. Code, §12525.5(b)(3)(4)(5), Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.226(a)(13) [Register 2017, No. 46].)

(14) "Officer's Identification (I.D.) Number." (Cal Code Regs., tit. 11, § 999.226(a)(14) [Register 2017, No. 46].)

(15) "Officer's Years of Experience." (Cal Code Regs., tit. 11, § 999.226(a)(15) [Register 2017, No. 46].)

(16) "Type of Assignment of Officer." (Cal Code Regs., tit. 11, § 999.226(a)(16) [Register 2017, No. 46].)

c. The following additional data values shall be reported for stops (as defined in section 999.227(e)(3) of the regulations) at a K-12 school: the name of the school where the stop took place; indicate if the stop is of a student, whether there is a perceived disability related to hyperactivity or impulsive behavior of the student, the possible conduct warranting discipline under the Education Code, whether there was an admission or written statement obtained from the student, whether the student is suspected of violating school policy, and whether the student was referred to a school administrator or counselor. (Cal Code Regs., tit. 11, § 999.227(e)(3)(4) [Register 2017, No. 46].)

3. Electronic submission of data to DOJ and retention of stop data collected

a. Submit all required stop data to the system developed by the DOJ in electronic format that complies with the DOJ interface specifications via one of the three approved submission methods: (1) a web-browser based application developed by the DOJ; (2) a system-to-system web service; and (3) a secured file transfer protocol. (Cal Code Regs., tit. 11, § 999.228(a), (b) [Register 2017, No. 46].)

b. Authorize and remove users to the system as necessary. Automated systems handling stop data and the information derived therein shall be secure from unauthorized access, alteration, deletion or release. (Cal Code Regs., tit. 11, § 999.228(e) [Register 2017, No. 46].)

c. Each reporting agency, *except* those agencies that report stop data via the DOJ web-browser based application, shall keep a record of its source data for three years and to make it available for inspection by DOJ. (Cal Code Regs., tit. 11, § 999.228(h) [Register 2017, No. 46].)

4. Audits and validation of data collected

a. Ensure that the technical specifications for data values are consistent with the regulations and follow the data dictionary prepared by DOJ. (Cal Code Regs., tit. 11, § 999.224(a)(5) [Register 2017, No. 46].)

b. Ensure that all data elements, data values, and narrative explanatory fields conform to the regulations and correct any errors in the data submission process through the DOJ's error resolution process. (Cal Code Regs., tit. 11, § 999.229(b) [Register 2017, No. 46].)

c. Agencies submitting records via the system-to-system web service or the secure file transfer protocol shall include a unique stop record number for each stop, so that DOJ can use the record number to relay information on errors when necessary. (Cal Code Regs., tit. 11, § 999.229(c) [Register 2017, No. 46].)

5. For stop data collected, ensure that the name, address, social security number, or other unique personally identifiable information of the individual stopped, searched, or subjected to property seizure, and the badge number or other unique identifying information of the peace officer involved, is not transmitted to the Attorney General in an open text field. (Gov. Code, § 12525.5, Stats. 2015, ch. 466; Cal Code Regs., tit. 11, § 999.228(d) [Register 2017, No. 46].)

The test claim statutes and regulations do not impose a state-mandated program for K-12 school districts or community college districts and, thus, these entities are not eligible for reimbursement. In addition, the test claim statutes and regulations do not impose a state-mandated program when a city or county assigns their peace officer employees *out* to work for other government or private entities based on a contract or memorandum of understanding. There is no requirement in law that a city of county contract out their law enforcement officers and any costs resulting from the discretionary decision to do so are not mandated by the State.

Moreover, Penal Code sections 13012 and 13519.4, as amended by Statutes 2015, chapter 466 and Statutes 2017, chapter 328, do not impose any activities on local government, and thus, do not constitute a reimbursable state-mandated program within the meaning of article XIII B, Section 6 of the California Constitution.

All other activities and costs alleged in the Test Claim are not mandated by the plain language of the test claim statute, but may be proposed by claimant for inclusion in the Parameters and Guidelines pursuant to Government Code section 17557(a), and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5.

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 December 31, 2019, I served the:

- **Draft Proposed Decision, Schedule for Comments, and Notice of Hearing issued December 31, 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[1]
  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 December 31, 2019 at Sacramento, California.

Jill L. Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

[1] 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: 12/31/19

Claim Number: 18-TC-02

Matter: Racial and Identity Profiling

Claimant: City of San Diego

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

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SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair
2015 - 2016 Regular

Bill No:	AB 953	**Hearing Date:**	July 7, 2015
Author:	Weber		
Version:	June 30, 2015		
Urgency:	No	**Fiscal:**	Yes
Consultant:	JRD		

Subject: ***Law Enforcement: Racial Profiling***

HISTORY

Source: American Civil Liberties Union of California; California State Conference of the NAACP; Youth Justice Coalition; Asian Americans Advancing Justice – Sacramento; PICO California; Reform California; Dignity & Power Now

Prior Legislation:
AB 2133 (Torrico) – died Assembly Public Safety, 2006
AB 788 (Firebaugh) – died in Assembly, 2001
SB 1102 (Murray) – Chapter 684, Statutes of 2000
SB 78 (Murray) – vetoed, 1999
AB 1264 (Murray) – vetoed, 1998

Support: Advancing Justice; Advancement Project; AIDS Project Los Angeles; Alliance for Boys and Men of Color; American Federation of State, County and Municipal Employees; API Equality-LA; Asian Law Alliance; Asian Pacific Islander Legal Outreach; Bay Area Youth Summit; Board of Rabbis of Southern California; Brown Boi Project; California Black Health Network; California Immigrant Policy Center; California Nurses Association; California Partnership; California State Council of Service Employees International; City of West Hollywood; Children's Defense Fund—California; Community Coalition; Council on American-Islamic Relations; Courage Campaign; Dignity & Power Now; Drug Policy Alliance; Ella Baker Center for Human Rights; Empowering Pacific Islander Communities; Equal Justice Society; FACTS Education Fund and Faire Chance Project; Friends Committee of Legislation of California; The Greenlining Institute; Immigrant Legal Resource Center; Immigrant Youth Coalition; Islamic Shura Council; Interfaith Center for Worker Justice; Japanese American Citizens League; Justice for Immigrants Coalition of Inland Southern California; the K.W. Lee Center for Leadership; LA Progressive; Lawyers' Committee for Civil Rights of the San Francisco Bay Area; Legal Services for Prisoners with Children; Los Angeles Black Worker Center; Los Angeles LGBT Center; Los Angeles Regional Reentry Project; Los Angeles Urban League; Mexican American Legal Defense and Education Fund (MALDEF); National Center for Lesbian Rights; National Lawyers Guild; National Asian Pacific American Women's Forum; A New Path; PACT: People Acting in Community Together; PolicyLink; Progressive Christians Uniting; San Francisco Public Defender; San Diego Immigrant Rights Consortium; San Diego LGBT Community Center; South Asian Network; Priority Africa Network; Southeast Asia Resource Action Center

Opposition: California State Sheriffs' Association; Association for Los Angeles Deputy Sheriffs; California College and University Police Chiefs Association; California Correctional Supervisors Organization; California Narcotic Officers Association; California Police Chiefs Association; California Association of Highway Patrolmen; Los Angeles Police Protective League; Riverside Sheriffs Association

Assembly Floor Vote: 45 - 27

PURPOSE

The purpose of this bill is to: 1) modify the definition of "racial profiling;" 2) require local law enforcement agencies to report specified information on stops to the Attorney General's office; and, 3) establish the Racial and Identity Profiling Advisory Board (RIPA).

Existing law prohibits a law enforcement officer from engaging in racial profiling. (Penal Code § 13519.4(f).)

Existing law defines "racial profiling," as "the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped." (Penal Code § 13519.4(e).)

Existing law requires that the course of basic training for law enforcement officers include adequate instruction on racial and cultural diversity in order to foster mutual respect and cooperation between law enforcement and members of all racial and cultural groups. (Penal Code § 13519.4(b).)

Existing law requires the DOJ to present to the Governor, on or before July 1st, an annual report containing the criminal statistics of the preceding calendar year. (Penal Code § 13010(g).)

Existing law mandates that the annual report contain statistics showing all of the following:

- The amount and the types of offenses known to the public authorities;
- The personal and social characteristics of criminals and delinquents;
- The administrative actions taken by law enforcement, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with criminals or delinquents;
- The administrative actions taken by law enforcement, prosecutorial, judicial, penal, and correctional agencies, including those in the juvenile justice system, in dealing with minors who are the subject of a petition or hearing in the juvenile court to transfer their case to the jurisdiction of an adult criminal court or whose cases are directly filed or otherwise initiated in an adult criminal court; and,
- The number of citizens' complaints received by law enforcement agencies, as specified. The statistics must indicate the total number of these complaints, the number alleging criminal conduct of either a felony or misdemeanor, and the number sustained in each category. The report shall not contain a reference to any individual agency but shall be by gross numbers only.

(Penal Code § 13012.)

Existing law requires state and local law enforcement agencies to report statistical data to the DOJ at those times and in the manner that the Attorney General prescribes. (Penal Code § 13020.)

This bill requires, beginning March 1, 2018, each state and local agency that employs peace officers to annually report to the Attorney General's office data on all stops, as specified, conducted by that agency's peace officers for the preceding calendar year.

This bill requires the reporting to include the following information for each stop:

- The reason for the stop;
- The result of the stop, such as no action, warning, citation, property seizure, or arrest;
- If a warning or citation was issued, the warning provided or violation cited;
- If an arrest was made, the offense charged;
- 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 requirement applies only to the driver unless actions taken by the officer apply in relation to a passenger, in which case his or her characteristics shall also be reported.
- Actions taken by the officer during the stop, including, but not limited to, the following:
    - Whether the officer asked for consent to search the person, and if so, whether consent was provided;
    - Whether the 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; and
    - Whether the officer seized any property and, if so, the type of property that was seized, and the basis for seizing the property.

This bill provides that if more than one peace officer performs a stop, only one officer is required to collect and report the necessary information.

This bill 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.

This bill states that, notwithstanding any other law, the data reported shall be made available to the public to the extent which release is permissible under state law, with the exception of badge number, or other unique identifying information of the officer involved.

This bill requires the Attorney General, to issue regulations for the collection and reporting of the required data by January 1, 2017. The Attorney General should consult with specified stakeholders in issuing the regulations.

This bill mandates that the regulations 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.

This bill requires each state and local law enforcement agency to publicly report the data on an annual basis beginning on July 1, 2018. The report should be posted on the law enforcement agency's Web site, and in the event the agency does not have a Web site, it shall be posted on the Department of Justice (DOJ) Web site.

This bill requires retention of the reported data for at least five years.

This bill mandates that the Attorney General annually analyze the data collected and report its findings from the first analysis by January 1, 2019. Reports are to be posted on the DOJ Web site.

This bill specifies that all data and reports made under these provisions are public records, as specified, and are open to public inspection.

This bill limits the definition of a "peace officer" for purposes of this section to "members of the California Highway Patrol, a city or county law enforcement agency and California state or university educational institutions." And, the definition explicitly states that peace officer, as used in this section, do not include probation officers and officers in a custodial setting.

This bill defines "stop" for purposes of this section, as "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."

This bill revises the content of the DOJ annual report on criminal statistics to report the total number of each of the following citizen complaints:

- Citizen complaints against law enforcement personnel;
- Citizen complaints alleging criminal conduct of either a felony or misdemeanor;
- Citizen complaints alleging racial or identity profiling, disaggregated by the specific type of racial or identity profiling alleged.

This bill specifies that the statistics on citizen complaints must identify their dispositions as being sustained, exonerated, not sustained, unfounded, as specified.

This bill revises legislative findings and declarations regarding racial and identity profiling.

This bill renames "racial profiling" as "racial or identity profiling" and redefines it as "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 and 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 activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as, asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest."

This bill requires any peace officer who has a complaint of racial or identity profiling that is sustained to participate in training to correct racial and identity profiling at least every six months for two years.

This bill mandates the Attorney General establish RIPA beginning July 1, 2016, for the purpose of eliminating racial and identity profiling, and improving diversity and racial sensitivity in law enforcement.

This bill provides that RIPA shall include the following members:

- The Attorney General, or a designee;
- The President of the California Public Defenders Association, or a designee;
- The President of the California Police Chiefs Association, or a designee;
- The President of the California State Sheriffs' Association, or a designee;
- The President of the Peace Officers Research Association of California, or a designee;
- The Commissioner of the California Association of Highway Patrolmen, or a designee;
- The Chair of the California Legislative Black Caucus, or designee;
- The Chair of the California Latino Legislative Caucus, or designee;
- The Chair of the California Asian and Pacific Islander Legislative Caucus, or designee;
- The Chair of the California Lesbian, Gay, Bisexual, and Transgender Legislative Caucus, or designee;
- A university professor who specializes in policing, and racial and identity equity;
- Two representatives of civil or human rights tax-exempt organizations who specialize in civil and human rights and criminal justice;
- Two representatives of community organizations specializing in civil or human rights and criminal justice and who work with victims of racial and identity profiling;
- Two clergy members who specialize in addressing and reducing racial and identity bias toward individuals and groups or practices; and,
- Up to two other members that the Attorney General may prescribe.

This bill tasks RIPA with the following:

- Analyzing data reported, as specified;
- Analyzing law enforcement training on racial and identity profiling;
- Work in partnership with state and local law enforcement agencies to review and analyze racial and identity profiling policies and practices;
- Issuing an annual report the first of which shall be issued by January 1, 2018, and posting the reports on its Internet Web site; and,
- Holding at least three annual public meetings to discuss racial and identity profiling and potential reforms, as specified.

RECEIVERSHIP/OVERCROWDING CRISIS AGGRAVATION

For the past eight years, this Committee has scrutinized legislation referred to its jurisdiction for any potential impact on prison overcrowding. Mindful of the United States Supreme Court ruling and federal court orders relating to the state's ability to provide a constitutional level of health care to its inmate population and the related issue of prison overcrowding, this Committee has applied its "ROCA" policy as a content-neutral, provisional measure necessary to ensure that the Legislature does not erode progress in reducing prison overcrowding.

On February 10, 2014, the federal court ordered California to reduce its in-state adult institution population to 137.5% of design capacity by February 28, 2016, as follows:

- 143% of design bed capacity by June 30, 2014;
- 141.5% of design bed capacity by February 28, 2015; and,
- 137.5% of design bed capacity by February 28, 2016.

In February of this year the administration reported that as "of February 11, 2015, 112,993 inmates were housed in the State's 34 adult institutions, which amounts to 136.6% of design bed capacity, and 8,828 inmates were housed in out-of-state facilities. This current population is now below the court-ordered reduction to 137.5% of design bed capacity." (Defendants' February 2015 Status Report In Response To February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (fn. omitted).

While significant gains have been made in reducing the prison population, the state now must stabilize these advances and demonstrate to the federal court that California has in place the "durable solution" to prison overcrowding "consistently demanded" by the court. (Opinion Re: Order Granting in Part and Denying in Part Defendants' Request For Extension of December 31, 2013 Deadline, NO. 2:90-cv-0520 LKK DAD (PC), 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (2-10-14). The Committee's consideration of bills that may impact the prison population therefore will be informed by the following questions:

- Whether a proposal erodes a measure which has contributed to reducing the prison population;
- Whether a proposal addresses a major area of public safety or criminal activity for which there is no other reasonable, appropriate remedy;
- Whether a proposal addresses a crime which is directly dangerous to the physical safety of others for which there is no other reasonably appropriate sanction;
- Whether a proposal corrects a constitutional problem or legislative drafting error; and
- Whether a proposal proposes penalties which are proportionate, and cannot be achieved through any other reasonably appropriate remedy.

COMMENTS

1. Need for Legislation

According to the author:

> AB 953 will help eliminate the harmful and unjust practice of racial and identity profiling, and improve the relationship between law enforcement and the communities they serve. AB 953 promotes equal protection and prevents unreasonable searches and seizures.
>
> Peace officers risk their lives every day, and the people of California greatly appreciate their hard work and dedication to public safety. At the same time, a recent poll shows that 55% of Californians and 85% of African-Americans in California believe that "blacks and other minorities do not receive equal treatment

in the criminal justice system."[1] Racial and identity profiling significantly contributes to this lack of confidence in our justice system.

Racial and identity profiling occurs when law enforcement personnel stop, search, seize property from, or interrogate a person without evidence of criminal activity. Studies show that profiling often occurs due to unconscious biases about particular demographic identities.[2]

AB 953 would prevent profiling by, among other things, clarifying and modernizing California's current prohibition against profiling to better account for the ways in which profiling occurs, establishing a uniform system for collecting and analyzing data on law enforcement-community interactions, and establishing an advisory board that investigates profiling patterns and practices and provides recommendations on how to curb its harmful impact.

2. Effect of Legislation

Law enforcement officers are prohibited from engaging in racial profiling. (Penal Code § 13519.4(f).) "Racial profiling" is currently defined as the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped. (Penal Code § 13519.4(e).)

Although racial profiling is prohibited, studies show that racial profiling by law enforcement does occur. For example, according to a report by the Oakland Police Department, African-Americans, who compose 28 percent of Oakland's population, accounted for 62 percent of police stops from last April to November. The figures also showed that stops of African-Americans were more likely to result in felony arrests. 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. (http://www.mercurynews.com/crime-courts/ci_25410009/report-blacks-comprise-62-percent-oakland-police-stops.)

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."… "The Justice Department's concerns, which were conveyed in a recent letter obtained by The Times, are a setback for the LAPD, which remains under federal oversight on the issue." 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." (http://articles.latimes.com/2010/nov/14/local/la-me-lapd-bias-20101114.)

3. Argument in Support

The American Civil Liberties Union of California states, in part:

[1] Mark Aaldassare et al., *Californians & their government*, (PPIC Jan. 2015).
[2] Tracey G. Gove, *Implicit Bias and Law Enforcement*, Police Chief Magazine (Oct. 2011), <http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=2499&issue_id=102011>.)

. . . AB 953 Would Facilitate the Development of Evidenced-Based Policing by Establishing a Uniform System for Collecting and Reporting Information on Stops, Searches and Property Seizures

In *A Resource Guide on Racial Profiling Data Collection Systems: Promising Practices and Lessons Learned*, the federal DOJ explains that having a system for collecting and reporting data on law enforcement stops, searches and property seizures facilitates the development of evidenced-based solutions to profiling, and builds public confidence in law enforcement:

> [I]n the long run the systemic collection of statistics and information regarding law enforcement activities support community policing by building trust and respect for the police in the community. The only way to move the discussion from rhetoric and accusation to a more rational dialogue about appropriate enforcement strategies is to collect the information that will either allay community concerns about the activities of the police or help communities ascertain the scope and magnitude of the problem.[3]

The federal DOJ's *Resource Guide* also highlights that agencies collecting such data now have computerized and radio-dispatch systems that alleviate the need for outdated written forms, and allow officers to report stops, searches and seizures in mere seconds.[4]

. . . AB 953 Would Facilitate the Development of Solutions that Improve Law Enforcement-Community Relations by Creating a Racial and Identity Profiling Advisory Board

In light of recommendations from the Police Executive Research Forum ("PERF") and the federal DOJ's Office of Community Oriented Policing Services ("COPS"), AB 953 would create a diverse, multi-stakeholder advisory committee, called the "Racial and Identity Profiling Advisory Board," composed of social scientists and policing experts, as well as representatives of law enforcement, civil rights groups, clergy, and the Legislature. The Advisory Board would be tasked with the duty of analyzing data, training programs, and policies and practices on profiling, and making recommendations on how to prevent profiling. According to PERF and COPS, this approach not only provides the benefit of facilitating "buy in" by law enforcement officers who collect data, but also helps enhance the credibility of research efforts, and increases the likelihood that communities view data reporting and recommended reforms as legitimate.[5]

---

[3] *A Resource Guide on Racial Profiling Data Collection System: Promising Practices and Lessons Learned* at 5 (2000), *available at* http://justice.utah.gov/Documents/Research/Race/DOJResourceGuide.pdf.

[4] *A Resource Guide on Racial Profiling Data Collection System: Promising Practices and Lessons Learned at 5 (2000), available at http://justice.utah.gov/Documents/Research/Race/DOJResourceGuide.pdf.*

- "The additional time an officer needs to clear a call is less than three seconds." *Id*. at 20.
- "It is estimated that it will take officers an additional 20 to 30 seconds to enter the data by making choices on the computer pulldown menus." *Id*. at 26.

[5] Lori A. Fridell, *By the Numbers: A Guide for Analyzing Race Data from Vehicle Stops*, 38-41 (PERF & COPS 2004); Lori Fridell et al., *Racial Biased Policing: A Principled Response*, 102-104 (PERF & COPS 2001).

> In sum, the persistence of profiling in our state violates the U.S. and California Constitutions by betraying the fundamental promise of equal protection, and infringing upon the guarantee that all people shall be free from unreasonable searches and seizures. It also misdirects limited resources away from evidenced-based policing and the efficient pursuit of individuals who actually pose a threat to public safety, thus making all Californians less safe. To improve public safety, protect the fundamental rights of all Californians, and advance police-community relations, the ACLU of California strongly supports the enactment of AB 953.

4. Argument in Opposition

According to the California State Sheriffs' Association:

> The California State Sheriffs' Association (CSSA) remains opposed to Assembly Bill 953, which would hinder important police work and enact costly requirements on law enforcement agencies regarding racial profiling.
>
> AB 953 significantly expands the definition of racial profiling such that it prevents an officer from relying on identifying characteristics in any way in terms of deciding how to conduct police work. Specifically, by prohibiting an officer from considering or relying on, to any degree, a person's 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, this bill would prevent an officer from using the fact that a person appears to be a Caucasian female in deciding how to respond to a "be on the lookout" order that indicates that a white woman is suspected to have committed a crime. If such a person were stopped because of a traffic violation, the perceived race and gender characteristics could not be considered in deciding whether to escalate enforcement activities.
>
> Additionally, AB 953 would require every law enforcement agency to annually report to the Attorney General (AG) data on all stops. Some of the data points that must be collected at every stop include: the reason for, and result of, the stop; if an arrest was made, the offense charged; whether the subject was searched; and the perceived race or ethnicity, gender, and approximate age of the person stopped, provided 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. In essence, and counterintuitively, the bill seeks to combat racial profiling by requiring peace officers to pay very close attention to the race of the people with whom they interact.
>
> Respectfully, AB 953 will hamstring peace officers and prevent them from doing their jobs effectively. The bill is overly broad and will result in negative impacts on public safety and local budgets. For these reasons, CSSA must oppose AB 953.

-- END –

Office of Senate Floor Analyses
(916) 651-1520 Fax: (916) 327-4478

THIRD READING

Bill No: AB 953
Author: Weber (D), et al.
Amended: 8/31/15 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 7/7/15
AYES: Hancock, Glazer, Leno, Liu, Monning
NOES: Stone
NO VOTE RECORDED: Anderson

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/27/15
AYES: Lara, Beall, Hill, Leyva, Mendoza
NOES: Bates, Nielsen

ASSEMBLY FLOOR: 45-27, 6/3/15 - See last page for vote

SUBJECT: Law enforcement: racial profiling

SOURCE: American Civil Liberties Union of California
Asian Americans Advancing Justice – Sacramento
California State Conference of the NAACP
Dignity & Power Now
PICO California
Reform California
Youth Justice Coalition

DIGEST: This bill 1) modifies the definition of "racial profiling;" 2) requires local law enforcement agencies to report specified information on stops to the Attorney General's office; and, 3) establishes the Racial and Identity Profiling Advisory Board (RIPA).

ANALYSIS:

Existing law:

1) Prohibits a law enforcement officer from engaging in racial profiling. (Penal Code § 13519.4(f).)

2) Defines "racial profiling," as "the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped." (Penal Code § 13519.4(e).)

3) Requires the Department of Justice (DOJ) to present to the Governor, on or before July 1st, an annual report containing the criminal statistics of the preceding calendar year. (Penal Code § 13010(g).)

4) Mandates that the annual report contain specified information (Penal Code § 13012.)

5) Requires state and local law enforcement agencies to report statistical data to the DOJ at those times and in the manner that the Attorney General prescribes. (Penal Code § 13020.)

This bill:

1) Requires each state and local agency that employs peace officers to report, at least annually, to the Attorney General's office data on stops, as specified, conducted by that agency's peace officers for the preceding calendar year.

2) Phases-in the mandated data reporting requirement on law enforcement agencies, as follows:

   a) Each agency that employs 1,000 or more peace officers shall issue its first round of reports on or before April 1, 2019.

   b) Each agency that employs 667 or more but less than 1,000 peace officers shall issue its first round of reports on or before April 1, 2020.

   c) Each agency that employs 334 or more but less than 667 peace officers shall issue its first round of reports on or before April 1, 2022.

d) Each agency that employs one or more but less than 334 peace officers shall issue its first round of reports on or before April 1, 2023.

3) Requires the reporting to include the following information for each stop:

a) The reason for the stop;

b) The result of the stop, such as no action, warning, citation, property seizure, or arrest;

c) If a warning or citation was issued, the warning provided or violation cited;

d) If an arrest was made, the offense charged;

e) 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 requirement applies only to the driver unless actions taken by the officer apply in relation to a passenger, in which case his or her characteristics shall also be reported; and

f) Actions taken by the officer during the stop, including, but not limited to, the following:

i) Whether the officer asked for consent to search the person, and if so, whether consent was provided;

ii) Whether the 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; and,

iii) Whether the officer seized any property and, if so, the type of property that was seized, and the basis for seizing the property.

4) Requires the Attorney General, to issue regulations for the collection and reporting, as specified.

5) Mandates that the Attorney General annually analyze the data collected and report its findings, as specified. Reports are to be posted on the DOJ Web site.

6) Revises the content of the DOJ annual report on criminal statistics to report the total number of citizen complaints, as specified.

7) Renames "racial profiling" as "racial or identity profiling" and redefines it as "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 and 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 activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as, asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest."

8) Mandates the Attorney General establish RIPA beginning July 1, 2016, for the purpose of eliminating racial and identity profiling, and improving diversity and racial sensitivity in law enforcement.

9) Provides that RIPA shall include a number of members, a specified.

10) Tasks RIPA with the following:

    a) Analyzing data reported, as specified;

    b) Analyzing law enforcement training on racial and identity profiling;

    c) Working 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) Conducting, and consulting available, evidenced-based research on intentional and implicit biases, and law enforcement stop, search, and seizure tactics;

    e) Issuing an annual report the first of which shall be issued by January 1, 2018, and posting the reports on its Internet Web site; and,

    f) Holding at least three annual public meetings to discuss racial and identity profiling and potential reforms, as specified.

Comments

Although racial profiling is prohibited, studies show that racial profiling by law enforcement does occur. For example, according to a report by the Oakland Police Department, African-Americans, who compose 28 percent of Oakland's population, accounted for 62 percent of police stops from last April to November. The figures also showed that stops of African-Americans were more likely to result in felony arrests. 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. (http://www.mercurynews.com/crime-courts/ci_25410009/report-blacks-comprise-62-percent-oakland-police-stops.)

NOTE: See Senate Public Safety Committee analysis for a complete discussion of this bill.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- Data collection, reporting, retention, and training: Major future one-time and ongoing costs, potentially in the millions to tens of millions of dollars annually, once fully phased in, to local law enforcement agencies for data collection, reporting, and retention requirements specified in this bill. Additional costs for training on the process would likely be required. There are currently 482 cities and 58 counties in California. To the extent local agency expenditures qualify as a reimbursable state mandate, agencies could claim reimbursement of those costs (General Fund). While costs could vary widely, for context, the Commission on State Mandates' statewide cost estimate for *Crime Statistics Reports for the DOJ* reflects eligible reimbursement of over $13.6 million per year for slightly over 50 percent of local agencies reporting.

- DOJ impact: Major one-time and ongoing costs of $2.6 million in 2015-16, $5.9 million in 2016-17, and $5.1 million (General Fund) annually thereafter, for resources to create the database to collect and retain the data, complete data collection and reporting requirements. Minor, absorbable impact to aggregate and post annual reports received to its website.

- RIPA: One-time costs of $1.7 million in 2015-16, and $3 million (General Fund) in 2016-17 and 2017-18 to establish and oversee activities of the Board. Ongoing costs of $1.5 million annually (General Fund) for activities including analyzing data, issuing annual reports, reviewing policies and procedures, and holding at least three annual public meetings.

- CHP impact: Potentially significant one-time costs of about $1 million (Motor Vehicle Account) to modify its existing database, create the program to generate the report, and train personnel. Ongoing increase in workload costs potentially in the range of $250,000 to $500,000 (Motor Vehicle Account) for data collection and reporting activities. Data for 2013-14 from the CHP indicates approximately 3.1 million enforcement actions potentially subject to the data collection and reporting provisions of this bill.

- CSU/UC police impact: Potentially significant ongoing non-reimbursable costs to California State University police and University of California police officers – the CSM has determined CSU and UC use of campus police is a discretionary act, and therefore any mandated costs are not subject to state reimbursement.

SUPPORT: (Verified 8/28/15)

American Civil Liberties Union of California (co-source)
Asian Americans Advancing Justice – Sacramento (co-source)
California State Conference of the NAACP (co-source)
Dignity & Power Now (co-source)
PICO California (co-source)
Reform California (co-source)
Youth Justice Coalition (co-source)
A New Path
Advancement Project
Advancing Justice
AIDS Project Los Angeles
Alliance for Boys and Men of Color
American Federation of State, County and Municipal Employees
API Equality-LA
Asian Law Alliance
Asian Pacific Islander Legal Outreach
Bay Area Youth Summit
Board of Rabbis of Southern California
Brown Boi Project

California Attorneys for Criminal Justice
California Black Health Network
California Immigrant Policy Center
California Nurses Association
California Partnership
California State Council of Service Employees International
Children's Defense Fund—California
City of West Hollywood
Coalition for Humane Immigrant Rights of Los Angeles
Community Coalition
Council on American-Islamic Relations
Courage Campaign
Dignity & Power Now
Drug Policy Alliance
Ella Baker Center for Human Rights
Empowering Pacific Islander Communities
Equal Justice Society
FACTS Education Fund and Faire Chance Project
Friends Committee of Legislation of California
Immigrant Legal Resource Center
Immigrant Youth Coalition
Interfaith Center for Worker Justice
Islamic Shura Council
Japanese American Citizens League
Justice for Immigrants Coalition of Inland Southern California
LA Progressive
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
Legal Services for Prisoners with Children
Los Angeles Black Worker Center
Los Angeles LGBT Center
Los Angeles Regional Reentry Project
Los Angeles Urban League
Lutheran Office of Public Policy
Mexican American Legal Defense and Education Fund
National Asian Pacific American Women's Forum
National Center for Lesbian Rights
National Lawyers Guild
PACT: People Acting in Community Together
PolicyLink
Priority Africa Network

Progressive Christians Uniting
San Diego Immigrant Rights Consortium
San Diego LGBT Community Center
San Francisco Public Defender
South Asian Network
Southeast Asia Resource Action Center
The Greenlining Institute
The K.W. Lee Center for Leadership

OPPOSITION: (Verified 8/28/15)

Association for Los Angeles Deputy Sheriffs
California Association of Highway Patrolmen
California College and University Police Chiefs Association
California Correctional Supervisors Organization
California Narcotic Officers Association
California Police Chiefs Association
California State Lodge, Fraternal Order of Police
California State Sheriffs' Association
Long Beach Police Officers Association
Los Angeles County Professional Peace Officers Association
Los Angeles Police Protective League
Peace Officers Research Association of California
Riverside Sheriffs Association
Sacramento County Deputy Sheriffs' Association

ARGUMENTS IN SUPPORT: According to the Advancement Project:

> People throughout California have long been plagued by the humiliating and frightening act of racial and identity profiling. In 2000, for example, the Legislature found that "racial profiling is a practice that presents a great danger to the fundamental principles of a democratic society," and declared that "it is abhorrent and cannot be tolerated." [Footnote omitted.] Subsequently, the Legislative Analyst's Office concluded that California's current prohibition against such acts is over-vague and that law enforcement agencies have resisted following it. [Footnote omitted.]
>
> As one of numerous examples, a 2015 report by a police department in California found that blacks were stopped twice as often as their driving age demographic representation, and that blacks and Latinos were

respectively searched at three and two times the rate of whites. To add, those searches showed that blacks and Latinos were less likely to be arrested. [Footnote omitted.]

The persistence of profiling in our state violates the U.S. and California Constitutions by betraying the fundamental promise of equal protection, and infringing upon the guarantee that all people shall be free from unreasonable searches and seizures. It also misdirects limited resources away from evidenced-based policing and the efficient pursuit of individuals who actually pose a threat to public safety, thus making all Californians less safe.

ARGUMENTS IN OPPOSITION: According to the California State Sheriffs' Association:

AB 953 significantly expands the definition of racial profiling such that it prevents an officer from relying on identifying characteristics in any way in terms of deciding how to conduct police work. Specifically, by prohibiting an officer from considering or relying on, to any degree, a person's 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, this bill would prevent an officer from using the fact that a person appears to be a Caucasian female in deciding how to respond to a "be on the lookout" order that indicates that a white woman is suspected to have committed a crime. If such a person were stopped because of a traffic violation, the perceived race and gender characteristics could not be considered in deciding whether to escalate enforcement activities.

Additionally, AB 953 would require every law enforcement agency to annually report to the Attorney General (AG) data on all stops. Some of the data points that must be collected at every stop include: the reason for, and result of, the stop; if an arrest was made, the offense charged; whether the subject was searched; and the perceived race or ethnicity, gender, and approximate age of the person stopped, provided 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. In essence, and

counterintuitively, the bill seeks to combat racial profiling by requiring peace officers to pay very close attention to the race of the people with whom they interact.

Respectfully, AB 953 will hamstring peace officers and prevent them from doing their jobs effectively. The bill is overly broad and will result in negative impacts on public safety and local budgets. For these reasons, CSSA must oppose AB 953.

ASSEMBLY FLOOR: 45-27, 6/3/15
AYES: Alejo, Bloom, Bonilla, Bonta, Brown, Burke, Calderon, Campos, Chau, Chiu, Cooley, Dababneh, Daly, Dodd, Eggman, Frazier, Cristina Garcia, Eduardo Garcia, Gipson, Gomez, Gonzalez, Gordon, Gray, Roger Hernández, Holden, Jones-Sawyer, Levine, Lopez, Low, McCarty, Medina, Mullin, Nazarian, Perea, Quirk, Rendon, Ridley-Thomas, Salas, Santiago, Mark Stone, Thurmond, Ting, Weber, Williams, Atkins
NOES: Achadjian, Travis Allen, Baker, Bigelow, Brough, Chang, Chávez, Dahle, Beth Gaines, Gallagher, Gatto, Grove, Harper, Jones, Kim, Lackey, Linder, Mathis, Mayes, Melendez, Obernolte, Olsen, Patterson, Steinorth, Wagner, Waldron, Wilk
NO VOTE RECORDED: Chu, Cooper, Hadley, Irwin, Maienschein, O'Donnell, Rodriguez, Wood

Prepared by: Jessica Devencenzi / PUB. S. /
8/30/15 19:42:25

****** END ******

BILL NUMBER: SB 78
VETOED DATE: 09/28/1999

Los Angeles, CA

September 28, 1999

To the Members of the Senate: I am returning Senate Bill 78 without my signature.

Motorists who have been stopped by police for no reason other than the color of their skin or apparent nationality may very well be the victims of discriminatory practices of that law enforcement agency. It is abhorrent and I do not condone such practice.

But this legislation does not provide the answer. SB 78 does not outlaw the practice of racial profiling, and it is questionable whether the information gathered - at a potential cost of tens of millions of dollars - would provide any more meaningful information than is currently available. And, while evidence points to a few specific areas where this problem has occurred, there is no evidence that this practice is taking place statewide requiring sweeping legislation that mandates state scru tiny of every local law enforcement agency in California.

I have great respect for the working men and women in California law enforcement that risk their lives each day. I do not believe it is appropriate for state government to place additional burdens on law enforcement officers during a traffic stop. I do, however, call upon locally elected mayors, city council members, and board of supervisors to urge their local law enforcement agencies to voluntarily cooperate.

To date, more than 35 local law enforcement jurisdictions have announced voluntary efforts to gather the type of information requested in this legislation, including San Jose, Alameda County, San Diego, and San Francisco.

In addition, I am directing the California Highway Patrol to establish a 3-year program to record and analyze data on all traffic stops by CHP officers beginning January 1, 2000. This data will be made available to the Legislature and the public on an annual basis beginning January, 2001 with a final report to be submitted no later than January 31, 2003.

I am also directing the CHP to collect the data, where possible, from any jurisdiction voluntarily gathering this information to be analyzed and included in their report to the Legislature. I strongly encourage local mayors and county supervisors to contribute data from their area of jurisdiction to the CHP to assist in this process.

Racial profiling is a practice that presents a great danger to the fundamental principles of a democratic society.

Sincerely,

GRAY DAVIS

LAO
60 YEARS OF SERVICE

August 27,2002

An Evaluation of Racial Profiling Data Collection and Training

In an effort to determine the extent to which racial disparity is a factor in traffic enforcement, many law enforcement agencies in California have begun collecting traffic-stop data. In this report, we discuss many of the issues concerning the collection and analysis of these data. We analyze the data collected from the California Highway Patrol and a number of local departments. We recommend a number of changes for racial profiling data collection, analysis, and training in the state in order to improve their effectiveness.

Introduction

Over the past several years, the use of race by law enforcement agencies in their policing activities has received considerable attention across the country. The controversy regarding "racial profiling" has centered on police departments' practices related to traffic stops—examining whether police have targeted drivers on the basis of their race or ethnicity. Significant anecdotal evidence has suggested that some departments may be treating drivers of some races or ethnicities differently than white drivers. In an effort to determine the extent to which race is a factor in police stops, many departments have begun collecting traffic-stop data. These data collection efforts typically involve recording the race of each driver stopped. The racial mix of the traffic stops is then compared to a "benchmark"—often the racial mix of the jurisdiction's overall population—in order to determine if drivers of particular races are disproportionately stopped by law enforcement.

In response to these concerns, the Legislature enacted Chapter 684, Statutes of 2000 (SB 1102, Murray). Chapter 684:

- Forbids law enforcement officers from engaging in racial profiling.
- Expands the mandatory training of officers to include coursework on racial profiling.

Chapter 684 directs the Legislative Analyst's Office to evaluate (1) the data voluntarily collected by police departments in California regarding racial profiling and (2) the value of the new required training.

In preparing this report, we have reviewed national reports and data from California law enforcement agencies. We also consulted with representatives from local law enforcement, relevant state agencies, and civil rights organizations. This report begins with a discussion of key racial profiling issues—national studies on the topic, definitions, and tradeoffs inherent in data collection. We then evaluate the data-collection efforts in California. Finally, we review the implementation of the training course required by Chapter 684.

National Racial Profiling Reports

As concerns about racial profiling have been raised around the country, several organizations have prepared reports on the subject. In order to provide an overview of the current landscape on racial profiling, we discuss below a number of these reports which focus on data-collection and analysis issues. In short, these national studies reflect the difficulty for all interested perspectives (law enforcement, local communities, government,

and academia) in finding a mutually acceptable methodology for analyzing and explaining race data collected by police departments. Later in this analysis, we review reports pertaining to selected law enforcement agencies in California.

General Accounting Office (GAO) Report. Congress's GAO released a report in March 2000 entitled *Racial Profiling: Limited Data Available on Motorist Stops* which reviewed five quantitative racial profiling analyses available at that time. In its review, the GAO found that minority drivers were more likely to be stopped by police in comparison to their overall representation in the populations to which they were compared. The GAO concluded, however, that these studies "have not provided conclusive empirical data from a social science standpoint to determine the extent to which racial profiling may occur." The GAO found that the reports failed to "fully examine whether different groups may have been at different levels of risk for being stopped" (due to the rate and severity of traffic violations committed) and the reports did not sufficiently rule out factors other than race to explain the differences. In other words, the reports' benchmarks did not adequately establish whether there is variation among racial and ethnic groups' actual violations of traffic laws and the rates at which they are stopped by law enforcement personnel.

Bureau of Justice Statistics Report. As part of a national survey of police-public contacts, the U.S. Department of Justice's (U.S. DOJ) *Characteristics of Drivers Stopped by Police, 1999* found that on a national level, black drivers were somewhat more likely than white drivers to be stopped. On the other hand, Hispanic drivers were less likely than either black or white drivers to be stopped. The report did not attempt to draw any conclusions regarding profiling and stated, "To form evidence of racial profiling, the survey would have to show (all other things being equal)—blacks and/or Hispanics were no more likely than whites to violate traffic laws, and police pulled over blacks and/or Hispanics at a higher rate than whites. Because the survey has information only on how often persons of different races are stopped, not on how often they actually break traffic laws, analysis of data from the 1999 Police-Public Contact Survey cannot determine whether or to what extent racial profiling exists."

U.S. DOJ Report. In response to many police departments beginning racial profiling data-collection projects, the U.S. DOJ released
A Resource Guide on Racial Profiling Data Collection Systems in November 2000. The resource guide provides recommendations to police departments opting to begin a data collection process. Among its recommendations are to convene a community task force to determine a city's data needs and develop a relationship with an academic or research partner to perform data analysis. In seeking to develop appropriate benchmarks for which to compare the racial demographics of traffic stops, the report concludes: "More research is needed to determine the most useful way to analyze data on stops and searches. By experimenting with various benchmark comparisons, practical methods can be designed."

Police Executive Research Forum (PERF) Report. The PERF released *Racially Biased Policing: A Principled Response* in 2001. The report provides guidance to police departments undertaking data-collection projects, including data element recommendations and suggestions on data analysis. The report did not make any recommendations on establishing comparative benchmarks, but PERF plans to release a best practices report on data analysis methodologies later in 2002. In addition to data issues, the study stresses the importance of making changes in department accountability, policies, hiring, training, and community outreach to address police race issues.

Defining Racial Profiling

The debate over racial profiling has been complicated by parties using multiple definitions. Variation among these definitions means that interested parties are often discussing different types of police practices, behavior, and stops. As such, proposals to prohibit racial profiling would prevent a range of police activities depending on which definition was used.

Federal Constitutional Protections. The 4th (unreasonable searches and seizures) and 14th (equal protection of the laws) amendments of the U.S. Constitution provide a framework for the protection of drivers from

indiscriminately being targeted by the police in traffic stops. In moving to define and outlaw racial profiling practices, state legislatures have needed to consider whether they intend to (1) specifically ban police behavior which is already unconstitutional under federal law or (2) provide additional protections which go beyond existing federal law.

California State Law. Chapter 684 prohibits law enforcement officers in California from engaging in racial profiling. Chapter 684 defines racial profiling as "the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped."

Wide Spectrum of Other Definitions in Use. In addition to the definition specified in state law, a number of California law enforcement agencies have developed their own working definitions. Likewise, the U.S. DOJ's Resource Guide, PERF, and other organizations have set forth their own definitions. Figure 1 presents a number of these definitions. No consensus on an appropriate definition has emerged. The definitions reflect a continuum in the degree to which they would restrict law enforcement activities. The debates over definition typically center on a few key issues:

Figure 1

Various Racial Profiling Definitions

Chapter 684, Statutes of 2000 (SB 1102, Murray)

- "'Racial profiling,' for purposes of this section, is the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped."

California Highway Patrol

- "'Racial profiling' is defined for this report as occurring when a police officer initiates a traffic or investigative contact based primarily on the race/ethnicity of the individual."

U.S. Department of Justice Resources Guide on Racial Profiling

- "For this guide, racial profiling is defined as any police-initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity."

Police Executive Research Forum

- "'Racially biased policing' occurs when law enforcement inappropriately considers race or ethnicity when deciding with whom and how to intervene in an enforcement capacity."

City of San Jose

- "Racial profiling during traffic stops occurs when a police officer initiates a traffic stop solely upon the race of the driver of a motor vehicle."

American Civil Liberties Union

- "Racial profiling is the use of race by law enforcement in any fashion and to any degree when making decisions about whom to stop, interrogate, search, or arrest—except where there is a specific suspect description."

- ***Suspect-Specific Information.*** Can police use race as one of the demographic characteristics in seeking a specific crime suspect? For instance, the definitions from Chapter 684, U.S. DOJ, and the American Civil Liberties Union (ACLU) specifically allow the use of race as part of a description of a suspect in a particular crime.
- ***Race in Conjunction With Other Information.*** Can police stop an individual using race as a factor, in conjunction with other information, when a specific suspect is not involved? The City of San Jose's definition, for example, would allow officers to consider the race of a driver as long as other factors were also used in the decision to initiate a stop.
- ***Traffic Stops.*** Does the prohibition of certain police activity apply only to traffic stops or to all department activities?

Current State Definition Needs Improvement. Our review of Chapter 684's definition of racial profiling found that it lacks specificity. It seems to reflect the Legislature's interest in applying a prohibition of profiling to all police activity (rather than traffic stops alone). Yet, the definition is vague in terms of what is meant by a "broad set of criteria." Furthermore, the definition does not explicitly use the term race—leaving open whether it is intended to prevent profiling based on gender, age, or other characteristics. In our research, we found that a number of practitioners resisted using the state definition due to its vagueness. Consequently, we recommend that the Legislature revisit its definition of racial profiling and develop one which more explicitly defines what activities are acceptable under state law.

Choosing an Appropriate Definition. In developing a more explicit definition, the Legislature should ensure that it meets a number of criteria.

- ***Meet Legislature's Policy Preferences.*** The continuum of racial profiling definitions reflects a tradeoff between race protection and police flexibility. The Legislature's definition should reflect, therefore, its policy choice regarding this tradeoff.
- ***Explicit Standards.*** To the extent possible, an effective definition should be explicit in what actions are allowed and not allowed by law enforcement officers. Without this level of specificity, officers can encounter too many "gray areas" where they do not know if their procedures are legally acceptable.
- ***Used Statewide.*** A definition which forbids the use of racial profiling in California should be used by all relevant components of the law enforcement community. Enacting a definition in state law which is implemented by the California Highway Patrol (CHP), Commission on Peace Officer Standards and Training (POST), and local departments would provide the maximum change in law enforcement behavior.

Factors Influencing the Collection of Race Data

In order to determine whether their officers engage in racial profiling, many law enforcement departments in California have chosen to develop data collection systems. Some departments have integrated their data collection systems with increased training and management oversight. When departments consider undertaking a race-based data collection project, they must consider a number of factors. Below, we discuss the potential benefits and drawbacks that departments must consider. Based on our review of departments' experiences with data collection, we found that the benefits from data collection have tended to exceed the drawbacks, as discussed below. At the same time, each department must evaluate their specific circumstances. For agencies which have had no community complaints and/or already closely monitor officer behavior in other ways, undertaking race-based data collection may not be the most efficient use of resources.

Potential Benefits

Based on our review of departments' experiences with data collection, we discuss a number of potential benefits below.

Determining If a Problem Exists and, If So, Seeking Solutions. In most cases, the primary purpose of undertaking data collection will be to determine whether racial disparities in police activity exist and, if so, why. Identifying any problems would then allow a department to begin searching for solutions.

Due to the high number of traffic stops conducted in most jurisdictions, analyzing data on a departmentwide level would not likely provide information regarding the conduct of specific officers. Instead, for those departments which either formally or informally connect their data collection with individual officers or units, they may be able to identify outliers from typical officer behavior. Departments may then be able to learn any reason for the outliers and take any necessary corrective actions.

Improved Community Relations. A number of departments have begun data collection after concerns were raised by the public regarding police practices. According to a number of departments, the willingness to collect

data has helped to improve their relationship with the public.

Improved Management of Resources. Some agencies that have undertaken data collection projects have discovered that the data gathered can be informative to the management of officer resources and behavior. For those departments, they often learn new information about what types of stops and searches their officers are making. Management can then decide if these practices are the most efficient allocation of department resources.

Legal Protection. Some departments across the country have been accused in lawsuits of engaging in racial profiling. Without the collection of their own data, departments can have a difficult time in court defending their practices. At the same time, some departments have expressed concerns that any data that they do collect could be used against them in court.

Potential Drawbacks

Despite the benefits discussed above, some departments have encountered drawbacks from data collection.

Lack of Definitive Answers. Simply collecting race-based data does not help a department answer questions about its practices. Instead, it must then arrange for the analysis of the data—
to seek explanations of the data's meaning. As discussed in more detail below, this analysis process often leads to more questions than answers, which can be frustrating for both the police and the community.

Potential for Reduced Enforcement. Some critics of data collection have argued that if officers believe they are being monitored, they will "disengage" from police activity. That is, officers would selectively reduce their traffic stops in order to avoid any behavior which might be perceived as racially biased.

Increased Costs. In most cases, departments will experience some up-front costs for establishing the data collection system and then ongoing costs for data entry and analysis. Some departments have been able to integrate their race-based data collection with existing systems—substantially reducing their up-front costs.

Issues in Implementing Data Collection

If a department chooses to begin data collection, it typically faces a number of challenges in implementing an effective system. Below, based on department experiences and the national reports described above, we review the most important considerations for those departments implementing a data collection system for racial profiling purposes.

Time Concerns of Officers. Police officers complete a wide variety of paperwork for their daily traffic stops. Adding additional requirements has the potential to slow officers down and limit their ability to move onto their next activity. There is a tradeoff, therefore, that departments must make between choosing a data collection method which is quick to use and which collects thorough data.

Accuracy of Data Collection. Data collection systems rely on officers to accurately report the data from their stops. It is important to implement systems to oversee and double-check the data collection to ensure the reliability of the data recorded.

Type of Contacts. As noted above, one of the major differences in the various definitions of racial profiling concerns the types of police activities covered. Departments must make a similar choice governing the types of police activities covered by their data collection system. While tracking all traffic stops (including those leading only to a verbal warning) has become generally accepted as the minimum information that should be collected, some departments have opted to cover all their contacts with the public, including pedestrian interactions. The choice of what type of police activities to cover should match the definition in use by the department.

Data Elements. One of the most difficult implementation decisions that departments face is choosing which data elements to require their officers to record. Additional data elements yield more information and insight into

department practices, but also require additional time for collection and analysis. Major data categories include the location of the stop, residency and demographic characteristics of the driver, reason for the stop, disposition of the stop, length of the stop, whether a search was conducted, what type of search, and the results of the search. Figure 2 shows the data elements that both the U.S. DOJ Resource Guide and PERF recommend that law enforcement agencies collect.

Figure 2

Traffic Stop Data Elements Recommended for Collection[a]

Basic Stop Information

- Date.
- Time.
- Location.
- Length of stop.
- Identity of officer.

Identity of Individual Stopped

- Race and ethnicity.
- Age.
- Gender.

Type of Stop

- Reason for the stop.
- Outcome of the stop.

Search Information

- Whether search was performed.
- Legal basis for search.
- What was searched.
- Whether contraband was found.
- Description of any property seized.

[a] Elements recommended by both the U.S. Department of Justice and Police Executive Research Forum.

Community Task Forces. A number of departments across the country have had considerable success using a community task force of public members to help develop and oversee their race-based data collection system. These task forces can help ensure that the project will address specific concerns of the community and improve the working relationship between the police and the public.

Officer-Specific Data. Connecting data on traffic stops with the officer that performed that stop allows a department to have a more complete picture of an officer's activities and identify any outliers from standard department practices. Yet, due to officer resistance, many departments have opted to not link their data collection with an officer's identity. For those departments opting for officer confidentiality, maintaining data at the unit or shift level still protects confidentiality while allowing more sophisticated data analysis than would be possible with departmentwide data.

Racial Profiling Data Collection in California

California Highway Patrol's Data Collection

In 1999, the Legislature approved SB 78 (Murray) which directed CHP and local law enforcement agencies to begin collecting data on the race or ethnicity of all motorists stopped for traffic enforcement or investigation. The Governor vetoed the bill but directed CHP to begin collecting race, gender, and age data from all traffic stops made by its officers from 2000 through 2002 and to submit its findings to the Governor and Legislature in three annual reports.

CHP's 2000 Report

While the Governor issued his directive in September 1999, CHP actually began collecting demographic data on its "public contacts" two months earlier in July 1999. Public contacts include all stops by CHP officers in order to conduct physical arrests, issue citations, provide verbal warnings, or provide nonenforcement services to motorists.

The CHP defined racial profiling as occurring when an officer initiates a traffic or investigative contact based *primarily* on the race or ethnicity of the individual. In October 1999, CHP expanded its data collection to track not only the demographic characteristics of its public contacts but also the outcome of each contact.

In July 2000, CHP issued a report that summarized data on more than 2.6 million contacts between its approximately 5,900 uniformed officers and members of the public between July 1999 and April 2000. The categories of contacts included 2.1 million "enforcement contacts" in which officers stopped motorists who were suspected of violating laws or regulations, 470,000 stops to provide motorist services unrelated to law enforcement (such as providing information or assisting the driver of a disabled vehicle), and almost 32,000 cases in which officers responded to collisions.

The CHP data showed that both blacks and whites represented larger proportions of CHP's public contacts than their shares of the state's population. Motorists of Asian and Hispanic descent accounted for smaller proportions of the CHP's contacts than their representation in the general population. For example, the report indicated that blacks represented about 7 percent of the state's population and 8 percent *each* of CHP's enforcement contacts, motorist services, and collisions. Hispanics represented 30 percent of the population and 26 percent of CHP enforcement contacts and motorist service contacts.

The report concluded that because CHP officers provided positive services (motorist services and collision assistance) to blacks in the same proportion as enforcement contacts, CHP officers do not employ race or ethnicity as a basis for enforcement stops and do not engage in racial profiling. However, as discussed below, our review indicates that the data are inconclusive.

Additional Analysis Needed

Despite the large number of contacts covered by the CHP report, the analysis of the data collected is minimal and incomplete. Specifically, the report presents only statewide aggregate totals on the race or ethnicity of CHP contacts and does not offer an explanation as to why the demographic makeup of both its enforcement contacts and its motorist services differ from the state population. The level of analysis in the report is insufficient to ascertain the incidence of racial profiling to any degree of certainty. In order to gain a better understanding of the nature of CHP's public contacts, we recommend that future reports include a more thorough analysis of the data.

Regional Analysis Would Provide More Accurate Assessment. Although CHP's database includes the location of each incident, the report contains only statewide totals and does not break down the results by region. Because there may be significant demographic differences among different regions of the state, we believe that a regional breakdown and analysis would provide a more accurate assessment of the demographic composition of CHP's contacts.

Better Model of Highway User Population Would Be Useful. The report notes that the ethnic composition of the state's highway users may be different from the ethnic composition of the statewide population. This is significant because, in order to determine whether profiling has taken place, the demographic composition of

CHP's enforcement contacts should be compared with the demographic characteristics of the highway users in CHP enforcement areas. The report instead compares the enforcement contacts to the overall state population. No analysis was performed to ascertain the extent to which demographic characteristics of the state population differ from highway users.

There are limited means to ascertain the racial background of California's driving population because such information is not collected by the state. The CHP could try, however, a variety of analytical techniques to determine whether the demographic differences between highway users and the overall population of different regions are significant. For example, CHP could conduct a survey to determine Californians' driving patterns. In addition, CHP could perform spot checks at designated test locations along state highways. The checks could consist of "windshield tests" in which observers record the race or ethnicity of drivers who pass through designated points. The demographic composition of the highway users could then be compared with the composition of the overall population for each area. As we note later in this report, such a technique has been used by other law enforcement agencies in these racial profiling studies.

Definitive Conclusion Difficult. Even with the analysis recommended above, it will be difficult for CHP to definitively conclude whether racial profiling is occurring. As noted by GAO and the U.S. DOJ, it is difficult to ascertain the extent of racial profiling in traffic stops without baseline data that establish whether there is actual variation among different racial and ethnic groups' violation of traffic laws. Nevertheless, by undertaking a more vigorous analysis of the data, CHP would gain a better understanding of the role of race in its public contacts. As noted above, CHP is scheduled to collect race data through the end of 2002. If it desires continued data collection, the Legislature, therefore, would need to direct the department to extend the time frame of the project.

Follow-Up Reports Overdue

The Governor's order that established CHP's demographic data collection program directed the department to report its findings to the Legislature in three annual reports. Two years have passed since the first report was published. The CHP states that it submitted its second report to the Business, Transportation and Housing Agency on August 6, 2001, but it has not been released. We recommend that the Legislature request the release of the second report and the expedited preparation of the third report.

Voluntary Participation by Local Agencies Limited

In addition to collecting and analyzing CHP's own data, the Governor directed the department to include in its annual reports information from local agencies that voluntarily submit data on the racial composition of their public contacts. Of the 433 local law enforcement agencies contacted by CHP, only 16 agencies submitted data for inclusion in the 2000 report (see Figure 3).

Figure 3

Jurisdictions Included in CHP's 2000 Report

Alameda
Amador County
Anderson
Angels Camp
Corning
Livermore
Newark
Palo Alto

Piedmont
Pleasanton
Redding
San Leandro
San Luis Obispo County
University of California, Berkeley
University of California, San Francisco
Woodland

For CHP's 2000 report, the 16 participating local agencies submitted data in a variety of formats with various levels of detail. The CHP did not attempt to standardize the information collected to enable comparisons among different agencies. Instead, the report merely included photocopies of the information provided by each agency as an appendix. The CHP did not provide any analysis of the local data reported.

Grant Funds Have Somewhat Increased Participation

To provide an incentive for local law enforcement agencies to collect racial composition data on their public contacts, the Legislature established a grant program in 2000-01. Funds were provided to local agencies to cover their costs of data collection. The 2000-01 budget provided a $5 million appropriation for this purpose. Agencies were eligible for grants between $5,000 and $75,000, depending on their number of sworn officers, as well as supplemental allocations. To date, about
$4 million has been provided to local agencies.

As shown in Figure 4, the number of local agencies voluntarily participating in the program has grown to 78. Based upon a survey performed by the ACLU in 2001, at least another 14 jurisdictions are collecting race data but have opted to not participate in the state grant program. In total, 16 sheriffs, 75 police departments, and 1 community college district were collecting data as of 2001. These agencies serve more than 40 percent of the state's population. Some local agencies report that they are reluctant to participate in the state's program because of the effort required to collect data and concerns that the information they report could be misinterpreted and used against them.

Figure 4

Local Jurisdictions Collecting Race Data, 2001

Participation in CHP Grant Program	
Adelanto	Mill Valley
Alameda County	Modesto
Alturas	Morro Bay
Amador County	Napa County
Angels Camp	Newark
Arcata	Novato
Banning	Oakdale
Beaumont	Oakland
Bell Gardens	Palo Alto
Belmont	Placer County
Benicia	Placerville
Berkeley	Redding
Blue Lake	Richmond
Capitola	Riverside
Chula Vista	Rocklin

Corning	Roseville
Dixon	Sacramento
Fairfax	Sacramento County
Fresno	San Diego
Fresno County	San Luis Obispo County
Greenfield	Santa Clara County

Participation in CHP Grant Program	
Half Moon Bay	Santa Cruz
Huntington Beach	Santa Cruz County
Inyo County	Sausalito
Ione	Scotts Valley
Isleton	Sonoma County
Kensington	Stanislaus County
Livermore	Stockton
Livingston	Sutter County
Los Angeles	Sutter Creek
Los Angeles County	Tiburon
Mammoth Lakes	Tulelake
Manteca	Vacaville
Marin Community College	Watsonville
Marin County	West Sacramento
Marysville	Wheatland
Menlo Park	Yolo County
Merced County	

Additional Jurisdictions Reported as Collecting Data in ACLU Survey	
Alameda	Piedmont
Citrus Heights	Pleasanton
Colusa County	San Carlos
Davis	San Francisco
Emeryville	San Jose
Fremont	San Leandro
Hayward	Union City

Local Data Lack Standardization

Although the number of participating agencies has increased since the publication of CHP's report, the information they provide continues to lack a standard format. After the 2000 report was issued, CHP developed a sample format (see Figure 5) and definitions for reporting demographic data. While CHP recommends that local agencies use the sample format, the department has not required its use. A majority of the agencies have adopted the form but others continue to use different formats. Some of those agencies using the CHP form have not completed every data category. Agencies have reported their data monthly, quarterly, or annually at their discretion. It is also generally unclear whether departments have followed the suggested CHP definitions of stops and searches. Because data are reported using different formats, different time periods, and different definitions, data from various agencies cannot generally be compared.

Figure 5

CHP Sample Format for Local Agency Reporting

AGENCY NAME _____ REPORTING PERIOD _____

	TOTAL	BLACK	WHITE	HISPANIC	ASIAN	OTHER	MALE	FEMALE	VEHICLE SEARCHES	AGE*	
IN CUSTODY ARRESTS										A. B. C. D. E.	15.5-24 25-32 33-39 40-48 49-60+
NOTICE TO APPEAR										A. B. C. D. E.	15.5-24 25-32 33-39 40-48 49-60+
WRITTEN NOTICE TO CORRECT VIOLATION										A. B. C. D. E.	15.5-24 25-32 33-39 40-48 49-60+
VERBAL WARNING										A. B. C. D. E.	15.5-24 25-32 33-39 40-48 49-60+
PUBLIC/MOTORIST SERVICE										A. B. C. D. E.	15.5-24 25-32 33-39 40-48 49-60+

	TOTAL	BLACK	WHITE	HISPANIC	ASIAN	OTHER	MALE	FEMALE	AGE*	
VEHICLE SEARCHES									A. B. C. D. E.	15.5-24 25-32 33-39 40-48 49-60+

Recommend Improvements To Local Grant Program

To the extent that the Legislature chooses to provide additional funding for a local grant program, we recommend a number of changes in order to improve the usefulness of the data reported.

- ***Standardized Reporting.*** We recommend that all participating agencies use the same standard format and definitions (for example, what racial categories to use and what constitutes a search) for the data collection. Agencies that choose to use different formats and definitions would not be eligible for state grants.
- ***Select New Data Collection Administrator.*** The task of collecting and analyzing demographic data from local police agencies is not directly related to the mission of the CHP to provide traffic enforcement and security services. The CHP has neither special expertise for this task nor any incentives to promote increased participation by local agencies. We recommend that any future program be administered by an agency which is better equipped to collect and analyze local data. For instance, the Department of Justice has an existing Criminal Justice Statistics Center with a staff of 45 positions and annual funding of approximately $2 million to collect and publish crime statistics each year from jurisdictions throughout the state.

Analysis of Local Reports

As indicated above, the local data collected by CHP has a number of limitations. The data lacks standardization in format and definitions used. In addition, the data are aggregated at the department level and do not include any information regarding local police practices. These factors limited our ability to perform any significant analysis of the data. Consequently, we are unable to draw any reliable conclusions from these data. Instead, we reviewed the major reports that have been completed to date by local police departments in California. San Diego, San Jose, Sacramento, and Riverside have all made efforts to analyze the race-related data that they have collected. We begin with a discussion of some common characteristics shared by the reports. We then describe

each of the reports in more detail—focusing on their unique characteristics. Figure 6 compares some key components of each report.

Figure 6

Comparison of Department Data Collection and Reporting

	CHP	Riverside	Sacramento	San Diego	San Jose
Data collection	Paper forms.	Computer-aided dispatch (radio system).	Scantron electronic form.	Index cards.	Computer-aided dispatch (radio system).
Dates covered	July 1999-April 2000.	Calendar year 2001.	Fiscal year 2000-01.	Calendar year 2000.	Fiscal year 1999-00.
Analysis performed by	Department staff.	University professor.	University professor.	University professor.	Department staff.
Officer identity included?	No.	No.	Portion of study period.	No.	No.
Reason for stop included?	No.	No.	Yes.	Yes.	Yes.
Data on searches included?	Yes.	Yes.	Yes.	Yes.	No.
Data comparisons, in addition to population	Motorist services. Collisions.	Stops by traffic and patrol units. Time of day. Crime activity.	Crime victims, suspects, and parolees. Population by neighborhood.	Traffic accidents.	Population by police district.

Common Issues

Acknowledgement of Difficulties With Analysis. Each report acknowledges many of the difficulties described above in collecting and analyzing the racial profiling data. They contain a general tone of caution regarding "reading too much into" the results of the reports.

Use of Population Data for Comparison. While acknowledging the difficulties in establishing an appropriate mechanism to analyze the traffic-stop data, each report attempts to compare police contacts by race to the racial characteristics of the jurisdiction's general population. The more recent reports used 2000 U.S. Census data, while the older reports used various estimates of their jurisdictions' populations. In most cases, the reports found that black and Hispanic drivers were stopped at rates higher than would be expected based on the population comparisons.

In order to prevent any racial disparities in nondriving age populations from skewing the comparison, both San Diego and Sacramento limited the population data to those residents of driving age. Even by limiting the data to driving age population, comparisons to the overall population can be significantly limited in their usefulness without additional refinement. For instance based on local circumstances, jurisdictions may need to attempt to quantify: (1) the extent to which nonresidents drive in the jurisdiction, (2) whether vehicle ownership and driving patterns vary by race, and (3) the extent patrol patterns vary by neighborhood.

San Diego

In May 2001, the San Diego Police Department released its report for vehicle stops made in 2000. The report found that both black and Hispanic drivers were stopped and searched at rates disproportionately high in comparison to their driving age populations.

Comparison to Accident Data. In seeking another reasonable proxy for drivers on the road, San Diego compared their data to non-hit-and-run traffic accidents (assuming accidents do not vary by race or ethnicity). These accident data varied somewhat from the population and traffic stop rates. Still, the department cautioned against using these traffic data because of the potential for (1) the underreporting of accidents in immigrant communities and (2) neighborhood variations in accidents.

Age Analysis. Because younger drivers were stopped more often and black and Hispanic populations tend to be younger in San Diego than the white population, the report hypothesized that age differences might account for the stop differentials. Yet, upon analyzing racial stops by age, the report found that blacks and Hispanics were still overrepresented in stops in virtually every age category.

San Jose

After issuing quarterly updates, the San Jose Police Department issued an annual report for 1999-00 vehicle stops in December 2000. As with San Diego, the department found that overall, blacks and Hispanics were stopped at a rate higher than would be expected in comparison to population data, but that was not the case when the comparisons were done on a patrol district level.

Patrol District Analysis. The report attributes the variation in racial stop rates to the organization of the department's police districts. The city's district boundaries are established in a manner to evenly distribute the number of typical calls for service. As a result, some districts are smaller geographic areas than others. Those smaller districts tend to have higher concentrations of minority residents. The report concludes that when district populations are compared to district traffic stops, the proportions are similar.

Stops Due to Vehicle Code Violations.
San Jose has given its officers four choices for reporting the reason for the vehicle stop—occupant matches a suspect description, municipal code violation, state code violation, and vehicle code violation. Of the nearly 100,000 stops by the department covered in the report, 99 percent were reported as vehicle code violations. As a result of these broad categories, the department does not have the opportunity to disaggregate stop data in a meaningful way by reason for stop—perhaps reducing the ability to explain their data.

Sacramento

Sacramento released its report for 2000-01 stops in October 2001. The report found that blacks were stopped more often than their share of the population would suggest. The report offered a number of possible reasons for this variation, unrelated to racial profiling.

Checks on Data Accuracy. The researchers performed a number of tasks in order to check the validity of the data collected by the departments' officers and the Census comparative data. In order to confirm information regarding the stops, researchers made follow-up phone surveys of drivers who were stopped by the police. Windshield observations of driver demographics at several intersections were taken. While information gathered from these techniques generally tracked the base data, there were enough variations to raise cautions regarding the validity of officer-completed forms and Census data.

Extensive Comparisons. Due to the comprehensive nature of Sacramento's data collection system, the report was able to disaggregate the stop data using a wide range of variables—such as officer experience, type of police unit, type of stop, stops recorded by video and those not, stop length of time, and whether a search occurred. These comparisons open a wide range of possibilities for further data analysis. While the report briefly discusses

these variables, they were not fully explored. The city has chosen to continue its data collection and analysis for several more years.

Search Data. In addition to differences by race in those drivers that were stopped, the Sacramento report showed that blacks and Hispanics were subject to searches at a higher rate than whites and those searches averaged longer lengths of time. The report noted that both minority officers and white officers (in both videotaped and nontaped stops) searched minorities at similar frequencies and for similar lengths. This analysis only confirms that police behavior is consistent across the department—but does not help explain the underlying search differentials by race.

Crime Reports and Parolees. The report concludes that the high percentage of blacks among parolees and probationers living in Sacramento are likely explanations for the higher-than-expected stops for blacks. The report, however, does not offer an analytical basis for this conclusion. For example, it does not detail the total number of city parolees or the number of stops attributable to the stopping of parolees.

Riverside

In March 2002, Riverside released its report on traffic stops conducted during calendar year 2001.

Traffic Versus Patrol Behavior. The study of traffic stops found that Riverside officers stopped blacks at a higher rate than their representation in the overall population of Riverside would indicate. The city's police department is split into two units: (1) traffic units which tend to focus on traffic enforcement and (2) patrol units which involve more discretionary stops. The report divided the data by the type of unit performing the stop. This split showed a considerable variation in stop rates by race—with blacks representing an even higher percentage of the stops for the patrol unit. The report compares the patrol unit stops to crime suspects and victims by race to show these categories also have higher minority representation than the general population.

Time-of-Day Analysis. In preparing the report, the researcher performed a series of windshield counts at several intersections in order to get a broad sense of the driving population. The variation in racial composition of drivers was considerable—with more minority drivers at night and in the early morning. The report illustrates that Riverside's traffic stops are also concentrated at night and in the early morning, which could explain some of the variation in racial composition of stops from the general population.

Local Reports Offer Potential

As with prior reports on racial profiling, the evidence presented in the four cities' reports that we reviewed was not conclusive regarding the incidence of racial profiling in traffic stops. This is because departments have been unable to establish whether drivers of different races violate traffic laws at different rates. Yet, the reports illustrate the potential for thorough examinations of police departments' behavior in regards to contacts with the public. For instance, if adopted, data elements similar to those collected by Sacramento (such as length of stop and officer experience) would offer departments the ability to analyze their data using a wide variety of factors. The other cities` reports reflect the evolving techniques (such as windshield tests) available to departments in seeking to explain the racial composition of their traffic stops. As more cities attempt to explain the data collected, these techniques should continue to become more precise.

Racial Profiling Training: Too Early to Evaluate

Chapter 684 expands the mandatory training of law enforcement officers to include coursework on racial profiling. This law requires POST—which is responsible for developing and certifying a variety of courses for officers—to develop a curriculum on racial profiling in collaboration with a panel of key stakeholders. The course will then be offered by local providers (typically police departments or community colleges). The racial profiling law also requires the LAO to assess the value of this newly required training.

Summary of LAO Findings

Too Early to Evaluate Racial Profiling Training. Ideally, an evaluation of the racial profiling training course would examine law enforcement attitudes about racial profiling before and after taking the course and, to the extent possible, the degree to which participation in the course influences law enforcement decisions with regard to traffic stops or other public contacts. At the time this report was prepared, the racial profiling curriculum was still in its final stages of development. Therefore, we were unable to assess the value of the training.

Racial Profiling Curriculum Meets Legislative Intent. However, based upon our review of the curriculum content and the process for its development, it appears that POST has met the requirements of Chapter 684. The curriculum covers four major topics—including instruction on the definition of racial profiling, legal considerations, the history of civil rights, and related community considerations. Earlier in this report, we recommended that the Legislature develop an improved definition of racial profiling. If the definition were revised, POST would likely need to update that portion of its curriculum to reflect the change in state law.

The training uses accepted instructional methods, such as group discussions, role-playing, video, and presentations. In developing the five-hour racial profiling course, POST consulted with community stakeholders and law enforcement. The initial training of instructors has begun, and the course will be taught as the instructors complete their training.

POST Plans to Evaluate Racial Profiling Course. The POST plans to evaluate the racial profiling course as it does other courses. Course participants will fill out forms evaluating the course on its content, presentation, instructor, and job applicability.

Data Should Be Used to Revise Training Programs

There are limited useful data on racial profiling in California and analysis of the data is in the early stages of development. We, therefore, recommend that POST work with law enforcement agencies that collect data in an ongoing effort to integrate into the racial profiling course issues that emerge as part of the data collection effort. The POST should also ensure that its other courses and guidelines are up-to-date with relevant information regarding racial profiling.

Likewise, CHP should use its data to improve its training programs. The CHP currently uses the data it compiles on the demographic composition of its public contacts solely for preparation of the reports it is required to submit to the Governor and Legislature. The department indicated that the information is not used to gauge the effectiveness or to improve the usefulness of its training program. We recommend that CHP use any data it collects in the future to provide feedback on the effectiveness of CHP's new POST-certified training. The collected data could be used to help evaluate, modify, and improve training procedures on an ongoing basis.

Conclusion

Nearly 100 law enforcement agencies in California now collect data related to racial profiling. Yet, the manner in which the data are gathered and analyzed remains fragmented. We recommend a number of improvements, summarized in Figure 7 (see page 20), for racial profiling data collection, analysis, and training in the state. These changes—combined with the continued improvement in data analysis techniques by law enforcement researchers—would improve the effectiveness of these efforts in the future.

Figure 7

Summary of LAO Recommendations

Definition

- Revisit state definition of racial profiling and develop one which more explicitly defines what activities are acceptable under state law.

CHP Reports

- Direct CHP to conduct additional data analysis, including conducting regional analysis and developing a better model of the highway user population.
- Request the release of second annual report and the expedited preparation of the third report.

Local Grant Program

- Require all participating agencies use the same standard format and definitions.
- For any future program, select state department better equipped to collect and analyze the data in a standardized manner.

POST Training

- Direct POST and CHP to use data collected in order to improve the effectiveness of training courses.

Acknowledgments

This report was prepared by , Michael Cohen, Sam Delson, Stephanie Marquez, Dana Curry and Greg Jolivette. The Legislative Analyst's Office (LAO) is a nonpartisan office which provides fiscal and policy information and advice to the Legislature.

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Addendum to Initial Statement of Reasons (OAL File No. Z-2016-1129-03)

On December 9, 2016, the Department of Justice (Department or DOJ) published proposed regulations regarding California's Racial and Identity Profiling Act of 2015. (See OAL File No. Z-2016-1129-03.) The Department also published an Initial Statement of Reasons (ISOR) regarding these proposed regulations. These and other rulemaking documents are available for review on the Attorney General's website at https://oag.ca.gov/ab953/regulations.

The Department heard public comment on the proposed regulations until January 27, 2017. During that time, the Department also held public hearings on January 12th (Los Angeles), January 18th (Oakland), and January 26th (Fresno). Oral comments on the proposed regulations were accepted at each of these hearings and transcribed by a certified court reporter. In addition, written comments were received by the Department throughout the public comment period, which closed on January 27, 2017. These comments, as well as the transcripts for the three hearings, are included in the rulemaking file, and are also available for review on the Attorney General's website at https://oag.ca.gov/ab953/regulations.

The Department reviewed all comments received during the public comment period. In response to these public comments, and to clarify the regulations as originally proposed, the Department has modified its proposed regulations, and has prepared this Addendum to the ISOR (Addendum). The revised regulations are available for public comment at https://oag.ca.gov/ab953/regulations, along with a document displaying the changes made to the original proposed regulations.

This Addendum explains the modifications and the reasons for these modifications in the "Necessity" section below. This Addendum also updates the section from the ISOR entitled "Technical Theoretical, and/or Empirical Study, Reports, or Documents" relied on for the proposed regulations. Finally, this Addendum updates the section from the original ISOR entitled "Economic Impact Assessment/Analysis."

IV. Necessity of Modifications to Proposed Regulations

Following is a statement of the necessity for each modification the Department has incorporated into the proposed regulations. This statement of necessity is intended to supplement and/or add additional reasons to the original statement of necessity set forth in the ISOR published on December 9, 2016. This Addendum is meant only to explain the reasons for these proposed modifications and does not supplant the original ISOR with respect to items that were not modified.

A. Article 1. Section 999.224 (Definitions)

The following definitions in this section have been modified, for the following reasons:

999.224, subd. (a)(1). *"Act."* This definition was amended nonsubstantively to reorder the statutory provisions cited in the order in which they appear in California's Racial and Identity Profiling Act of 2015.

999.224, subd. (a)(3). *"Custodial setting."* The definition of "custodial setting" has been amended in response to comments from law enforcement agencies to clarify that a "custodial setting" also includes the parking lots and grounds within the perimeter of correctional institutions, juvenile detention facilities, and jails.

999.224, subds. (a)(4)-(5). "*Data element*" and "*Data Value.*" Nonsubstantive edits were made to conform with a nonsubstantive revision to the data element of "perceived gender," which has been amended to "perceived gender of person stopped" and with amendments to the data values for the data element of "perceived gender of person stopped." These amendments are discussed below.

In addition, the following language was added to the definition of "data value": "[r]eporting agencies shall ensure that the technical specifications for data values are consistent with these regulations and in doing so shall follow the data dictionary prepared by the Department." This amendment is intended to provide guidance to law enforcement agencies so that agencies develop technical specifications for their computer systems that are consistent with the requirements of the regulations. To assist agencies in this objective, the regulations also reference the data dictionary that the Department shall prepare, as required by section 999.228, subdivision (f). As subdivision (f) makes clear, this data dictionary is designed to provide technical specifications regarding the requirements in these regulations and must be consistent with those requirements.

999.224, subd. (a)(6). "*Department.*" The definition of "Department" has been revised nonsubstantively to clarify that the term "Department" refers to the California Department of Justice ***or*** – not "and" – the California Attorney General to provide clarity to the definition of the California Department of Justice, a state agency that is referred to interchangeably as the California Department of Justice or the Office of the California Attorney General.

999.224, subd. (a)(7). "*Detention.*" The phrase "person's body" has been replaced with "person," which is a nonsubstantive editing change.

999.224, subd. (a)(9). "*K-12 Public School Setting.*" A nonsubstantive editing change was made to the definition of "K-12 Public School Setting," by deleting the word "setting." References to this term (K-12 Public School) have been similarly amended throughout the regulations to reflect this nonsubstantive editing change.

999.224, subd. (a)(11). "*Reporting agency.*"

> 999.224, subd. (a)(11)(A)(1). A nonsubstantive editing change was made to this paragraph for clarity, by separating the previous single sentence in this provision into two sentences, and using the phrase "government agencies or private entities, instead of "government or private entities."
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> 999.224, subd. (a)(11)(C)(1)(a). "*The law enforcement agencies of California state educational institutions.*" This definition was amended to delete the reference to Penal Code section 830, in order to track the provision more closely with the cited Education

Code section (Education Code section 38000). Education Code section 38000, subdivision (b), is the specific code section that gives school districts the authority to establish police departments. This nonsubstantive amendment was an editing change done in order to more closely mirror the language in Education Code section 38000, subdivision (b).

999.224, subd. (a)(11)(C)(2)(a)(1)-(3). "*The law enforcement agencies of California university educational institutions*." A nonsubstantive editing change was made to this definition, replacing "law enforcement agencies" with "police departments," because the statutory provisions referenced (Education Code sections 89560, 92600, and 72330) use the term "police department" and not "law enforcement agency." This edit was made to more closely track the statutory provisions referenced.

999.224, subd. (a)(13). "*Search*." A nonsubstantive editing change was made to the definition of "search," to add the words "under his or her" before the word "control," to read "search of a person's body or property in the person's possession or under his or her control." The phrase "as defined in these regulations" was added following the term "consensual search." These edits were done for clarity, and are not substantive edits.

999.224, subd. (a)(14). "*Stop*." The definition of the term "stop" was revised to clarify that the meaning of the term "search," as well as the definition of the term "detention," refer to the definitions provided for those terms in the regulations. In the previous version, only the term "detention" contained the phrase "as that term is defined in these regulations." This is a nonsubstantive edit for clarity.

999.224, subd. (a)(15). "*Stop data*." This is a new definition that has been added to the regulations, which defines "stop data" to mean the data elements and data values that must be reported to the Department. This definition was added in response to comments received questioning what "stop data" refers to, and provides clarity that the term refers to the information that must be collected and reported for each stop subject to these reporting requirements.

999.224, subd. (a)(16). "*Student*." The definition of "student" was amended to clarify that the term "student" includes not only persons between the ages of 6 and 18 who are not otherwise exempt from compulsory education laws (which was in the original version), but also persons up to 22 years of age who are being provided special education and services, as provided in Education Code section 56026. These amendments were made in response to comments noting it is not clear from the original regulations whether these persons are included in the definition of student and requesting the addition of language to clarify that these persons are "students" within the meaning of these regulations.

The term "or excluded" was removed from the definition of "student" to more closely track the statutory language it references in Education Code section 48200, which does not use the word "excluded," but rather only uses the word "exempt." This provision was also amended to make clear that the reporting requirements of this chapter regarding "students" apply only to interactions between officers and students that take place at a K-12 Public School, and not in other locations.

999.224, subd. (a)(16)(A). This example was amended to make clear that the definition of student applies to a person who is not enrolled in a K-12 Public School because he or she has been expelled "or is temporarily suspended." It is a nonsubstantive edit that was provided to further clarify the definition of "student."

999.224, subd. (a)(16)[*old*](C). This example was deleted as a substantive edit because a person between the ages of 6 and 18 who has received his or her G.E.D. has satisfied California's compulsory education law (Education Code section 48200) and is thus not a student; this example was thus deleted to conform with the definition of "student."

999.224, subd. (a)(16)[*new*](C). Nonsubstantive stylistic edits were made to the example in this provision.

999.224, subd. (a)(16)[*new*](D). This provision (giving as an example of a "student," a 21-year old special education student enrolled in a K-12 Public School) was added as another example of when a person is deemed to be a "student" for purposes of these regulations. This example conforms to and is intended to clarify the revision to the definition of "student" to explicitly include persons up to 22 years of age who are being provided special education and services under Education Code section 56026.

999.224, subd. (a)(16)[*new*][E]. This example was added to clarify that the reporting requirements of this chapter regarding "students" apply only to interactions between officers and students that take place at a K-12 Public School, and not elsewhere, such as at a mall. It clarifies that interactions with students enrolled at a K-12 Public School that take place outside of that setting are subject to the regular reporting requirements set forth in section 999.227, subdivision (a), and not the reporting requirements unique to K-12 Public Schools set forth in section 999.227, subd. (e)(2) and (3). This is a nonsubstantive edit intended to clarify the applicability of the definition of "student" outside of a K-12 Public School setting.

999.224, subd. [*new*] (a)(17). "*Unique Identifying Information.*" The regulations were amended substantively to add a new term entitled "Unique Identifying Information," which refers to personally identifying information that, either alone or in combination with other data reported, is likely to reveal the identity of the individual officer who collected the stop data. This term does not include the minimum information that is specified in Government Code section 12525.5, subdivision (b), i.e., the time, date and location of stop; reason for stop; result of stop; warning or citation issued if warning was provided or violation cited; offense charged, if an arrest was made; perceived race or ethnicity, gender and approximate age of person stopped; and actions taken by officer during the stop.

This definition was added after further review of the regulations and the statute, as well as comments received on the regulations, in order to give meaning to the term "unique identifying information" that is referenced in Government Code section 12525.5, subdivision (d). The definition recognizes that some information collected during a stop may, if combined with other data elements, lead to the disclosure of information that may identify the officer who made the stop, which is prohibited by Section 12525.5, subdivision (d). The definition also, however, ensures that information about the stop itself – as opposed to any information collected regarding

the officer who made the stop – cannot be considered to be an "Officer's Unique Identifying Information."

999.224, subd. [*old*] (a)(17). "*Weapon*." The definition for "weapon" was deleted for clarity, because the regulations already identify specific types of instruments in the data values for "Actions Taken by Officer During Stop." Further, other references to "weapon" in the regulations do not require a specific definition (for example, in the data values for the data elements for "Reason for Stop," "Basis for Search," "Contraband or Evidence Discovered, if Any," and "Type of Property Seized"). Accordingly, in order to streamline the regulations and eliminate a definition that is unnecessary, this provision was deleted.

B. Article 2. Section 999.225 (Law Enforcement Agencies Subject to Government Code section 12525.5)

The following provisions within this section have been modified, for the reasons set forth below:

999.225, [*new*] subds. (b) and (c). These provisions were revised to make clear that these regulations do not apply to probation officers or to stops made by an officer in a custodial setting. The previous version differed in that it stated that peace officers who work in a custodial setting are not subject to the regulations. The amendment makes clear that, in instances when an officer may work at times in a custodial setting and at other times in a non-custodial setting, the officer is only required to report stops that occur in a non-custodial setting. The revision was made for clarity and is a nonsubstantive edit.

999.225, subd. (c)(1) and (2). The regulations were revised to delete the examples provided. These are nonsubstantive edits made in order to streamline the regulations, because the example in former subdivision (c)(1) is redundant of the edits made to [new] subdivision (c), and the example in former subdivision (c)(2) is redundant of the provisions in the regulations regarding reporting requirements at section 999.227, subd. (d)(3).

999.225, [*new*] subd. (d). This provision was amended nonsubstantively to make clear that all peace officers of reporting agencies, except for probation officers, are subject to these regulations. This provision was also amended nonsubstantively regarding the requirement that an officer must report stops while assigned or contracted to work for another governmental agency or private entity, pursuant to a contract or memorandum of understanding between the reporting agency and that governmental agency or private entity. The amendment clarifies that there must be a contract or memorandum of understanding with the reporting agency.

This provision was also amended substantively to remove the requirement that an officer must report stops that occur when he or she is off-duty or if the officer identifies himself or herself as a peace officer, and to delete examples [in former subdivisions (c)(4) and 5)] to reflect this change. This amendment was made upon further review of the regulations because of the infrequent nature of such stops and the practical and logistical complications that may arise regarding the reporting by an officer who is off-duty. For example, an officer who is off-duty will be unable to complete the reporting requirement by the end of his or her shift, and may not have access to mobile or electronic devices, or other means of reporting the data electronically, as he or she would if on-duty.

C. Article 3. Section 999.226 (Data Elements to be Reported)

The following provisions within this section have been modified, for the reasons set forth below:

999.226, subd. (a)(2). Date, Time and Duration of Stop

999.226, subd. (a)(2)(B). *Time of Stop.* In response to comments received regarding the regulations, this data element was substantively amended to require only the *approximate* time that the stop began. This was done because, as a practical matter, an officer may not be able to recall, because he/she is reporting on the data at some point after the stop is concluded, the exact time the stop took place.

999.226, subd. (a)(2)(C). *Duration of Stop.* In response to comments received regarding the regulations, this provision was amended to require the officer to enter the approximate length of the stop in minutes, rather than selecting from among the ranges of time presented in the original proposed regulations. The reason for this amendment is to ensure that accurate information is captured, as opposed to a range of time, and to provide greater insight into the stop. For example, a stop that lasts 31 minutes differs from a stop that lasts 60 minutes, yet under the previous version, both stops would be reported under the category of "31-60 minutes."

999.226, subd. (a)(2)(C)(1)-(2). The examples provided to demonstrate how to measure the duration of a stop have been amended to reflect the new proposed requirement of actual approximate length of stop, rather than a range of time.

999.226, subd. (a)(3). Location and Type of Stop

This data element was substantively revised to eliminate the type of stop and to simplify the options presented to officers to record the location of the stop.

These provisions were amended in response to comments regarding the regulations and upon further review regarding (1) whether agencies might inadvertently report residential locations through the publication of geographic coordinates; (2) whether agencies universally had the ability to collect geographic coordinates, particularly in rural areas where Internet may be sparse and given some agencies do not equip their officers with mobile devices; and (3) whether technical obstacles would prevent the Department from collecting geographic coordinates submitted to it due to varying ways that geographic coordinates can be reported depending upon the system or vender used for collection of this information.

In response to these concerns, the regulations have been revised to eliminate the option to report location using geographic coordinates and to eliminate the requirement to provide a zip code. Instead, for any location – including a residence or K-12 Public School – the regulations provide that the officer shall report one of the following options, which are provided in order of preference: block number and street name; closest intersection; or highway and closest highway exit. If none of these options are available, a road marker, landmark, or other description may be reported, except that the officer cannot provide a street address if the location is a residence. The revised regulations also require the officer to report the city in which the stop took place, using a list provided by the Department.

999.226, subd. (a)(3)(E) *Type of Stop.* This data element was removed to streamline the regulations and because the information that would have been collected pursuant to this element – vehicle, non-vehicle, or bicycle – can, for the most part, be determined from other responses provide by officers including their responses to the data element "Reason for Stop."

999.226, subd. (a)(4). Perceived Race or Ethnicity of Person Stopped

This data element was previously located at section 999.226, subdivision (a)(8). It was moved to section 999.226. subdivision (a)(4).

999.226, subd. (a)(4)(A)(1)-(4). *Use of Word "Or."* The previous version used the data values of (1) "Asian *or* Pacific Islander"; (2) "Black *or* African American;" (3) "Hispanic *or* Latino/a;" and (4) "Middle Eastern *or* South Asian." This provision has been revised in response to comments, because the use of the word "or" has different meanings in this context. Specifically, in (1) and (4), the word "or" refers to two different racial or ethnic categories, while in (2) and (3) the word "or" signifies two synonymous terms. This provision was thus revised to use "/" for synonymous terms and "or" for different categories.

999.226, subd. (a)(4)(A), (B), and (G). *Asian and/or Pacific Islander.* These provisions were substantively amended to separate the previous single choice for "Asian or Pacific Islander" into two separate choices: "Pacific Islander" and "Asian." These amendments were in response to comments received regarding the regulations, which highlighted the distinct histories of and diversity between the Asian and Pacific Islander communities.

There is also significant precedent for decoupling these two racial/ethnic choices. Namely, the racial classifications issued by the federal Office of Management and Budget (OMB) and used by the Census Bureau require five minimum categories for race (White, Black or African American, American Indian or Alaska Native, Asian, and Native Hawaiian or Other Pacific Islander).

Because "Pacific Islander" has been separated into its own perceived racial or ethnic category, the definition of "Asian or Pacific Islander" has been substantively amended into two separate definitions: a new definition for "Pacific Islander" and an amended definition for "Asian." The definition for "Pacific Islander" comes from the definition used in the 2010 Census and by the OMB.[1] The definition of "Asian" was expanded beyond the definition included in the original regulations for clarifying purposes, and comes from the definition used in the 2010 Census and by the OMB, but excludes the persons already captured by other choices for this data element.[2]

999.226, subd. (a)(4)(H). This provision, which provides a definition for "White," was revised nonsubstantively to remove non-inclusive examples of specific nationalities. This amendment was in response to comments questioning whether the examples were necessary.

999.226, subd. (a)(5). Perceived Gender of Person Stopped

[1] https://www.census.gov/prod/cen2010/briefs/c2010br-12.pdf
[2] https://www.census.gov/prod/cen2010/briefs/c2010br-11.pdf

This data element was previously located at section 999.226, subdivision (a)(9). It was moved to section 999.226. subdivision (a)(5).

999.226, subd. (a)(5)(A). The original version of this provision required an officer to select only one of the following data values: Male; Female; Transgender man; Transgender woman; Gender nonconforming. This provision was further revised to permit the officer to select "Gender nonconforming" in addition to any one of those categories, e.g., an officer may select both Male and Gender nonconforming. This provision has been further amended to require an officer to select "Gender nonconforming" if the officer cannot determine whether which of the other data values applies to the person stopped (Male; Female; Transgender man/boy; or Transgender woman/girl).

These amendments were in response to comments that persons of all genders may appear to be gender nonconforming, and that an officer may be unable to perceive the gender of the person. As a result, this provision was revised to provide officers with the option of selecting only gender nonconforming, or both gender nonconforming and a specific gender.

This provision was also revised to add "boy" and "girl" to the categories of "Transgender man/boy" and "Transgender woman/girl," respectively. This nonsubstantive amendment was in response to comments that stops are not limited to adults, and that minors may also be stopped.

999.226, subd. (a)(5)(B)(1) and (2). Similarly, the definitions of "Transgender man/boy" and "Transgender woman/girl" were amended in response to comments that stops are not limited to adults, and that minors may also be stopped, so the phrases "or boy if they are a minor," and "girl if they are a minor" were added to these definitions.

999.226, subd. (a)(5)(B)(3). The definition of "Gender nonconforming" was revised to replace the word "stereotypes" with "conceptions" for clarity and in response to comments received on the regulations. The definition was also revised to add an explanation that a person of any gender of gender identity may be gender nonconforming, and therefore an officer may select "Gender nonconforming" in addition to any of the other gender data values, for the reasons noted above.

(*new*) 999.226, subd. (a)(6). Person Stopped Perceived to be LGBT

The proposed regulations have been substantively amended to add another data element that must be collected by officers for each stop. This data element is entitled "Person Stopped Perceived to be LGBT," and asks an officer to submit a "yes" or "no" response to the question of whether the officer perceived that the person stopped was LGBT. (If the officer does not have any perception of whether the person is LGBT, the officer should answer "No.") "LGBT" refers to lesbian, gay, bisexual or transgender. The officer is to report his or her perception based on personal observation, without asking whether the person is LGBT. If an officer selects transgender in response to the data element for "Perceived gender," he or she must also select "Yes" in response to this data element.

This data element was added in response to recommendations from the RIPA Board and other stakeholders urging the DOJ to include a specific data element regarding perceived sexual

orientation and/or membership in the LGBT community in the regulations, in addition to the question about perceived gender.

The inclusion of data to be collected regarding whether the officer perceived that the person stopped was LGBT is in keeping with AB 953's goal of identifying and eliminating racial and identity profiling. Among other things, AB 953 specifically expanded the definition of "racial or identity profiling" to include gender identity or expression and sexual orientation, among other bases, and also expanded the definition of "racial or identity profiling" to include not only persons subject to a stop, but decisions regarding "the scope or substance of law enforcement activities following a stop," including interactions that occur during a stop, as well as the outcomes of a stop. (Pen. Code, § 13519.4, subd. (e).)

Accordingly, collecting information regarding whether the officer perceived the person stopped is LGBT will enable researchers to determine whether (1) persons perceived to be LGBT are being stopped in disproportionate numbers; and (2) whether persons perceived to be LGBT are treated differently during a stop. This data element will enable the RIPA Board and researchers to comprehensively track interactions between peace officers and individuals they perceive to be LGBT to help assess whether bias exists with respect to gender, gender nonconformity, or sexual orientation.

Given that, based on field testing, the average time to complete the data entry for each stop was approximately 2.5 minutes, a data element that requires only a yes/no answer should not result in much, if any, increase in data entry completion time. Moreover, because the data elements and values reported as part of the field testing have been streamlined (for example, "Reason for Presence at Scene" has been eliminated, and data values for Actions Taken During Stop have been streamlined), the additional time to report this data element will likely be offset by the time saved by the streamlining of other data elements and values.

999.226, subd. (a)(7). Perceived Age of Person Stopped

This data element was previously located at section 999.226, subdivision (a)(10). It was moved to section 999.226, subdivision (a)(7).

The previous version of the regulations required officers to select from categories of age ranges in submitting the officer's perception of the age of the person stopped. The Department received comments that the age brackets reflected in the original version do not sufficiently distinguish between substantially different ages and since the brackets reflected unequal intervals, they would pose a challenge to data analysis. For example, under the previous regulations a person perceived to be 18 and a person perceived to be 24 would fall within the same category. The revised regulations now require an officer to provide the actual approximate perceived age of the person stopped, using Arabic numerals (e.g., 1, 2, 3, 4) rounded to the closest whole number.

999.226, subd. (a)(8). Person Stopped Had Limited or No English Fluency

This data element was previously located at section 999.226, subdivision (a)(11). It was moved to section 999.226, subdivision (a)(8).

The original regulations required officers to select this data element if the officer perceived that the person stopped had limited English fluency or a pronounced accent. This provision was amended to remove the term "or pronounced accent," in response to comments that "pronounced accent" was ambiguous. For example, a person could have a pronounced accent in the English language from a particular region within the United States (e.g., a Southern accent), or a particular country (e.g., an Irish accent).

In addition, the provision was revised to include "no English fluency," in addition to "limited English fluency," in response to comments to make clear that persons who speak no English would also fall within this category.

999.226, subd. (a)(9). Perceived or Known Disability of Person Stopped

This data element was previously located at section 999.226, subdivision (a)(12). It was moved to section 999.226, subdivision (a)(9).

This provision was amended to clarify that the provision does not alter "any existing requirements to comply with reasonable accommodation and anti-discrimination laws." This is a nonsubstantive editing amendment to the original sentence.

The provision was also amended to clarify that this data element should be completed if the officer had prior knowledge that the person stopped had one or more of the data values provided. Previously, this data element applied only if the officer perceived that the individual had these conditions, or if the person advised the officer that he/she had one or more of these conditions. This is a substantive change intended to cover the situation where an officer may have had prior contact with the person stopped, or if someone other than the person stopped advised the officer that the person had one or more of these conditions.

This provision also previously offered five choices from which officers must select in completing this data element: deafness or difficulty hearing; other physical disability; impaired mental health or psychiatric condition; developmental disability; or none. The choices for this data element have been amended in response to comments requesting that the regulations include additional choices to capture a broader range of perceived disabilities. News reports also chronicle concerns regarding interactions of officers with persons with disabilities, especially those with mental disabilities. (See, e.g., http://www.latimes.com/local/lanow/la-me-el-cajon-mentally-ill-20160928-snap-story.html; http://www.nbcnews.com/news/us-news/half-people-killed-police-suffer-mental-disability-report-n538371.)

Specifically, "developmental disability" was changed to "intellectual or developmental disability, including dementia," in order to clarify that this category applies to intellectual disabilities that may evolve later in life, such as dementia and to conform with recommended terminology from advocates. "Impaired mental health or psychiatric condition" was also changed to "Mental health condition," for purposes of simplicity. "Other physical disability" was changed to "Other disability" to capture all other disabilities, and not just other physical disabilities that an officer may observe.

(*former*) 999.226, subd. (a)(4). Reason for Presence at Scene of Stop

The original regulations included a data element entitled "Reason for Presence at Scene of Stop." The regulations have been amended to delete this element completely in response to comments that including "Reason for Presence at Scene of Stop" in addition to "Reason for Stop" is confusing and redundant, particularly for traffic violations. In many instances, the "Officer's Type of Assignment" also provides similar information that could have been provided by the data element "Reason for Presence at Scene of Stop."

999.226, subd. (a)(10). Reason for Stop

Relocation and renumbering of provisions regarding Reason for Stop. In the original regulations, the data element entitled "Reason for Stop" was set forth at section 999.226, subdivision (a)(5). However, because the data elements for demographic information regarding the person stopped ("Perceived Race or Ethnicity of Person Stopped," "Perceived Gender of Person Stopped," "Perceived Age of Person Stopped," "Person Stopped has Limited or No English Fluency," and "Perceived or Known Disability of Person Stopped") were moved from 999.226, subd. (a)(8)-(12) to 999.226, subd. (a)(4)-(9), respectively (including "Person Stopped Perceived to be LGBT," which was added as a new element, at (a)(6)), the data element for "Reason for Stop" is now located at section 999.226, subdivision (a)(10).

999.226, subd. (a)(10)(A). This provision was amended substantively to require officers to select only the one, primary reason for the stop and to clarify that justifications for the stop that did not inform the officer's primary reason for the stop should not be selected.

This amendment was in response to comments noting that it is critical for officers to isolate the primary reason for the stop, because there will typically be one primary reason and selecting this reason alone will help prevent against the selection of reasons that may have presented themselves during the detention or search. The amendment was also made due to concerns that allowing multiple responses might reduce data integrity and complicate data analysis.

999.226, subd. (a)(10)(A)(1). *Traffic Violation.* This provision was amended nonsubstantively to make clear that an officer will be able to use the Department's standard California Justice Information Services (CJIS) Offense Table to select the applicable Vehicle Code section.

The prior data value "Status Violation" was replaced with "Non-moving violation, including registration violation." This nonsubstantive amendment responds to comments that the term "status violation" was ambiguous and to ensure that this category captures traffic violations that do not involve either a moving car or an equipment violation (e.g., improper use of a cell phone or expired registration). This provision was also amended to ensure that the officer select only one type of violation, which should reflect the primary type of violation.

999.226, subd. (a)(10)(A)(2). *Reasonable suspicion that the person was engaged in criminal activity (other than a traffic violation).* The data values were revised as follows:

- 999.226, subd. (a)(9)(A)(2). The phrase "other than traffic violation" was removed from the description of the data value; instead, the regulations state affirmatively: "This data value should not be selected if "Traffic violation" is the reason for the stop." This is a

nonsubstantive edit for clarity. Because reasonable suspicion is often assessed on the totality of circumstances, the provision was revised to clarify that the officer shall select *all applicable* data values. The provision was also revised to clarify that, with respect to the required code section, the officer should identify only the primary applicable code section. Although an officer may have reasonable suspicion that a variety of crimes have been committed, permitting or requiring multiple code sections would increase the reporting burden on officers and systems without increasing the utility of the data.

- 999.226, subd. (a)(10)(A)(2)(*new*)(a). *Officer witnessed commission of a crime.* This new subcategory was added because none of the other subcategories captured this reason for a stop.

- 999.226, subd. (a)(10)(A)(2)(*renumbered*)(b). *Person matched suspect description.* This pre-existing subcategory was amended nonsubstantively to remove the word "person" as a stylistic edit.

- 999.226, subd. (a)(10)(A)(2)(*renumbered*)(e) – (h). These pre-existing subcategories were amended nonsubstantively to replace the term "person taking actions" or "person suspected" with "Actions" or "Suspected," respectively, as a stylistic edit.

- 999.226, subd. (a)(10)(A)(2)(*deleted)*(h). *Person carrying objects in plain view used in a commission of crime.* This subcategory of "reasons suspicion that the person was engaged in criminal activity" was deleted in its entirety to streamline the regulations and because it is now captured by "officer witnessed commission of a crime," and may be duplicative of "carrying suspicious object."

999.226, subd. (a)(10)(A)(*deleted)*(3). *Probable Cause to Arrest.* This data value for "Reason for Stop" has been deleted in its entirety because it is now encompassed in the subcategory "officer witnessed commission of crime," which is a new subcategory for the data value of "Reasonable Suspicion." This amendment is designed to streamline the choices from which an officer must elect in determining Reason for Stop.

999.226, subd. (a)(10)(A)(*deleted)*(4). *Probable cause to search.* This data value as a choice for "Reason for Stop" has been deleted in its entirety because probable cause to search requires a higher legal standard than reasonable suspicion, and this data value should be encompassed within either the subcategories set forth for the data value entitled, "Reasonable suspicion that the person was engaged in criminal activity," or the data value, "Consensual encounter resulting in a search." Because an officer will also have to explain the "Basis for search" as part of this data collection, "Probable cause to search" did not provide additional analytic value as an option here.

999.226, subd. (a)(10)(A)(3). *Known to be on parole/probation/PRCS/mandatory supervision.* This data value for "Reason for Stop" has been amended nonsubstantively to clarify that an officer must know the person is on parole/probation/PRCS/mandatory supervision prior to the stop for this data value to be a legitimate reason for the stop. This value cannot be selected if the officer learns only after he/she stops the person that the person is on

parole/probation/PRCS/mandatory supervision, because information gained after the fact cannot inform the officer's decision to stop a person.

999.226, subd. (a)(10)(A)(*new)*(4). *Knowledge of outstanding arrest warrant/wanted person."* This data value as a choice for "Reason for Stop" was added to the regulations in response to comments that an officer may stop a person he or she knows to be the subject of an outstanding arrest warrant, but no existing data value would be applicable to that situation. The provision specifies that officers can only select this data value if they know, before the person is stopped, about the outstanding warrant and if the outstanding warrant was the reason for the stop. If the officer learns about the warrant after the person has already been stopped, he/she may not select this data value as the reason for the stop.

999.226, subd. (a)(10)(A)(*new)*(5). *Investigation to determine whether person was truant.* This data value as a choice for "Reason for Stop" was added to the regulations in response to comments that school-age persons are commonly detained to check for truancy, but no existing data values would be applicable in that situation.

999.226, subd. (a)(10)(A)(6). *Consensual encounter resulting in search*. This data value for "Reason for Stop" has been amended to delete the term "consensual search" and replace it with "search." This substantive amendment is intended to capture both consensual as well as nonconsensual searches, because either may result from a consensual encounter, so that officers may select this option if a consensual encounter (which is not a stop) leads to a search (which, as defined in the regulations and Government Code section 12525.5, subd. (g)(2), is considered a stop and is reportable even if the search is consensual).

Accordingly, the phrase "regardless of whether the resulting search is consensual" was added to reiterate that, as set forth in the statute, the reporting requirements do not apply to consensual encounters unless that encounter results in a search, and that any such searches that result from that consensual encounter must be reported, even if the search was consensual. By contrast, if a consensual encounter results in a detention (and not a search), the officer shall not select this data value and must instead select a data value to explain the reason for the detention.

999.226, subd. (a)(10)(*deleted)*(B) "*Reason for Presence at Scene of Stop" Differs from the "Reason for Stop."*

This provision has been deleted in its entirety because the data element for "Reason for Presence at Scene of Stop" has been deleted. As a result, this provision is no longer necessary.

999.226, subd. (a)(10)(*new)*(B). *Required Brief Narrative Explanation for Reason for Stop.*

The regulations have been revised to require an officer to complete a brief explanation (250-character maximum) in addition to selecting one of the data values identified in section 999.226, subd. (a)(10)(A) as the primary reason for the stop. This substantive amendment is in response to recommendations from the RIPA Board, academics, and other stakeholders encouraging the addition of an open narrative for reason for stop in order to fully capture the statutory element for "reason for stop." (See e.g., *Floyd v. City of New York* (SDNY 2013) 959 F. Supp. 2d 668, available at https://ccrjustice.org/sites/default/files/assets/Floyd-Remedy-Opinion-8-12-13.pdf.,

for a district court's discussion regarding why check boxes alone were insufficient to ascertain the reason for the stop and assess potential disparities, in the context of the City of New York's stop data collection program.)

Based on comments received, as well as the experience of other jurisdictions as articulated in police practices cases concerning racial profiling such as *Floyd,*[3] the Department has added a brief explanatory field in addition to specified data values. The decision was further informed by the Department's own field tests of the proposed regulations, in which officers collected stop data that included an explanatory field for both reason for stop and basis for search. The length of time to complete those narratives was a median time of 16 and 22 seconds, respectively, based upon a maximum 150 characters. The regulations were amended to provide examples of the type of information expected to be included in this open narrative field and to provide, consistent with the statute, that the officer shall not include any personal identifying information regarding the person stopped or Unique Identifying Information of any officer in this explanatory field.

999.226, subd. (a)(*new*)(11). Stop Made in Response to a Call for Service

As discussed above in explaining why the regulations were amended to delete "Reason for Presence at Scene of Stop," the regulations were also amended to add a new element that shall only be selected if the stop was made in response to a call for service, radio call, or dispatch. While it was determined that "Reason for Presence at Scene" may be redundant with other information being captured, stops that occur as a response to a call for service, radio call, or dispatch are important to capture independently to distinguish between stops that are the result of a non-discretionary event (e.g., 911 calls to which an officer must respond) and interactions that reflect officer-initiated activity.

This new data element will provide critical context to understand whether the officer had discretion to go to the scene of the stop – including in situations when subsequent decisions and actions made by the officer did involve officer discretion. The provision also makes clear that not all interactions that occur in response to a call for service are subject to these regulations; rather, only interactions that meet the definition of "stop" are to be reported. Finally, the provision makes clear that a call to service is not a reason for a stop.

999.226, subd. (a)(12). *Actions Taken by Officer During Stop*

The choices for the data element for "Actions Taken by Officer During Stop" were amended in response to comments in order to eliminate ambiguity and adequately capture the range of actions that can be taken by an officer during a stop. The amendments to these data values are as follows:

- 999.226, subd. (a)(12)(A)(1)-(2). The previous data value for "person removed from vehicle by order or physical contact" was separated into two choices: "removed from

[3] See, e.g., Susan Hutson, Independent Police Monitor, Review of the New Orleans Police Department's Field Interview Policies, Practices, and Data (Mar. 12, 2013), available at http://www.nolaipm.gov/main/uploads/File/Reports/%20FINAL%20STOP%20AND%20FRISK.pdf.

vehicle by order" and "removed from vehicle by physical contact." This amendment was made in response to comments and because the experience of being verbally ordered from a car and being physically removed from a car are sufficiently different to require two separate entries.

- 999.226, subd. (a)(12)(A)(3). The previous data value for "field sobriety check conducted" was revised to "field sobriety test conducted." This amendment was intended to capture only tests actually conducted on a person, and not "checks," which may occur any time an officer approaches a vehicle to informally "check" on a person's field sobriety. The amendment is designed to eliminate ambiguity between what action should be captured by this data value.

- 999.226, subd. (a)(12)(A)(4). The previous data value for "curbside detention" was amended nonsubstantively in order to provide an explanation regarding the meaning of "curbside detention," specifically that it includes when an officer directs the person to sit on the sidewalk, curb, or ground. It is intended to clarify ambiguity and to distinguish between an officer ordering an individual out of a car as opposed to ordering an individual (either a pedestrian, driver or passenger) to sit in a specific location (even if there is no curb).

- 999.226, subd. (a)(12)(A)(5). The previous data value for "handcuffed" (previously (a)(6)(A)(4)) was amended to include "flex cuffed." This amendment is in response to comments regarding accurate terminology (i.e., a person may be restrained using material other than a handcuff).

- 999.226, subd. (a)(12)(A)(7) and (12). The previous data value for "use of canine in apprehension" (previously (a)(6)(A)(6)) has been replaced with two separate data values for "canine removed from vehicle or used to search" ((a)(12)(A)(7)) and "canine bit or held person" ((a)(12)(A)(12)). This amendment is intended to distinguish between two distinct scenarios involving the use of a canine and to enable more comprehensive analysis of the data.

- (*former*) 999.226, subd. (a)(6)(A)(7)-(8).

  The original version of the regulations had the following data values regarding weapons as choices for "Actions Taken During Stop:"

  - Weapon removed from holster or brandished
  - Weapon was discharged or used.

  In the original version, within the category of "weapon removed from holster or brandished," an officer could select from five subcategories of types of weapons:

  (a) Firearm
  (b) Taser or electronic control device

(c) Stun gun, BB gun, pellet gun, air gun, gas-powered gun, or device that discharges rubber bullets or bean bags
(d) Baton
(e) Pepper spray or mace

In the original version, within the category of "weapon was discharged or used," an officer could select from the same five categories of weapons identified above.

The amendments to the regulations have deleted two previous data values ("Weapon removed from holster or brandished" and "Weapon was discharged or used") and their required subcategories, and replaced them with six independent data values, in order to streamline the officer's reporting. Specifically, the new data values that replace "weapon removed from holster or brandished" and "weapon was discharged or used" (and their five subcategories) are as follows:

a) Firearm pointed at person
b) Firearm discharged or used
c) Electronic control device used
d) Impact projectile discharged or used (e.g. blunt impact projectile, rubber bullets or bean bags)
e) Baton or other impact weapon used
f) Chemical spray used (e.g. pepper spray, mace, or other chemical irritants)

These amendments were in response to comments regarding the definitions and types of weapons identified, and in order to streamline the choices for officers by retaining only the most important categories of information. For example, former section 999.226, subd. (a)(6)(A)(7)(c) included "BB gun" and "pellet gun" within its choices for "weapon removed from holster or brandished." Those terms were removed based on public comment and because they are not typically weapons that officers utilize. The amendments are also designed to be more consistent with terms utilized in the collection of use of force data required by Government Code section 12525.2 ("AB 71").

999.226, subd. (a)(12)(A)(15). *Other Physical or Vehicle Contact*. This data value is a nonsubstantive edit to rename the data value entitled "Other use of force," which was at previous section 999.226, subd. (a)(6)(A)(9), in order to eliminate confusion regarding the term "use of force," as that term is used in the collection of use of force data required by AB 71. (See California Department of Justice Information Bulletin No. 16-12-CJIS (Dec. 21, 2016), entitled "Use of Force Incident Reporting, available at https://oag.ca.gov/sites/all/files/agweb/pdfs/law_enforcement/16-12-cjis-use-force-incident-reporting-ursus.pdf.) This provision was also amended nonsubstantively to remove the parenthetical "(other than handcuffing, use of canine in apprehension, or use of weapon listed above)," as this distinction was unnecessary.

999.226, subd. (a)(12)(A)(16). *Person photographed*. This data value for "Actions Taken by Officer During Stop" was added in order to more fully capture the types of actions an officer may take during a stop.

996.226, subd. (a)(12)(A)(17). *Asked for consent to search person.* This provision, which was previously located at section 999.226, subdivision (a)(6)(A)(10), was modified nonsubstantively to provide an additional check box to indicate if consent was *not* given. This was done for clarity, to ensure that officers indicate affirmatively whether or not consent was given, if consent was requested.

996.226, subd. (a)(12)(A)(18). *Search of person was conducted.* This provision, which was previously located at section 999.226, subdivision (a)(6)(A)(11), was amended for clarity by adding an explanatory sentence to ensure that officers understand that this data value should be selected even if the search was consensual.

996.226, subd. (a)(12)(A)(19). *Asked for consent to search property.* This provision, which was previously located at section 999.226, subdivision (a)(6)(A)(12), was modified nonsubstantively to provide an additional check box to indicate if consent was *not* given. This was done for clarity, to ensure that officers indicate affirmatively whether or not consent was given, if consent was requested.

996.226, subd. (a)(12)(A)(20). *Search of property was conducted.* This provision, which was previously located at section 999.226, subdivision (a)(6)(A)(13), was amended for clarity. An explanatory sentence was added to ensure that officers understand this data value should be selected even if the search was consensual.

(*new)* 996.226, subd. (a)(12)(A)(22). *Vehicle impounded.* This provision was added in response to comments to more fully capture the types of actions an officer may take during a stop.

996.226, subd. (a)(12)(A)(23). *None*. This provision, which was previously located at section 999.226, subdivision (a)(6)(A)(15), was amended nonsubstantively with the addition of a sentence to explain that if "None" is selected, no other data values can be selected. This was done for clarity, to ensure that an officer who selects "none" understand that he or she is indicating that none of the data values listed in (1) – (22) apply.

996.226, subd. (a)(12)(B). *Basis for Search*. This provision, which was previously located at section 999.226, subd. (a)(6)(B)(1), has been revised to consolidate the reporting required for searching a person and the reporting required for searching property into one entry, instead of two separate entries. This revision was done to streamline the reporting requirements and ease the burden on officers in reporting this data. In addition, several of the data values of this provision have been amended as follows:

- (1)(b) "*Officer safety*" was revised to include "officer safety/safety of others." This revision will more closely align this choice with the legal standard for a pat-down search permitted under *Terry v. Ohio* (1968) 392 U.S. 1.

- (1)(k) "*Incident to pat-down search (for search of person only)*" was deleted to streamline the reporting and because the regulations define "search" to include pat-down searches; this data value – "incident to pat-down search" -- is thus not likely to reveal the underlying basis for the pat-down search.

- (*deleted)*(1)(n). "Abandoned property (for search of property only)" was deleted because abandoned property is not under the control of any person and thus its confiscation does not fall within the scope of these reporting requirements.

(*new)* 996.226, subd. (a)(12)(B)(2). *Required brief narrative explanation for basis for search*. The regulations have been revised to require an officer to complete a brief mandatory field (250-character maximum) in addition to selecting all of the data values in section 999.226, subdivision (a)(12)(B) that apply. This provision requires the officer to provide additional detail beyond the data values selected, and further provides that the officer shall not include any personally identifying information regarding the person stopped or the officer in this field.

The provision further states that this open explanatory field is not to be completed if the basis for search is "condition of parole/probation/PRCS/mandatory supervision," because that basis is self-explanatory. The open narrative was included here for the same reason it was included for "Reason for Stop." (See explanation for section 999.226, subd. (a)(10)(B) above.) In addition, during the field testing, officers were only required to complete this explanatory field in one out of five stops on average, as searches occurred in only approximately 20% of the stops conducted.

996.226, subd. (a)(12)(C). *Contraband or Evidence Discovered, If Any.* This provision, which previously was located at section 999.226, subdivision (a)(6)(B)(2), has been revised to be a self-contained data element, separate from "Basis for Search." This amendment was done: (1) to capture instances when contraband or evidence may be discovered in plain view, and not as part of a search; and (2) to further streamline reporting, by requiring the officer to report this data only once, instead of in separate categories for search of property and search of person.

The choices for this data element were amended as follows:

- (D)(1). *None.* This data value was amended nonsubstantively with an explanatory statement that if this value is selected, no other values can be selected.

- (D)(7). *Money.* This provision previously required the officer to indicate the amount of money discovered. It has been revised to no longer require officers to report the amount of money, in an effort to streamline the reporting requirements and lessen the burden on officers.

- (D)(11). *Other contraband or evidence.* This provision previously had separate entries for "other contraband" and "other evidence." These provisions were consolidated into one choice in an effort to streamline the reporting requirements and lessen the burden on officers.

996.226, subd. (a)(12)(D)(1). *Basis for Property Seizure.* This provision, which was previously located at section 999.226, subdivision (a)(6)(C)(1), has been revised to eliminate "forfeiture" as a choice, in an effort to streamline the reporting requirements.

996.226, subd. (a)(12)(D)(2). *Type of Property Seized.* This provision has been revised to delete "None" as a choice, because this data element is only selected if property *has been* seized, so "none" is not an appropriate choice. The choices for this data element were further amended as follows:

- (E)(2)(g). *Money.* This provision previously required the officer to indicate the amount of money discovered. It has been revised to delete the requirement that the officer report the amount of money seized, in an effort to streamline the reporting requirements and lessen the burden on officers.

- (E)(2)(k). *Other contraband or evidence.* This provision previously had separate entries for "other contraband" and "other evidence." These provisions were consolidated into one choice, in an effort to streamline the reporting requirements and lessen the burden on officers.

996.226, subd. (a)(13). *Result of Stop*

Requirement to Identify Offense Code for Certain Results. This provision was amended to clarify that an arrest that was the result of an outstanding warrant does not require the officer to provide the specific code section, including the section number and appropriate subdivision, that was the basis for the arrest. The provision previously required officers to provide the applicable code sections for "warnings, citations, cite and release, and custodial arrests."

The provision was amended to exclude "arrests pursuant to outstanding warrants" from this requirement. This amendment was made because there are several code sections that provide that an outstanding warrant is the basis for an arrest, but those sections are not all-inclusive. For example, there is no California code section that can be referenced for arrests that are the result of an out-of-state or federal warrant. As a result, because an arrest pursuant to an outstanding warrant can be sufficiently identified by the description "arrest pursuant to outstanding warrant," the provision was amended to distinguish those types of arrests from warrantless arrests.

This provision was also amended to clarify that the Department will provide the list of offense codes to use in reporting the specific offense for warnings, citations, cite and release, and warrantless arrests, using its standard CJIS Offense Table, where applicable. The provision was further amended to specify that if the result of the stop was based upon a local ordinance, the officer does not need to specify the specific ordinance number but rather need only select "local ordinance viol" from CJIS Offense Table.

These amendments were designed to streamline the reporting requirements of these regulations, and to ease the burden on officers, by providing an easily-accessible drop down list of offenses that officers typically use in other reporting programs, and by not requiring officers to report the specific local ordinance. As noted above, the Department's CJIS Offense Table does not contain specific local ordinances, but rather only a category entitled "local ordinance viol."

Check Box Categories to Select for Result of Stop. This provision previously had seven options to select from in describing the result of the stop:

(A) No action
(B) Warning
(C) Citation for infraction
(D) Cite and release
(E) Custodial arrest
(F) Person taken into custody (other than for arrest), referred to another agency, or transported. Within this data value were eight subcategories from which to select.
(G) Person stopped died during encounter with officer.

The following choices from this list were amended as follows:

(A) *No action*. This data value was amended nonsubstantively with an explanatory statement that if this value is selected, no other values can be selected.
(B) Warning. This data value was amended to remove the requirement that the officer indicate whether the warning was verbal or written. This was done to streamline the reporting requirements of these regulations, and to ease the burdens on officers in reporting the data.
(D) Cite and release. This was revised to "in-field cite and release" in response to comments regarding more accurate terminology.

(new) (E) Custodial arrest pursuant to outstanding warrant and (F) Custodial arrest without warrant. In the original version of the regulations, there was only one entry for "custodial arrest." (See former section 996.226, subd. (a)(7)(E).) In response to comments from law enforcement and upon further review, "custodial arrest" was separated into two categories: "custodial arrest pursuant to outstanding warrant," and "custodial arrest without warrant." This amendment was necessary in order to reflect that officers may arrest a person based solely on an outstanding warrant, and to create consistency with the Reason for Stop data value entitled "Knowledge of outstanding arrest warrant/wanted person."

(*new*)(G) *Field interview card completed*. This data value was added as a choice for "Result of Stop" in response to comments from law enforcement that completing field interview cards is a common outcome of a stop.

(*former*) (F) *Person taken into custody (other than for arrest), referred to another agency, or transported.* This data value originally contained eight subcategories, and has been revised to delete all subcategories and instead include four distinct data values. This revision was in response to comments regarding more accurate terminology and suggestions regarding how best to capture the circumstances in which a person may be taken into custody (other than for arrest), referred to another agency, or transported, and is an effort to streamline the reporting requirements and lessen the burden on officers in selecting from a multitude of categories, by including only the most significant categories. Accordingly, former (F) and its eight subcategories (including a category for "other," which has been deleted) have been replaced with the four following distinct data values:

(H) *Noncriminal transport or caretaking transport, including transport by an officer, transport by ambulance, or transport by another agency*. This provision is intended to replace former (F)(2) ("civil protective custody"), (F)(3) ("transported for medical treatment"), (F)(5) ("transported to custody of family member"), and (F)(6) ("community caretaking support"), and was revised to streamline officer reporting.

(I) *Contacted parent/legal guardian or other person responsible for the minor*. This category was added based on comments regarding the importance of capturing outcomes specifically associated with stops of minors.

(J) *Psychiatric hold (pursuant to Welfare & Institutions Code sections 5150 and/or 5585.20).* This category was reflected at former (F)(1), and has not been amended.

(K) *Contacted U.S. Department of Homeland Security (e.g. Immigration and Customs Enforcement, Customs and Border Protection).* This data value was previously listed as (prior) (F)(7), and was amended to correct the name of the federal agency identified, replacing U.S. Citizenship and Immigration Services with U.S. Department of Homeland Security. The term "referred" was also replaced with "contacted" because "referred" is a term of art and did not accurately reflect the intent of the provision, which is to select this category anytime that federal agency has been contacted by the officer as a result of the stop, and not necessarily limited to instances when the officer has formally "referred" the individual stopped to that federal agency.

(prior) (G) *Person stopped died during encounter with officer*. The original version of the regulations contained a choice for "person stopped died during encounter with officer." This data value has been deleted as a choice because of the potential for confusion. Having a category that the person died during the encounter listed as a choice for "result of stop" may give rise to the impression that the death resulted from the stop, which may or may not be the case.

(*former*) 996.226, subd. (a)(8)-(12). These data elements for "Perceived Race or Ethnicity of Person Stopped, Perceived Gender of Person Stopped, Perceived Age of Person Stopped, Person Stopped Had Limited English Fluency or Pronounced Accent," and "Perceived or Known Disability of Person Stopped" have been moved to section 996.226, subdivision (a)(4)-(9) (with the addition of the new element for "Person Stopped Perceived to be LGBT," which is now at subdivision (a)(6)). Please see pp. 7-10, above, for a discussion of the amendments to those provisions.

996.226, subd. (a)(14). *Officer's Identification (I.D.) Number.* This provision, which was previously entitled "Officer's Unique Identifier" (see former § 996.226, subd. (a)(13))has been amended nonsubstantively to change the title of the element, and to clarify that it is be used for all reporting to the *Department* required under this chapter, i.e., and not for all reports an officer may submit to his/her agency or to other agencies for different data collection programs. This provision was further revised to clarify that, for purposes of these regulations, an Officer's Identification Number will be considered to be "Unique Identifying Information," as referenced in Government Code section 12525.5, subdivision (d) and defined in section 999.224, subdivision (a)(17), above.

996.226, subd. (a)(15). ***Officer's Years of Experience.*** This provision previously required an officer to report years of experience using a range of years (less than four, 4-10, and more than 10 years). In response to comments, and upon further review, this provision was revised to require the officers to input their actual years of experience. In addition, this data element will be much more useful and informative if actual years of experience of each officer are collected and analyzed, to help assess how years of experience may impact officer behavior across different agencies. For example, an officer with six months' experience has vastly different experience than one with three and a half years of experience, yet would be considered the "same" if officers only reported ranges of years (in this case, by selecting the category of "less than four years").

This provision was also amended nonsubstantively to replace "sworn peace officer" with a reference to the statutory provisions that define "peace officer" for purposes of counting years of experience.

The provision has also been amended to clarify if an officer is working part-time, he/she shall only count time actually worked as an officer. The original provision only provided this instruction if officers worked "intermittently," which is not synonymous with "part-time." For example, "intermittently" refers to a situation where an officer works two years as an officer, followed by one year as security guard, and then two years (and counting) in her/her present position as an officer. In that scenario, the officer should report that he/she has four years of experience. The provision was amended to clarify that an officer working part-time should count his/her years of experience the same way. For example, if the officer has been working half-time for four years, he/she should report that he/she has two years of experience.

999.226, subd. (a)(16). ***Type of Assignment of Officer.*** This provision, which reports the officer's assignment at the time of stop, has been amended in response to comments from law enforcement to reflect the most representative assignments of officers. These amendments are as follows:

- (A) The category for "Patrol" was amended to include "traffic enforcement" and "field operations."
- (*prior*) (B) The category for "Traffic" was deleted because it has been incorporated into "Patrol, traffic enforcement, field operations."
- (B) The category for "gang" was revised to "gang enforcement" for clarity.
- (C) A new category of assignment was added, entitled "compliance check (e.g., parole/PRCS/probation/mandatory supervision)."
- (D) The category for "special assignment" was revised to "special events (e.g., sports, concerts, protests)."
- (E) A new category was added entitled "Roadblock or DUI sobriety checkpoint."

- (F) The categories of "narcotics" and "vice" were combined into one choice entitled "Narcotics/vice."

- (G) A new category was added entitled "Task force."

- (*former*) (G) The category for "violence suppression/crime suppression" was deleted.

- (H) The category for "K-12 Public School Setting" was revised to "K-12 Public School, including school resource officer or school police officer."

- (I) A new category was added entitled "Investigative/detective."

D. Article 4. Section 999.227 (Reporting Requirements)

Article 4 of the proposed regulations describes general reporting requirements, as well as specific reporting requirements that are unique to certain settings. After extensive review and comments from the public and law enforcement, these provisions have been amended as follows.

999.227, subd. (a). *General Reporting Requirements.*

999.227, subd. (a)(1). This provision states that officers subject to these regulations must submit the data elements described in Article 3, unless the stops occur within certain enumerated settings. The original text set forth three settings subject to special reporting requirements: passengers in vehicles; specific types of interactions; and K-12 Public Schools. The provisions regarding these settings were identified in (a)(1), except that the subdivision regarding K-12 Public School settings was inadvertently omitted from this listing. Subdivision (a)(1) has thus been amended to include that provision [(*new*) subdivision (e)].

In addition, a new category of interactions that are not subject to the general reporting requirements has been added to the regulations (see new subdivision (c) discussed below). Accordingly, this provision has been amended nonsubstantively for formatting purposes, to conform to the amended numbering of the provisions in the regulations and the addition of new section 999.227, subdivision (c), as discussed below, and references the special reporting requirements set forth in subdivisions (b)-(e).

999.227, subd. (a)(4). This provision, which describes the reporting requirements if more than one agency is involved in a stop, has been amended nonsubstantively to clarify that, if a stop is done in conjunction with an agency that is not required to report stops, the agency that is subject to these regulations must submit a stop report, even if that agency is not the primary agency. The purpose of this amendment is to eliminate any confusion that may result if a non-reporting agency is considered the "primary agency." In those instances, a reporting agency must submit a report because the non-reporting agency, even if it is the "primary agency," will not be submitting a report because it is not subject to these regulations.

999.227, subd. (a)(5). This provision, which describes the reporting requirements when one or more officers are involved in a stop, has been amended nonsubstantively to clarify that if more than one officer conducts a stop, the officer with the highest level of engagement shall submit the

full report, and must include all actions taken even if he/she did not perform the specific act reported (e.g., if another officer took the action). The provision has also been amended to provide an example of a stop involving two officers.

999.227, subd. (a)(6). This provision, which describes the reporting requirements if multiple persons are stopped during one incident, has been revised substantively to require officers to submit stop data for multiple persons stopped during one incident in one single report. (The previous version of this provision required that stop forms shall be submitted for each person stopped during one incident (unless the person was a passenger in a vehicle, in which case the officer is to report on passengers pursuant to the requirements set forth in section 999.227, subdivision (b).)

This amendment is designed to streamline the reporting requirements for officers and ease their burden in complying with these requirements, by ensuring an officer uses one report form, but records the required data elements for each person stopped individually in this report form. This will facilitate easier reporting, when applicable, because certain elements (e.g., date, time, location) may be the same for multiple persons involved in an incident. This revision was also made in response to comments that for data analysis it will be important to distinguish multi-person stops, where actions and outcomes are likely to be correlated, from distinct individual stops made in similar locations. The instructions regarding the reporting of passengers in vehicles remain unchanged.

999.227, subd. (a)(8). This provision, which sets forth how an agency shall calculate its size in order to comply with Government Code section 12525.5, subdivision (a)(2), has been amended to clarify that on January 1st of each year until an agency begins reporting data to the Department, it must count the number of the peace officers it employs to determine its size. This amendment was in response to comments questioning when an agency is required to count its officers in order to determine when to first submit their reports.

999.227, subd. (a)(9). This provision previously required that stop data shall be completed and submitted to the officer's agency by the end of the officer's shift. It has been amended because (1) officers who submit data directly to the Department, through the Department's web-based portal system, would not be reporting the data directly to their own agency; and (2) there may be emergencies or other exigent circumstances that make it impracticable to submit the data by the end of the shift. Accordingly, this provision has been amended to provide flexibility by eliminating the requirement that officers submit all stop reports to the officer's agency and providing that the data shall be completed by the end of the shift, unless there are exigent circumstances, in which case officers should complete stop data reports as soon as practicable.

999.227, subd. (a)(10). This provision previously permitted an agency, its officers, or both to revise stop data that was submitted to the agency for up to 96 hours after the officer submitted the data internally to the agency. In order to give agencies more flexibility to review stop data reports and monitor for quality control, the provision was amended to provide that an agency, its officers, or both, can review data internally to correct errors at any time (removing the 96-hour limitation), in order to ensure compliance with these regulations. However, an agency cannot revise data once it is submitted to the Department, unless the revisions are done through the Department's error resolution process.

999.227, subd. (a)(11). This provision, which requires reporting agencies to create an Officer Identification Number to be included with stop reports submitted to the Department, has been revised nonsubstantively to reflect the amendment of the term "Officer's Unique Identifier" to "Officer's Identification (I.D.) Number," set forth at section 996.226, subdivision (a)(14) above. It has also been revised substantively to require the reporting agency to maintain a system matching an individual officer to his or her Officer I.D. Number. Previously, the agency was required to match an individual officer to his or her stop data. Because agencies are not required to maintain stop data if they use the Department's web-browser based application, this provision was amended to require only that the reporting agency maintain a system to match the officer with his or her Officer I.D. Number used for reporting.

999.227, subd. (b) ***Reporting Requirements for Passengers in Vehicle Stops.*** This provision, which describes the reporting requirements for stops of passengers in vehicles, has been amended in response to internal review and comments from law enforcement and the public. The examples in subdivisions (b)(1)(A)(1) and (b)(1)(B)(1) have been amended nonsubstantively for clarity.

Subdivision (b)(1)(B) has been amended to exclude "vehicle impound" from the list of actions taken by an officer that will trigger a reporting requirement for passengers of vehicles subject to a stop. The list of actions that will trigger reporting are those data values for "Actions Taken During Stop." However, "vehicle impounded" will frequently affect passengers without indicating that the officer has taken any additional action with respect to the passenger. For that reason, requiring reporting on passengers for every vehicle impound is unlikely to generate informative data. A new example is provided at (b)(1)(B)(2) to clarify this provision.

999.227, subd. (*new*)(c) ***Peace Officer Interactions That Are Not Reportable.***

In the original proposed regulations, interactions that took place in certain settings were subject to different reporting requirements. Specifically, reporting was limited for stops that take place in certain settings:

- Traffic control of vehicles due to a traffic accident or emergency
- Mass evacuations
- Active shooter events
- Crowd control
- Witness interviews
- Searches and arrests made in the home pursuant to a warrant or search condition, and specifically interactions with persons who are not the subject of the warrant
- Stops that take place while officer is on home detention or house arrest assignment
- Routine security screenings
- K-12 public school settings

In the original regulations, stops in these circumstances were only to be reported if the individual was detained based upon individualized suspicion or personal characteristics and/or an officer takes an *additional* action among those specified in the "actions taken by officer" section,

beyond the original detention or search. In addition, if an interaction was the result of a blanket regulatory activity, it was to be reported only if the interaction was based on individualized suspicion or personal characteristics *and* did not consist solely of (1) officer asking for consent to search; (2) officer searching; or (3) officer seizing property.

Following extensive review and comments, the regulations have been revised to provide that, in certain of these settings, interactions with officers are not subject to the reporting requirements of these regulations. Specifically, the regulations have been revised to add a new provision, entitled "Peace Officer Interactions that are Not Reportable," located at section 999.227, subdivision (c). These settings were exempted from reporting because in these circumstances the officer's actions are largely non-discretionary, involve public safety, and are not the types of interactions contemplated by AB 953. The settings in which stops are exempt from these regulations are as follows:

- 999.227, subd. (c)(1). Stops during mass evacuations (including bomb threats including bomb threats, gas leaks, flooding, earthquakes, and other similar critical incidents)

- 999.227, subd. (c)(2). Stops during an active shooter incident. The original version of this provision did not define "active shooter event." This provision has been amended to define "Active shooter incident," in order to provide guidance to law enforcement, using the definition provided by the Federal Bureau of Investigation. ("Active Shooter Resources," Federal Bureau of Investigation, available at https://www.fbi.gov/about/partnerships/office-of-partner-engagement/active-shooter-resources ["An active shooter is an individual actively engaged in killing or attempting to kill people in a populated area . . . "].)

- 999.227, subd. (c)(3). Stops that occur during or that are the result of routine security screenings required of all persons at entrances of buildings or special events (including metal detector screenings). This includes any secondary searches or stops that are the result of this screening, whether they are secondary searches that result from activation of metal detector or wands, or any searches or detention that result from this screening.

999.227, subd. (d). ***Peace Officer Interactions That Are Reportable Only If the Officer Takes Additional Specified Actions*****.** This provision, which was previously located at 999.227, subdivision (c), has been renumbered to 999.227, subdivision (d). As discussed above, this provision previously limited the reporting requirements for interactions that take place in certain circumstances where the individual is detained based upon individualized suspicion or personal characteristics, if the officer took certain actions during the stop, namely, the data values listed for the data element "Actions Taken by Officer During Stop." This provision has been amended, as follows.

- 999.227, subd. (*former*)(1)(B) and (C). The categories for mass evacuations and active shooter incidents have been deleted from this provision because they are now wholly exempted, as set forth in 999.227, subdivision (c).

- 999.227, subd. (*former*)(1)(E). The category for witness interview has been deleted because an officer does not detain a witness during an interview.

- 999.227, subd. (*new*)(1)(C). A new category has been added, to capture circumstances when a person is detained at a residence when the sole purpose of the detention is so that officers may check for proof of age. In this situation, the interaction is only reported if the officer took any action listed in any of the data values identified for "Actions Taken During Stop." An example was added at (1)(C)(1) to provide guidance to an officer for such a scenario. This amendment was in response to comments from law enforcement that when officers are called to a party at a residence and suspect underage drinking, they detain all persons at the party, and unless these interactions are included in this section, a stop report will be required on all persons at the party. To prevent undue burden on law enforcement and capture only interactions that AB 953 was intended to capture, officers will only be required to report these interactions if they take any of the actions identified in "Actions Taken by Officer During Stop."

  - 999.227, subd. (*former*)(4)(A). This provision, which limited the reporting requirements for stops that take place at a checkpoint or roadblock, has been amended and relocated to (d)(1)(D). In the original proposed regulations, these interactions were included under "programmatic searches or seizures," which included checkpoints as well as routine security screenings at building and special event entrances.

    Because the category of "programmatic searches and seizures" has been deleted, "checkpoints or roadblocks" have been moved to (d)(1)(D), specifying that detentions that occur at checkpoints or roadblocks as the result of a blanket regulatory activity or neutral formula and not based on individualized suspicion or personal characteristics are only reported if the officer took any action listed in any of the data values identified for "Actions Taken by Officer During Stop."

- 999.227, subd. *(former)*(c)(2). This provision, which limited the reporting requirement for searches and arrests of a person inside a home, pursuant to a warrant or search condition, if the person is not the subject of the warrant or search condition, has been amended and relocated to (d)(2). The original version required an officer to report interactions with persons inside of the home if the person is not subject to warrant/search condition, if the officer takes any of the "Actions Taken by Officer During Stop" data values.

  The revised provision provides that interactions in such a setting is only reportable if the officer handcuffs or flex cuffs the person; points a firearm at the person; or discharges or uses a firearm, electronic control device, impact projectile, baton or other impact weapon, or chemical spray, or if a police canine bit/held the person. Although this setting was listed in the original version, the triggering offenses have been amended to be limited to those listed above.

This amendment was in response to comments from law enforcement that officers typically search everyone when they enter a home pursuant to a warrant or search condition, which would require reporting stops on all of these persons. To prevent undue burden on law enforcement and capture only interactions that are the result of an officer's discretion (as opposed to a routine policy or practice), the amended version further narrows the circumstances under which officers must report on interactions with persons not the subject of a warrant.

- 999.227, subd. *(prior)(c)(3).* For interactions with persons not subject to home detention or house arrest that take place while an officer is on home detention or house arrest assignment, such an interaction is only reportable if the officer handcuffs or flex cuffs the person; points a firearm at the person; or discharges or uses a firearm, electronic control device, impact projectile, baton or other impact weapon, or chemical spray, or if a police canine bit/held the person. Although this setting was listed in the original version, the triggering offenses have been amended to be limited to those listed above.

  This amendment was in response to comments from law enforcement that in these circumstances, officers typically search everyone when they enter a home, which would require reporting stops on all of these persons. The amended version narrows the circumstances under which officers must report on interactions with persons not subject to home detention or house arrest for the same reasons as provided above.

999.228, subd. (e). ***Reporting Requirements for Stops of Students at a K-12 Public School.*** The following changes were made to simplify the reporting requirements for interactions that occur in a K-12 public school setting:

999.228, subd. (e)(1). This subdivision provides that interactions with persons who are not students (as that term is defined in Article 1) are subject to the general reporting requirements set forth in Article 3. This provision has been modified to remove the exception for incidental contact to determine whether the person is authorized to be on campus and the corresponding examples. This amendment is intended to simplify the reporting requirements by applying a single, uniform standard to all stops of non-students (on or off campus) and to limit the special reporting requirements only to students.

999.228, subd. (e)(2). This provision was added to clarify that the exceptions to reporting set forth at section 999.227, subdivisions (b)-(d) apply to stops that take place at a K-12 Public school, regardless of whether the stops are of student or non-students. This amendment was necessary to clarify that those reporting exceptions (for example, active shooter incidents, mass evacuations, etc.) apply even if those events take place at a K-12 Public School.

999.228, subd. (e)(3)(B). This subdivision specifies those interactions with students that are reportable as stops. This subdivision has been re-formatted nonsubstantively, and has been revised substantively to add a provision requiring that "any interaction in which student is questioned to determine whether student is truant" shall be reported as a stop.

This modification is intended to fill a gap in the original text based on comments received during the public comment period that truancy investigations, while common in the school as well as general setting, would not be captured in the existing data values for investigations for violations of law or Education Code sections 48900, 48900.2, 48900.4, and 48900.7.

999.228, subd. (e)(3)(C). This subdivision provides that any interaction in which the officer engages in one or more of the data values set forth in Article II for the data element "Actions Taken by Officer During Stop" shall be reported as stops of students in a K-12 school. This subdivision has been edited nonsubstantively to conform with renumbering in Article II and to exclude the data value "none."

This subdivision has also been edited substantively to provide that a detention or search that is conducted of all persons as part of a neutrally applied formula that is not based upon personal characteristics is not reportable. This includes searches conducted at the entries and exits of school facilities by screening devices, and secondary screenings that result from that initial screening. The examples have been modified accordingly. This amendment responds to comments that reporting on searches and seizures conducted as part of a uniform screening at building entrances and exits would significantly increase the reporting burden on officers without adding meaningful data.

999.228, subd. (e)(4). This subdivision sets forth specific data values applicable to stops and searches of students in a K-12 public school. This subdivision has been modified nonsubstantively to clarify that the subdivision sets forth only additional data values (not additional data elements) and to incorporate other technical and grammatical edits.

Paragraph (A) has been amended substantively to provide that the Department shall provide a list of the names of K-12 public schools from the Department of Education in order to ensure uniformity in reporting the name of the institution, as required by Government Code section 12525.5, subdivision (d). The paragraph has been further edited to incorporate technical and grammatical edits.

Paragraph (B) has been added to this subdivision, and the remainder of the subdivision has been renumbered accordingly. Paragraph (B) sets forth a new data value for the data value "Perceived or Known Disability": "Disability related to hyperactivity or impulsive behavior." This data value was added in response to comments during the public comment period—including recommendations from the RIPA Board—that the existing data values did not sufficiently account for situations in which the officer perceives (or knows) the student stopped to be an individual with a disability for reasons related to hyperactivity or impulsive behavior, and that this data value would provide important insights regarding interactions in the K-12 public school setting.

Paragraph (C) (formerly paragraph (B)) has been amended substantively to eliminate the prior data value "investigation to determine unauthorized presence on campus" based on further analysis that such interactions are encompassed within the data value "determine whether the student violated school policy." The prior data value "Investigation to determine whether the student stopped was engaged in other unlawful conduct" was deleted because it is redundant with the data value "reasonable suspicion that the person was engaged in criminal activity" set forth in

Article III, subdivision (a)(10)(A)(2). The data value regarding conduct warranting discipline was amended to clarify that it applies to "possible conduct warranting discipline," as the officer reporting the stop will not be in a position to make a determination of whether the student has, in fact, engaged in conduct warranting discipline and to specify the specific code sections that should be presented to the officer for selection.

In addition, the data value "student violated school policy" has been amended to clarify that this data value should only be selected if other options related to violations of law did not apply because data concerning violations of law is likely to be more specific, carries greater consequences for students, and is likely to be more probative of potential disparities. The remaining data values have been edited nonsubstantively to simplify the language.

Paragraph (D) has been added to the subdivision, and the remainder of the subdivision has been renumbered accordingly. This subdivision specifies one additional data value for "actions taken by officer during stop" that applies only to stops of students in a K-12 public school: "admission or written statement obtained from student." This data value was added in response to comments submitted during the public comment period that this is an action that is frequently taken in the K-12 public school setting and may illuminate potential disparities, but which is not encompassed in any of the data values applicable set forth in Article III, section 999.226, subdivision (a)(12)(A).

Paragraph (G) (formerly paragraph (E) has been amended substantively to eliminate the prior data value "referral to non-school agency or organization (e.g., mental health service provider)" because referral to a non-school agency or organization is most often made by the school administrator, counselor, or other support staff—not the reporting officer.

E. Article 5. Section 999.228 (Technical Specifications and Uniform Reporting Practices)

999.228, subd. (a). ***Electronic System.*** Subdivision (a) was amended nonsubstantively to replace the term "automated" with "electronic." This change is intended to conform to the original intent of the provision, which was to require electronic versus paper submission of data in order to ensure data is both accurate and accessible (consistent with the intent of Government Code section 12525.5) and to make clear that agencies can use any form of electronic data submission—including secure file transfer of spreadsheets or other common file formats—to comply with the reporting requirements.

999.228, subd. (b). ***Submission of Data.*** This subdivision was amended to clarify that the DOJ will accept data in any electronic format that complies with the Department's interface specifications. Specifically, the Department will accept data (1) via a web-browser based application developed by the Department; (2) via system-to-system web service for agencies that collect data in a local system and then submit it to the Department; and (3) via a secured file transfer protocol for agencies that collect data in a local repository and then submit it to the Department.

This provision was further amended to make clear that agencies can submit batch uploads of stop data in Excel spreadsheets and other types of text formats, provided they comply with the Department's interface specifications.

These amendments respond to comments received during the public comment period that the original text could be read to preclude agencies from using certain types of data collection (e.g., paper data collection) or from using common formats to transmit data to the DOJ (e.g., Excel spreadsheets and other delimited text formats of electronic documentation). The amendment is intended to make clear that the regulations do not specify any particular method of data collection and that the Department will accept data in common electronic file formats.

999.228, subd. (c). ***Reporting Schedule.*** This subdivision was amended nonsubstantively to make it clear that the minimum reporting interval is that which is set forth in Government Code section 12525.5, subdivision (d) and that, while the DOJ must accept data more frequently if the agencies choose to so report, the regulations do not require more frequent reporting.

These amendments respond to confusion expressed during the public comment period about the required reporting frequency. The subdivision retains the DOJ's recommendation that the agency submit stop data on a monthly or quarterly basis due to the anticipated volume of data required by Government Code section 12525.5, but this is not required. Former paragraph (2) has been deleted and replaced with subdivision (d), as explained below.

999.228, subd. (d). ***Reporting Responsibilities.*** This subdivision replaces former subdivision (c)(2), which provided that law enforcement agencies must redact any personally identifiable information with respect to the person stopped and officer, except for the Officer's Unique Identifier, prior to transmission of stop data. The remainder of Article 5 has been renumbered accordingly.

New subdivision (d) clarifies that the reporting agencies are solely responsible to ensure that neither personally identifiable information of the individual stopped nor any other information exempt from disclosure pursuant to Government Code section 12525.5, subdivision (d), is transmitted to the Department in the data element for "Location of Stop" required by section 999.226, subdivision (a)(3) and the brief explanatory fields required by section 999.226, subdivisions (a)(10)(B) and (12)(B)(2) for reason for stop and reason for search, respectively. The provision also states that, unless otherwise provided, all stop data is subject to public disclosure consistent with Government Code section 12525.5, subdivision (d). This provision is intended to make clear that the reporting agencies are responsible to ensure—through training, supervisory review, or any other methodology—that these fields do not contain information that is exempt from public disclosure.

999.228, subd. (g). ***Data Publication*** **(formerly subdivision (f)).** This subdivision has been amended substantively to clarify the circumstances in which the Department shall publish or otherwise disclose stop data. As amended, subdivision (g) provides that the Attorney General shall publish the stop data that agencies submit to the Department on the Department's OpenJustice website, at the Attorney General's discretion and consistent with Government Code section 12525.5, subdivision (d).

This provision has also been amended to clarify that the Department will not release to the public the Officer's Identification Number or Unique Identifying Information. Together, these provisions are necessary to clarify what information may be published on OpenJustice.

In addition, subdivision (g) provides that the DOJ is not prohibited from confidentially disclosing all stop data reported to the Department to advance public policy through scientific study and pursuant to the Department's data security protocols, which will ensure that the publication of any data, analyses, or research will not result in the disclosure of an individual officer's identity.

This provision is necessary to make clear the limited circumstances in which the DOJ is permitted to provide access to complete stop data and to address concerns expressed during the public comment period that potentially re-identifying information might be published or otherwise disclosed to the public.

999.228, subd. (h). ***Retention Period*** **(formerly subdivision (g)).** This subdivision has been substantively amended to reduce the retention period provided in the original regulations from five years to three, because the Department will retain all stop data indefinitely and a retention period of three years by the reporting agency will be sufficient for error resolution and auditing purposes. This subdivision was also substantively amended to add a provision that "If a reporting agency elects to use the Department's web-browser based application, the Department shall host the data for the agency for the requisite retention period of three years or transfer this data back to the agency for storage, at the agency's election." This addition is necessary to provide agencies with the option to rely on the DOJ to host data submitted via the web-browser application or to receive the data back from the DOJ for storage at their election.

F. Article 6. Section 999.229 (Audits and Valuation)

The following provisions within this section have been modified, for the reasons set forth below:

999.229, subd. (b). This subdivision has been amended substantively to clarify that reporting agencies are responsible for ensuring that all data elements, data values, and narrative explanatory fields conform to these regulations and for correcting any errors in the data submission process, through the Department's error resolution process.

The subdivision was amended to remove the prior requirement that errors in the submission process must be resolved "prior to submission of data to the Department." Agencies remain responsible to correct errors in the data submission process—errors which are most likely to occur during (and not prior to) the submission of data.

V. Technical Theoretical, and/or Empirical Study, Reports, or Documents

The following documents have been added to the rulemaking file:

The following document was included in the rulemaking file as of the date of the original Notice of Proposed Rulemaking Activity (December 6, 2017), but was inadvertently omitted from the list of materials relied upon that was provided in the Initial Statement of Reasons:

24. California Police Chiefs Association, *AB 953: CPCA Concerns and Cost Estimates* (Aug. 4, 2015).

A copy of this document can be found at pages Z-2016-1129-03-00161 through -00179 of the rulemaking file.

The following documents have been added to the rulemaking file pursuant to Government Code section 11347.1:

25. ACLU, Letter to Department of Justice (Apr. 19, 2017).
26. ACLU of North Carolina, Road Work Ahead (May 2014), available at http://acluofnorthcarolina.org/files/Road_Work_Ahead_-_Data_collection_report_2014.pdf.
27. Department of Justice, Field Test Results (May 2017).
28. Department of Justice, Letter to Department of Finance (Jan. 25, 2017).
29. Department of Justice, Survey to Law Enforcement Agencies: Summary of Responses (June 2016).
30. Department of Justice, Use of Force Incident Reporting (Dec. 21, 2016).
31. Emily Owens (University of California, Irvine), Letter to Department of Justice (Apr. 28, 2017).
32. *Floyd v. City of New York* (S.D.N.Y. 2013) 959 F. Supp. 2d 668.
33. New York Civil Liberties Union, Stop-and-Frisk Data, at http://www.nyclu.org/content/stop-and-frisk-data.
34. Peace Officers Research Association of California, Letter to the RIPA Board (Jan. 26, 2017).
35. Phillip Reese, *See What California Cities Pay Police, Firefighters*, Sacramento Bee (Feb. 27, 2016), at http://www.sacbee.com/site-services/databases/article2573210.html.
36. The President's Task Force on 21st Century Policing, *Final Report* (May 2015), at https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.
37. Racial and Identity Profiling Advisory Board, Meeting Minutes (Oct. 24, 2016).
38. Racial and Identity Profiling Advisory Board, Meeting Minutes (Jan. 26, 2017).
39. Sharad Goel (Stanford University), Letter to Department of Justice (June 10, 2017).
40. Sunlight Foundation, The Benefits of data in Criminal Justice: Improving Police-Community Relations (Apr. 30, 2015), at https://sunlightfoundation.com/2015/04/30/the-benefits-of-data-in-criminal-justice-improving-police-community-relations/.
41. Sunlight Foundation, The Benefits of data in Criminal Justice: Beyond Policing (May 1, 2015), at https://sunlightfoundation.com/2015/05/01/the-benefits-of-criminal-justice-data-beyond-policing/.
42. Susanna Capelouto, CNN.com, *Racial profiling costs Arizona county $22 million* (Jan. 3, 2014), at http://www.cnn.com/2014/01/03/us/racial-profiling-payments/index.html.
43. U.S. Census Bureau, The Asian Population: 2010 (Mar. 2012), at https://www.census.gov/prod/cen2010/briefs/c2010br-11.pdf.
44. U.S. Census Bureau, The Native Hawaiian and Other Pacific Islander Population: 2010 (May 2012), at https://www.census.gov/prod/cen2010/briefs/c2010br-12.pdf.

In addition, the Department of Justice has added copies of the following rulemaking documents to the rulemaking file:

- Addendum to the Initial Statement of Reasons (August 1, 2017).
- Revised STD 399 and Addendum (July 27, 2017).

Copies of the Addendum to the Initial Statement of Reasons, the Revised STD 399 and Addendum, and all comments received during the prior public comment period are available for inspection at the addresses noted in the Notice of Availability of Modified Text of Proposed Regulations and Related Materials, provided on August 1, 2017. They are also available at https://oag.ca.gov/ab953/regulations.

VI. Economic Impact Assessment

As noted above, the Department has issued a new economic and fiscal impact assessment in the form of an addendum to the STD 399. The new analysis is intended to supplant the analysis set forth in pages 32 through 41 of the original ISOR. The new analysis does not change the Department's prior findings that (1) the proposed regulations will have no significant statewide adverse economic impact directly affecting business; (2) the proposed regulations will not affect small businesses; and (3) the proposed regulations will have no significant effect on housing costs.

As noted above, copies the Revised STD 399 and Addendum are available for inspection at the addresses noted in the Notice of Availability of Modified Text of Proposed Regulations and Related Materials, provided on August 1, 2017. They are also available at https://oag.ca.gov/ab953/regulations.

FINAL STATEMENT OF REASONS
PROPOSED REGULATIONS
Title 11. Law
Division 1. Attorney General
Chapter 19
Sections 999.224–999.229

UPDATE TO THE INITIAL STATEMENT OF REASONS AND ADDENDUM

California's Racial and Identity Profiling Act of 2015 (AB 953), effective January 1, 2016, succinctly explained the negative impacts of racial and identity profiling, which AB 953 and these proposed regulations seek to eliminate. The Legislature explained that "racial or identity profiling alienates people from law enforcement, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people whom law enforcement is sworn to protect and serve." (Pen. Code, § 13519.4, subd. (d)(3).)

Government Code section 12525.5, subdivision (e), requires the Department of Justice (Department) to consult with a variety of stakeholders in drafting these regulations, including "the Racial and Identity Profiling Advisory (RIPA) Board . . . , federal, state, and local law enforcement agencies and community, professional, academic, research, and civil and human rights organizations." As fully set forth in the Initial Statement of Reasons (ISOR) and the Addendum to the Initial Statement of Reasons (ISOR Addendum), the Department has done so, and the regulations are the result of informal and formal recommendations by these stakeholders, and considerable review and research of existing data collection programs in other jurisdictions. Among other things, the Department met with, held teleconferences, and/or engaged with stakeholders from a variety of agencies and organizations, including community and civil rights organizations that sponsored or supported AB 953; associations that represent law enforcement agencies throughout California; federal, state and local law enforcement agencies; professors and representatives from academic institutions and organizations, including those from within California and also those based in other states; representatives from the federal Bureau of Justice Statistics; and representatives from numerous civil rights, community and social and criminal justice organizations, including individuals representing the LGBT, immigrant rights, disability rights and youth rights communities, as well as members of various religious organizations.

In addition, the Department reviewed existing models for stop data collection from other jurisdictions, both within California and throughout the nation. The Department reviewed federal criminal justice statistics reporting practices, existing criminal justice statistics reporting requirements under California law including the requirements imposed by AB 71 with respect to use of force incidents. (See Gov. Code, § 12525.2.) The Department also reviewed the legislative history of AB 953, including various analyses by legislative committees.

In addition to the Department's outreach to stakeholders and review of policies, ordinances, statutes, reports, and studies regarding stop data collection practices in California and other states, the Department also received several letters with recommendations from various civil rights and community rights organizations that sponsored or supported AB 953, before, during and after the public comment periods.

The Department solicited advice from the RIPA Board during multiple meetings, and its various subcommittees, which met throughout July, August, September and October 2016. Attorney General Becerra personally met with stakeholders from advocacy groups, academic researchers, and law enforcement to hear their recommendations on improvements and issues that should be considered in the Department's preparation of the regulations. In May 2017, the Department conducted a field test of proposed stop data elements to assist in understanding the practical effect of the regulations and to help evaluate the costs associated with different methods for collecting and reporting the data. The methodology used to obtain time estimates on completion of the stop data forms and how the cost estimates were calculated is set forth in detail in the Revised STD Form 399 and Addendum.

On December 9, 2016, the Department published proposed regulations regarding California's Racial and Identity Profiling Act of 2015. The Department heard public comment on the proposed regulations until January 27, 2017. During that time, the Department also held public hearings on January 12th (Los Angeles), January 18th (Oakland), and January 26th (Fresno). Oral comments on the proposed regulations were accepted at each of these hearings and transcribed by a certified court reporter. In addition, written comments were received by the Department throughout the public comment period, which closed on January 27, 2017. On August 1, 2017, the Department published the Notice of Availability of Modified Text of Proposed Regulations and Related Materials, making the regulations available for an additional 15-day public comment period.

After thoroughly considering the oral and written commentary from stakeholders, and reviewing stop data collection programs in other jurisdictions, the Department has finalized its proposed regulations, which will provide instructions to law enforcement agencies and their officers, as well as clarity regarding what data to report, and the logistics of how and when to report this data.

Corrections to the ISOR Addendum

A commenter noted that the final paragraph on page 27 of the ISOR Addendum contains a typographical error. That paragraph should read as follows:

> The revised provision provides that interactions in such a setting is only reportable if the officer handcuffs or flex cuffs the person; points a firearm at the person; or discharges or uses a firearm, electronic control device, impact projectile, baton or other impact weapon, or chemical spray, or if a police canine bit/held the person. Although this setting was listed in the original version, the triggering ~~offenses~~ actions have been amended to be limited to those listed above.

The following should be added to the end of the third paragraph on page 2 of the ISOR Addendum (Rulemaking File, page 2378) regarding modifications to section 999.224, subdivision (a)(5):

> As used here, the term "data dictionary" is a term of art in database management that refers to the documentation describing a database schema for technical users. Data dictionaries are standard components of technology projects in which new systems/databases are being developed. California's law enforcement agencies

are familiar with the use of data dictionaries in other criminal justice databases. (See, e.g., FBI, Crime Data Explorer dictionary and values, available at https://crime-data-explorer.fr.cloud.gov/pdf/data-dictionary.pdf.) In this case, the data dictionary developed by the Department of Justice's California Justice Information Services (CJIS) Division will provide a technical blueprint to law enforcement agencies who elect to build or modify in-house systems to collect and transmit stop data to ensure that those systems are able to "talk to" the CJIS database when the agency transmits the specific data elements provided in the regulations to the Department of Justice. For example, the data dictionary provided by the New York Police Department for its stop database provides that the "Date of Stop" shall be maintained under the variable label "datestop" in position "4" of the database and transmitted in the format "MM-DD-YYYY." *See NYPD Stop Question Frisk Database 2016*, available at https://www1.nyc.gov/assets/nypd/downloads/excel/analysis_and_planning/stop-question-frisk/2016-sqf-file-spec.xlsx.

The following should be added to the end of the fifth full paragraph on page 24 of the ISOR Addendum (Rulemaking File, page 2400) regarding modifications to section 999.227, subdivision (a)(10):

> As used here, "error resolution process" is a term of art in database management, which refers to a common technical process imposed by the database manager to impose a uniform, standard mechanism for correction of submitted data to ensure compliance with the technical requirements of the database system; it does not refer to a substantive or qualitative review of the reported data. It will be used simply to obtain missing data. Law enforcement agencies are familiar with error resolution processes in place for a variety of databases maintained by the Department of Justice that require the submission of data. For example, an error resolution process would apply if an agency attempted to batch upload 6 months of data into the Department's system, but neglected to include one of the required data fields. In that case, the agency's database manager would receive an electronic notice of the error, and the data will be sent back for the agency to resolve and resubmit the corrected data as required by AB 953 and its implementing regulations.

The following should be added to the end of the sixth full paragraph on page 32 of the ISOR Addendum (Rulemaking File, page 2408) regarding modifications to section 999.229, subdivision (b):

> "Error resolution process" is used here as a term of art in database management, as explained above.

Non-substantive and Grammatical Edits to the Final Text

Attachment A to this document sets forth errata made to the final text following the 15-day notice. As explained in Attachment A, these changes are "nonsubstantial or solely grammatical

in nature" (Gov. Code, § 11346.8(c)), and therefore do not require further notice or public comment. (See Cal. Code of Reg., tit. 1, § 40.)

REQUIRED DETERMINATIONS

I. LOCAL MANDATE DETERMINATION

The Department has determined that the proposed regulations do impose a reimbursable mandate on local government. City and county law enforcement agencies subject to the reporting requirements of Government Code section 12525.5 shall provide officers with the means to collect the additional data elements and data values set forth in these proposed regulations (in addition to the requirements set forth in Government Code section 12525.5 itself). They shall also obtain the necessary personnel and/or technology to report the required stop data to the Department as provided in proposed Section 999.228, subdivisions (a) and (b).

These provisions may require additional investments in technology and/or personnel time, as detailed in the Revised STD 399 and STD 399 Addendum. (See Rulemaking File, pages 2411-2437.)[1] The Department is developing a web-based application that agencies may use with minimal costs. Agencies that use this application will submit data directly to the Department and will not need to store the stop data on their systems. Reporting agencies that do not utilize the Department's web-based application must also obtain electronic storage capacity to maintain their stop data records for three years, as provided in proposed Section 999.228, subdivision (h), and must obtain the means to transmit stop records to the Department, as provided in proposed Section 999.228, subdivision (b).

II. ALTERNATIVES DETERMINATION

The Department has determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

III. NONDUPLICATION

The proposed regulation, sections 999.224, 999.225, 999.226, 999.227, 999.228, and 999.229, in some instances, duplicate state statutes which are cited as "authority" or "reference" for the proposed regulation. This duplication is necessary to satisfy the "clarity" standard of Government Code section 11349.1, subdivision (a)(3).

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING INITIAL PUBLIC COMMENT PERIOD (45-DAY COMMENTS)

The Department published the Notice of Proposed Rulemaking Action on December 9, 2016, and accepted public comments through January 27, 2017. All written comments received during

[1] All subsequent page references are to the Rulemaking File unless otherwise indicated.

this initial comment period (45-Day Comments) period are included in the rulemaking file at Tab C.

In addition, public hearings were held regarding the proposed regulations on January 12, 2017, in Los Angeles; January 18, 2017, in Oakland; and January 26, 2017, in Fresno. Transcripts of these public hearings are included in the rulemaking file at Tab D.

Summaries of the written comments, oral comments provided at the public hearings, and the Department's responses to them, are set forth below, and are organized by subject matter, i.e., in the order of the proposed regulations, beginning with Article 1. Following these comments, the Department summarizes and responds to general comments that are not directed toward specific text within the regulations.

A list of all written comments received (timely and untimely), as well as the oral comments provided at the public hearings, is included in the Table of Contents to the Rulemaking File. In addition, these comments are also referenced in an index attached to this document, which lists each comment by subject matter and in the order it is addressed in this document. (See Attachment B.)

I. COMMENTS REGARDING ARTICLE 1 [DEFINITIONS] (SECTION 999.224, AS ORIGINALLY PROPOSED)

1. 999.224, subd. (a)(3) [Custodial setting]

(a) Captain Eric Tennessen (Ventura County Sheriff's Office) commented that Government Code section 12525.5, subdivision (g)(1) appears to exempt from reporting stops by those deputies who are in a custody assignment, but noted that officers in the Sheriff's Office's custodial facilities routinely screen all people who visit inmates by requiring them to walk through a metal detector. If the metal detector is triggered, Captain Tennessen explained, the person is pulled aside, asked investigatory questions, and subject to additional screening with a handheld metal detector. Captain Tennessen commented: "Does this additional level of individualized screening trigger reporting?" (Comment 26, p. 1514; Comment 27, p. 1515.)

Response: No change has been made in response to this comment. Officers in a custodial setting—which, as defined, includes "correctional institutions, juvenile detention facilities, and jails"—are not subject to the reporting requirements of the regulations. Accordingly, interactions such as those provided above as an example are not reportable.

The Department has modified the proposed regulations to exclude from reporting interactions that take place in certain settings, including those that occur as a result of routine security screenings. Specifically, proposed Section 999.227, subdivision (c)(3), as revised, provides that the following interactions, among others, are not subject to the reporting requirements of the regulations:

> *Stops that occur during or as a result of routine security screenings required of all persons to enter a building or special event, including metal detector screenings, including any secondary searches that result from that screening, are not subject to the reporting requirements of this chapter.*

(Final Text, p. 17) [2] *[§ 999.227, subd. (c)(3)]; see ISOR Addendum, p. 2; Redlined Text, p. 1.) Accordingly, even if the example provided took place outside of a custodial setting, interactions that occur as a result of routine security screenings such as a metal detector, including secondary searches, would not be reportable.*

(b) Captain Eric Tennessen. Captain Tennessen commented that custody deputies patrol the parking lot and visiting waiting area of custodial facilities, and often detain, question, search and arrest subjects. (Comment 26, p. 1514.) He noted that "[t]hese deputies frequently initiate consensual encounters and detentions in the parking lot, and even conduct traffic enforcement stops on the road leading to our jail." (Comment 27, p. 1515.) He commented: "Does their definition as custodial officers exempt them from having to report any contacts? (*Ibid.*)

Response: This comment is accepted. The Department has amended the definition of "Custodial setting" in proposed Section 999.224, subdivision (a)(3) to make it clear that the definition of custodial setting includes "parking lots and grounds within the perimeter of these enumerated facilities." In addition, the Department has modified proposed Section 999.225, subdivision (c) to clarify that "[p]eace officers shall not report stops that occur in a custodial setting." With respect to Captain Tennessen's example of traffic stops made on roads leading toward a custodial facility, if that road is not within the perimeter of the facility, the officer is not in a "custodial setting" and is required to report the stop.

2. 999.224, subd. (a)(7) [Detention]

(a) A coalition of individuals and organizations[3] that co-sponsored and supported the passage of AB 953 (collectively "ACLU et al."), as well as the Peace Resource Center of San Diego, suggested that the definition of "detention" in proposed Section § 999.224, subdivision (a)(7) "should be strengthened to guard against narrow interpretations of the term." (Comment 47,

[2] Unless otherwise indicated all references to the proposed regulations in this document are to the final text of the regulations, as modified following the correction of minor typographical errors on September 21, 2017 (referenced hereafter as "Final Text").

[3] The following individuals and organizations submitted Comment 47: ACLU of California; AIDS/HIV Health Alternatives; Alliance for Boys and Men of Color; A New PATH (Parents for Addiction Treatment & Healing); Anti-Recidivism Coalition; Asian Americans Advancing Justice – Asian Law Caucus; Asian Americans Advancing Justice – Los Angeles; Bend the Arc: A Jewish Partnership for Justice Southern California; CADRE (Community Asset Development Re-defining Education); Center for Neighborhood Leadership, Arizona; Central American Resource Center – LA; Children's Defense Fund – California; Communities United for Restorative Youth Justice; Community Health Councils; Conservatives for Judicial Change; Council on American-Islamic Relations, California Chapter (CAIR-CA); Dignity in Schools Campaign; Drug Policy Alliance; Ella Baker Center; Equality California; Equal Justice Society; Faith In The Valley; Fathers and Families of San Joaquin; Felony Murder Elimination Project; Flip the Script – KPFK Radio; Healing Dialogue and Action; L.A.U.R.A. (Life After Uncivil Ruthless Acts Crime Victims/Survivors Support Group); Lawyers' Committee for Civil Rights of the San Francisco Bay Area; Los Angeles LGBT Center; Mariposa House; Menlo House; National Center for Youth Law; National Compadre Network; National Juvenile Justice Network; PolicyLink; Public Advocates; Public Counsel; Racial Justice Now, Ohio; Sadler Healthcare; Santa Monica Coalition for Police Reform; Silicon Valley De-Bug; South Bay Packers Youth Football Organization; S.T.O.P. Police Violence Family and Community Coalition (Los Angeles); Urban Peace Institute; Western Pacific Re-Hab; White People for Black Lives; Wilks Law; Youth Justice Coalition, LA; Rabbi Neil Comess-Daniels, Beth Shir Shalom; and Rabbi Morley T. Feinstein, University Synagogue and Immediate Past President, Board of Rabbis of Southern California. (Comment 47, p. 1665-1666)

p. 1555 (ACLU et al.); Comment 65, p. 1600 (Peace Resource Center).) The commenters explained:

> Although Section 999.224(a)(7) sufficiently defines the scope of the detention, an explanatory example may be useful to ensure that officers accurately and consistently capture reportable stop data. Specifically, an example should be added under the definition of 'Detention' to clarify the scope of interactions implicated by the term, including initial questioning by officers generally perceived by individuals as interactions where they are not free to leave.

(Comment 47, p. 1556; Comment 65, p. 1600.)

The commenters stated that, although the definition provided sufficiently defines the scope of the term "detention," they "strongly recommend" the inclusion of a clarifying example as provided in Comment 47, p. 1556, and Comment 65, p. 1600.

Response: No changes have been made in response to these comments. As explained in the ISOR, the definition of "detention" is defined consistent with state and federal jurisprudence. (ISOR, p. 8.) The definition includes any situation in which the words or conduct of the officer would result in a reasonable person believing that they are not free to leave. The definition is included in these regulations to provide reporting agencies and officers with a single source of information defining the terms used in Government Code section 12525.5.

The proposed amendment would expand the definition of detention to encompass all situations in which an officer inquires about an individual's presence or activities, regardless of whether a reasonable person would believe that he or she is not free to leave. Deviating from the accepted legal definition of "detention," either to incorporate a subjective standard or to reach any situation in which an officer poses a question to an individual, would create confusion for reporting officers while expanding the scope of the legal definition of detention and likely result in inconsistent reporting.

3. 999.224, subd. (a)(11) [Reporting Agency]

(a) Peter Bibring (ACLU) expressed his support that the proposed definition of "peace officer" includes school police departments (proposed § 999.224, subd. (a)(11)). (Hearing Comment 89, p. 1687 [Los Angeles Hearing Transcript, p. 20].)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations.

(b) Disability Rights California recommended that the definition of "reporting agency" in proposed Section 999.224, subdivision (a)(11) be expanded to include "police and law enforcement agencies at state facilities operated by the Departments of Developmental Services and State Hospitals." (Comment 68, p. 1615.) The commenter noted that "[e]xpressly including state facility law enforcement is consistent with AB 953's definition of "peace officer," citing Penal Code sections 830.3 and 830.28, subdivision (a). (*Ibid.*)

Response: No change has been made in response to this comment. AB 953 does not define "peace officer" to include the definitions provided in Penal Code sections 830.3 and 830.28, subdivision (a). Rather, Government Code section 12525.5, subdivision (a) provides that the reporting requirements apply only to those state and local agencies that employ "peace officers," a term that Government Code section 12525.5, subdivision (g)(1) limits for purposes of reporting agencies "to members of the California Highway Patrol, a city or county law enforcement agency, and California state or university educational institutions," excluding "probation officers and officers in a custodial setting." (Gov. Code, § 12525.5, subd. (g)(1).)

Accordingly, the requirements of Section 12525.5 do not apply to peace officers who are employed by the Department of Developmental Services and State Hospitals.

However, any peace officer employed by a reporting agency, as that term is defined in proposed Section 999.224, subdivision (a)(11), and who conducts a stop at such a facility would be subject to the reporting requirements set forth in these regulations. (See Final Text, p. 4 [§ 999.225, subd. (d)].)

(c) Professor Jack Glaser from the University of California at Berkeley, offered a non-substantive grammatical edit to the definition of "reporting agency" in proposed Section 999.224, subdivision (a)(11)(A)(1), to make the definition easier to understand. (Comment 80, pp. 1646-1647.)

Response: This comment is accepted. The Department has amended the proposed definition of "reporting agency" in relevant part as follows: "'Reporting agency' includes any city or county law enforcement agency that employs peace officers, including officers who are contracted to work at other government agencies or private entities." (See Final Text, p. 2 [§ 999.224, subd. (a)(11)(A)1].)

(d) Sergio Mendozarodriguez commented: "The proposed regulation appears to be for law enforcement agencies only. Why is this not applicable to other government agencies like DMV. As an example DMV has repeatedly used my name to correlate it to that of a criminal, solely based on similarity of names and date of birth. I would believe if my name was 'John Smith', this issue would not occur." (Comment 14, p. 1490.)

Response: No change has been made in response to this comment. As noted above in response to subdivision (b) within this section of the FSOR, Government Code section 12525.5, subdivisions (a) and (g)(1) define the specific agencies and peace officers subject to these reporting requirements. Other governmental agencies, such as the Department of Motor Vehicles, are not included.

4. 999.224, subd. (a)(13) [Search]

(a) Peter Bibring (ACLU) supported the proposed definition of "search," which includes frisks (prop. § 999.224, subd. (a)(13)). (Hearing Comment 89, pp. 1687-1688 [Los Angeles Hearing Transcript, p. 19].)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations.

(b) Michael Chase commented in support of the Department's proposed definition of "search" to include consensual searches and frisks/pat-downs. (Hearing Comment 97, p. 1697-1698 [Oakland Hearing Transcript, pp. 10-13].)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations.

(c) California Rural Legal Assistance recommended that the definition of "search" be amended to expressly include real property (home, apartment, common area) and should not be limited to personal property or property under the control of the person stopped. (Comment 75, pp. 1634-1635.)

Response: No change has been made in response to this comment. Government Code section 12525.5, subdivision (g)(2) defines "stop" to include "any peace officer interaction 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." However, as set forth in the ISOR Addendum, the words "under his or her" before the word "control" was added to that the definition and reads "search of a person's body or property in the person's possession or under his or her control." The phrase "as defined in these regulations" was added following the term "consensual search." These revisions were done for clarity and not for substantive reasons. The proposed regulation conforms to the definition provided in AB 953.

(d) Professor Jack Glaser commented on whether the definition of "search" should be amended to include vehicle searches and define that term ("e.g. peering in or physically entering vehicle?"). (Comment 80, pp. 1648-1649.)

Response: No change has been made in response to this comment. Additional detail is not necessary to define the term "property in the person's possession or control." In circumstances where a vehicle is involved in the stop, the regulations now provide the opportunity for additional detail not only by permitting the selection of additional data elements, but also because of the additional information that can be added in the explanatory field for "Basis for Search."

5. 999.224, subd. (a)(14) [Stop]

(a) ACLU et al. and the Peace Resource Center of San Diego objected to the definition of "Stop" in proposed Section 999.224, subdivision (a)(14) and recommended that the proposed regulations be revised so that the definition of "Stop" read as explicitly stated in the statute to avoid any confusion that any search, consensual or not, is subject to reporting under the statute and regulations. (Comment 47, p. 1556; Comment 65, p. 1600.)

Response: No change has been made in response to these comments. The definition in proposed Section 999.226, subdivision (a)(13) explicitly includes the two terms set forth in Government Code section 12525.5, subdivision (g)(2): any detention, as defined in these proposed regulations, and any search, including a consensual search, as defined in these regulations. The proposed regulation conforms to AB 953's definition of stop and will capture consensual searches, which are included in the definition of "search" and specifically a "consensual search" is defined as "a search that occurs with a person gives a peace officer consent or

permission to search the person or person's property. Consent can be given in writing or verbally, or may be implied by conduct." The Department believes that the definitions of "stop," "detention," "search" and "consensual search" make it clear that consensual and non-consensual searches are required to be reported as provided in the regulations.

(b) Los Angeles Police Department commented that the definition of "stop" is vague as well as "exceedingly broad" and could be read to include any interaction in which a search is conducted; the comment noted that this will "increase the number of required reports due to secondary searches conducted during security screenings prior to entry into public buildings." (Comment 54, p. 1580.)

Response: No change has been made in response to this comment with respect to the definition of "stop." The regulations conform to the definition of "stop" as defined in Government Code section 12525.5, subdivision (g)(2), which includes the reporting of consensual and non-consensual searches, as discussed in above in subdivision (a) of this section. However, the Department agrees with the comment concerning secondary searches conducted during security screenings, and has modified the text of the proposed regulations to exclude routine security screenings from reporting requirements. Specifically, proposed Section 999.227, subdivision (c)(3), as revised, provides that the following interactions, among others, are not subject to the reporting requirements of the regulations:

> *Stops that occur during or as a result of routine security screenings required of all persons to enter a building or special event, including metal detector screenings, including any secondary searches that result from that screening, are not subject to the reporting requirements of this chapter.*

(Final Text, p. 17 [§ 999.227, subd. (c)(3)]; (See also ISOR Addendum, p. 2; Redlined Text, p. 1.)

(c) California Association of Highway Patrolmen commented that the proposed definition of "stop" would require reports on all California Highway Patrol (CHP) interactions, and additionally commented that the proposed regulations would require reports on all vehicle impounds, noting that the CHP impounds more than 132,000 vehicles per year, estimating that even if half are occupied vehicles, and that half of those has more than one occupant, reporting on those contacts would greatly impact the CHP's workload. (Comment 61, pp. 1589-1590.)

Response: No change has been made in response to this comment with respect to the definition of "stop." The regulations conform to the definition of "stop" as defined in Government Code section 12525.5, subdivision (g)(2).

With respect to the comment regarding vehicle impounds, it is not clear whether this comment is intended to refer to the definition of "stop" in proposed Section 999.224, subdivision (a)(14) (which defines the universe of interactions for which a reporting agency must collect data) or to the specific data value for "impound of vehicle" in proposed Section 999.226, subd. (a)(6)(C)(1) [basis for property seized]. To the extent the commenter is concerned that vehicle impounds might trigger additional reporting requirements for passengers, the Department agrees with the comment and has modified proposed Section 999.227, subdivision (b) to exclude "vehicle

impound" from this list of actions that will trigger reporting for passengers. (See Final Text, p. 17 [§ 999.227, subd. (b)(1)(B)]; ISOR Addendum, p. 25.)

(d) Butte County Sheriff's Office commented: "The requirement that officers/deputies report the required data from non-discretionary activities (i.e. calls for service, search warrants, arrest warrants, probation searches, etc.) will skew the data and not aid in determining if an officer/deputy is engaging in biased policing." (Comment 32, p. 1524.)

Response: No change has been made in response to this comment. The regulations conform to the definition of "stop" as defined in Government Code section 12525.5, subdivision (g)(2).

6. 999.224, subd. (a)(15) [Student]

(a) California Rural Legal Assistance recommended that the definition of "student" in proposed Section 999.224, subdivision (a)(15) be expanded to make clear that special education students in non-public school settings that are funded or paid for by public school districts are included, and to clarify that the definition encompasses those students who may receive special education services up until 22 years of age. The commenter also recommended including specific examples of students with disabilities, and provided two representative examples. (Comment 75, p. 1630.)

Response: This comment is accepted. The definition of "student" has been amended to clarify that the term "student" includes not only persons between the ages of 6 and 18 who are not otherwise exempt from compulsory education laws (which was in the original version), but also persons up to 22 years of age who are being provided special education and services, as provided in Education Code section 56026. The definition was also revised to include one of the examples provided by the commenter. (See Final Text, pp. 3-4 [§ 999.224, subd. (a)(16)]; ISOR Addendum, pp. 3-4.)

(b) Professor Jack Glaser commented on whether private or charter school students should be included in the definition of "student." (Comment 80, pp. 1648-1649.)

Response: To the extent this comment is a recommendation to clarify the definition of "student," that comment is accepted. The definition of "student" has been amended to provide further clarity, as explained above.

No change has been made in response to the comment that students who attend private or charter schools should be included in the definition of "student" for purposes of these regulations. This is because charter schools are subject to all laws establishing minimum age for public school attendance (see Educ. Code§ 47610 subd. (c)), including Education Code section 48200; thus charter school students already included in the definition of student provide by the regulations. Private school students do not fall within the definition of "student" for purposes of these regulations and would be treated under the general reporting requirements.

7. 999.224, subd. (a)(17) [Weapon]

(a) California Rural Legal Assistance recommended that the definition of "weapon" in proposed Section 999.224, subdivision (a)(17) be expanded to include the use of water cannons or tear gas,

because, although one may think they are not generally used in individual stops, "they can be used in situations that began with a response to a reported incident rather a crowd control setting . . . ." (Comment 75, p. 1630.)

(b) Professor Jack Glaser asked whether the definition of "weapon" should include knives and other non-projectile weapons. (Comment 80, pp. 1648-1649.)

Response to (a) and (b): The Department has accepted these comments in part. As discussed in the ISOR Addendum, the definition of "weapon" set forth in proposed Section 999.224 has been deleted. (See ISOR Addendum, p. 5; Redlined Text, p. 4.) Also, for "actions taken by officer," the data value "pepper spray or mace" in the original text has been amended to "chemical spray used (e.g., pepper spray, mace, or other chemical irritants)," which encapsulates "tear gas." (Redlined Text, pp. 16-17; Final Text, pp. 10-11 [§ 999.226, subd. (a)(12)(A)].)

The Department did not add "water cannons" to "Actions Taken By Officers During Stop" which is where the list of specific type of weapons used, as modified, now appears. Likewise, the Department declined to include Professor Glaser's recommendation of "knives and other non-projectile weapons" to the list of "Actions Taken By Officer During Stop" because officers typically do not carry or utilize knives in their interactions with the public during stops. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that these additional data values were not necessary to include at this time.

8. Definition of "stop data"

Stephen Richards commented: "What is 'stop data'?" (Comment 2, p. 1469.)

Response: This comment is accepted. The Department has modified proposed Section 999.224, subdivision (a) to add the following definition: "'Stop data' refers collectively to the data elements and data values that must be reported to the Department." (Final Text, p. 3 [§ 999.224, subd. (a)(15)].)

II. COMMENTS REGARDING ARTICLE 2 [LAW ENFORCEMENT AGENCIES SUBJECT TO GOVERNMENT CODE § 12525.5] (SECTION 999.225, AS ORIGINALLY PROPOSED)

(a) Michael Chase offered a general comment in support of including off-duty and out-of-assignment officers in the reporting requirements (see Original Text, p. 4 [§ 999.225, subd. (c)]). (Hearing Comment 97, p. 1697 [Oakland Hearing Transcript, p. 12].)

(b) Peter Bibring (ACLU) similarly supported the proposed interpretation of Government Code § 12525.5 to apply "whenever they're acting in their official capacity, and not just when they are on the job for an assignment agency." (Hearing Comment 89, p. 1688 [Los Angeles Transcript, p. 21].)

Response to (a) and (b). No changes have been made in response to these comments. For the reasons set forth in the ISOR Addendum, the Department has modified proposed Section 999.225, subdivision (d) to delete the provision that these reporting requirements apply to off-

duty officers and to delete the examples pertaining to off-duty officers. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. As explained in the ISOR Addendum: "This amendment was made upon further review of the regulations because of the infrequent nature of such stops and the practical and logistical complications that may arise regarding the reporting by an officer who is off-duty. For example, an officer who is off-duty will be unable to complete the reporting requirement by the end of his or her shift, and may not have access to mobile or electronic devices, or other means of reporting the data electronically, as he or she would if on-duty." (ISOR Addendum, p. 5.)

III. COMMENTS REGARDING ARTICLE 3 [DATA ELEMENTS TO BE REPORTED (SECTION 999.226, AS ORIGINALLY PROPOSED)

A. Comments Related To Proposed Data Values And Data Elements

1. 999.226, subd. (a)(2)(C) [Duration of Stop]

(a) ACLU et al. and the Peace Resource Center of San Diego disagreed with the use of time ranges for the data element "duration of stop" and recommended that these values be replaced with a mandatory open-text field for the officer to complete by providing the estimated duration of the stop, in minutes. (Comment 47, p. 1556; Comment 65, p. 1600.)

(b) Rosa Aqeel (PolicyLink) commented that the original draft of the regulations did not account for accurate reporting of duration of the stop. Ms. Aqeel provided an example as to why the accuracy for this data value is necessary and stressed the importance of more precise collection of this information. (Hearing Comment 110, p. 1707 [Fresno Hearing Transcript, pp. 25-26].)

(c) Brandon Sturdivant (Hearing Comment 113, p. 1709 [Fresno Hearing Transcript, p. 33]) and Carolina Goodman (Comment 18, p. 1498) also recommended that the time ranges be replaced with an open field to type in the estimated duration of the stop. Professor Jack Glaser made the same recommendation, observing: "Continuous is vastly preferable. There will be a lot of meaningful variation within these intervals. Also solves the problem of unequal intervals, which is problematic for data analysis." (Comment 80, pp. 1650-1651.)

(d) Krissy Powell (Comment 66, p. 1609) and Sean Garcia-Leys (Hearing Comment 95, p. 1693 [Los Angeles Hearing Transcript, pp. 42]) recommended adding a mandatory open narrative field if "over 60 minutes" is selected, allowing the officer to enter the exact time of the stop.

(e) Kim McGill (Youth Justice Coalition) (Hearing Comment 90, p. 1688 [Los Angeles Hearing Transcript, p. 24]) and Maritzza (last name unknown) (Youth Justice Coalition) (Hearing Comment 94, p. 1693 [Los Angeles Hearing Transcript, p. 41]) commented that the data category for duration of stop is particularly important, with Ms. McGill referencing information her organization gathered from Public Records Act requests for use-of-force data from the Los Angeles District Attorney. (Hearing Comment 90, p. 1688 [Los Angeles Hearing Transcript, pp. 23-25].)

(f) Vanessa Deleon commented: "And then the data values where it's listed as timing. So where it's 1 to 10 minutes, 11 to 20, those don't capture necessary details with respect to like how long it lasted. So you'd be reevaluating those time limits." (Hearing Comment 87, p. 1686 [Los Angeles Hearing Transcript, p. 14].)

Response to (a) through (f): These comments are accepted in part. The Department has modified the regulations because the originally proposed data values would not have provided sufficient information to analyze links between the length of a stop and any racial or identity profiling. The Department has amended the regulations for this provision ("Duration of Stop") to require the officer to enter the approximate length of the stop in minutes in whole number increments. The reason for the amendment is to ensure that accurate information is captured, as opposed to a range of time, and to provide greater insight into the stop. (See Redlined Text, p. 6; Final Text, p. 5 [§ 999.226, subd. (a)(2)(C)]; ISOR Addendum, p. 6.)

2. 999.226, subd. (a)(3) [Location]

(a) Maritzza (last name unknown) (Youth Justice Coalition) (Hearing Comment 94, p. 1693 [Los Angeles Hearing Transcript, p. 42, ll. 14-17]) and Kim McGill (Youth Justice Coalition) (Hearing Comment 90, p. 1689 [Los Angeles Hearing Transcript, p. 27]) emphasized the importance of location as a data value.

Response: No changes have been made in response to this comment. The proposed regulations and Government Code section 12525.5, subdivision (b)(1) already include location as a required data element.

(b) ACLU et al. and Peace Resource Center of San Diego commented that the omission of descriptive data values to identify the type of location, and recommended adding several specific primary and secondary data values to this data element. The commenters specifically recommended that the proposed regulations be revised to add a new data element for "Description of Location of Stop," with primary data values for "Vehicle Stop" and "Pedestrian Stop," and multiple secondary data values within these two descriptions (e.g., "public street/sidewalk," "government building," "other," etc.). They further recommended adding a requirement that an officer complete a mandatory open-text field when selecting the "Other" data value for "Pedestrian Stop." (Comment 47, pp. 1556-1557; Comment 65, pp. 1600-1601.)

(c) Kena Cador (ACLU) (Hearing Comment 114, p. 1709 [Fresno Hearing Transcript, p. 35]) and Vanessa Deleon (Hearing Comment 87, p. 1686 [Los Angeles Hearing Transcript, p. 14]) similarly requested that data values be added for a description of the location, such as street, sidewalk, residence, commercial place or public transit, to provide context about where these stops are taking place

Response to (b) and (c): No change has been made in response to these comments. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that these additional data elements were not necessary to include at this time.

(d) California Highway Patrol commented that geocoordinates may be of limited utility for freeway stops and suggested that "it may be more appropriate to add language to permit only the notation of the city or county of a vehicle stop, especially one initiated on a freeway, rather than a specific geographical coordinate." (Comment 38, p. 1536.)

Response: This comment is accepted. The Department has amended the regulations at § 999.226, subdivision (a)(3) to eliminate the requirement that the officer report the geographic coordinates of a stop. Instead, as explained in the ISOR Addendum, this data element has been revised to require that the officer report one of the following options, in order of preference: block number and street name; closest intersection; or highway and closest highway exit. In addition, if none of those options apply, the officer may report a road marker, landmark, or other description. The officer must also report the name of the city where the stop occurred. (See Redlined Text, pp. 7-8; Final Text, p. 6 [§ 999.226, subd. (a)(3)]; ISOR Addendum, p. 6.)

3. 999.226, subd. (a)(4) [Reason for Presence at Scene of Stop]

(a) William Welsh submitted a general comment in support of this data element and in support of the Department's decision (set forth in the ISOR) not to include a separate data value for officer-initiated contact because "Reason for presence at scene of stop and Reason for stop will already tell us whether stop is officer-initiated or not." (Comment 11, p. 1482.)

(b) ACLU et al. and the Peace Resource Center of San Diego (Anne Barron) commented that the data values for "Reason for Presence at Scene of Stop" should be mutually exclusive and mutually exhaustive to ensure both accurate and consistent reporting and appropriate data analysis," and therefore proposed nine additional primary data values and several sub-values for this data element. (Comment 47, p. 1557; Comment 65, p. 1601.) The commenters also recommended that an officer can only select one data value in response to this element, and made some recommendations regarding textual edits to this provision. (Comment 47, pp. 1557-1558; Comment 65, p. 1601-1602.) In addition, the commenters objected to the third example provided in Section 999.226, subd. (a)(5)(B) distinguishing "Reason for Presence at Scene" from "Reason for Search," noting that the example actually presents two reportable interactions in this scenario—one with the driver and one with the passenger. (Comment 47, p. 1559; Comment 65, p. 1603.)

Response to (a) and (b): No changes have been made in response to these comments. However, in drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department determined that the data element for "Reason for Presence at Scene of Stop" was duplicative of other data elements and values so eliminated that data value altogether, along with the explanatory examples distinguishing "Reason for Presence at Scene" from "Reason for Stop." (ISOR Addendum, pp. 11.) Instead the Department has added a data element entitled "Stop Made in Response to a Call for Service," for the reasons set forth in the ISOR Addendum. (See Redlined Text, pp. 15-16; Final Text, p. 10 [§ 999.226, subd. (a)(11)]; ISOR Addendum, p. 11.) As a result of this data value being eliminated altogether, the commenters' concerns with the third example are now moot.

(c) Professor Jack Glaser commented that the phrase "Call to service" should be a "Call for service" within an example "Reason for Presence at Scene of Stop" and that if the data value "other" was included, then it should have a narrative field for explanation. (Comment 80, pp. 1654-1655, citing prop. § 999.226, subd. (a)(4)(A)(8)(b).)

Response: No change has been made to the regulations based upon this comment. As explained in the ISOR Addendum at p. 11, the Department has deleted the data element for "Reason for Presence at Scene of Stop" (including the example referenced in this comment) replacing it instead with a data element for "Stop was in Response to Call for Service." (Redlined Text, pp. 15-16; Final Text, p. 10 [§ 999.226, subd. (a)(11)].) In light of this revision, the recommended change is unnecessary.

(d) Los Angeles Police Department commented that: "The proposed regulations expand the 'Reason for the Stop' into two separate categories: 'Reason for Presence at Scene of Stop' and 'Reason for Stop.' In addition to other required data, the two sections in the proposed regulations delineate four different types of calls for service and nine different types of 'reasonable suspicion.' This significantly expands the amount of data required for each stop and is far beyond what is required by the legislation." (Comment 54, p. 1579.)

Response: This comment is accepted in part. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department determined that the data element for "Reason for Presence at Scene of Stop" was duplicative of other data elements and values so eliminated that data value altogether. (ISOR Addendum, p. 11.) Instead the Department has added a data element entitled "Stop Made in Response to a Call for Service," for the reasons set forth in the ISOR Addendum. (Final Text, p. 10 [§ 999.226, subd. (a)(11)]; Redlined Text, p. 16; ISOR Addendum, p. 11.)

4. 999.226, subd. (a)(5) [Reason for Stop]

(a) *Request for Mandatory Narrative.*

Numerous advocacy organizations and individual commenters recommended that the Department add a mandatory open-text field for the officer to describe the reason for stop. Specifically, the following commenters recommended a mandatory open-text field for reason for stop:

1. ACLU et al. (Comment 47, pp. 1555, 1558)
2. Peace Resource Center of San Diego (Comment 65, pp. 1598, 1602-1603)
3. Legal Services for Prisoners with Children (Comment 31, p. 1523)
4. Kena Cador (ACLU) (Hearing Comment 114, p. 1709 [Fresno Hearing Transcript, p. 35])
5. Peter Bibring (ACLU) (Hearing Comment 89, p. 1688 [Los Angeles Hearing Transcript, pp. 21-22])
6. Racial and Identity Profiling Advisory Board (Board Co-Chair Edward Medrano speaking for the RIPA Board) (Hearing Comment 101, p. 1703 [Fresno Hearing Transcript, p. 10])

7. Carolina Goodman (Comment 18, p. 1498)
8. Michael Chase (Hearing Comment 97, p. 1697 [Oakland Hearing Transcript, pp. 10-11])
9. Sameena Usman (Council on American-Islamic Relations) (Hearing Comment 98, pp. 1698-1699 [Oakland Hearing Transcript, pp. 15-19])
10. Vanessa Deleon (Hearing Comment 87, p. 1686 [Los Angeles Hearing Transcript, p. 14].)
11. William Welsh (Comment 11, p. 1482)
12. Kim McGill (Youth Justice Collation) (Hearing Comment 90, p. 1689 [Los Angeles Hearing Transcript, p. 23)
13. Kenneth Orr (Comment 7, p. 1475)

The commenters recommended a required narrative field for "Reason for Stop" because this data element allows officers to explain, in their own words, why they stopped the person(s), and will provide crucial context and information regarding the reason for the stop.

Legal Services for Prisoners with Children explained:

> The purpose of AB953 is to be able to identify the officers who are acting on racial or other biases and to retrain them in order to stop their biases from resulting in discriminatory policing in the future. If the form that officers must fill out when they make a stop does not have open fields for officers to explain their reasons for stopping or searching a person, their biases can be hidden within a check box. (Comment 31, p. 1523.)

(b) Kenneth Orr recommended that the regulations be amended to require the officer to report on what the person did, or is suspected of doing, that prompted the contact. He explained: "I believe important to any analysis of police contact is the basis used for the stop/contact to begin with in addition to race, ethnicity, and even religion, if it is obvious, such as the use of a hijab, or other visible article of faith that might cause someone to feel they are being targeted." (Comment 7, p. 1475.)

(c) Professor Jack Glaser (Comment 80, pp. 1656-1657) recommended an open field specifically for "other reasonable suspicion" (a sub value within the data value for "reasonable suspicion"), while Professor Jennifer Eberhardt (Comment 77, p. 1639), and Jonathan Mummolo (Comment 62, p. 1591) each recommended that the Department add a narrative field specifically for "reasonable suspicion." Professor Eberhardt explained that it is "particularly problematic" to provide a data value for "other reasonable suspicion" without requiring a narrative field because researchers will be "left with no understanding at all of what triggered reasonable suspicion," which would, in turn, "limit[] our ability to measure and track common situations." (Comment 77, p. 1639.)

Response to (a) through (c): The Department has accepted these comments and has amended this data element to add a brief mandatory narrative field for the officer to explain, in his or her words, the reason for the stop. (See ISOR Addendum, pp. 13-14; Final Text, p. 10 [§ 999.226, subd. (a)(10)(B)].) In addition, if a search is conducted, the Department has added a brief mandatory narrative field for the officer to explain, in his or her words, the "Basis for Search."

(ISOR Addendum, p. 18; Final Text, p. 12 [§ 999.226, subd. (a)(12)(B)(2)].) The Department has determined that the text fields for these two data values are necessary to satisfy the statutory requirement that the officer record the reason for stop and basis for search. As further discussed in the ISOR Addendum, these two narrative fields were also added in response to recommendations from the RIPA Board, academics, and other stakeholders. (ISOR Addendum, pp. 13-14, 18.)

In addition, the Department conducted a field test of proposed stop data elements as well as evaluated costs associated with different methods for collecting and reporting the data. The methodology used to obtain time estimates on completion of the stop data forms and how the cost estimates were calculated is set forth in detail in the Revised STD Form 399 and Addendum. Results of the field test showed a median completion time of approximately 2.5 minutes (145 seconds) per stop. The median time to complete the text field for "reason for stop" was 16.1 seconds; the median time to complete the text field for "basis for search" was 22.4 seconds.

(d) California Rural Legal Assistance recommended requiring officers to provide additional data when selecting the "probable cause to search" as a "Reason for Stop." The additional data recommended to be added are 1) witness tip; 2) suspicious smell; 3) dog signaled during canine detection; 4) attempts to conceal object; and 5) other. (Comment 75, p. 1631.)

Response: No change has been made in response to this comment. The Department has revised the regulations to delete the data value "Probable cause to search" as a choice for "Reason for Stop" because probable cause to search requires a higher legal standard than reasonable suspicion, and this data value should be encompassed within either the subcategories set forth for the data value entitled, "Reasonable suspicion that the person was engaged in criminal activity," or the data value, "Consensual encounter resulting in a search." Because an officer will also have to explain the "Basis for Search" as part of this data collection, "Probable cause to search" did not provide additional analytic value as an option here. (See ISOR Addendum, p. 12, Redline Text, p. 14.) Therefore, with respect to the addition of these data values within "probable cause to search," this comment is moot.

However, as discussed in above, the data element "Reason for Stop" has been modified to add a brief mandatory narrative field regarding the reason for the stop. (See ISOR Addendum, pp. 13-14; Final Text, p. 10 [proposed § 999.226, subd. (a)(10)(B)].) The Department believes that this revision adequately addresses the concerns of this commenter surrounding the need for additional information with respect to probable cause.

(e) ACLU et al. and Peace Resource Center of San Diego recommended that the secondary data values identified for "reasonable suspicion" also be added to "probable cause to arrest" and "probable cause to search." The ACLU also recommended re-ordering the primary data values as they appear in this provision, so that "traffic violation" is the fifth data value, and not the first. (Comment 47, pp. 1558-1559; Comment 65, pp. 1602-1603.)

Response: No change has been made in response to these comments. The Department has revised the regulations to delete the data value "probable cause to arrest," because it is now encompassed in the subcategory "officer witnessed commission of crime," which is a new subcategory for the data value of "Reasonable Suspicion." This amendment is designed to

streamline the choices from which an officer must elect in reporting "Reason for Stop." (See ISOR Addendum, p. 12.) Similarly, as discussed above, "probable cause to search" as a choice for "Reason for Stop" has been deleted in its entirety because probable cause to search requires a higher legal standard than reasonable suspicion, and this data value should be encompassed within either the subcategories set forth for the data value entitled, "Reasonable suspicion that the person was engaged in criminal activity," or the data value, "Consensual encounter resulting in a search." Because an officer will also have to explain the "Basis for Search" as part of this data collection, "Probable cause to search" did not provide additional analytic value as an option here. (See ISOR Addendum, p. 12, Redlined Text, p.14; Final Text, p. 9 [§ 999.226, subd. (a)(10)].) The Department believes that these revisions adequately address the concerns of this commenter surrounding the need for additional information with respect to reasonable suspicion and probable cause to arrest.

With respect to the comments concerning the reordering of the data values for "Reason for Stop," no change has been made in response to these comments. The Department believes that the current order and flow of the data elements and data values will adequately capture the information necessary to evaluate this information as it relates to racial and identity profiling.

(f) Professor Jack Glaser recommended that the data value for "Consensual encounter resulting in consensual search" for the data element "Reason for Stop" be amended to state either that the proposed data value for "consensual encounter resulting in a consensual search" should be selected "if and only if a consensual encounter results in a consensual search" or that "even if a consensual encounter results in a consensual search." (Comment 80, pp. 1656-1657.)

Response: This comment is accepted. The Department has amended this provision in relevant part according to the commenter's first suggestion: "The officer shall select this data value if and only if a consensual encounter results in a consensual search." (Final Text, p. 10 [§ 999.226, subd. (a)(10(A)6].)

(g) Los Angeles Police Department commented that: "The proposed regulations expand the 'Reason for the Stop' into two separate categories: 'Reason for Presence at Scene of Stop' and 'Reason for Stop.' In addition to other required data, the two sections in the proposed regulations delineate four different types of calls for service and nine different types of 'reasonable suspicion.' This significantly expands the amount of data required for each stop and is far beyond what is required by the legislation." (Comment 54, p. 1579.)

Response: This comment is accepted in part. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial or identity profiling. The Department has determined that the additional data values within the element "Reason for Stop" are necessary to fulfill the intent of AB 953. However, as noted above, the Department has revised the regulations to delete the data value "probable cause to arrest," because it is now encompassed in the subcategory "officer witnessed commission of crime," which is a new subcategory for the data value of "Reasonable Suspicion." This amendment is designed to streamline the choices from which an officer must elect in determining Reason for Stop. (See ISOR Addendum, p. 12.) Similarly, as discussed above, "probable cause to search" as a choice for "Reason for Stop" has been deleted in its entirety because probable cause to search requires

a higher legal standard than reasonable suspicion, and this data value should be encompassed within either the subcategories set forth for the data value entitled, "Reasonable suspicion that the person was engaged in criminal activity," or the data value, "Consensual encounter resulting in a search." With respect to the commenters concern that the terms are duplicative, the Department has determined that the data element for "Reason for Presence at Scene of Stop" was duplicative of other data elements and values so eliminated that data value altogether. (ISOR Addendum, p. 11.) Instead the Department has added a data element entitled "Stop Made in Response to a Call for Service," for the reasons set forth in the ISOR Addendum. (See Redlined Text, p. 16; Final Text, p. 10 [§ 999.226, subd. (a)(11)]; ISOR Addendum, p. 11.) The Department believes these revisions comply with AB 953 and address the commenter's concern.

5. 999.226, subd. (a)(6) [Actions Taken by Officer During Stop]

(a) ACLU et al. and the Peace Resource Center of San Diego recommended a number of revisions related to the proposed data values for "Actions Taken by Officer During Stop." (Comment 47, p. 1560; Comment 65, pp. 1603-1604.) These are summarized as follows:

- Revise "Handcuffed" to read "Handcuffed, zip tied or otherwise restrained," clarifying that zip ties must also be reported;
- Remove "in apprehension" from "Use of canine," so that this data value can capture when an officer uses a canine for a search (e.g., looking for drugs);
- Require a mandatory open-text field for "Other use of force," where officers can briefly describe the use of force employed;
- Add "Field sobriety or drug test" as a data value;
- Add "Other agency called to scene" as a data value, and include a mandatory open-text field for the officer to specify which agency was called to the scene;
- Add "Unbuttoning the holster or grabbing the weapon" as a data value for instances where an officer does not remove or brandish a weapon but takes actions consistent with a threat of use or brandishing a weapon, because such actions are intimidating and threatening to an individual and significantly change the nature of the interaction; and
- Add "Completion of field interview card or other investigatory documentation." (Comment 47, pp. 1560-1561.)

(b) Kena Cador (ACLU) referenced the ACLU's written comments and specifically noted the addition of data values for "agency called to the scene" and "unbuttoning the holster or grabbing the weapon." (Hearing Comment 114, p. 1709 [Fresno Hearing Transcript, pp. 34-35].)

Response to (a) and (b): These comments are accepted in part. (See Redlined Text, pp. 16-17; Final Text, pp. 10-11 [§ 999.226, subd. (a)(12)(A)].) The ISOR Addendum details which data values have been revised, and the basis for doing so. (ISOR Addendum, pp. 16-17.)

(c) Krissy Powell recommended that a new data element be added to record whether there was consent to stop and to search and seizure. (Comment 66, p. 1609.)

Response: This comment is accepted. Section 996.226, subd. (a)(12)(A)(17) was modified non-substantively to provide an additional check box to indicate if consent was not given. This was

done for clarity, to ensure that officers indicate affirmatively whether or not consent was given, if consent was requested. Section 996.226, subd. (a)(12)(A)(18) was amended for clarity by adding an explanatory sentence to ensure that officers understand that this data value should be selected even if the search was consensual. Section 996.226, subd. (a)(12)(A)(19) was modified non-substantively to provide an additional check box to indicate if consent was not given. This was done for clarity, to ensure that officers indicate affirmatively whether or not consent was given, if consent was requested. (See ISOR Addendum at p. 17.)

(d) Professor Jack Glaser recommended that the proposed data value "person removed from vehicle by order or physical contact" be broken into two separate values to differentiate between removal by order versus physical contact. (Comment 80, pp. 1658-1659.)

Response: This comment is accepted. As discussed in the ISOR Addendum, the previous data value for "person removed from vehicle by order or physical contact" was separated into two choices: "removed from vehicle by order" and "removed from vehicle by physical contact." This amendment was made in response to comments and because the experience of being verbally ordered from a car and being physically removed from a car are sufficiently different to require two separate entries. (See Redlined Text, p. 16; Final Text, p. 10 [§ 999.226, subd. (a)(12)(A)(1)-(2); ISOR Addendum, p. 15.)

(e) Professor Jack Glaser commented on whether the reference to "bb guns, pellet guns, air guns, [or] gas-powered guns" as subcategories for the data values "weapon removed from holster or brandished" and "weapon was discharged or used" under the data element for "Actions Taken by Officer During Stop" were drafting errors because officers don't use these types of weapons. (Comment 80, pp. 1658-1659.)

Response: This comment is accepted. As discussed in the ISOR Addendum (see pp. 15-16), these data values have been revised substantially. Among other edits, the terms referenced have been removed for the reasons stated by the commenter.

(f) Professor Jack Glaser commented on whether the data values of "Search of person was conducted" and "Search of property was conducted" for the data element "Actions Taken by Officer During Stop" were "meant to capture when non-consent searches (i.e., probable cause searches) are conducted as well?" (Comment 80, pp. 1660-1661.)

Response: This comment is accepted. The Department has revised these data elements to add clarifying language that these data values "should be selected if a search . . . was conducted, regardless of whether the officer asked for or received consent to search the person." (Redlined Text, pp. 17-18; Final Text, p. 11 [§ 999.226, subd. (a)(12)(A)(18), (20)].)

(g) Professor Jack Glaser commented on whether the data value "none of the above" in "Actions Taken During Stop" (proposed § 999.226(a)(6)(A)(15)) is necessary with respect to actions taken by the officer, and whether there should be an "other" category with a narrative field. (Comment 80, pp. 1660-1661.)

Response: No change has been made in response to this comment. With respect to the data value for "none of the above," that data value is intended to require officers to affirmatively note that none of the listed actions were taken if that is the case in a particular stop interaction. The

Department has revised this data value to clarify that "None" should be selected only if none of the enumerated data values apply and that, if "None" is selected, no other data values can be selected. (Redlined Text, p. 18; Final Text, p. 12 [§ 999.226, subd. (a)(12)(A)(23)].)

In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. Currently, there are 23 data values to select from in this category, which sufficiently captures the most relevant and probable interactions within this category, and, as such, the Department has determined that adding a data value for "other" with a narrative field is not necessary to include at this time.

6. 999.226, subd. (a)(6)(B)(1) [Basis for Search]

(a) Professor Jack Glaser recommended that "officer safety" be amended to "safety of officer and/or others in vicinity" to track the *Terry* standard for a pat down. (Comment 80, pp. 1660-1661, referencing Original Text, p. 11.)

Response: The Department has accepted this comment. The data value or "Basis of search" has been revised to "officer safety/safety of others" for those reasons stated by the commenter. (Redlined Text, p. 18; Final Text, p. 12 [§ 999.226, subd. (a)(12)(B)1.b].)

(b) Legal Services for Prisoners with Children (LSPC) (Comment 31, p. 1523), the ACLU et al. (Comment 47, pp. 1555, 1561), the Peace Resource Center of San Diego (Comment 65, pp. 1598, 1604-1605), Professor Jennifer Eberhardt (Comment 77, p. 1640), Michael Chase (Hearing Comment 97, p. 1697-1698 [Oakland Hearing Transcript, pp. 10-13]), Kena Cador (ACLU) (Hearing Comment 114, p. 1709 [Fresno Hearing Transcript, p. 35]), and the Racial and Identity Profiling Advisory Board (Board Co-Chair Edward Medrano speaking for the RIPA Board) (Hearing Comment 101, p. 1703 [Fresno Hearing Transcript, p. 10]) recommended a mandatory narrative field for "Basis for Search." For example, LSPC explained that a narrative field for basis for search (and reason or stop) is necessary because "basis can be hidden within a check box," which would "thwart the purpose of AB953 by obscuring the biases this law is intended to bring to the surface." (Comment 31, p. 1523.)

Response: This comment is accepted. The Department has amended this data element to add a brief mandatory narrative field for the officer to explain, in his or her words, the "Basis for Search." (See ISOR Addendum, p. 18; Final Text, p. 12 [§ 999.226, subd. (a)(12)(B)2].) The Department has also amended this data element to add a brief mandatory narrative field for the officer to explain, in his or her words, the reason for the stop. (See ISOR Addendum, pp. 13-14; Final Text, p. 10 [§ 999.226, subd. (a)(10)(B)].) The Department has determined that the text fields for these two data values are necessary to satisfy the statutory requirement that the officer record the reason for stop and basis for search. As further discussed in the ISOR Addendum, these two narrative fields were also added in response to recommendations from the RIPA Board, academics, and other stakeholders. (ISOR Addendum, pp. 13-14, 18.)

In addition, the Department conducted a field test of proposed stop data elements as well as evaluated costs associated with different methods for collecting and reporting the data. The methodology used to obtain time estimates on completion of the stop data forms and how the cost

estimates were calculated is set forth in detail in the Revised STD Form 399 and Addendum. Results of the field test showed a median completion time of approximately 2.5 minutes (145 seconds) per stop. The median time to complete the text field for "reason for stop" was 16.1 seconds; the median time to complete the text field for "basis for search" was 22.4 seconds.

(c) ACLU et al. and the Peace Resource Center of San Diego commented that two of the data values provided for "basis for search"—"officer safety" and "exigent circumstances/emergency"—provide an "insufficient legal basis for a search.," and further noted that "the presence of these choices further underscores the need for an open-text field to allow officers to explain the basis for safety concerns or exigency." They also recommended that a data value of "other basis" be added as a choice for "Basis for Search." (Comment 47, p. 1561; comment 65, pp. 1604-1605.)

Response: No change has been made in response to these comments. "Officer safety" and "exigent circumstances/emergency" may provide a legally sufficient basis for a limited pat-down search of a person's outer clothing. The regulations include a pat-down search within the definition of "search" for the purposes of this stop data collection. (See Final Text, p. 3 [§ 999.224, subd. (a)(13)].) In addition, the regulations have been revised to include a mandatory open-text field for officers to detail the basis for the search. (Final Text, p. 12 [§ 999.226, subd. (a)(12)(B)2].) The Department believes that the addition of the required mandatory open-text field will adequately capture the information necessary to evaluate this information as it relates to racial and identity profiling.

7. 999.226, subd. (a)(6)(B)(2) [Contraband or Evidence Discovered]

(a) Professor Jack Glaser recommended that officers be required to specify the particular type of property seized when selecting the proposed data values "weapon," "drugs/narcotics," "other contraband," and "other evidence" (Comment 80, pp. 1662-1663.)

Response: No change has been made in response to this comment. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. Therefore, the Department has determined that these additional data elements were not necessary to include at this time.

(b) Professor Jack Glaser commented with respect to the proposed data values for "cell phone,": "Why is this noteworthy. Almost everyone carries a cell phone." (Comment 80, pp. 1662-1663.)

Response: No change has been made in response to this comment. This box will only be checked if an officer discovers a cell phone or electronic device that constitutes either "contraband" or "other evidence," in the circumstances of that particular encounter, and not simply a cell phone in the person's possession.

8. 999.226, subd. (a)(6)(C)(2) [Property Seized]

(a) Disability Rights California recommended that data values be added for "mobility device" and "sensory aid or device" to the data element for "type of property seized," explaining that "[i]ncluding these items provides not only information regarding an individual's disability, but

also reveals practices that could constitute outright harassment of the person." (Comment 68, p. 1616.)

Response: No change has been made in response to this comment. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that the 11 data values proposed in response for "Type of Property Seized," following the August 1, 2017 modifications, provide sufficient context and information regarding a stop. (See Final Text, p. 13 [§ 999.226, subd. (a)(12)(D)(2)(a)-(k)].)

(b) Professor Jack Glaser recommended that the proposed data value "none" should be deleted. Professor Glaser explained that the data value "none" does not make sense in response to the prompt to select the "the type of property seized, if any." (Comment 80, p. 1663.)

Response: Comment accepted. As explained in the ISOR Addendum (p. 19), this data value has been deleted as a choice for the reason set forth in this comment. (See Redlined Text, p. 20; Final Text [§ 999.226, subd. (a)(12)(D)(2)].)

9. 999.226, subd. (a)(7) [Result of Stop/Referral]

(a) Andrea Guerrero (Alliance San Diego Mobilization Fund) recommended that this data value be corrected to refer to the "U.S. Department of Homeland Security" and not to USCIS. (Comment 1, p. 1467.)

(b) ACLU et al. and the Peace Resource Center of San Diego recommended that this data value be revised to read "Referred to immigration agency (e.g., CBP, ICE, etc.) and that an additional data value be added for "Transferred/released to other agency," with a mandatory open-text field where the specific agency can be identified. (Comment 47, p. 1562; Comment 65, p. 1605.)

Response to (a) and (b): These comments are accepted in part. As discussed in the ISOR Addendum (p. 21), the data values for "Referred to U.S. Citizenship and Immigration Services" has been revised to "Contacted U.S. Department of Homeland Security (e.g., Immigrations and Customs Enforcement, Customs and Boarder Protection)." (Redlined Text, p. 21; Final Text, p. 14 [§ 999.226, subd. (a)(13)(k)].) The Department believes that the numerous revisions to these data values, as described in the ISOR Addendum, will adequately capture the information necessary to evaluate this information as it relates to racial and identity profiling.

In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that the additional data value "transferred/released to other agency," combined with an open-text field, is not necessary to include at this time.

10. 999.226, subd. (a)(8) [Perceived Race or Ethnicity of Person Stopped]

(a) Calvin Chang, on behalf of Empowering Pacific Islander Communities, commented that the proposed data value of "Asian or Pacific Islander" is "extremely problematic [for] our

community." Mr. Chang explained that "these two communities should never have been aggregated in the first place given how distinct their histories are [and] because of the extreme diversity that exists within both of those communities." He further commented on the historical discrimination against Pacific Islanders and the distinct differences between the Asian and Pacific Islander communities and treatment within the criminal justice system. For that reason, Mr. Chang recommended that the two categories of "Asian" and "Pacific Islander" be separated, consistent with California Government Code 1810.5 and with the Federal Office of Management and Budget Directive No. 15. (Hearing Comment 86, p. 1685 [Los Angeles Hearing Transcript, p. 12].)

Response: This comment is accepted. This provision has been amended to create two separate data values for "Asian" and "Pacific Islander," and further amended to provide two distinct definitions for "Asian" and "Pacific Islander." (See Redlined Text, pp. 8-9; Final Text, pp. 6-7 [§ 999.226, subds. (a)(4)(A),(B), (G)]; ISOR Addendum, p. 7.)

(b) Professor Jack Glaser commented that the phrasing of the proposed data values for race and ethnicity might be confusing, and suggested that slashes or parenthesis be used to set off alternatives, rather than this use of the disjunctive "or." (Comment 80, pp. 1664-1665).

Professor Glaser also commented on whether the examples given for the "White" data value are necessary, and further commented that the definition provided for "Native American" (which is defined as "a person having origins in any of the original peoples of North, Central, and South America") might be confused with "Latino," which is defined as "a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race." He noted that a discerning officer might check both Native American and Latino. (Comment 80, p. 1666-1667).

Professor Glaser further recommended that the single proposed data value for "Middle Eastern or South Asian" be broken into two separate categories, observing: "The terrorist stereotype does not apply equally here, and it will be interesting to see if officers discern between these categories." (Comment 80, p. 1667).

Response: These comments are accepted in part. To provide additional clarity regarding these data values, this provision has been amended to utilize slashes, in lieu of the word "or," where applicable, to describe the specific data values. (See Redlined Text, pp. 8-9; Final Text, pp. 6-7 [§ 999.226, subd. (a)(4)]; ISOR Addendum, p. 7.) The definition of "White" has been revised to omit the examples provided. (Redlined Text, p. 9; Final Text, p. 7 [§ 999.226, subd. (a)(4)(H)].)

No change has been made to the definitions of "Native American" and "Hispanic/Latino", however, because the Department believes those definitions are sufficiently clear and an officer will be able to distinguish sufficiently between the two categories in recording their perception of the person's race or ethnicity.

Similarly, no changes have been made to the definition of 'Middle Eastern or South Asian," for the reasons set forth in the Department's original ISOR. (ISOR, p. 17.) The definition of "Middle Eastern or South Asian" in the regulations was derived in part from a commonly used definition found at Asian Americans/Pacific Islanders in Philanthropy. This data value was

chosen to enable agencies, researchers, the Racial and Identity Profiling Advisory Board (RIPA), and the public to determine whether implicit or explicit biases in law enforcement practices exist with respect to persons who appear to have origins in that geographic region of the world. Further, there is significant precedent for combining these two groups for similar analytic purposes, as well as in other contexts. (See, e.g., http://aapip.org/files/incubation/files/amemsa20fact20sheet.pdf [Rulemaking File, p. 125-130.)

Data collection under AB 953 must focus on race and ethnicity, and it is the Department's assessment that these categories capture that data as best as possible.

(c) Captain Eric Tennessen (Ventura County Sheriff's Office) commented on whether an officer is to report his or her perception of the person's race and ethnicity "when the deputy decided to make the stop or once he/she made contact with the particular individual?" He noted that, during most stops conducted at night, "our deputies cannot determine the race of the subject until after they are stopped, because of darkness, tinted windows, etc." He further noted that, because there is no choice of "unknown," he assumes that officers are asked to determine the race or ethnicity of the person stopped "after we make contact with the subject." (Comment 27, p. 1515.)

Response: No change has been made to the regulations in response to this comment. Consistent with the provisions of AB 953, the regulations make clear that the officer shall "make his or her determination of the person's race or ethnicity by personal observation only." (Final Text, p. 6 [§ 999.226, subd. (a)(4)].) The regulations do not specify a time when that personal observation should be made because of the varying circumstances as to when that may take place. However, consistent with the plain text of the provision, an officer is required to select at least one of the racial/ethnic categories provided, and that selection will be based upon the officer's personal observation at whatever point in the encounter the officer is able to make such an observation.

11. 999.226, subd. (a)(9) [Perceived Gender]

(a) California Rural Legal Assistance (CRLA) commented in support of the data values for "transgender man," "transgender woman," and "gender non-conforming." CRLA explained that "data regarding the perceived gender of the person stopped is critical because CRLA has found that transgender women in the rural communities we serve have been unreasonably profiled by police." (Comment 75, p. 1629.) Similarly, Michael Chase commented in support of these data values. (Hearing Comment 97, p. 1697-1698 [Oakland Hearing Transcript, pp. 10-13].)

Response: No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

(b) ACLU et al. and the Peace Resource Center of San Diego recommended that the proposed data values for "perceived gender" be amended to include references to "boy" and "girl," particularly in the school setting. The commenters explained that this change in necessary in the context of reporting stops related to children. (Comment 47, p. 1562; Comment 65, p. 1605.)

(c) A coalition of organizations[4] that advance the rights of lesbian, gay, bisexual, transgender, and queer (LGBTQ) individuals (collectively "Equality California et al.") similarly recommended that the data values for "perceived gender" be modified as follows: "man/boy," "woman/girl," "transgender man/boy," and "transgender woman/girl." The commenters further recommended that officers be instructed to select one of these four proposed data values as well as a separate data value for "gender non-conforming" where appropriate. (Comment 48, p. 1568.)

Response to (b) and (c): These comments are accepted in part. For the reasons set forth by the commenters, these data values have been modified to read "transgender man/boy" and "transgender woman/girl" and to provide that an officer may select "gender nonconforming" in addition to one of the four enumerated categories, and that, if the officer cannot perceive if the person stopped falls within the categories of "Male," "Female," "Transgender man/boy," or "Transgender woman/girl," the officer must select "Gender nonconforming" as the only data value. (Redlined Text, p. 10; Final Text, pp. 7-8 [§ 999.226, subd. (a)(5)]; ISOR Addendum, p. 8.) The data values "male" and "female," however, have been retained. The terms "male" and "female" are commonly used by law enforcement officers to refer to both juveniles and adults; retaining those terms will not affect the data collected by officers.

(d) Professor Jack Glaser commented with respect to "gender/transgender: How could an officer surmise this?" and further recommended that the word "stereotypes" be replaced with "conceptions" in the definition of "gender nonconforming." (Comment 80, pp 1666-1667.)

Response: This comment is accepted in part. The definition of "gender nonconforming" has been modified to replace the word "stereotypes" with "conceptions." (Redlined Text, p. 10; Final Text, p. 8 [§ 999.226, subd. (a)(5(B)3].) No change has been made in response to the comment about how an officer will be able to surmise whether the person stopped is "gender/transgender." These data values included were recommended and supported by the RIPA Board, advocacy groups, and public comment. Inclusion of these categories is consistent with the definition of "racial or identity profiling" set forth in Penal Code section 13519.4, subdivision (e), which includes "consideration of, or reliance on, to any degree . . . gender identity or expression [or] sexual orientation . . . in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop . . . ."

12. 999.226, subd. (a)(10) [Perceived Age]

(a) ACLU et al. and the Peace Resource Center of San Diego recommended that the age ranges be edited to distinguish between substantially different age ranges. (Comment 47, p. 1562; Comment 65, p. 1605.)

(b) Professor Jack Glaser commented that the unequal intervals in the proposed regulations could pose a challenge for data analysis, and recommended that the data values be replaced with an open field input asking for perceived age in years rounded to nearest integer. (Comment 80, pp. 1668-1669.)

[4] The following organizations submitted Comment 48: the ACLU of California, Equality California, and the Los Angeles LBGT Center.

Response to (a) and (b): These comments are accepted. The regulations have been revised to require an officer to input the estimated actual age of the person stopped, in lieu of bracketed age ranges for the reasons stated by the commenter. (See Redlined Text, p. 11; Final Text, p. 8 [§ 999.227, subd. (a)(7)]; ISOR Addendum, p. 9.) The Department believes that this revision will adequately capture the information necessary to evaluate this information as it relates to racial and identity profiling.

13. 999.226, subd. (a)(11) [Person Stopped had Limited English Fluency or Pronounced Accent]

(a) California Rural Legal Assistance commented that the officer should be required to provide additional data regarding the perceived primary language, including an open field to specify the perceived language and a yes/no data value for whether interpretation/translation assistance was used. The organization explained: "In rural areas we find a lack of multiple language resource in police agencies that has resulted in confusion, improper arrest and incarceration of individuals who simply could not make themselves understood" (Comment 75, p. 1631.)

Response: No change has been made in response to this comment. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that these additional data elements and data values are not necessary to include, but notes that if this circumstance presents itself during a stop an officer would be able to document this in one or both of the open narrative fields provided for reason for stop and basis for search.

(b) ACLU et al., and the Peace Resource Center of San Diego recommended that the data element be limited to "Person Stopped had Limited English Fluency" (and the phrase "pronounced accent" deleted). The commenters explained that the inclusion of "pronounced accent" may be "confusing and may lead to the collection of data related to whether an individual has a regional accent." (Comment 47, p. 1563; Comment 65, p. 1606.)

(c) Racial and Identity Profiling Advisory Board (Board Co-Chair Edward Medrano speaking for the RIPA Board) also suggested that "accent" be eliminated from the proposed data value (Comment 101, p. 1703 [Fresno Hearing Transcript, p. 11].)

(d) Professor Jack Glaser submitted a related recommendation that fluency and accent should be separated, as these are two different issues. (Comment 80, p. 1668-1669.)

Response to (b) through (d): These comments are accepted in part. This provision has been revised to "Person Stopped has Limited or No English Fluency," deleting the reference to a pronounced accent. (Redline Text, p. 11; Final Text, p. 8 [§ 999.226, subd. (a)(8)].) The Department believes that the revisions to this data element, as described in the ISOR Addendum, at page 10, will adequately capture the information necessary to evaluate the information as it relates to racial and identity profiling.

(e) San Francisco Police Department commented that the proposed data element "Limited English fluency or pronounced accent" might violate city policy because San Francisco is a sanctuary city. (Comment 51, p. 1575.) Similarly, the Orange County Sheriff's Department

objected to the subjectivity for the data element for "limited English fluency or a pronounced accent," stating that, without an English proficiency example, it will be impossible to ensure that each officer use the same standard when determining whether a person has limited English fluency. (Comment 29, p. 1519.)

Response: No change has been made in response to this comment. The fact that an officer perceives that a person has limited or no English fluency does not necessarily mean that the person is present in this country without immigration authorization. Moreover, Government Code section 12525.5, subdivision (d) prohibits reporting 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" to the Department as part of this data collection program. Because this data value would not be linked to any personally identifying information of the person stopped and English fluency is not indicative of immigration status, it is unlikely that this data value will impact the commenter's status as a sanctuary city. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, and has determined that this additional data element is necessary to fulfill the intent of AB 953 for those reasons set forth in the ISOR.

14. 999.226, subd. (a)(12) [Perceived or Known Disability of Person Stopped]

(a) Disability Rights California submitted a general comment in support of the proposed data element and values for "perceived or known disability." The organization explained that persons with disabilities are "disproportionality subjected to negative interactions with law enforcement" and noted that "[a]t least a third of people killed by law enforcement during [use-of-force] scenarios are people with disabilities." The organization further explained that persons with mental health disabilities "often face stigma and bias because of the false assumption that people with mental health challenges are dangerous or violent," while persons with cognitive disabilities or speech or hearing impairments who fails to understand commands by law enforcement may be seen as "noncompliant and dangerous." (Comment 68, pp. 1613-1614.)

(b) Krissy Powell supported the collection of data regarding if those stopped had any known or perceived disability as well any indicators of their mental state. (Comment 66, p. 1609.)

(c) Michael Chase (Comment 97, pp. 1697) and Terrance Stewart (Hearing Comment 112, p. 1708 [Fresno Hearing Transcript, pp. 29-30]) also offered general statements in support of the Department's proposed data value for "mental health disability."

Response to (a) through (c): No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves. To the extent Ms. Powell is recommending a separate data element for state of mind, that is addressed below in Part B of this section of the FSOR.

(d) Disability Rights California recommended adding data values for "Speech or hearing impairments," "Intellectual or Cognitive Disability," "Autism Spectrum Disorder," and "Other Disability." (Comment 68, p. 1616.)

Response: This comment is accepted in part. The data values for "Perceived or Known Disability of Person Stopped" have been modified for the reasons set forth in the ISOR

Addendum. (See ISOR Addendum, p. 10; Redlined Text, p. 11; Final Text, p. 8 [§ 999.226, subd. (a)(9)].)

(e) ACLU et al. and the Peace Resource Center of San Diego recommended that an additional data value be added to capture "limited use of language." (Comment 47, p. 1563; Comment 65, p. 1606.)

Response: This comment is accepted. A proposed data element for "speech impairment or limited use of language" has been added to the data element "Perceived or Known Disability of Person Stopped" for the reasons set forth in the ISOR Addendum. (ISOR Addendum, p. 10; Redlined Text, p. 11; Final Text, p. 8 [§ 999.226, subd. (a)(9).])

(f) California Rural Legal Assistance recommended adding additional data values for "learning disability" and "other disability" to the data element for "Perceived or Known Disability" in order to provide an appropriate data value when an officer stops a child with attention deficit hyperactivity disorder (ADHD). (Comment 75, p. 1631-1632.)

Response: This comment is accepted in part. As explained in the ISOR Addendum, the data values for this provision have been revised, and new data values include "other disability" and "intellectual or developmental disability, including dementia." (ISOR Addendum, p. 10; Redlined Text, p. 11; Final Text, p. 8 [§ 999.226, subd. (a)(9].)

(g) San Francisco Police Department commented that the required data element for "perceived or known disability" might violate the federal Health Insurance Portability and Accountability Act (HIPAA). (Comment 51, p. 1575.)

(h) Disability Rights California commented that the data element would not violate HIPAA because law enforcement officer and agencies are not "covered entities" under HIPAA, further noted that the data collected by agencies is not subject to HIPAA because it is not "personally identifiable." Disability Rights California further explained:

> The Americans with Disabilities Act requires that law enforcement take affirmative steps as needed to ensure that disability discrimination does not occur. Inquiring about a disability may assist the officer in how to approach an individual in a manner that is sensitive to the individual's disability needs and better inform the officer about the individual's disability-related behaviors.

(Comment 68, pp. 1616-1617.)

Response to (g) and (h): No change has been made in response to these comments. However, as explained in the ISOR Addendum, page 10, the Department has modified this provision to clarify that the proposed regulations do not alter any existing requirements to comply with reasonable accommodation and anti-discrimination laws. (Redlined Text, p. 11; Final Text, p. 11 [§ 999.226, subd. (a)(9)].) The comments with respect to the applicability of HIPAA to these regulations are interpreted to be observations, rather than recommendations of any change to the regulations themselves; thus no changes are warranted. To the extent the comment from the SFPD is suggesting that the data element be removed because it may violate HIPAA, the proposed data element is based upon only perception, rather than obtaining medical information

from the person stopped and reporting that information. Further, as explained in the ISOR, the Department has determined that the information "is necessary to provide context to a stop, and to provide valuable data to law enforcement agencies regarding the number of stops of persons perceived or known to have disabilities, as well as actions during a stop and stop outcomes. This information will enable analysis of potential disparities in stops and stop outcomes with respect to the disability community, and help inform agencies about training needs to help officers in interactions with persons with mental or physical disabilities." (ISOR, p. 19.)

The collection of this information is also consistent with the definition of "racial or identity profiling" set forth in Penal Code section 13519.4, subdivision (e), which includes "consideration of, or reliance on…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. . . ." As explained in the ISOR Addendum, the modified data elements were drafted in consultation with stakeholders that have expertise in disability rights. (See ISOR Addendum, p. 10.)

(i) Orange County Sheriff's Department objected to the subjectivity for the data element for "perceived or known disability of person stopped because there is no uniform standard for collecting this data point and "it does a disservice to treat such haphazard perceptions as fact." (Comment 29, p. 1519.)

No change has been made in response to this comment. As explained in the ISOR, the Department has determined that the proposed data element "is necessary to provide context to a stop, and to provide valuable data to law enforcement agencies regarding the number of stops of persons perceived or known to have disabilities, as well as actions during a stop and stop outcomes. This information will enable analysis of potential disparities in stops and stop outcomes with respect to the disability community, and help inform agencies about training needs to help officers in interactions with persons with mental or physical disabilities." (ISOR, p. 19.)

15. 999.226, subd. (a)(13) [Officer's Unique Identifier]

Concerns about the identification of officers are also addressed below about general concerns raised under the category "Comments Regarding Concerns About Identification of Officer."

(a) Orange County Sheriff's Department expressed concern for including a unique identifier or officer identification number because the proposed regulations do not include "proper safeguards to ensure an officer's anonymity." (Comment 29, p. 1519.)

(b) Butte County Sheriff's Office expressed concerns to the proposed data value, explaining that the data value could result in re-identification of officers, which is "problematic for officers/deputies assigned to work in areas that are predominantly occupied by members of minority communities." "Officers/deputies working in those areas would likely be concerned that the data would be used to suggest that they, as individual officers, are engaging in biased policing given the high number of contacts with members of minority communities. That could also result in those officers being less proactive, which has a negative impact on public safety." (Comment 32, pp. 1524-1525.) The California State Sheriffs' Association (Comment 35,

p. 1529), Amador County Sheriff's Office (Comment 50, p. 1572), Yolo County Sheriff's Office (Comment 60, p. 1587), and Lake County Sheriff's Office (Comment 81, p. 1678) similarly objected to the regulations because they will "almost assuredly result in the identification of specific officers in connection with particular interactions . . . ." And the Kings County Board of Supervisors objected to the regulations because they "potentially jeopardize the identity of officers, particularly in smaller jurisdictions with smaller task forces that could be identified through public reporting if human redaction requirements are overlooked." (Comment 49, p. 1571.)

(c) California Highway Patrol (CHP) commented that this information "could lead to the identification of individual officers, especially in smaller agencies." The CHP noted additional concerns with public records act and discovery requests, and explained that identifying officers "could compromise their safety and/or subject them to undue liability or accusations." For that reason, the CHP recommended either eliminating this data element "or carefully considering how the information will be protected." (Comment 38, p. 1536.) The Hanford Police Department (Comment 20, 1502) and the California Police Chiefs Association (Comment 21, p. 1505) expressed similar concerns.

(d) Jonathan Mummolo recommended that officer identifiers be recorded and made publicly available, noting that "[o]fficer identifiers, even anonymous ones that do not reveal the officer's name, would allow for more thorough assessments of whether unjustified stops are stemming from a few "problem" officers or represent systemic problems in a department." (Comment 62, p. 1592.)

Response to (a) through (d): No change has been made in response to these comments. As explained in the ISOR, this data element is necessary to isolate the scope of any racial or identity profiling disparities uncovered regarding who is stopped and how people are treated during stops. (ISOR, p. 19.) This data element is also necessary to allow an analysis of data at the officer level, rather than agency level as required by AB 953, so that the Department can determine the extent to which any disparities that are observed reflect agency-wide practices or are attributable to a smaller percentage of officers—information that will, in turn, inform the RIPA Board's recommendations, including those to the Commission on Peace Officer Standards and Training and local law enforcement agencies to improve training. (ISOR, p. 19; see also Pen. Code § 13519.4, subd. (j)((3).) For that reason, and as explained in the ISOR Addendum, p. 21, this data element has been retained and non-substantively renamed as the "Officer Identification (I.D.) Number."

In addition, the Department has included provisions in the regulations to ensure officer anonymity as contemplated in Government Code section 12525.5 which will not only promote candor and ensure data integrity but also protect officer safety and prevent reidentification. (See ISOR Addendum, p. 31-32; Redlined Text, p. 33; Final Text, pp. 21-22 [§ 999.228, subd. (g)].)

16. 999.226, subd. (a)(15) [Type of Assignment of Officer]

(a) Orange County Sheriff's Department recommended that the Department reconsider this data element (along with the data elements for "officer's unique identifier" and "years of experience")

and expressed concern that the proposed data value for officer assignment could lead to re-identification and unfair conclusions that may be drawn from an officer's assignment:

> As currently written there are no proper safeguards to ensure an officer's anonymity. An officer working a specialized assignment may be easily identified when all data is analyzed. I am deeply concerned that the individualized data can be used to draw unfair conclusions about particular officers based solely on their work assignment.

(Comment 29, p. 1519.)

(b) California State Sheriffs' Association (Comment 35, p. 1529), Amador County Sheriff's Office (Comment 50, p. 1572), Yolo County Sheriff's Office (Comment 60, p. 1587), and Lake County Sheriff's Office (Comment 81, p. 1678) commented that information about an officer's type of assignment will lead to identification of the officer, particularly for smaller agencies. Amador County Sheriff's Office added additional detail about the number of deputies assigned to various assignments in that office. (Comment 50, p. 1572.) Kings County Sheriff's Office (Comment 43, p. 1545), Kings County Probation Department (Comment 45, p. 1548), Kings County Board of Supervisors (Comment 49, pp. 1570-1571), Riverside County Sheriff's Department (Comment 30, p. 1522), Butte County Sheriff's Office (Comment 32, p. 1525), and Los Angeles County Sheriff's Office (Comment 76, p. 1637) expressed similar concerns years of service and type of assignment of officer.

Response to (a) and (b): No changes have been made in response to this comment. The data element for "type of assignment of officer" was included in the original proposed regulations, in part to address concerns that, without this additional context about the stop, the data would be skewed. For example, an officer assigned to a gang enforcement unit might report a disproportionate number of stops of individuals of a particular race or ethnicity relative to other officers within the same agency because gangs are often—though not exclusively—organized according to particular racial or ethnic identities. Neither this commenter nor any of the commenters provided any alternative to provide this necessary context. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial or identity profiling. The Department has determined that this additional data element is necessary to fulfill the intent of AB 953. Concerns about officer anonymity and re-identification are addressed above (in comments regarding "unique identifier") and in the ISOR Addendum at pages 31-32.

17. 999.226, subd. (a)(14) [Officer's Years of Experience]

(a) Orange County Sheriff's Department commented on the proposed data element for "Officer's Years of Experience," stating that it could present re-identification concerns because "as currently written there are no proper safeguards to ensure an officer's anonymity." (Comment 29, p. 1519.) California State Sheriffs' Association (Comment 35, p. 1529), Amador County Sheriff's Office (Comment 50, p. 1572), Yolo County Sheriff's Office (Comment 60, p. 1587), and Lake County Sheriff's Office (Comment 81, p. 1678) commented that information about an officer's years of experience will lead to identification of the officer, particularly for smaller

agencies. Kings County Sheriff's Office (Comment 43, p. 1545), Kings County Probation Department (Comment 45, p. 1548), Kings County Board of Supervisors (Comment 49, pp. 1570-1571), Butte County Sheriff's Office (Comment 32, pp. 1524-1525); and Los Angeles County Sheriff's Office (Comment 76, p. 1637) offered similar comments.

Response: No change has been made in response to this comment. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial or identity profiling. The Department has determined that this additional data element is necessary to fulfill the intent of AB 953 for those reasons set forth in the ISOR. In addition, to the extent that these comments address officer anonymity and re-identification issues, please see responses above in "Officer Identification (I.D.) Number."

(b) ACLU et al. and Peace Resource Center for San Diego. These commenters recommended that the proposed data values for "officer's years of experience" be revised to provide closer bracketed ranges of years (which are specified in the comments), to provide greater detail for analysis. (Comment 47, p. 1564; Comment 65, p. 1607.)

(c) Professor Jack Glaser recommended that this data element be converted to an open field, which would be more useful for data analysis. (Comment 80, p. 1651; Comment 78, pp. 1643-1644.)

Response to (b) and (c): These comments are accepted. The Department has amended this data element to provide manual input for the officer's actual year(s) of experience for the reasons set forth in the ISOR Addendum at p. 22. (Redlined Text, p. 22; Final Text, p. 14 [§ 999.226, subdivision (a)(15)].) The Department believes that amendment addresses the comments to provide for more refined analysis based on officers' years of experience, albeit without smaller ranges of brackets.

B. Data Elements That Commenters Requested be Added to (or Not be Added to) Data Collection

1. Person Stopped Perceived To Be LGBT

(a) ACLU et al. (Comment 47, p. 1563), Peace Resource Center of San Diego (Comment 65, p. 1606), Equality California et al. (Comment 48, p. 1567), California Rural Legal Assistance (Comment 75, pp. 1635-1636), Racial and Identity Profiling Advisory Board (Board Co-Chair Edward Medrano speaking for the RIPA Board) (Comment 101, p. 1703 [Fresno Hearing Transcript, p. 10]), and Krissy Powell (Comment 66, p. 1609) all recommended that the regulations be amended to require a yes/no data element for "perceived membership in the LGBT community."

Response: These comments are accepted. (See Final Text, p. 8 [§ 999.226, subd. (a)(6)].) In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial or identity profiling. The Department has determined that this additional data element is necessary to fulfill the intent of AB 953. As explained in the ISOR Addendum, the inclusion of data to be collected regarding whether the officer perceived that the person stopped

was LGBT is in keeping with AB 953's goal of identifying and eliminating racial and identity profiling. It is consistent with the definition of "racial or identity profiling" set forth in Penal Code section 13519.4, subdivision (e), which includes "consideration of, or reliance on, to any degree . . . gender identity or expression [or] sexual orientation . . . in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop . . . ." (Pen. Code § 13519.4, subd. (e).) (See ISOR Addendum, p. 9.)

(b) William Welsh commented that he agreed with the Department's decision, as expressed in the ISOR, to not include a data element for perceived LGBT status. Mr. Welsh explained: "Perceived sexual orientation ... [is] much more ambiguous than perceived race, gender, or age. This makes them [it] more difficult to collect and less useful as data points." (Comment 11, p. 1482.)

Response: For the reasons set forth in the response to the preceding comments in subdivision (a) of this section, the Department has modified the proposed regulations to add a data element "Person Stopped Perceived to be LGBT."

2. Homeless Status

(a) William Welsh recommended the addition of a data element for perceived homeless status of the individual stopped, noting that such element (and others identified in his comment) could provide a wealth of information, such as whether individuals who appear homeless receive different treatment. (Comment 11, p. 1482)

(b) California Rural Legal Assistance (CRLA) made the same recommendation as Mr. Welsh, explaining that perceived homeless status—like perceived sexual orientation and perceived religious orientation, discussed elsewhere—is "related to many claims of discrimination, complaints about hate violence, complaints about excessive or improper enforcement or conduct and concerns related to profiling." CRLA further explained that such individuals "are demonstrably more vulnerable to profiling and in many cases are subjected to inappropriate treatment and escalated response by police officials because of their perceived status" and that an additional data element for perceived homeless status "will not raise issue of privacy and will not require the subject of a stop to answer personal questions inappropriate to the inquiry." (Comment 75, p. 1635-1636.)

Response to (a) and (b): No change has been made in response to these comments. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that these additional data elements were not necessary to include at this time.

3. Immigration Status

William Welsh recommended adding a data element be added for "whether the officer inquired regarding the individual's immigration status." (Comment 11, p. 1482.)

Response: No change has been made in response to these comments. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement,

including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that this additional data element was not necessary to include at this time.

4. Number of Civilians Present/Prior Contact

William Welsh recommended adding data elements for "number of civilians present during the stop" and "whether the officer had previous contact with individual." (Comment 11, p. 1482.) He recommended adding these elements (and others identified in his comment) because of the wealth of information they will provide regarding how police behavior changes with the context of a stop.

Response: No change has been made in response to this comment. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that these additional data elements were not necessary to include at this time.

In addition, the proposed data element for "number of civilians present" would likely introduce ambiguity into the regulations and resulting data in trying to determine who should or should not be counted for purposes of reporting on this data element.

With respect to the suggested data element for "prior contact," the Department notes that this and any other explanatory information can be included in one or both of the open narrative fields, if relevant.

5. Religion

California Rural Legal Assistance (Comment 75, pp. 1635-1636), the Racial and Identity Profiling Board (Board Co-Chair Edward Medrano speaking for the RIPA Board) (Hearing Comment 101, p. 1703 [Fresno Hearing Transcript p. 11]), and Krissy Powell (Comment 66, p. 1609) suggested that an additional data element be added to capture the actual or perceived religion of the individual stopped, if known, and in particular many requested that it was particularly important to collect data about Muslim's "given today's political climate." Similarly, Sukaina Hussain suggested that a data element for religion be added and coupled with a narrative explaining why the officer chose a particular religion "to identify if there are wrongful assumptions being made, if there are stereotypes that are being mislabeled" and use that for training. (Hearing Comment 119, p. 1712 [Fresno Hearing Transcript, p. 45].)

Response: No change has been made in response to these comments. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that this additional data element is not necessary to include at this time. In addition, with respect to commenters' particular concern regarding those of the Muslim faith, the inclusion of the term "Middle Eastern or South Asian" as included in the data collection of "perceived race or ethnicity of person stopped" may provide information regarding possible racial or identity profiling regarding some individuals who may be members of the Muslim faith, whether or not the perception concerning

the individuals' religion is accurate. (See AMEMSA Fact Sheet, Rulemaking File, pp. 125-130; ISOR, p. 17.)

6. State of Mind

Krissy Powell recommended an additional data element that would require officers to record specific data values related to the stopped individual's mental state (e.g., angry, confused, scared). (Comment 66, p. 1609.)

Response: No change has been made in response to this comment. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that these additional data elements were not necessary to include at this time. In addition, some of the information this proposed data element is designed to elicit may be revealed in the narrative descriptions or other data elements that are being reported, such as certain data values in response to the data element "perceived or actual disability." (See Redlined Text, pp. 11, 30; Final Text, p. 8, 20 [including data values for "mental health condition," "intellectual or developmental disability, including dementia," and, for stops of students at a K-12 Public School, "disability related to hyperactivity or impulsive behavior"].)

7. Residency in Neighborhood Where Stopped

Keunbok Lee recommended collecting information about whether the individual stopped "is in a residence in the neighborhood they were stopped or came from other neighborhood." (Comment 13, p. 1488.)

No change has been made in response to this comment. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that this additional data element is not necessary to include at this time.

8. Comments Regarding the Inclusion or Exclusion of Officer Demographics

(a) California State Sheriff's Association (Comment 35, p. 1529), Amador County Sheriff's Office (Comment 50, p. 1572), Yolo County Sheriff's Office (Comment 60, p. 1587), and Lake County Sheriff's Office (Comment 81, p. 1678) expressed their support for the Department's decision to exclude data elements for the officer's age, race, and gender. In addition, William Welsh recommended not including data elements for an officer's age or gender because "If the data are handled correctly, the unique identifier assigned to the officer who made the stop can already tell us the officer's race, gender and age (without revealing the officer's identity)." (Comment 11, p. 1482.)

Response: No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

(b) ACLU et al. and the Peace Resource Center of San Diego recommended the collection of race and gender identity information for officers. The commenters recommended, in the alternative, that the race and gender of the officer be embedded in each officer's unique identifier, "such that the race and gender is made available to researchers and others conducting data analysis that is required under the statute." (Comment 47, p. 1563; Comment 65, p. 1606.)

(c) Andrea Donado (Greater Long Beach Interfaith Community Organization) recommended that the race of the officer be collected. (Hearing Comment 109, p. 1706 [Fresno Hearing Transcript, p. 24].)

(d) California Rural Legal Assistance recommended that data elements for the officer's race/ethnicity, gender, and age be collected (Comment 75, p. 1636); and Professor Jack Glaser recommended that additional data elements for officer demographics be collected above the two provided for in the regulations. (Comment 80, p. 1669; Comment 78, pp. 1642-1643.)

(e) Krissy Powell commented: "I would also like to advocate for collection of officer information that, when publicized, is de-identified to protect the officer. However, internally, this information regarding years of service, gender and race is critical in identifying trends for departments and individual officers." (Comment 66, pp. 1609-1610.)

(f) Professor Jennifer Eberhardt commented that having the ability to sort data by "officer race, gender, and age could be illuminating" in addition to the collection of years of experience and type of assignment. She states, "Yet, how is officer-race related to the decision made to stop and search someone? Is there any relation? Without basic information at the office level, the usefulness of the data we are collecting here is severely limited." (Comment 77, p. 1640.)

Response to (b) through (f): No changes have been made in response to these comments. The Department will collect information about an officer including his or her years of experience and type of assignment § 999.226, subdivision (a)(15) and (a)(16). However, in drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that the additional data elements above those already proposed were not necessary to include at this time.

Comments regarding data publication and re-identification are addressed above under the data element for "Officer Identification Number" and below under general comments regarding concerns about identification of officers.

9. Officer in Uniform/Number of Officers Present at Scene

William Welsh recommended adding data elements for "number of officers present at scene" and "whether the officers were in uniform and/or in patrol cars." (Comment 11, p. 1482.) Krissy Powell also recommended added a data element regarding whether the officer was in uniform. (Comment 66, p. 1609.)

Response: No change has been made in response to these comments. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial

and identity profiling. The Department has determined that these additional data elements were not necessary to include at this time. In addition, the proposed data element for "number of officers present" would likely introduce ambiguity into the regulations and resulting data in trying to determine who should or should not be counted for purposes of reporting on this data element.

10. Other Narrative Fields

(a) Several commenters recommended that the Department add a required narrative or short-text field whenever an officer selected "other" as a data value:

1. Kena Cador (ACLU) (Hearing Comment 114, p. 1709 [Fresno Hearing Transcript, p. 35])
2. Peter Bibring (ACLU) (Hearing Comment 89, p. 1688 [Los Angeles Hearing Transcript, pp. 21-22])
3. ACLU et al. (Comment 47, p. 1555)
4. Peace Resource Center of San Diego (Comment 65, p. 1599)
5. Alexandra Santa Ana (National Center for Youth Law) (Hearing Comment 99, p. 1699 [Oakland Hearing Transcript, p. 20])
6. Andrea Donado (Greater Long Beach Interfaith Community Organization/ICO) (Hearing Comment 109, p. 1706 [Fresno Hearing Transcript, p. 24])
7. Disability Rights California (Comment 68, p. 1615)
8. Faith in the Valley (Comment 52, p. 1576)
9. Professor Jack Glaser (Comment 80, pp. 1656-1657, 1662-1663)
10. Krissy Powell (Comment 66, p. 1609)
11. Sean Garcia-Leys (Comment 95, p. 1693 [Los Angeles Hearing Transcript, p. 42])
12. Carolina Goodman (Comment 18, p. 1498)
13. Racial and Identity Profiling Advisory Board (Board Co-Chair Edward Medrano speaking for the RIPA Board) (Hearing Comment 101, p. 1703 [Fresno Hearing Transcript, p. 10])

Response: No changes have been made in response to these comments. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. However, as discussed above and in the ISOR Addendum, the data elements for "Reason for Stop" and "Basis for Search" have been modified to add a required narrative field to provide additional explanation. (See ISOR Addendum, pp. 13-14, 18; Final Text, pp. 10, 12 [§ 999.226, subd. (a)(10)(B) and subd. (a)(12(B)(2)].) The revised provisions provide that this explanation "shall include additional detail beyond the general data values selected . . . .'" (Ibid.) The Department believes that these revisions will adequately capture the information necessary to evaluate this information as it relates to racial and identity profiling.

In addition, the Department has revised the regulations to eliminate the data value for "other" in several data elements. Specifically, because "Reason for Presence at Scene of Stop" has been eliminated, the "other" data values within that data element have also been eliminated. (See Redlined Text, pp. 12-13.) In addition, "other" has been eliminated from "Result of Stop." (See Redlined Text, p. 21.) Accordingly, to the extent the commenters recommend open narratives for

these data values, these recommendations are rendered moot because these data values have been eliminated.

(b) Several commenters recommended that the Department add mandatory narrative fields without specifying any particular data element or value:

1. Kim McGill (Youth Justice Coalition) (Comment 90, p. 1689 [Los Angeles Transcript, p. 26])
2. Tony Amarante (Comment 56, p. 1582) ("Narratives are much more important than check-boxes on a form since they give the most clear meaning of events that transpired, but they aren't always easy to write.")
3. Nebyou Berhe (Comment 118, p. 1711 [Fresno Hearing Transcript, p. 42])

Response: These comments are accepted in part. As discussed above and in the ISOR Addendum, the data elements for "Reason for Stop" and "Basis for Search" have been modified to add a required narrative field to provide additional explanation. (See ISOR Addendum, pp. 13-14, 18; Final Text, pp. 10, 12 [§ 999.226, subd. (a)(10)(B) and subd. (a)(12(B)(2)].) The revised provisions provide that this explanation "shall include additional detail beyond the general data values selected. . . ." (Ibid.) The Department believes that these revisions will adequately capture the information necessary to evaluate this information as it relates to racial and identity profiling. To the extent that the commenters are requesting additional open narrative fields associated with other data elements, no changes have been made with respect to these comments.

11. Prior Contacts with Officer

California Police Chiefs Association objected to the regulations because they do not allow officers to identify whether they had prior knowledge of the individual's race or identity prior to their interaction. (Comment 21, 1505.)

Response: No change has been made in response to this comment. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that these additional data elements were not necessary to include at this time.

IV. COMMENTS REGARDING ARTICLE 4 [REPORTING REQUIREMENTS] (SECTION 999.227, AS ORIGINALLY PROPOSED)

A. General Reporting Requirements

1. 999.227, subd. (a)(5) [Reports/Multiple Officers]

Professor Jack Glaser commented that the final sentence of proposed Section 999.227, subdivision (a)(5) ["When this is unclear, officers shall exercise their discretion in determining which officer shall submit the report"] "may be unnecessary and imprudent" Professor Glaser explained that the need to "figure it out" is implicit in the prior clause of this provision that that

the additional sentence may be read to permit officers to "use some other, potentially arbitrary, criterion, such as seniority." (Comment 80, pp. 1672-1673.)

Response: This comment is accepted. The Department has modified proposed Section 999.227, subdivision (a)(5) to strike this sentence. (See Redlined Text, p. 23; Final Text, p. 16 [§ 999.227, subd. (a)(5)].)

2. 999.227, subd. (a)(6) [Incident Number]

(a) Professor Emily Owens (University of California at Irvine) recommended that the regulations be amended to require reporting agencies to include an "incident number data field in order to distinguish multi-person stops from distinct individual stops made in similar places." (Comment 46, p. 1551.)

(b) California Rural Legal Assistance similarly recommended that the regulations be modified to require "some kind of unique incident identifier code" in order to better "analyze/identify the disparate treatment of individuals involved in one particular incident." (Comment 75, p. 1632.)

Response to (a) and (b): These comments are accepted. In order to facilitate the type of analysis suggested, the Department has modified the proposed regulations to require that, "[i]f multiple persons are stopped during one incident, then applicable stop data shall be submitted for each person within a single report[.]" (Redlined Text, p. 23; Final Text, p. 16 [§ 999.227, subd. (a)(6)].) In addition, the Department has added the following requirement: Agencies submitting records via the system-to-system web service or the secure file transfer protocol shall include a unique stop record number for each stop. The Department will use this record number to tie multiple person stops together in one incident and to relay information on errors when necessary. (Redlined Text, p. 34, Final Text, p. 22 [§ 999.229, subd. (c)].) Taken together, these requirements will permit the type of review requested by the commenters.

3. 999.227, subd. (a)(9) [Requirement that Reports be Completed by End of Shift]

(a) Los Angeles Police Department (LAPD) (Comment 54, p. 1580), Kings County Sheriff's Office (Comment 43, p. 1545), Kings County Probation Department (Comment 45, p. 1548), Kings County Board of Supervisors (Comment 49, pp. 1570-1571), California State Sheriffs' Association (Comment 35, p. 1529), Amador County Sheriff's Office (Comment 50, p. 1573), Yolo County Sheriff's Office (Comment 60, p. 1587), and Lake County Sheriff's Office (Comment 81, p. 1678) each commented that the reporting burden on agencies and officers is compounded by the requirement that data be submitted prior to the end of the officer's shift. The LAPD explained: "This requirement will likely result in overtime depending on calls for service, but clearly less time to respond to calls if officers are occupied throughout their shift by data recordation." (Comment 54, p. 1580.)

Response: These comments are accepted in part. This provision has been modified to state: "An officer shall complete all stop reports for stops made during his or her shift by the end of that shift, unless exigent circumstances preclude doing so. In such circumstances, the data shall be completed as soon as practicable." (Redlined Text, p. 24; Final Text, p. 16 [§ 999.227, subd. (a)(9)]; see ISOR Addendum, p. 24.) To the extent that these comments are recommending the removal of the requirement to submit the stop data form at the end of shift altogether, no change

has been made in response to that comment. The Department has determined that permitting officers, as a general rule, to complete stop reports during the following shift would degrade the value of the data by increasing the necessary recall time between the incident and the report and is likely to increase the reporting time because it would require officers to attempt to reconstruct—or refer to notes—for incidents that occurred one or more days in the past

4. 999.227, subd. (a)(1) [Officer Reporting]

Matt Nussbaum commented on the decision to require the police officer, instead of the person stopped, to report on the incident, and suggested adding a survey component to be completed by the person stopped so that the two accounts can be compared. (Hearing Comment 100, pp. 1699-1700 [Oakland Hearing Transcript, pp. 20-21].)

Response. No changes have been made in response to this comment. The data collection by peace officers is a legislative determination that was resolved in enacting AB 953. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that adding an additional survey component to be completed by the person stopped is not necessary to include at this time.

5. 999.227, subd. (a)(4) [Reporting For Stops With Multiple Agencies]

ACLU et al. and Peace Resource Center of San Diego recommended that the proposed regulations be revised to add clarifying language that officers subject to these reporting requirements are always required to report a stop, even if a stop is done in conjunction with one or more non-reporting agencies. (Comment 47, p. 1564; Comment 65, p. 1607.)

Response: These comments are accepted. Government Code section 12525.5 provides no exception to reporting stops when an officer is assisting a non-reporting agency. In order to clarify the reporting requirements in this circumstance and to eliminate any confusion if more than one reporting agency is involved in a reportable interaction the Department has modified this subdivision to require the following: "If a stop is done in conjunction with a reporting agency and an agency that is not subject to the reporting requirements of this chapter, the reporting agency is required to submit data on the stop, even if it is not the primary agency responsible for the stop." (Redlined Text, p. 23; Final Text, pp. 15-16 [§ 999.227, subd. (a)(4)].)

6. 999.227, subd. (a)(11) [Requirement that Agencies Create a Unique Identifier]

Professor Jack Glaser commented with respect to proposed Section 999.227, subdivision (a)(11) regarding reporting requirements for internal agency use of officer identifier: "Only? Not for merging officer demographic data with stop data?" (Comment 80, pp. 1672-1673.)

Response: This comment is accepted in part. As discussed in the ISOR Addendum at p. 25, the Department has revised the phrase "for internal agency use" to require the reporting agency to maintain a system matching an individual officer to his or her Officer I.D. Number. Previously, the agency was required to match an individual officer to his or her stop data. Because agencies are not required to maintain stop data if they use the Department's web-browser based application, this provision was amended to require only that the reporting agency maintain a

system to match the officer with his or her Officer I.D. Number used for reporting. (Redlined Text, p. 24; Final Text, p. 16 [§ 999.227, subd. (a)(11)].)

However, to the extent that the commenter is concerned about merging officer demographic data with stop data, nothing in the regulations prevents an agency from merging officer demographics using the method recommended by this commenter. Agencies are required to report each of the required data elements to the Department using the provided data values; when certain data values (such as the agency's ORI number or an officer's years of experience) can be appended to individual officers' reports, the Department encourages agencies to do so in order to minimize the reporting burden on officers. The Department's web application will allow functionality for the officer to input this information upon initial registration into the application and then annually thereafter.

B. 999.227, subd. (c) [Peace Officer Interactions That Are Reportable Only If the Officer Takes Additional Specified Actions]

1. 999.227(c)(1) [Special Settings That Only Require Reporting if Additional Actions Taken]

(a) ACLU et al. and Peace Resource Center of San Diego commented that "[s]ection 999.227(c)(1) and (2) require officers to report interactions where additional specified actions and then references 'the data values set forth in Section 999.226, subdivision (a)(6)(A),'" but "the actions listed in subdivision (a)(6)(A) include a data value for 'None of the above.'" To ensure clarity, the commenters recommended that the reference to Section 999.226 be revised. (Comment 47, p. 1564; Comment 65, p. 1607.)

Response: This comment is accepted in part. References within Section 999.227, subdivision (b)(1)(B) and (d)(1) have been revised to eliminate "None" as an action that triggers reporting interactions in those settings. (Redlined Text, pp. 25-26; Final Text, pp. 16-18 [§ 999.227, subds. (b)(1)(B), (d)(1)].)

(b) California Police Chiefs Association commented that "requiring law enforcement to report stops during mass evacuations and active shooter events only corrupts the data, as the emergency nature of those situations does not align with types of discretionary stops indicative of racial profiling." (Comment 21, p. 1505.)

Response: This comment is accepted. The regulations have been revised to add a new provision, entitled "Peace Officer Interactions that are Not Reportable," and added provisions that stops during mass evacuations, active shooter incidents, and during or that are the result of routine security screenings required of all persons at entrances of buildings or special events are exempt from reporting. (Redlined Text, pp. 25-26; Final Text, p. 17 [§ 999.227, subd. (c)].) These settings were exempted from reporting because in these circumstances the officer's actions are largely non-discretionary, involve public safety, and are not the types of interactions contemplated by AB 953. (ISOR Addendum, pp. 25-26.)

2. 999.227, subd. (c)(1)(A) [Traffic Control]

ACLU et al. and Peace Resource Center of San Diego commented that proposed Section 999.227, subd. (c)(1)(A) should be clarified to indicate that stops of particular vehicles based on individualized suspicion of suspected traffic or equipment violations must always be reported. (Comment 47, p. 1564; Comment 65, p. 1607.)

Response: No change has been made in response to these comments. The Department has reviewed the relevant provision and determined that the phrase "based upon individualized suspicion or personal characteristics" is sufficiently clear that peace officers subject to these regulations will understand that the reporting requirements apply in these circumstances.

3. 999.227, subd. (c)(2)-(3) [Reporting Requirements for Interactions Within Home Pursuant to Warrant, Search Condition, Home Detention or House Arrest Assignment]

Captain Eric Tennessen (Ventura County Sheriff's Office) commented that "patrol deputies regularly go to the homes of subjects who are on probation or parole, and who are subject to warrantless search pursuant to their probation or parole." He further questioned whether, if the deputies only contact the probationer or parolee inside the home, that interaction would trigger reporting, or is reporting required only if the deputies detain someone other than the probationer/parolee at the home. (Comment 26, p. 1514.)

Response: This comment is accepted. For those reasons provided in the ISOR Addendum, the Department has amended the proposed regulations by adding Section 999.227, subdivisions (d)(2) and (d)(3), which clarify the reporting requirements when officers are in the residence of a person subject to a warrant or search condition, or the residence of a person who is the subject of home detention or house arrest. (Redlined Text, pp. 27-28; Final Text, pp. 18-19 [§ 999.227, subds. (d)(2) and (3)]; ISOR Addendum, pp. 26-28.)

4. 999.227, subd. (c)(4) [Reporting Requirements for Programmatic Searches or Seizures]

(a) Dave Brown (San Diego County Sheriff's Department) commented that including sporting events and courthouses will create "huge problems." He explained: "Because San Diego is not the largest city but second largest in the state, but LA is quite a bit larger than us, and we had 3.8 million visitors to our courts that were screened last year. Roughly 10 percent are done 'something is different'" and therefore will require a report. (Hearing Comment 88, pp. 1686-1687 [Los Angeles Hearing Transcript, pp. 15-18].)

Response: This comment is accepted. For those reasons provided in the ISOR Addendum, the Department has added Section 999.227, subdivision (c)(3), which provides that "[s]tops during or as a result of routine security screenings required of all persons to enter a building or special event, including metal detector screenings, including any secondary searches that result from that screening, are not subject to the reporting requirements of this chapter." (Redlined Text, p. 25; Final Text, p. 17 [§ 999.227, subd. (c)(3)]; ISOR Addendum, pp. 26-28.)

(b) Professor Emily Owens commented that excluded data on stops made during programmatic searches or seizures "seems potentially problematic." She explained that this exception "creates

a loophole whereby departments or individual officers could systematically exclude stops by declaring them to be part of a programmatic search, or the result of a 'neutral' decision rule ex-post.'" (Comment 46, p. 1551.)

Response: This comment is accepted in part. For those reasons provided in the ISOR Addendum, the Department has deleted the general provision regarding "programmatic searches and seizures" and replaced it with more specific provisions governing routine security screenings at building or special event entrances, and checkpoints or roadblocks. (Redlined Text, pp. 25-26; Final Text, pp. 17-18 [§ 999.227, subds. (c)(3), (d)(1)(D)]; ISOR Addendum, pp. 25-28.)

D. 999.227, subd. (d) [Reporting Requirements for Stops of Students in a K-12 Public School Setting]

Kim McGill (Youth Justice Coalition) (Hearing Comment 90, p. 1689 [Los Angeles Hearing Transcript, pp. 26-27) and Alexandra Santa Ana (National Center for Youth Law) (Comment 99, p. 1699 [Oakland Hearing Transcript, p. 19]) offered general comments in support of the proposed reporting requirements and data values for stops of students in a K-12 public school setting. Michael Chase (Hearing Comment 97, p. 1697 [Oakland Hearing Transcript, p. 12]) also offered a general comment in support of the application of the proposed regulations to the school setting.

Response: No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

1. 999.227, subd. (d)(1)(D) [K-12 Public School Setting – Truancy]

California Rural Legal Assistance commented that it is "not clear whether current reporting requirements cover interactions in which students are questioned to determine whether they're truant," and recommended that this be made an express reporting requirement because "truancy is a frequent grounds for referring students." Likewise, this commenter recommended that a new data value be added as "Reason for Stop" in the K-12 public school setting for "investigation to determine whether the student stopped was truant." (Comment 75, p. 1632.)

Response: This comment is accepted in part. The Department has determined that "investigation to determine whether the person was truant" is a necessary data value for all stops, not just those that occur in a K-12 public school setting because truancy checks may occur either on or off campus, and none of the current data elements would apply in that setting. Accordingly, the regulations have been revised to add this data value to the data element "Reason for Stop" for the general reporting requirements in Article 3. (Redlined Text, p. 15; Final Text, p. 10 [§ 999.226, subd. (a)(10)(A)(5)].) Similarly, the reporting requirements for interactions with students in K-12 Schools have been amended to include interactions to determine whether a student is truant. (Redlined Text, p. 29; Final Text, p.19 [§ 999.227, subd. (e)(3)(B)]; ISOR Addendum, pp. 28-29.)

2. 999.227, subd. (d)(1) [K-12 Public School Setting – Reportable Interactions]

California Rural Legal Assistance commented that the organization is "aware of a number of incidents where police are called on 'disruptive' or upset parents, who are told they must leave campus" and that "[d]uring some of these encounters police have been used to threaten immigrant parents." For that reason, this commenter recommended that the regulations be modified to remove the restriction on the type of interactions or "stops" by officers of nonstudents in the K-12 public school setting. (Comment 75, p. 1634.)

Response: This comment is accepted. The regulations have been modified to provide that "[s]tops or persons who are not students are subject to the reporting requirements set forth in Section 999.227, subdivision (a) – (d), even if the stop takes place at a K-12 Public School." (Redlined Text, p. 28; Final Text, p. 19 [§ 999.227, subd. (e)(1)].)

3. 999.227, subd. (d)(2)(C) [K-12 Public School Setting – Basis for Search]

(a) California Rural Legal Assistance commented that "suspected possession of a weapon" and "suspected possession of a controlled substance" should be additional data values added to "basis for search" in the school setting. The organization also recommended additional sub-values to capture the basis for the suspicion (e.g., tips/informants, metal detector activated, dog signaled, etc.). The organization further recommended that the Department require officers to mark all bases that apply. (Comment 75, p. 1634.)

(b) Vanessa Deleon offered a similar comment, emphasizing the importance of capturing the basis for searches in schools. (Comment 87, p. 1686).

Response to (a) and (b): No changes have been made in response to these comments. The specific data values for "basis for search" in the K-12 public school setting set forth in proposed Section 999.227, subd. (e)(4) are in addition to the data values for "basis for search" in the non-school setting (see proposed § 999.226, subd. (a)(12)(B)1), which include "Suspected weapons," "visible contraband," "odor of contraband," and "canine detection." Proposed Section 999.226, subdivision (a)(12)(B)1 also requires officers to select as many of the data elements as apply. The regulations now provide the opportunity for additional detail not only by permitting the selection of additional data elements, but also because of the additional information that can be added in the explanatory field for "Basis for Search" or "Reason for Stop."

4. 999.227, subd. (d)(2)(B) [K-12 Public School Setting – Reason for Stop]

California Rural Legal Assistance commented that regulations should be modified to add a drop down menu to the data value "investigation to determine whether the student stopped was engaged in conduct warranting discipline under Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7" that sets forth those violations encompassed in the listed Education Code sections. (Comment 75, p. 1629.)

Response: This comment is accepted. The regulations previously asked officers to select whether the student was stopped because he or she was engaged in conduct warranting discipline under Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7 without breaking out the Education Code sections. The Department has amended the regulations to require the

officer to select the specific Education Code sections as a sub-data value under that provision to permit additional detail. (See Redlined Text, § 999.227, subd. (e)(4)(B)1; ISOR at pp. 25-26; ISOR Addendum at pp. 28-29.)

5. 999.227, subd. (d)(2)(E) [K-12 Public School Setting – Result of Stop]

California Rural Legal Assistance commented that the regulations should be modified to add an additional data value for "contact parent/legal guardian or other person responsible for the minor" in the K-12 public school setting. (Comment 75, p. 1634.)

Response: No change has been made in response to this comment. The proposed regulations require peace officers to report if the result of the stop was referral to a school administrator, school counselor, or other support staff. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that this additional data value is not necessary to include at this time.

6. 999.227, subd. (d)(2) [K-12 Public School Setting – Perceived Disability]

(a) Racial and Identity Profiling Advisory Board (Board Co-Chair Edward Medrano speaking for the RIPA Board) recommended that the Department add the following additional data value for the data element "perceived or known disability of person stopped" for students in a K-12 public school setting: "ADHD and hyperactivity." (Hearing Comment 101, p. 1703 [Fresno Hearing Transcript, p. 11].)

(b) Krissy Powell also recommended adding a data value for "ADHD" in the K-12 public school setting. (Comment 66, p. 1609.)

Response to (a) and (b): These comments are accepted in part. The regulations have been modified to add an additional data value "Disability related to hyperactivity or impulsive behavior" among the data values presented to officers for stops of students in a K-12 public school to sufficiently account for situation in which the officer perceives or knows that the student stopped is an individual with a disability for reasons related to hyperactivity or impulsive behavior. The Department believes that this data value will provide important insights regarding interactions in a K-12 public school. (Redlined Text, p. 30; Final Text, p. 20 [§ 999.227, subd. (e)(4)(B)(1); ISOR Addendum, p. 29.)

7. 999.227, subd. (d)(2) [K-12 Public School Setting – Actions Taken During Stop]

California Rural Legal Assistance commented that the regulations should be modified to add additional data values for "written statement obtained from minor suspect" and "admission obtained from minor suspect" among the Actions Taken During Stop in the K-12 public school setting. (Comment 75, p. 1629.)

Response: This comment has been accepted in part. The regulations have been modified to add the following data value as an "Action Taken by Officer During the Stop" in the K-12 public school setting: "admission or written statement obtained from student." The Department

believes that this data value will provide important insights regarding interactions in a K-12 public school concerning an action that is frequently taken in schools, and which was not previously captured in the original regulations. (Redlined Text, p. 30; Final Text, p. 20 [§ 999.227, subd. (e)(4)(D)(1); ISOR Addendum, p. 30.)

V. COMMENTS REGARDING ARTICLE 5 [TECHNICAL SPECIFICATIONS AND UNIFORM REPORTING PRACTICES] (SECTION 999.227, AS ORIGINALLY PROPOSED)

1. 999.228, subd. (c)(1) [Data Submission]

Professor Jack Glaser identified a drafting error in proposed Section 999.228, subdivision (c)(1), in which the term "quarterly" was erroneously used instead of "annually." (Comment 80, pp. 1674-1675.)

Response: This commented is accepted. The text has been modified to provide: "Nothing in this section prohibits an agency from submitting this data more frequently than required under Government Code section 12525.5, subdivision (a)(1)." (Redlined Text, p. 32; Final Text, p. 21 [§ 999.228, subd. (c)].)

2. 999.228, subd. (f) [Data Publication]

(a) Professor Jack Glaser recommended that an additional identifier be added in addition to the "unique identifier" so that members of the public can have access to the data at the officer level. (Comment 78, p. 1644; Comment 80, pp. 1676-1677.)

Response: No change has been made in response to this comment. However, this subdivision, (formerly subdivision (f) now subdivision (g)) has been amended substantively to clarify the circumstances in which the Department shall publish or otherwise disclose stop data. As amended, subdivision (g) provides that the Attorney General shall publish the stop data that agencies submit to the Department on the Department's OpenJustice website, at the Attorney General's discretion and consistent with Government Code section 12525.5, subdivision (d). This provision has also been amended to clarify that the Department will not release to the public the Officer's Identification Number or Unique Identifying Information. Together, these provisions are necessary to clarify what information may be published on OpenJustice. In addition, subdivision (g) provides that the DOJ is not prohibited from confidentially disclosing all stop data reported to the Department to advance public policy through scientific study and pursuant to the Department's data security protocols, which will ensure that the publication of any data, analyses, or research will not result in the disclosure of an individual officer's identity (Redlined Text, p. 33; Final Text, pp. 21-22 [§ 999.228, subd. (g)]; ISOR Addendum, p. 31.)

(b) Professor Emily Owens commented that the regulations should be revised to provide a mechanism through which officer identification numbers can be made available to researchers, subject to appropriate controls to ensure confidentiality and protect individuals from harassment. Specifically, Prof. Owens commented that section 11 CCR § 999.228, subd. (f) of the original text should clarify that it does not preclude external researchers from obtaining access to unique officer identifiers, with the following, or similar, language: "Duly authorized researchers who enter into confidentiality agreements shall be permitted access to unique officer identifiers." (Comment 46, pp. 1550-1551.) She further commented that she had "concern[s] that the ability

of reporting agencies to maintain a system of creating and tracking officer identifiers may vary across jurisdictions in ways that may hinder the analysis of data. In order to ensure that data is consistent, I suggest that the proposed regulations provide for a standardized means of uniquely identifying officers in a way that should not reveal their identities." (Comment 46, p. 1551.)

Response: The Department has accepted these comments. As provided in the ISOR Addendum, section 999.228, subd. (g), (formerly subdivision (f)), has been amended substantively to clarify the circumstances in which the Department shall publish or otherwise disclose stop data. As amended, subdivision (g) provides that the Attorney General shall publish the stop data that agencies submit to the Department on the Department's OpenJustice website, at the Attorney General's discretion and consistent with Government Code section 12525.5, subdivision (d). This provision has also been amended to clarify that the Department will not release to the public the Officer's Identification Number or Unique Identifying Information. In addition, subdivision (g) provides that the DOJ is not prohibited from confidentially disclosing all stop data reported to the Department to advance public policy through scientific study and pursuant to the Department's data security protocols, which will ensure that the publication of any data, analyses, or research will not result in the disclosure of an individual officer's identity. This provision is necessary to make clear the limited circumstances in which the DOJ is permitted to provide access to complete stop data and to address concerns expressed during the public comment period that potentially re-identifying information might be published or otherwise disclosed to the public.

As provided in the ISOR Addendum, section 999.227, subd. (a)(11) has been revised nonsubstantively to reflect the amendment of the term "Officer's Unique Identifier" to "Officer's Identification (I.D.) Number," set forth at section 996.226, subdivision (a)(14). It has also been revised substantively to require the reporting agency to maintain a system matching an individual officer to his or her Officer I.D. Number. Previously, the agency was required to match an individual officer to his or her stop data. Because agencies are not required to maintain stop data if they use the Department's web-browser based application, this provision was amended to require only that the reporting agency maintain a system to match the officer with his or her Officer I.D. Number used for reporting.

3. 999.228, subd. (g) [Retention Period]

Professor Jack Glaser commented that this provision (formerly Section 999.228, subdivision (g), and now Section 999.228, subdivision (h)) should be modified to clarify that "[a]gencies should store their stop data separately from the key linking UID with badge number." (Comment 80, pp. 1676-1677.)

Response: No change has been made to the regulations in response to this comment. Law enforcement agencies having a multitude of record management systems (RMS) for storing departmental data. Rather than dictating storage requirements for each agency that might require extensive modifications be made to each agency RMS, the Department has determined that data storage requirements are best left to the discretion of each agency.

VI. COMMENTS REGARDING ARTICLE 6 [AUDITS AND VALIDATION] (SECTION 999.229, AS ORIGINALLY PROPOSED)

Jonathan Mummolo, a PhD candidate at Stanford University, commented that the regulations should be modified to require audits of adequate size to allow for statistical assessments. He explained that, in his experience, internal audits of stop data are often conducted using sample sizes that are too small, and that larger sample sizes "would allow for more accurate assessments of the degree to which irregularities are systemic." (Comment 62, p. 1592.)

Response: No change has been made in response to this comment. Specific regulatory language is not necessary to ensure that the Department uses a sufficient sample size to ensure effective auditing.

VII. COMMENTS MADE IN GENERAL TO THE REGULATIONS AS ORIGINALLY PROPOSED

A. General Comments in Support of the Proposed Regulations, AB 953, and Effective Implementation

(a) Professor Jack Glaser commented: "There are a few areas where, I think, the language needs tightening up. This is an awesome document, Congrats, and thank you." (Comment 79, p. 1645, see also Comment 78, p. 1642.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(b) ACLU et al. "commend[ed]" the Department for the proposed regulations "that reflect the discussion and public comment over the last several months before the RIPA Board, including letters sent by advocacy organizations outlining specific recommendations that have been included in the rulemaking file." The commenters urged that their recommendations for further modifications (addressed above) be implemented "to ensure that the full promise of AB 953 is realized." (Comment 47, p. 1554.)

(c) Peter Bibring (ACLU) thanked the Attorney General and the RIPA Board for their comprehensive job on the proposed regulations. The commenter liked the inclusion of school police departments within the definition of peace officer, the definition of search included frisks as well as full searches, issues surrounding gender identity and sexual orientation, and inclusion of collecting information about those with disabilities, especially those with mental disabilities. The commenter noted the "tremendous amount of work" that went into the proposed regulations. (Hearing Comment 89, pp. 1687-1688 [Los Angeles Hearing Transcript, pp. 19, 21].)

(d) Kena Cador (ACLU) similarly "commend[ed]" the Department for its "consideration and adoption of recommendations made by advocacy organizations over the past several months." She added that the proposed regulations "reflect recommendations related to perceived identities and any stops of youth, particularly of youth on and around school grounds or in the school setting. . . . I think that the importance of AB 953 cannot be overstated, especially as evidenced by the public participation here today, making sure police are acting fairly and lawfully and that burdens of being stopped and searched are not falling on some racial groups more than others is

crucial and is part of the job." (Hearing Comment 114, p. 1709 [Fresno Hearing Transcript, pp. 34-36].)

Response to (b) through (d): No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

(e) Kim McGill (Youth Justice Coalition) offered a general comment that she appreciates the hard work by the Attorney General on these proposed regulations. (Hearing Comment 90, p. 1688 [Los Angeles Hearing Transcript, p. 23].) Other members of the Youth Justice Coalition offered their general support for the proposed regulations or their own person experiences with racial profiling in support of AB 953 and the proposed regulations. (Michael Wilson (Hearing Comment 91, p. 1689 [Los Angeles Hearing Transcript, pp. 28-31]); Carletta Jackson (Hearing Comment 92, p. 1690 [Los Angeles Hearing Transcript, pp. 31-33]); Maritzza (last name unknown) (Hearing Comment 94, p. 1692 [Los Angeles Hearing Transcript, pp. 38-41]); Chantelle (last name unknown) (Hearing Comment 96, p. 1693 [Los Angeles Hearing Transcript, pp. 43-45].)

Response: No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

(f) Sameena Usman (Council on American-Islamic Relations) offered a general statement of support for the authorizing legislation, AB 953, and emphasized that accurate data collection will help strengthen the relationship with law enforcement and the community. (Hearing Comment 98, pp. 1698-1699 [Oakland Hearing Transcript, pp. 15-19].)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(g) Maria Lopez (Hearing Comment 106, p. 1705 [Fresno Hearing Transcript, p. 20]), Alfredo Aguero (Comment 111, p. 1707 [Fresno Hearing Transcript, p. 27]) and Aaron Pratt (Hearing Comment 102, p. 1703 [Fresno Hearing Transcript, pp. 11-13]) offered general statements in support of the proposed regulations.

Response: No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

(h) Krissy Powell commented: "The closer we get to meaningful data, the closer we get to meaningful stories." (Comment 66, p. 1609.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(i) Carolina Goodman commented: "Thank you for holding elementary and secondary peace officers accountable; making sure officers report when a frisk takes place, not just a stop; requiring outcomes to be reported (cited, arrested); including gender categories (expression and identity); providing a place to include signs of mental or other disability." (Comment 18, p. 1498.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(j) Michael Chase commented that reporting doesn't distract from public safety—"it's part of public safety." (Hearing Comment 97, p. 1697 [Oakland Hearing Transcript, p. 11].)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(k) Rich (last name unknown) (Comment 16, p. 1494) offered general statements in support of the proposed regulations and urged the Department to fully implement AB 953 as soon as possible.

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(l) Sharon Reinbott (Comment 72, p. 1624) urged the police to collect data on their stops, "so we can understand how and why you stop people of color more than us `white folks'." She further noted that the RIPA Board "needs to have as much data as possible, and the only they can get that data is if officers enter it." She commented that officers are accountable to the public, "and entering this data is what the public wants. So do it without complaint."

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(m) Nicole Remble offered a general statement in support of the proposed regulations, while noting this is only a first step. (Comment 107, p. 1706 [Fresno Hearing Transcript, p. 21].)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(n) Brandon Sturdivant noted the level of trauma in the room and among the community that organized to pass AB 953 and urged that the recommendations move forward. (Comment 114, p. 1709 [Fresno Hearing Transcript, p. 34].)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(o) Crisantema Gallardo commented that the AB 953 was just the beginning. (Comment 115, p. 1710 [Fresno Hearing Transcript, p. 37].)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(p) Professor Steven Raphael (U.C. Berkeley) commented to "convey [his] support for the proposed regulations regarding AB 953, and in particular, the constellation of data fields that are proposed to be standard data elements to be reported by police officers from, eventually, all law enforcement agencies across the state." He commented that the regulations, if implemented, will

"permit analysis of cross-group disparities in the incidence and nature of police stops and searches," "facilitate a burst of research on policing and best practice," "allow nuanced analysis and will afford researchers, police departments, and advocates the ability to contextualize data patterns and to better understand some of the most pressing problems facing police departments in the state of California and in the United States more broadly." He further commented that the regulations will "increase transparency in police practice and procedure" and "will essentially put California on the forefront of criminal justice transparency and foster a flurry of research on policing that I believe will prove beneficial to all Californians and the country." (Comment 57, p. 1583.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(q) Professor Emily Owens (U.C. Irvine) commented to "commend the Department of Justice for proposing regulations to ensure the standardization of data collection regarding law enforcement stops of individuals." She added that standardization of data collection "will allow independent researchers to credibly evaluate the impact of policies and practices aimed at reducing unwarranted racial disparities," and that, without such data "there is no way to tell whether or not attempts to reduce unwarranted racial disparities are having the intended effect, or are simply imposing additional constraints on police officers." (Comment 46, p. 1549.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(r) Professor Jennifer Eberhardt commented generally that the RIPA board meeting held January 26, 2017 in Fresno "was quite productive," and included public comment reflecting "clear and strong support for AB 953." She continued, "With unanimity, community members spoke of the power of data to provide them a voice and to improve police-community relations. People spoke of the urgent need to document racial disparities in policing and to begin to reduce those disparities. These themes were also apparent in the minutes from the recent public hearings in Los Angeles and in Oakland." (Comment 77, p. 1639.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(s) Andrea Donado (Greater Long Beach Interfaith Community Organization/ICO) (Hearing Comment 109, p. 1706 [Fresno Hearing Transcript, p. 23]), offered a comment in support of the recommendations presented at the Fresno Public Hearing by Chief Ed Medrano on behalf of the RIPA Board, and urged the Department to incorporate those recommendations.

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves. The specific recommendations of the RIPA Board, as presented by Chief Ed Medrano, have been addressed above.

(t) Krissy Powell similarly expressed general support for the regulations, along with specific recommendations regarding specific provisions. (Comment 66, p. 1609.)

Response: No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any changes to the regulations.

(u) California Rural Legal Assistance likewise supported the proposed data elements in the Original Text:

> We support the drafters' efforts to include specific criteria for reporting and examples clarifying when various reporting requirements apply. In our view all of the mandatory data reporting requirements included in the proposed regulations are consistent with the intent and purpose of AB 953 and fundamental to effective implementation.

(Comment 75, p. 1629.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any changes to the regulations.

(v) Peter Bibring (ACLU) commented:

> "I know that throughout this process there have been a lot of comments about the potential burden on law enforcement, and obviously that's a concern. But I think it's important to note throughout this that having law enforcement document what they are doing to ensure that what they are doing is consistent with the constitution and fair and equitable policing is not taking police away from their job; it is part of their job. It is part of public safety to ensure that the burdens of policing don't fall disproportionately by race or other identity characteristics in California." (Hearing Comment 89, p. 1687 [Los Angeles Hearing Transcript, p. 20].)

Response: No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

(w) Terrance Stewart commented from her personal experience:

> So I hear the argument of 'wasting time' and 'too much time' to go to fill out a piece of paper. But it was a whole lot of time that they wasted pulling me over when they only arrested me, like, once or twice. And they pulled me over many of times, you know. And so I think, if they stop racially profiling, they'll have more time. You know, that's one thing.

(Hearing Comment 112, p. 1708 [Fresno Hearing Transcript, pp. 29-30].)

Response: No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

(x) Taymah Jahsi made a similar point on behalf of Faith in the Valley, stating "So when I hear officers say it's too time-consuming, I view that as an excuse. Because what's more time-consuming is burying your child. I've done that before." (Comment 120, p. 1712 [Fresno Hearing Transcript, p. 46].)

Response: No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

(y) Skyler Porras commented that "[t]his effort is critical for the safety and security of all Californians and to assist law enforcement in building healthy relationships with all of our communities[.]" The commenter expressed hoped that the proposed regulations will be enacted "and also just the first of several steps" to improve transparency and accountability of law enforcement agencies. The commenter noted that the "proposed regulations as currently drafted, while not as strong as they could have been, are nevertheless progress[.]" The commenter specifically referenced that agencies should capture narrative as well as demographic data "to provide actual context for review." (Comment 83, p. 1681.)

Response: No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves. Similar comments in favor of narrative fields have been addressed above.

B. Comments Regarding Concerns About Identification of Officer

Concerns about the identification of officers are also addressed above under the data element for "Officer's Unique Identifier Section 999.226, subdivision (a)(13)."

(a) Orange County Sheriff's Department expressed concern about the Department's inclusion of an "officer's unique identifier" and "officer's years of experience" because "[a]s currently written there are no proper safeguards to ensure an officer's anonymity." The commenter noted that "[a]n officer working a specialized assignment may be easily identified when all data is analyzed," and that individualized data could be used "to draw unfair conclusions about particular officers based solely on their work assignment." (Comment 20, p. 1519.)

(b) Amador County Sheriff's Office commented that "identifying officers endangers them physically and exposes them to liability," and that reporting of officer characteristics, including duty assignment and length of services, could lead to re-identification concern, particularly for smaller agencies. The commenter continued: "While I would argue that duty assignment and length of service could be considered 'personally identifiable information,' the regulation is less than clear on whether an agency could or should redact that data, and when and how they should redact them where appropriate." (Comment 50, p. 1573.) Yolo County Sheriff's Office (Comment 60, p. 1587), Lake County Sheriff's Office (Comment 81, p. 1678) and California Association of Highway Patrolmen (Comment 61, p. 1590) expressed similar concerns.

(c) Professor Jennifer Eberhardt commented that she is "aware that there are risks associated with collecting additional data, whether we consider narrative fields or officer-level information" and that the Department should "do everything possible to minimize those risks because there are real risks associated with not collecting this information." She nevertheless urged the Department to maintain the officer identification number because, without that data value, the RIPA Board will be "reduced to reporting on the size of racial disparities across various regions of the state" and "will not have moved any closer to understanding what those disparities mean nor how to address them." To limit the danger of re-identification, Professor Eberhardt recommended that "no officer-level information be released to the public: this includes the

officer unique identifier, years of experience, type of assignment, race, age, and gender." (Comment 77, p. 1640.)

Moreover, she cautioned that "simply reporting on disparities could make things worse not better. Members of the law enforcement community could see those disparities as indicative of racial differences in crime. The public could see those same disparities as indicative of racial profiling. Rather than serving as a mechanism to improve police-community relations, this entire data exercise could serve to further polarize us." For that reason, she concluded, "Collecting additional information through narratives and officer-level information can move us beyond polarization and focus us on the important task of addressing racial disparities in ways that are more productive and evidence based." (Comment 77, p. 1640.)

Response to (a) through (c): These comments have been accepted in part. The Department has retained the data elements "Officer Identification (I.D.) Number" (previously, "Officer Unique Identifier"), "Years of Experience," and "Type of Assignment") and further modified the regulations to clarify that "The Department shall not release to the public the Officer Identification Number or Unique Identifying Information." (Redlined Text, p. 33; Final Text, p. 22 [§ 999.228, subd. (g)]; ISOR Addendum, pp. 31-32.)

The phrase "Unique Identifying Information" is defined as "personally identifying information, the release of which, either alone or in combination with other data reported is reasonably likely to reveal the identity of the individual officer who collected the stop data information. It does not include the minimum information that is specified in Government code section 12525.5, subdivision (b)." (Redlined Text, p.4; Final Text, p. 4 [§ 999.224, subd. (a)(17)].)

The Department has also added a provision to the regulations that "Law enforcement agencies are solely responsible to ensure that neither personally identifiable information of the person stopped, nor any other information that is exempt from disclosure pursuant to Government Code section 12525.5, subdivision (d), is transmitted to the Department in the data element entitled "Location of Stop" required by Section 999.226, subdivision (a)(3) and the explanatory fields required by Section 999.226, subdivisions (a)(10) and (12)(B)2." (Redlined Text, p. 32; Final Text, p. 21 [§ 999.228, subd. (d)].) This provision is intended to ensure that the information referred to in Government Code section 12525.5, subdivision (d) is not inadvertently reported or published in any open text fields.

The Department has included provisions in the regulations to ensure officer anonymity as contemplated in Government Code section 12525.5, which will not only promote candor and ensure data integrity but also protect officer safety. As explained in the ISOR, and consistent with Professor Glaser's comment summarized above, the Department has previously determined that an officer identification number is necessary to validate and ensure data integrity and to conduct officer-level analysis, as required by section 12525.5 itself.

Moreover, although an Officer's Identification (I.D.) Number must be included with each report submitted to the Department, the regulations provide that the Department shall not release that number to the public. (Final Text, pp. 21-22 [§ 999.228, subd. (g)].)

C. General Comments in Opposition to the Proposed Regulations

Numerous commentators provided general comments in opposition to the proposed regulations or AB 953. These comments are summarized below. Please note that, to the extent these commenters also provided comments regarding specific provisions of the regulations, those comments are summarized above.

(a) Alameda County Sheriff's Office commented that the regulations don't require the collection of data beyond the following data elements: perceived ethnicity (based on observations during contact); gender (based on admission or official document such as state-issued identification) age (with specified age ranges); reason for contact (consensual/probable cause/call for service); disposition of contact (arrest/citation/verbal warning/assistance provided); search results (searched-evidence seized/searched -no evidence seized/not searched); and authority for search (consent/parole or probation/arrest/vehicle inventory/probable cause/no search).

The commenter noted that collecting data beyond the scope of the elements listed above will deter law enforcement, reduce community policing, and, because officers will be required to engage in administrative duties instead of interacting with the community, there is increased potential for citizens to become victims of crime because officers are not available. The commenter further noted that data elements other than those listed above would not provide any insight into the mindset of law enforcement officers "at the point where a decision is made to contact an individual," and will require an enormous investment of time and resources. (Comment 67, p. 1611-1612.)

(b) Butte County Sheriff's Office commented on the collection and documentation of the data elements added by the regulations, commenting that this will result in increased costs and result in less discretionary time for officers/deputies. It noted that not all agencies will be able to absorb these added costs. The effect on officer/deputy time will, in turn, impact an agency's ability to provide other services to the community. The commenter also objected to the requirement that an officer must complete "a lengthy questionnaire" on every person stopped, regardless of the outcome, will impact proactive policing, which in turn will negatively impact public safety and potentially result in an increase in crime. (Comment 32, pp. 1524-1525.)

(c) California Highway Patrol commented on the time it would take officers to complete each stop data report. For example, the California Highway Patrol reported that it makes 2.8 million stops per year; thus, although the CHP already collects stop data, every additional five minutes required to complete a stop form under these regulations "would equate to over 230,000 hours of service for which CHP officers are unavailable to serve the public and respond to calls for service." (Comment 38, pp. 1536-1537.)

(d) California Police Chiefs Association (CPCA) objected to the regulations because it believes that the Department did not sufficiently consider the potential economic and public safety impacts of these reporting requirements. CPCA stated that the Notice of Proposed Rulemaking Action failed to acknowledge the impact on officer's time and law enforcement's availability to protect and serve, and in particular its impacts on crime, victimization, and the economy. CPCA provided specific estimates regarding the estimated number of stops per year that must be reported (10 million stops) and the amount of time to fill out each report (even using a

conservative estimate of 10 minutes per stop will result in a total reduction of 1.7 million hours annually, which is the equivalent of losing the working hours of 800 full-time officers. The CPCA references a report by the RAND Corporation on the economic impact of crime, and using that study, estimated that a staffing reduction of 800 officers annually will result in an anticipated economic loss of $40 million per year. Accordingly, the CPCA urged the Department to reexamine the economic impact assessment of the regulations, as required by law. The CPCA also urged that "there must be a resistance to including any additional data fields in the draft regulations that do not further the intent of AB 953, as well as a thorough review of the necessity of each proposed requirement."

CPCA further urged that all data must be relevant to AB 953's intent, which was to eliminate racial and identity profiling and improve the relationship between law enforcement and the communities they serve. CPCA commented that the regulations do not allow the officers to identify if they had prior knowledge of the person's race or ethnicity. CPCA also had specific comments regarding active shooter events and mass evacuations; these are addressed under the specific provision discussed. Finally, CPCA had specific objections regarding the officer identification provisions; although the legislation provided that such identification cannot be disclosed by the Department, there are not similar protections regarding information released through court orders or public records requests filed with the individual agency. It recommended that these additional protections be made clear, and must contain specific language that protects the identity of the officer and prevents the unique identifier from being publicly released. (Comment, pp. 1503-1505.)

(e) California State Sheriffs' Association (Comment 35, pp. 1529-1530), Amador County Sheriff's Office (Comment 50, pp. 1572-1574), Yolo County Sheriff's Office (Comment 60, pp. 1587-1588), and Lake County Sheriff's Office (Comment 81, pp. 1678-1679) submitted substantially similar comments that raised the following objections.

First, the commenters objected to the inclusion of data points beyond those specifically identified in the statute, and objected that all of this data must be completed and submitted to the reporting agency by the end of the officer's shift.

Second, the commenters objected to the regulations because they will create significant increases in workload for law enforcement agencies, and will jeopardize public safety (because the increased time required for each interaction will result in fewer interactions and will keep them from responding to other calls). In addition, the regulations potentially impact officer privacy (because of the data elements for years of service, type of assignment, and officer I.D. numbers).

Third, the commenters noted that the data elements required "will most assuredly result in the identification of specific officers in connection with particular interactions." And, even the requirement that agencies are to redact personally identifiable information before submitting to the Department is not enough to protect an officer's privacy, because, for example, "type of assignment" and "years of experience" could be considered personally identifiable information, yet the regulations are not clear whether an agency can or should redact that information. And the commenter believes that persons will be able to obtain this data through court discovery.

Fourth, the commenters stated that the regulations will impact officer safety (in particular, officers may be put at risk because they will be required to stay in potentially dangerous situations (e.g., the side of a busy roadway) for longer periods of time.

Fourth, the commenters stated that the proposed regulations will require local agencies to undergo massive training and technology costs, for which no funds are provided by the state, and for which the agencies will be forced to utilize the lengthy and burdensome state mandate process to recoup these costs. Specifically, the commenter opined that the proposed regulations "will saddle local agencies with massive training and technology costs for which no funds are provided by the state. As the materials accompanying the regulations note, costs to local and state government to implement AB 953 will be no less than $81 million in one-time costs. This does not include ongoing costs to the reporting agencies and likely does not contemplate the additional data requirements imposed by the regulations. Local law enforcement agencies will be forced to utilize the lengthy and burdensome state mandate process to attempt to recoup the massive costs imposed upon them by AB 953 and its implementing regulations." (Comment 35, p. 1529.)

(f) Hanford Police Department commented that by requiring such "onerous legislation it will dissuade officers from making these contacts." The commenter continues that "officers will either stop making citizen contacts due to the work involved or they will make contacts and not report them to dispatch or utilize their body worn cameras. The second option is particularly distressing and will result in an unsafe situation for the officer and the person they are contacting." The commenter further states that the data should not be collected based upon perceptions, the data will be flawed, an officer will report fraudulent data to avoid being detected as racially profiling, the information will become a public record to identify individual officers who would be subject to litigation, and will dramatically impact an officer's ability to do his or her job and department budgets. (Comment 20, p. 1502.)

(g) Kings County Sheriff's Office (Comment 43, p. 1545) and Kings County Probation Department (Comment 45, p. 1548) raised concerns that the proposed regulations 1) should be scaled back because they have morphed into 200 possible data selection components and should be reduced to the minimum data required by AB 953 itself; 2) will cost the State of California millions, and possibly more than a billion, dollars to pay for staff time and increasing technology costs; 3) will be time consuming for officers, and could range from 10-45 minutes to complete a stop data form; 4) will cause delays in priority reports needed for court, staff shortages and overtime, particularly due to the requirement that the data be input by end of shift; 5) will result in inaccurate and unreliable data because it is based upon perception rather than factual information; 6) will lead to increased racial profiling of other groups to balance out numbers; and 8) require officer demographic data, which is irrelevant and may lead to the identification of the officer, particularly for smaller agencies.

(h) Los Angeles County Sheriff's Office objected to the regulations because they include data elements far beyond the scope of AB 953 and will place undue burden on the agency. The commenter noted that requiring deputies to report on "perceived" data elements such as perceived race, gender, age, limited English fluency or pronounced accent, or perceived or known disability will result in "inaccurate and unreliable data collection based on a deputy's perception and speculation, at best." The commenter also noted that the collection of officer data

"will become an officer safety issue, as well as a liability issue if such information were revealed to the public." Collecting these additional data elements will also result in added costs to law enforcement with respect to training, implementation and technology. Finally, these additional data elements will increase a deputy's workload, resulting in increased response time to calls and less time for proactive police work. In short, the commenter recommended that the Department reconsider these additional elements because they will result in "misconceptions, burdensome workloads, additional costs, and undue officer safety concerns." (Comment 76, p. 1637.)

(i) Los Angeles Police Department (LAPD) objected to the proposed regulations because they "go far beyond what is required in the legislation and its intent, and create an unreasonable and excessive burden on the field officers who are tasked with recording the data. Importantly, the excessive time required to comply with the regulations will significantly detract from an officer's ability to respond to calls for service, and reduce the time available to engage in community policing and fulfill our public safety mission." (Comment 54, p. 1579.)

The commenter noted, for example, that the regulations expand the statutorily required "Reason for Stop" into two categories: "Reason for Stop" and "Reason for Presence at Scene at Stop," with multiple choices for each data element. The commenter makes specific objections to certain specific provisions (definition of "stop," multiple persons stopped, deadline for submitting data prior to end of officer's shift); these objections are discussed above, under the specific provisions for "Reason for Stop" and "Reason for Presence at Scene."

The commenter further commented that officer safety will be compromised because an officer will need to be intensely focused on his or her mobile device or mobile data terminal to record all of the data required, particularly if the officer is working alone. Finally, the commenter objected to the regulations because their implementation will likely not reveal any systemic bias, and will lead to added expense and administrative burdens, and result in decreased police services. (Comment 54, pp. 1579-1580.)

(j) Orange County Sheriff's Department (OCSD) raised "significant concerns" regarding the proposed regulations: "1) the excessive amount of data being requested; 2) the inclusion of subjective data points; and 3) the impact on individual deputies." (Comment 29, p. 1518.) The commenter discussed each of these concerns in detail.

First, it commented that the additional proposed data elements create "more than 200 possible data selection components," "well beyond the data points statutorily mandated in the legislation." Reporting such extensive data will be time consuming for officers, and could range from 10-45 minutes. Time spent completing paperwork for data collection will reduce the time spent on patrol and affect officer safety. In addition, "the process of training staff, building data collection systems and ensuring compliance within an agency cannot be done overnight." The commenter recommended modifying the proposed regulations to limit them to the data elements specifically identified in AB 953, noting that additional data elements can be added in future years. (Comment 29, p. 1518.)

OCSD recommended that the regulations be revised to require the collection of only those data elements that were required in the original legislation, i.e., only those specifically listed in AB 953. (Comment 29, p. 1518.) The commenter noted that complying with even these specified

minimum data elements will be an enormous adjustment for law enforcement agencies, and will require training, building data collection systems and ensuring compliance.

OCSD further noted that, besides the infrastructure and training that must be developed for such data collection, the time it will take to complete a stop data form with the proposed elements could range from 10-45 minutes, and that "time spent completing paper work will diminish time spent on patrol in the community." In addition, she is concerned that these new data collection responsibilities may impact officer safety. Accordingly, the commenter recommended that the data to be collected be limited to those categories specifically identified in AB 953, and that new data elements can be added in future years. (Comment 29, p. 1519.)

Second, the commenter objected to the subjectivity of these additional data elements, noting that data elements that "do not have a uniform standard," such as "perceived or known disability" and "limited English fluency or a pronounced accent," should be eliminated. (Comment 29, p. 1519.)

Third, the commenter objected to the inclusion of data elements that could identify the officer, specifically, "officer's unique identifier" and "officer's years of experience. (Comment 29, p. 1519.)

Finally, the commenter recommended that, instead of overly focusing on the collection of minute data points, the goals of eliminating racial profiling and stronger community relations can be best achieved by focusing energy on strong hiring practices, effective training, and engaged citizenry. (Comment 29, p. 1519.)

(k) Riverside County Sheriff's Department objected to the regulations because "they clearly reflect a lay viewpoint that underscores a deep lack of understanding of what is involved in our basic law enforcement efforts and daily police work." (Comment 30, p. 1521.) First, the data elements are excessive, going far beyond the initial legislation and include "some 200+ separate data elements required of our officers on each stop/detention." (Comment 30, p. 1522.) The commenter noted that its internal review indicated that the time to complete stop data for each person stopped is 15 minutes or more. Even if the agency uses the Department's proposed software data application, the proposed regulations will reduce the number of officers patrolling because of the administrative burden the regulations place on the agency.

Second, the commenter objected that there is "far too much subjectivity" required of its deputies in completing the proposed data elements. Third, the proposed regulations create "potentially unfair profiles of our deputies in their varied assignments."

Fourth, the regulations create "a chilling effect" in the conduct of legitimate police work, creating an administrative burden that will reduce the number of officers patrolling the community. This may result in reduced or delayed responses to crimes, which will negatively impact state-sponsored grant programs that are based on "proactive" enforcement efforts to address existing safety concerns, and which are based on statistical data from victim crime reports. Finally, the regulations add "greatly increased additional and unneeded `staffing costs' without any "value-added." (Comment 30, pp. 1521-1522.)

(l) Brandon Rock. Brandon Rock offered this perspective as a patrol officer:

> This is unduly burdensome upon proactive patrol officers. I find that it takes much longer to complete than a stop itself, which may have resulted in a warning and taken 2 minutes. That same stop now takes several times that long and leads to a massive decrease in traffic stops. As someone who works patrol in a very busy district, this effectively ensures the number of stops I make will be cut to 1/4 the amount, due to the limited amount of time available not running calls. My amount of proactive work has been decreased by a similar amount.

(Comment 28, p. 1516.)

(m) San Diego County Sheriff's Department objected to the regulations because they include data elements far beyond the scope of AB 953 and will place undue burden on the agency, which will deteriorate public safety. Requiring deputies to complete a lengthy questionnaire on every person stopped, regardless of the outcome of that stop, will have a chilling effect on policing. In addition, the information that the regulations require to be collected will be used by "criminals, anti-police organizations, and the defense bar to personally identify officers and establish harmful narratives about their character based on the demographics of the people they stop." (Comment 19, p. 1501.) The commenter noted that data must be collected even if the stops are non-discretionary, and that all information collected and submitted would be publicly available and searchable. Officers may hesitate to stop a person who has committed a crime for fear of second guessing, which is not in the best interest of the public and is not the intent of AB 953. The commenter recommended that the Department revise the regulations to include only the data elements specifically identified in the statute. (Comment 19, p. 1500.)

(n) San Mateo County Sheriff objected to the regulations because of its concerns regarding the potential impact on law enforcement, because the regulations require the reporting of all stops, and "not all encounters will generate the amount of data required by the regulations. For example, officers conduct continuous contacts for a number of reasons, including dispatched calls, community engagement, etc. In addition, the commenter stated that the proposed regulations may cause officers to alter their practices when contacting the public because the collection will be a significant burden and will affect "the manner and reasoning for their contacts." This may result in skewed data. The commenter stated that restricting officers by requiring them to engage in time consuming data collection requirements may impact proactive community policing. (Comment 33, p. 1526.)

(o) Ventura County Sheriff's Office objected to the proposed regulations because they "go well beyond the scope of data collection required by AB 953," will impact public safety, and will reduce the amount of time a deputy sheriff will have to conduct proactive policing, because they will instead need to complete stop collection data. The commenter noted that the regulations contain more than 150 data points, compared to the only approximately 20 data points identified in Government Code section 12525.5, subdivision (b). The commenter claimed that, based on a collection tool it had developed, the difference in hours spent collecting data required by the regulations (versus data required by the statute) was 8,000 to 14,000 additional hours, representing between $800,000 and $1.4 million in lost proactive policing time. The commenter also claimed that it would cost an estimated $100,000 to develop a data collection method. (Comment 69, p. 1618.)

This lost time will result in reduced stops, reduced time spent proactively patrolling, and less time to build relationships with community members. The commenter also objected to the regulations because they will do little to provide context to encounters. For example, deputies assigned to gang units will likely have disproportionate contacts with Hispanics, because most of the gangs in Ventura County are Hispanic street gangs. Additionally, the commenter noted that requiring deputies to report on "perceived" demographics will result in "guessing" on the most critical data elements. (Comment 69, p. 1619.)

(p) Robert Thayer (Comment 34, p. 1527), Kim Pearson (Comment 36, p. 1532; Comment 37, p. 1534), and Mike Strutz, (Comment 39, p. 1538) offered the following identical comment: "I have attended a presentation regarding the information the RIPA Board is suggesting our front-line law enforcement officials collect when contacting members of the public in an enforcement setting. Although their intentions are probably good, it seems the RIPA Board has overstepped the original language of the legislation and have morphed it into a challenging data collection standard that will harm public safety. I would much rather our first-responders be on the street enforcing California law rather than filling out paperwork for "data" collection that is 100% collected in a "perceived" manner from the first-responder. The original intent of collection, as described in the legislation, is sufficient enough. Future legislation should be drafted to remove the "perception" of the first responder anyway, as that in and of itself has created profiling."

(q) Marni Watkins commented: "Please do not create a paperwork nightmare for our first responders. Our first responders need to be on the street, not filling out red tape paperwork. The original intent of collection, as described in the legislation, is sufficient enough." (Comment 42, p. 1543.) Peggy Montgomery made a similar comment regarding paper work. (Comment 40, p. 1540.)

(r) Casey Nice commented that, "While this legislation may be well intended, it will be completely burdensome (time needed) on the police officers and because the data entered will be based on an impression made by the officer as to what category/categories a person, or multiple persons fit within, the value of the data will always be questionable, and of almost no value. Police are frequently summoned, by citizens, to respond to reported criminal or suspicious activity to areas that (for a whole host of reasons (economic?)) that are populated by the less fortunate. It appears that the intention of this legislation is to gather information that will somehow support that proposition that police actions are improper. If people are concerned that the police, or their respective agencies apply the law unequally and improperly, what value is there to collect information (provided by police) that can be relied upon? I fear that the overly burdensome requirements of this legislation may (unfortunately and improperly) cause police and or agencies to NOT take action for fear of being labeled as acting unfairly or improperly as well as (because of time requirements) being unavailable for other police duties." (Comment 53, p. 1577.)

(s) Five Law Enforcement Associations objected based on their assessment of the regulations' potential economic and public safety impacts. Specifically, the commenters object to the Department's statement in the Notice of Proposed Rulemaking Action that there will be no adverse impact on the "health and welfare of California residents, (or) worker safety." The commenters stated that students have shown that "comparable reductions have had impacts on crime, victimization, and the economy." The commenters offered a "conservative estimate[]"

that over 10 million stops will be reported under these regulations, each requiring approximately five minutes officer time to complete the report and five minutes to relocate to a safe position to do so. Based on these two estimates, the commenters predicted "an annual impact of 1.7 million hours annually of officer time that removed from protecting the peace" or the equivalent of 800 full-time officers." (Comment 74, p. 1627.)

Response to (a)-(s): These comments have been accepted in part. To the extent that these commenters have offered specific comments about the proposed regulations, those comments have been addressed above.

The Department received several comments from law enforcement agencies and individuals suggesting that the stop data collection requirements imposed by Government Code section 12525.5 would result in public safety costs by decreasing officer efficiency or providing a disincentive for officers to conduct "proactive" police work. The commenters did not, however, provide any evidence that prior data collection programs have resulted in any negative public safety outcomes. Although some of these comments attempted to link the additional officer time to collect data on those elements added by the proposed regulations, these comments as a whole reflected a general concern about the statutory requirement to collect stop data rather than any costs specifically attributable to the proposed regulations. Any such costs, therefore, are more properly attributed to the statute than the regulations.

The Department has nevertheless carefully evaluated these comments and consulted with police practice/criminal justice researchers on this issue. These consultations confirmed there is no empirical evidence linking stop data collection to decreased public safety. The Department also conducted a field test of proposed stop data elements as well as evaluated costs associated with different methods for collecting and reporting the data. The methodology used to obtain time estimates on completion of the stop data forms and how the cost estimates were calculated is set forth in detail in the Revised STD Form 399 and Addendum. Results of the field test showed a median completion time of approximately 2.5 minutes (145 seconds) per stop. This included 27 seconds to complete seven (7) additional elements added by the regulations.

To the extent that the commenters are concerned about costs of systems needed to satisfy the statutory data collection requirement, the Department refers to the discussion about possible means of data collection set forth in the Revised STD Form 399 and Addendum. Application of the local mandate requirements are addressed in the Revised STD Form 399 and Addendum. And, the RAND Corporation study, cited by at least one commenter, suggests a link between overall law enforcement expenditures, public safety, and business costs; the study does not say anything about how law enforcement spending and resources are best allocated, and says nothing about the potential effects (positive or negative) of data collection on public safety. In any event, the need for data collection is a legislative determination that was resolved with the enactment of AB 953.

To the extent that the commenters are recommending further, unspecified, reductions in the required data elements, the Department eliminated and streamlined many data values. (see generally, ISOR Addendum.) In addition, the Department revised the regulations to add a new provision, entitled "Peace Officer Interactions that are Not Reportable," located at Section 999.227, subdivision (c). These settings which include mass evacuations, active shooter

incidents, and routine building and event security screenings were exempted from reporting because in these circumstances the officer's actions are largely non-discretionary, involve public safety, and are not the types of interactions contemplated by AB 953. (ISOR Addendum, pp. 25-27.) With respect to the other data elements added by the regulations, the rationale for each of the data elements included in the original text of the proposed regulations is set forth in the ISOR; the rationale for all modifications is set forth in the ISOR Addendum. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. While the Department did eliminate and streamline many data values, the Department has determined that each data element added by the regulations, as posted for public comment on August 1, 2017, is necessary to fulfill the intent of AB 953. (See generally, ISOR Addendum.)

With respect to the collection of perceived demographic information, Government Code section 12525.5 requires officers to report "the perceived race or ethnicity, gender, and approximate age of the person stopped" and further provides 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." The Department's regulations are consistent with that requirement.

With respect to the comments concerning the release and use of information collected for court or other purposes, Government Code section 12525.5, subdivision (d) mandates that the data reported shall be available to the public except for the badge number or other unique identifying information of the peace officer involved and these regulations are in accord with the statute. The Department's regulations are consistent with that requirement. The release of any information not already provided to the public as directed by Government Code section 12525.5, subdivision (d) is beyond the scope of these regulations and will be subject to state and federal discovery laws as appropriate.

With respect to the comments concerning the quality of training for California peace officers, the general demands placed on peace officers on a daily basis, and the creation of additional burdens that will not solve the problem of racial profiling and bias, these comments are interpreted to be observations rather than a recommendation of any change to the regulations themselves and/or issues that are beyond the scope of these regulations and should be addressed at the agency level. However, while the regulations do not currently address training, Penal Code section 13519.4 specifies that the Peace Officer Standards and Training Commission (POST) must develop training, in consultation with the Racial and Identify Profiling Advisory (RIPA) Board, regarding racial and identity profiling.

With respect to the comments regarding when the stop data form should be completed, the Department did modify the original regulations to provide: "An officer shall complete all stop reports for stops made during his or her shift by the end of that shift, unless exigent circumstances preclude doing so. In such circumstances, the data shall be completed as soon as practicable." (Redlined Text, p. 24; Final Text, p. 16 [§ 999.227, subd. (a)(9)]; see ISOR Addendum, p. 24.) To the extent that these comments are recommending the removal of the requirement to submit the stop data form at the end of shift altogether, no change has been made in response to that comment.

The Department has determined that permitting officers, as a general rule, to complete stop reports during the following shift would degrade the value of the data by increasing the necessary recall time between the incident and the report and is likely to increase the reporting time because it would require officers to attempt to reconstruct—or refer to notes—for incidents that occurred one or more days in the past

Moreover, the suggestions that an officer would decline to fulfill his or her duties—or compromise officer safety—because they did not want to complete a stop data form or that an officer would improperly profile one group to unlawfully manipulate the stop data to achieve a desired result is beyond the scope of these regulations and should be addressed at the agency level.

(t) Kings County Board of Supervisors commented that they have concerns regarding the proposed regulations as follows: 1) the regulations expand the requirements of AB 953 with respect to the number of data elements; 2) the regulations require subjective perception in lieu of factual information; 3) the regulations invite officers to profile; 4) the regulations reprioritize the subjective information over the factual information needed for court proceedings; 5) the regulations ignore that California peace officers are the most highly trained officers in the United States and use a "one-size fits all manner" to address problems more prevalent in other States; 6) the regulations create burdens that will not solve problems, be misinterpreted, will fail to calculate the impact of commuter polices, and be misused; 7) the regulations create burdens and demands in an environment already plagued by the demands of realignment, Proposition 47 and Proposition 57; and 8) the regulations ask local and state agencies to absorb these additional costs without additional funding. (Comment 49, pp. 1570-1571.)

Response: No change has been made in response to these comments. To the extent that the Kings County Board of Supervisors has offered specific comments about the proposed regulations, those comments have been addressed above.

To the extent the commenter is recommending further, unspecified, reductions in the required data elements, the Department notes that the rationale for each of the data elements included in the original text of the proposed regulations is set forth in the ISOR; the rationale for all modifications is set forth in the ISOR Addendum. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that each additional data element added by the regulations is necessary to fulfill the intent of AB 953.

With respect to the collection of perceived demographic information, Government Code section 12525.5 requires officers to report "the perceived race or ethnicity, gender, and approximate age of the person stopped" and further provides 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." The Department's regulations are consistent with that requirement.

With respect to the comments concerning the quality of training for California peace officers, the demands of realignment and compliance with other California laws, and burdens that will not

solve problems, these comments are interpreted to be observations rather than a recommendation of any change to the regulations.

With respect to the comment suggesting that the proposed regulations "ask local and state agencies to absorb these additional costs without additional funding," to the extent that the commenters are concerned about costs of systems needed to satisfy the statutory data collection requirement, the Department refers to the discussion about possible means of data collection set forth in the Revised STD Form 399 and Addendum. Application of the local mandate requirements are addressed in the Revised STD Form 399 and Addendum.

(u) James Sing objected to the regulations, stating: "The Proposed regulations will result in higher crime rates. Officers will stop making self initiated stops. The reporting requirements will substantially reduce officers present in the community. If you enact these regulations the criminals win." (Comment 5, p. 1472.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves. The general comments concerning higher crime and reduction of officers in the community is addressed in response to subdivisions (a) through (s) in this section.

D. Opposition to AB 953

(a) Jason Lines objected to AB 953 itself, commenting that requiring first responders to collect and document all of the information listed in the legislation will "cause burden to the already taxed officer." He further commented on the cost to taxpayers, noting that "Not only will AB953 overburden the Officers but the cost to the tax payers should be considered especially when taking into account the state's budget deficit." He expressed the concern that "this will create a situation very similar to what Chicago P.D. has experienced," and will prevent officers from being proactive because of the time required to document stops. (Comment 41, p. 1541.)

(b) Robert Evans also objected to AB 953 itself, commenting: "You people think it's bad in Chicago? Wait until this idiotic law goes into effect and see how much less "interaction" there is between the officer on the street and the `citizens.'" (Comment 3, p. 1470.)

(c) Liang Chen commented: "This is a ridiculous law and should not be enacted in the first place. Just use your logic first please. Could the police tell the race of a speeding driver before stopping them so that the police is able to subjectively select who to stop? There is no logically justifiable ground to support the allegation and justify the intrusive public data collection despite some statistical correlations. This law will not help solve the racial bias problem instead it poses great threat in protecting individual privacy." (Comment 15, p. 1492.)

(d) Maria C. Trudeau commented that there are "too many regulations in California." (Comment 8, p. 1477.)

(e) John Doe commented: "Slanted results from stops we can now paint a police agency as racist? I find this law crazy! Such as, if cops stop people in East Oakland where Black, Latino and Asian population is heavy, (specifically black) and the data says most of their stops are of

black people, then we get to officially slap a racist label on the Oakland cops???" (Comment 10, p. 1480.)

(f) Jeremy Buttgereit commented: "This bill if enacted will severely cripple law enforcement agencies around the state. The time involved in completing this data will cause a reduction in law enforcement service to the public and increased costs which would be passed on to the taxpayers. Please consider the impact on public safety. In a way the requirements of this Assembly Bill would be counter-productive to what it is trying to accomplish." (Comment 59, p. 1585.)

(g) Anonymous objected to the legislation itself, commenting that "[l]iberal lawmakers continue to take steps to prevent policing. This unnecessary burden will likely prevent police officers from being proactive in our neighborhoods. it will likely deter community interaction and hurt the communities that need police involvement the most." (Comment 23, p. 1508.)

(h) Jack Tucker objected to the use of taxpayer money and officer time in collecting stop data. He asked: "Why are we spending taxpayer dollars and cop's time on what equates to meaningless data collection. Collecting 'perceived' data will produce 'perceived' results. It seems foolish that the State of California would spend the money, but will they then make public safety decisions based on this non-empirical data? I would hope not." (Comment 22, p. 1506.)

Response to (a) through (h): No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves. To the extent that these comments are directed at AB 953 itself, no response is necessary.

E. Miscellaneous Comments

1. Accountability

(a) Julie Dudley offered her perspective as a former teacher on the importance of paperwork to drive accountability, and noted that "when something happens in the classroom, you had to write it out. Time is nothing. Time is of the essence," in order for teachers to be "part of the solution versus the problem." She further comments "that's why it's so important for us to look at time as not an issue but part of it, to take the time to write that information down so we can see where the problem is and look forward to solutions." (Hearing Comment 121, pp. 1712-13 [Fresno Hearing Transcript, p. 47].)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(b) Professor Karen Glover (California State University, San Marcos) commented that prior data analyses "demonstrates time and time again racial disparity is marginalized, discounted, silenced in the important realms in which we're trying to kind of make it matter." She continued: "So what I'm hoping that AB 953 or related legislation can do is the next step, and that is: When disparity is revealed, have a mandate that that disparity in and of itself has to be addressed immediately in the department that's under review. A three-month—here's an example. A three-month, six-month, one-year, five-year and ten-year review. So it's going to be continual data

collection. And if things aren't starting to decline in the disparity that's been revealed, then accountability with the brass in the department, supervisors, not so much the traffic officers themselves, but the people who really are going to be the ones that need to be held accountable for this needs to be in place." (Hearing Comment 85, p. 1685 [Los Angeles Hearing Transcript, pp. 10-11].) She provided similar comments recommending accountability in Comment 82, p. 1680.

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

2. Training

(a) ACLU et al. and Peace Resource of San Diego commented that the proposed regulations should be modified to "specifically address standards for any intended trainings related to data collection to ensure uniform reporting pursuant to the statute." (Comment 47, p. 1555; Comment 65, p. 1599.)

(b) Equality California et al. commented that successful implementation of the regulations "must be accompanied by a robust training program for peace officers on interacting with LGBTQ communities," including "consideration of privacy protections for vulnerable LGBTQ populations" as well as "outreach and education to community members about the regulations and LGBTQ Californians' rights when interacting with law enforcement." (Comment 48, p. 1568.)

(c) Alfredo Aguero commented that officers should be provided with additional training to address bullying and kids with special needs, and recounted the experience of his son. (Comment 111, p. 1707 [Fresno Hearing Transcript, p. 27]).

(d) Sukaina Hussain commented that "the role of law enforcement is to provide that peace, to serve and protect." She continued, "[I]f we're continuing to militarize, we're not serving that purpose. So I hope the investment in this regulation really provide them education and training into making our community safer, instead of more militarized." (Hearing Comment 119, p. 1711 [Fresno Hearing Transcript, p. 45].)

(e) Anthony Amarante commented that he hoped peace officers would receive training on how to write narratives because it is "a skill that requires practice to master." (Comment 56, p. 1582.)

Response to (a) through (e): No change has been made in response to these comments. While the regulations do not currently address training, Penal Code section 13519.4 specifies that the Peace Officer Standards and Training Commission (POST) must develop training, in consultation with the Racial and Identify Profiling Advisory (RIPA) Board, regarding racial and identity profiling.

3. Implementation

(a) Vanessa Deleon (Hearing Comment 87, p. 1686 [Los Angeles Hearing Transcript, p. 14]) and Krissy Powell (Comment 66, p. 1609) offered general comments urging effective implementation.

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(b) Jonathan Mummolo recommended that the Department "[i]mplement these reforms systematically to allow their impact to be scientifically assessed," and suggested that certain officers and law enforcement agencies should be randomly assigned to implement the proposed regulations in order to test their effectiveness and impact against a control group before the program is rolled out statewide. (Comment 62, p. 1592.)

Response: No change has been made in response to this comment. Government Code section 12525.5, subdivision (a) establishes the implementation schedule for stop data collection and these regulations are in accord with the statute.

4. Public Access to Data

Crisantema Gallardo commented that it is important for community groups and individuals to have access to the data. (Hearing Comment 115, p. 1710 [Fresno Hearing Transcript, p. 37].)

Response: No change has been made in response to this comment. Government Code section 12525.5, subdivision (d) mandates that the data reported shall be available to the public except for the badge number or other unique identifying information of the peace officer involved and these regulations are in accord with the statute.

5. Racial and Identity Profiling and Law Enforcement Practices

(a) Several commenters offered personal and community experiences with law enforcement and perspectives on racial profiling to emphasize the importance of AB 953 generally and the need for greater accountability and improved relations between law enforcement and the community:

1. Sharon Hoffman (Comment 70, p. 1620)
2. Todd Benson (Comment 71, p. 1622)
3. Karen Glover (Comment 82, p. 1680)
4. Michael Wilson (Hearing Comment 91, p. 1689-90 [Los Angeles Hearing Transcript, pp. 28-31])
5. Victoria Castillo (Hearing Comment 103, p. 1704 [Fresno Hearing Transcript, pp. 14-16])
6. Denise Friday-Hall (Hearing Comment 105, p. 1705 [Fresno Hearing Transcript, pp. 17-20])
7. Nicole Remble (Comment 107, p. 1706 [Fresno Hearing Transcript, p. 21])
8. Genea Nicholson (Hearing Comment 108, p. 1706 [Fresno Hearing Transcript, p. 22])
9. Andrea Donado (Greater Long Beach Interfaith Community Organization/ICO) (Hearing Comment 109, p. 1706 [Fresno Hearing Transcript, p. 24])
10. Terrance Stewart (Hearing Comment 112, p. 1708 [Fresno Hearing Transcript, pp. 29-30])
11. Brandon Sturdivant (Hearing Comment 113, p. 1709 [Fresno Hearing Transcript, p. 33])
12. Kena Cador (ACLU) (Hearing Comment 114, p. 1709 [Fresno Hearing Transcript, p. 35])
13. Greg Jones (Congregation Out for Change) (Hearing Comment 117, p. 1710-11 [Fresno Hearing Transcript, p. 39])

14. Nebyou Berhe (Hearing Comment 118, p. 1711 [Fresno Hearing Transcript, p. 42])
15. Sukaina Hussain (Hearing Comment 119, p. 1711-12 [Fresno Hearing Transcript, p. 43])
16. Taymah Jahsi (Faith in the Valley) (Hearing Comment 120, p. 1712 [Fresno Hearing Transcript, p. 46])
17. Julia Dudley (Hearing Comment 121, pp. 1712-13 [Fresno Hearing Transcript, p. 47])
18. Carletta Jackson (Youth Justice Coalition) (Hearing Comment 92, pp. 1690-91 [Los Angeles Hearing Transcript, pp. 31-33])
19. Harry Shakur (Hearing Comment 93, p. 1691 [Los Angeles Hearing Transcript, pp. 34-37])
20. Chantelle (last name unknown) (Youth Justice Coalition) (Hearing Comment 96, pp. 1693-94 [Los Angeles Hearing Transcript, pp. 43-45])
21. Bobbi Butts (Hearing Comment 116, p. 1710 [Fresno Hearing Transcript, p. 38])
22. Maritzza (last name unknown) (Youth Justice Coalition) (Hearing Comment 94, p. 1692-93 [Los Angeles Hearing Transcript, pp. 38-41])

Response: No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

(a) M. Gloria Hernandez submitted a request for an extension to the public comment deadline in order to "submit evidence that [F]resno police target Mexicans in order to make money off of them." (Comment 58, p. 1584.) Ms. Hernandez did not submit any further comment or information on this topic.

Response: No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

6. Disability and Law Enforcement Practices

Irene Armendariz recounted the experience of her brother, whom she described as having schizophrenic tendency and facing prison time. Ms. Armendariz commented that information is important to see if there are any specific patterns of prejudices or abuse. (Hearing Comment 104, p. 1705 [Fresno Hearing Transcript, p. 17].)

Response: No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

7. Comments Regarding the Public Hearings

(a) Maria Lopez commented during the Fresno Public Hearing: "I'm very glad to see that everyone on this table appears to be—may not identify but appears to be a woman." (Hearing Comment 106, p. 1705 [Fresno Hearing Transcript, p. 20].)

(b) Karen Glover commented during the Los Angeles Public Hearing: "And I'm actually wondering where the men of color are in your panel as a closing comment." (Hearing Comment 85, p. 1685 [Los Angeles Hearing Transcript, p. 11].)

(c) Rosa Aqeel (PolicyLink) commented during the Fresno Public Hearing, that she appreciated that the hearings were held in the evening, in response to prior requests from advocacy organizations. (Hearing Comment 110, p. 1707 [Fresno Hearing Transcript, p. 25].)

Response to (a) through (c): No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

8. Department of Finance

California Department of Finance provided commentary on the original STD 399 recommending that the Department of Justice conduct an additional survey to determine what the costs of implementing the regulations, as opposed to the statutory provisions, would be to ensure that the regulations did not require a Standardized Regulatory Impact Assessment. (Comment 64, p. 1596.) In addition, the Department of Finance commented via email seeking clarification regarding (1) the cost accrual schedule; (2) a breakdown of the original cost estimate by concept and by year; (3) the magnitude of the ongoing costs related to personnel, training and maintenance; and (4) an analysis of the benefits implied by the regulation. (Comment 84, p. 1682)

Response: The Department accepts these comments. The Department of Justice refers to the Revised STD 399 and Addendum, which responds substantively to the suggestions and concerns set forth by the Department of Finance. Specifically, as explained in the STD 399 Addendum, the Department of Justice conducted a field test of proposed stop data elements as well as evaluated costs associated with different methods for collecting and reporting the data. The methodology used to obtain time estimates on completion of the stop data forms and how the cost estimates were calculated is set forth in detail in the Revised STD Form 399 and Addendum. The STD 399 Addendum also provides a cost accrual schedule, including a breakdown of costs by concept and year (pp. 2430-2431); an estimate of ongoing costs (p. 2429); and an explanation of the anticipated benefits of the statute and proposed regulations (pp. 2434-2437).

F. Comments that Do Not Require Response

(a) Sherry Clark (Comment 6, p. 1474; Comment 9, p. 1478; Comment 24, pp. 1510-1511; Comment 25, p. 1512; Comment 55, p. 1581), Elizabeth Hess (Comment 17, p. 1495), James Miramontes (Comment 4, p. 1471), and George Odemns (Comment 12, p. 1484), submitted comments relating to personal matters that are wholly unrelated to the AB 953 regulations.

Response: No response is required to these comments, which are not germane to the proposed regulations

(b) ACLU et al (Comment 73, p. 1626) provided notice of 8 additional signatories to the original letter received from the ACLU et al. on January 26, 2017 (Comment 47, p. 1553): Black Lives Matter – California, Californians for Justice, Clergy and Laity United for Economic Justice, Los Angeles Community Action Network (LA CAN), National Action Network Los Angeles, Price Student Organization Collaborative, Riverside All of US or NONE, and Starting Over, Inc.

Response: No response is required to this comment, which only provides notice of additional signatories to a prior written comment.

SUMMARY OF COMMENTS RECEIVED DURING THE 15-DAY COMMENT PERIOD AND DEPARTMENT RESPONSES

On August 1, 2017, the Department issued a Notice of Proposed Modified Text and Additions to the Rulemaking File. The Department of Justice accepted comments on the modified text and additions to the rulemaking file through August 16, 2017. During this time, the Department received 50 written comments. All written comments received during the 15-day comment period are included in the rulemaking file at Tab H.

Summaries of the written comments and the Department's responses to them, are set forth below, and are organized by subject matter, i.e., in the order of the proposed regulations, beginning with Article 1. Following these comments, the Department summarizes and responds to general comments that are not directed toward specific text within the regulations.

A list of all written comments received (timely and untimely), as well as the oral comments provided at the public hearings, is included in the Table of Contents to the Rulemaking File. In addition, these comments are also referenced in an index attached to this document, which lists each comment by subject matter and in the order it is addressed in this document. (See Attachment B.)

I. COMMENTS REGARDING ARTICLE 1 [DEFINITIONS] (SECTION 999.224, AS MODIFIED)

1. 999.224, subd. (a)(2) [Consensual search]

(a) Santa Monica Coalition on Police Reform recommended that the definition of "consensual search" be modified to remove the third condition that consent to search "may be implied by conduct," explaining that this is "not a reasonable standard of consent," but rather "is "subjective, vague and likely to be interpreted differently by the peace officer and the person (with the officer MORE likely to infer consent by a person than the person intends)." Instead, the commenter recommended that the officer inform the person of "his/her right to give or withhold consent . . . [t]hen wait for an answer and abide by it." (Comment 214, p. 2505.)

(b) Cathie Gentile agreed with these comments. (Comment 222, p. 2528.)

Response to (a) and (b): No change has been made in response to these comments. The definition of "consensual search" was not modified in the version of the regulations noticed for comment on August 1, 2017. As explained in the ISOR, page 7, the term has been defined consistent with state and federal jurisprudence.

2. 999.224, subd. (a)(7) [Detention]

(a) Santa Monica Coalition on Police Reform recommended that the regulations be further modified to remove the third condition that detention include "words or conduct by an officer that would result in a reasonable person believing that he or she is not free to leave or otherwise disregard the officer," explaining that this is "subjective, vague and likely to be interpreted

differently by the peace officer and the person (with increased likelihood of both false positives and false negatives)." Instead, the commenter recommended that detention "should be defined by the officer's use of unequivocal, active, universally understood indicators that are clearly directed (as to time, place and circumstance) to the person to be detained, not by projecting a belief onto that person." (Comment 214, p. 2505.)

(b) Cathie Gentile agreed with this suggestion. (Comment 222, p. 2528.)

Response to (a) and (b): No change has been made in response to these comments. The definition of "detention" was not modified in the version of the regulations noticed for comment on August 1, 2017. As explained in the ISOR, page 7, the term has been defined consistent with state and federal jurisprudence.

3. 999.224, subd. (a)(11)(B) [Reporting Agency]

The Hon. Alice Lytle (Ret.) commented on whether the definition of "reporting agency" "would include the State Police"? (Comment 230, p. 2555.)

Response: No change has been made in response to this comment, because the California Highway Patrol (CHP), which is a reporting agency subject to the reporting obligations of Government Code section 12525.5, subdivision (g)(1), includes those officers who were formerly members of the State Police (the California State Police merged with the CHP in 1995).

4. 999.224, subd. (a)(15) [Stop Data]

Richard Hylton commented, "I think you could have done better in your definition of "stop data." (Comment 181, p. 2440.) In a separate comment, Mr. Hylton directed the Department to the analysis conducted by Professor Jennifer Eberhardt at Stanford University of stop data collected by the Oakland Police Department, which required that, "[f]or a stop to be included in this data set, an officer must have been required to complete a Field Interview/Stop Data Report (FI/SDR)." Mr. Hylton recommended that the Department "adapt and adopt a definition that allows you to verify not only the logic of data but to electronically verify is [sic] contents" to existing records, including but not limited to "Field Interviews, Citations and Written warnings." (Comment 200, pp. 2472-2473.)

Response: No change has been made in response to these comments. The Department interprets Mr. Hylton's comments to recommend that the Department adopt a similar definition of "stop" as that used in the Oakland Police Department study, so that the stop data can be verified against the FI/SDR report that must be completed for the stop. The proposed regulations, however, define "stop data" to refer "collectively to the data elements and data values that must be reported to the Department" (Final Text, p. 3 [§ 999.224, subd. (a)(15)]) and define "stop" consistent with the statutory definition set forth in Government Code section 12525.5. The Department has determined that this proposed definition is sufficiently clear for reporting officers and agencies to understand how the term is used in the proposed regulations. Not all interactions that meet the statutory definition of "stop" will require separate field interviews, citations, or written warnings.

5. 999.224, subd. (a)(16) [Student]

(a) Hon. Alice Lytle (Ret.) commented, "Given the fact that a person who is expelled or suspended is a student for "purposes of these regulations" how are we handling the student found on school premises after being expelled or suspended? Or found in the home during a stop?" (Comment 230, p. 2555.)

Response: No change has been made in response to this comment. As provided in proposed Section 999.227, the special reporting requirements in subdivision (e) apply only for stops of students at a K-12 public school. (Final Text, p. 19 [§ 999.227, subd. (e)].) Stops of students that occur outside the bounds of a K-12 public school—including students found in the home during a stop—shall be reported using the standard data elements and values in Article 3, proposed Section 999.226. (See Final Text, p. 15 [§ 999.227, subd. (a)(1)].)

(b) Disability Rights California recommended adding the following additional example under the definition of "student":

> Example: an interaction between an officer and a student after the student has voluntarily left school premises during compulsory instructional time and the school has notified law enforcement.

Disability Rights recommended adding this example (presumably, as one in which the officers are to apply the special reporting requirements set forth in § 999.227, subdivision (e)) because students living with disabilities may struggle with school materials that are presented in a manner that is not compatible with their learning style and may voluntarily leave the classroom or school premises out of frustration or to escape the perceived embarrassment of struggling to learn instructional material. Some schools may have a hands-off policy and notify parents instead of a physical intervention when this occurs. As a result, "[a] student who has an encounter with an officer off-premises who is dispatched due to a school call should still fall under the definition of a 'student.'" (Comment 220, p. 2521.)

Response: No change has been made in response to this comment. The Department has determined that it is not necessary to add this example because the regulations make it clear that stops of students that occur within the bounds of a K-12 public school shall be subject to the special reporting requirements in Article 4. (See Final Text, p. 19 [§ 999.227, subd. (e)].) Stops of students that occur outside the bounds of a K-12 public school shall be reported using the general reporting requirements and the standard data elements and values in Article 3, proposed Section 999.226. (See Final Text, p. 15 [§ 999.227, subd. (a)(1)].)

6. 999.224, subd. (a)(17) [Unique Identifying Information]

A coalition of organizations[5] that co-sponsored and supported the passage of AB 953 (hereafter referred to collectively as "ACLU et al.") commented that the explanation on pages 4-5 of the

[5] The following organizations submitted Comment 225: ACLU of California, Advocates Delivering Love, Alliance for Boys and Men of Color, All of Us or None, Asian Americans Advancing Justice – LA, A New PATH, Clergy & Laity United for Economic Justice, Community Coalition, Courage Campaign, Drug Policy Alliance, Equal Justice Society, Equality California, Lawyers' Committee for Civil Rights of the San Francisco Bay Area, Legal Services

ISOR Addendum is "crucial" and that the Department "should ensure that the definition of "Unique Identifying Information" be interpreted consistent with the explanation in the ISOR Addendum and that all information "about the stop itself—as opposed to any information collected regarding the officer who made the stop" be released to the public. (Comment 225, p. 2536.)

Response: No change has been made in response to this comment. The Department interprets the comment to be advocating for an interpretation of the definition of "Unique Identifying Information" consistent with the ISOR Addendum rather than recommending any change to the definition itself.

II. COMMENTS REGARDING ARTICLE 2 [LAW ENFORCEMENT AGENCIES SUBJECT TO GOVERNMENT CODE SECTION 12525.5] (SECTION 999.225, AS MODIFIED)

The Department received no comments to the modifications proposed in in Article 2 of the regulations.

III. COMMENTS REGARDING ARTICLE 3 [DATA ELEMENTS TO BE REPORTED] (SECTION 999.226, AS MODIFIED)

A. Comments Related To Proposed Data Values And Data Elements

1. 999.226, subd. (a)(3) [Location of Stop]

ACLU et al. supported the proposed data element and data values for "location of stop," but the organizations urged the Department in future revisions to the regulations to consider the recommendation in their January 27, 2017 letter (see Comment 47, p. 1553) that officers also be required to select among 10 secondary data values for the type of location. (Comment 225, p. 2536.)

Response: No change has been made in response to this comment. The Department interprets this comment to recommend changes in future revisions, and not during the current rulemaking process.

If, in the alternative, this comment is intended to recommend further modifications of the regulations before they are adopted, then no change has been made in response to that comment. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling.

2. 999.226, subd. (a)(2)(C) [Duration of Stop]

(a) City and County of San Francisco, (Joy Bonaguro, on behalf of Mayor Edwin M. Lee of the City and County of San Francisco) commented that the modification to require officers to enter

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for Prisoners with Children, National Action Network, National Center for Youth Law, PolicyLink, Root and Rebound, Southern Christian Leadership Conference of Southern California, Urban Peace Institute, and Youth Justice Coalition, LA.

the approximate duration of a stop in minutes rather than selecting among pre-determined data values "will likely result in data quality issues and will make the data harder to analyze." The commenter further explained that data validation will be more difficult because not all agencies will be able to create successful data validation results (e.g., checking that a number versus text was submitted). (Comment 219, p. 2518.)

Response: No change has been made in response to this comment. The Department considered and rejected the suggestion to revert this data element to a series of time ranges based on its assessment that the time required to select among a sufficiently granular list of time ranges would be greater than the time required for an officer to estimate and enter an approximate time in numerals. As explained in the ISOR Addendum, the originally proposed time ranges were too broad to allow sufficient data analysis, did not provide any means to distinguish among stops greater than 60 minutes, and were changed in response to public comment received from researchers that will be interpreting this data once it is collected.

With respect to the comment that data validation will be more difficult because not all agencies will be able to create successful data validation results (e.g., checking that a number versus text was submitted), the regulations provide in several places that only Arabic numerals (e.g. 1, 2, 3, 4) rounded up to the closest whole number can be submitted. (See §§ 999.226, subdivision (a)(7) ["Perceived Age of Person Stopped"], 999.226, subd. (a)(15) ("Years of Experience"].) While that same language is not specifically included here, under the definition of "Duration of Stop" the regulations require that the officer shall enter the "approximate length of the stop in minutes." A specific example within the "Duration of Stop" data element states that, under that scenario, "'Duration of Stop' would be reported as 45 minutes." (Proposed Section 999.226, subd. (a)(2)(C)1.)

(b) California Highway Patrol (CHP) commented that, although "this change should not significantly extend the duration of the data entry process, officers may continue to enter a round number (e.g., 10 or 20 minutes) as is current practice, rather than a specific time (e.g., 13 minutes)." For that reason, the CHP recommended this requirement be revised back to how it appeared in the prior version of the regulations. (Comment 216, p. 2509.)

Response: No change has been made in response to this comment. Under the definition of "Duration of Stop" the regulations require that the officer shall enter the "approximate length of the stop in minutes." Accordingly, using the CHP's example, an officer would be able to enter a round number (e.g., 10 or 20 minutes) rather than a specific time (e.g., 13 minutes). Similarly, no change has been made in response to this comment with respect to reverting back to time ranges for the same reasons provided in response to the City and County of San Francisco's similar comment in subdivision (a) within this section of the FSOR.

3. 999.226, deleted subd. (a)(4) [Reason for Presence at Scene of Stop]

Los Angeles Police Department (LAPD) (Comment 213, p. 2503) and ACLU et al. (Comment 225, p. 2538), supported the Department's decision to eliminate the data element "Reason for Presence at Scene of Stop."

Response: No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

4. 999.226, subd. (a)(4) [Perceived Race or Ethnicity of the Person Stopped]

City and County of San Francisco "strongly support[ed] the separation of Asian and/or Pacific Islander into two separate groups, which allows for better comparisons with demographic data from common data sources (e.g. Census)." He opposed, however, the data values and definitions of "Asian" and "Middle Eastern or South Asian," which do not correspond to the Decennial Census or OMB federal standard. He instead recommended that the regulations utilize the definitions "that have been comprehensively tested in national, randomly selected trials that oversamples minority groups, e.g., in the Census National Content Test of 2015." (Comment 219, pp. 2515-2518.)

Response: No change has been made in response to this comment. Although comparisons with census data are one important means of evaluating possible claims of racial and identity profiling, the proposed data values were selected based on extensive dialogue with advocacy organizations to reflect practical realities of perception-based identification rather than self-identification. The definition of "Middle Eastern or South Asian" in the regulations was derived in part from a commonly used definition found at Asian Americans/Pacific Islanders in Philanthropy. This data value was chosen to enable agencies, researchers, the Racial and Identity Profiling Advisory Board (RIPA), and the public to determine whether implicit or explicit biases in law enforcement practices exist with respect to persons who appear to have origins in that geographic region of the world. Data collection under AB 953 must focus on race and ethnicity, and it is the Department's assessment that the current categories capture that data as best as possible.

5. 999.226, subd. (a)(5) [Perceived Gender of the Person Stopped]

A coalition of organizations, including the ACLU of California, Equality California, and the Los Angeles LGBT Center (hereafter referred to collectively as "Equality California et al.") recommended that the proposed data values for "male" and "female" be changed to "man/boy" and "woman/girl" for consistency with the other proposed data values "transgender man/boy," "transgender woman/girl," and "gender nonconforming." The commenters explained: "Data collection values should use terminology inclusive of both adults and youth/juveniles, and should be consistent across values . . . . Further, using male and female versus man and woman relies on sex designation versus the perceived gender designation, and could create confusion with the transgender data categories. (Comment 229, p. 2553.)

Response: No change has been made in response to this comment. The proposed data values were selected based on extensive dialogue with advocacy organizations to reflect practical realities of perception-based identification rather than self-identification. The terms "male" and "female" are commonly used by law enforcement officers to refer to both juveniles and adults; retaining those terms will not affect the data collected by officers.

6. 999.226, subd. (a)(6) [Person Stopped Perceived to be LGBT]

(a) Equality California et al. "strongly support[ed] the addition" of this data element, and explained that "the inclusion of this data category is essential to addressing anti-LGBT bias and discrimination during police stops." (Comment 229, p. 2553.) The ACLU et al. also "strongly support[ed]" this addition, and explained that "[c]ollecting information about perceived sexual orientation will help the RIPA Board and the Department analyze policing patterns for bias against the LGBT community, which is distinct from bias on the basis of perceived gender identity and is a crucial part of the identity profiling AB 953 is intended to combat." (Comment 225, p. 2539).

Response: No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

(b) California Highway Patrol commented that, while there is an "obvious significance" of the distinction between whether the person stopped is male or female," "it is unclear what value, if any, is added by asking an officer to try and identify the sexual orientation of someone stopped," adding that completing this data element will require the officer to make "a stereotypical judgment, a practice AB 953 was meant to eliminate." The commenter further noted that it would be "difficult, if not impossible," to detect a person's sexual orientation prior to the initiation of a traffic stop, suggesting that the data element is therefore not indicative of perceived bias. The commenter concludes that the data value is not required in the statute and should, for these reasons, be removed. (Comment 216, p. 2510.)

(c) Kings County Sheriff's Office requested that this data be removed because it is "well beyond the scope of the original intent of the law on AB 953" and "this has nothing to do with race or racial profiling." (Comment 218, p. 2512.)

(d) San Bernardino County Sheriff's Department listed as an "item[] of opposition" this data element because it is an "additional reporting burden to officers." (Comment 228, p. 2550.)

Response to (b) through (d): No change has been made in response to these comments. This data element was recommended by the RIPA Board, including votes in support of inclusion by law enforcement representatives on the Board (see ISOR Addendum, pp. 8-9); ACLU et al. (Comment 47, p. 1563); Peace Resource Center of San Diego (Comment 65, p. 1606); Equality California et al. (Comment 48, p. 1567); California Rural Legal Assistance (Comment 75, pp. 1635-1636); Racial and Identity Profiling Advisory Board (Hearing Comment 101, p. 1703 [Fresno Hearing at pp. 10]; and Krissy Powell (Comment 66, p. 1609). Including this data element is also consistent with the definition of "racial or identity profiling" set forth in Penal Code section 13519.4, subdivision (e), which includes "consideration of, or reliance on, to any degree . . . gender identity or expression [or] sexual orientation . . . in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop . . ." (Pen. Code § 13519.4, subd. (e).)

Accordingly, the prevention and eradication of racial and identity profiling, which is the intent behind AB 953, explicitly encompasses sexual orientation as well as gender identity or expression. Regarding the CHP's comment that this category of information was not required in

AB 953 and should thus be removed, the Department notes that the categories of information identified in Government code section 12525.5, subdivision (b)(6) represent the minimum information to be collected ("The reporting shall include, at a minimum, the following information for each stop . . . ").

Moreover, the comment that sexual orientation of the person stopped may not be perceived prior to a traffic stop is not dispositive; as the statutory definition makes clear, profiling is not limited to the decision to stop a person, but extends through the "scope or substance" of activities following a stop. Moreover, the proposed modification to the regulations does not require an officer to make a determination regarding the sexual orientation of the person stopped. Rather, it only asks the officer to record that perception as "yes" or "no."

(e) Orange County Sheriff's Department (OCSD) objected to the "subjective[ity] of the data element "person stopped is perceived to be LGBT" because "[r]equiring law enforcement to make a judgment about an individual's sexual orientation based on a cursory stop alone could result in the collection of data that is based on outdated stereotypes"). (Comment 223, p. 2530.)

Response: No change has been made in response to this comment. To the extent the OCSD objects to the inclusion of this data element, the Department refers to the ISOR Addendum, pages 8-9, which explains that the data element was added in response to recommendations from the RIPA Board and other stakeholders, is consistent with the definition of racial and identity profiling set forth in Penal Code section 13519.4, subdivision (e), and that the data element is necessary to enable the RIPA Board and researchers to comprehensively track interactions between peace officers and individuals they perceive to be LGBT to help assess whether bias exists with respect to gender identity or expression, or sexual orientation. To the extent the OCSD suggests that the officer be required to ask the person stopped whether or not the person is lesbian, gay, bisexual, or transgender, that recommendation is rejected, consistent with the approach adopted by the Legislature in AB 953 (Gov. Code § 12525.5, subd. (b)(6)) with respect to other data elements, including the person's race or ethnicity, gender, and approximate age.

7. 999.226, subd. (a)(7) [Perceived Age of Person Stopped]

(a) San Bernardino County Sheriff's Department commented on proposed Section 999.226(a)(7), as modified, stating that the provision was "revised to require officers to provide the 'actual approximate perceived age of the person stopped.' These two words are not compatible. 'Actual,' by definition, cannot be 'Approximate.'" (Comment 228, p. 2550.)

Response: No change has been made in response to this comment. The regulation does not contain the phrase "actual approximate perceived age" and makes clear that the officer shall input the approximate age of the person stopped in whole number increments.

Instead, the commenter seems to be referring to the ISOR Addendum, which explains that "The Final Text now require an officer to provide the actual approximate perceived age of the person stopped." (ISOR Addendum, p. 9.) The term "actual," as used in the ISOR Addendum, was intended only to refer to a "specific" number, as opposed to the range of numbers provided in the originally proposed regulations to make clear that the reason for the change was to require

officers to provide the officers' perception of the specific age (recognizing that any age provided is only an approximate age), as opposed to a range of numbers.

(b) California Highway Patrol commented on the modification of this data element, which replaced a series of age ranges with an open text field for the officer to enter the perceived age of the person stopped, rounded up to the closest whole number. The commenter explained: "Similar to other issues, estimating a person's specific age, absent the ability to ask questions or refer to the identification will be difficult for an officer to do. Perhaps even more significant, the data will be entered after an officer has seen the identification, and is aware of the actual age, likely resulting in the officer simply entering the actual age. As such, this change seems unnecessary and it is recommended this data element be revised back to as it appeared in the prior version of the regulations." (Comment 216, p. 2509.)

Response: No change has been made in response to this comment. The specific concerns raised by the commenter appear more properly directed to the Legislature's determination that the perceived, rather than actual, age of the person stopped shall be reported. (See Gov. Code, § 12525.5, subd. (b)(6).) The regulatory language merely tracks the statute on this point.

As explained in the ISOR Addendum, page 9, the decision to require officers to input a specific number (rather than select among various age brackets) was made in response to public comments that the age brackets reflected in the original version of the proposed regulations would pose analytic problems. The commenter does not offer any rationale for reverting back to the age brackets, and the Department declines to do so based on these analytic concerns.

(c) Richard Hylton commented that the age of the person stopped should be captured from various forms of identification, when available. (Comment 203, p. 2479.) He further stated that "RIPA does not include age as a basis for a claim of or evaluation of bias or discrimination," and that "[p]erception applies to the prohibited bases." He further commented that age should thus be treated differently than race because it is objectively verifiable through identification, and "why would a sensible person who wants to have verifiable data discard an actual value that may be verified by a number of means?"

Response: No change has been made in response to this comment. The specific concerns raised by the commenter appear more properly directed to the Legislature's determination that the perceived, rather than actual, age of the person stopped shall be reported. See Gov. Code § 12525.5, subd. (b)(6).) The regulatory language merely tracks the statute on this point.

8. 999.226, subd. (a)(8) [Person Stopped Has Limited or No English Fluency]

Orange County Sheriff's Department objected to the data element "person stopped has limited or no English fluency," arguing that it is impossible to ensure uniformity in this data value without requiring "an English proficiency exam." (Comment 223, p. 2530).

Response: No change has been made in response to this comment. The proposed data element "Person Stopped had Limited or No English Fluency" was included in the first version of the regulations, but revised to remove "pronounced accent" and include "no English fluency" see ISOR Addendum, pp. 9-10. The rationale for this data element is set forth in the ISOR, page 18. Moreover, the data element is to be reported based upon the officer's perception, therefore,

there is no issue with respect to uniformity of the data or a need for an English proficiency examination.

9. 999.226, subd. (a)(9) [Perceived or Known Disability]

(a) Disability Rights of California supported the modifications to proposed Section 999.226, subdivision (a)(9). The commenter further recommended that the "other" category contain space for a narrative description for the perceived disability (or anytime an officer selects "other"). The commenter further recommended that the regulations be modified to expressly permit officers to affirmatively inquire about whether the subject has a disability and explain that he or she is not required to disclose that information," as required by the Americans with Disabilities Act. (Comment 220, p. 2522.)

The organization also reiterated the point made in its letter dated January 27, 2017 (see Comment 68, p. 1613) that the disability data collected pursuant to the regulations are not subject to the federal Health Insurance Portability and Accountability Act (HIPAA) because law enforcement officers and agencies are not "covered entities" under HIPAA, and because the data is submitted as an aggregate and is not "personally identifiable." (Comment 220, p. 2523.)

Response: No change has been made in response to this comment. The recommendation to include a narrative field if the officer selects "other" was previously considered and not adopted for the reasons set above. For the same reasons, the Department has determined not to make changes to the proposed text in response to this comment.

Similarly, no change has been made in response to the recommendation to further modify the regulations to expressly permit officers to affirmatively inquire about whether the person stopped has a disability. The proposed regulations provide: "Nothing in this provision alters any existing requirements to comply with reasonable accommodation and anti-discrimination laws with respect to the treatment of people with disabilities." (Final Text, p. 8 [§ 999.226, subd. (a)(9)].) While this provision clarifies that nothing alters existing obligations of officers under reasonable accommodation and anti-discrimination laws, it is beyond the scope of these regulations to affirmatively instruct officers in their duties under state and federal disability laws.

The comments with respect to the applicability of HIPAA to these regulations are interpreted to be an observation, rather than a recommendation of any change to the regulations themselves, thus no changes are warranted.

(b) Kings County Sheriff's Office recommended that this data element be removed, explaining, "I am not sure how a deputy or officer can perceive many of the listed choices, nor is it relevant. For example: hyperactivity or impulsive behavior." (Comment 218, p. 2512.)

(c) San Bernardino County Sheriff's Department offered a similar comment with respect to this data value: "This addition is entirely absurd and, because it is based on perception, not fact, renders the vast majority of the student population in this category! Has the RIPA Board actually been to a High School campus recently? Teenagers, by the fact that they are teenagers, are hyperactive and prone to impulsive behavior!" (Comment 228, p. 2551).

Response to (b) and (c): No change has been made in response to this comment. The data element "perceived or known disability of the person stopped" was included in the originally proposed regulations; to the extent these comments are directed to the data element itself and not to the modifications, no response is required.

As explained in the ISOR, the Department has determined that the proposed data element "is necessary to provide context to a stop, and to provide valuable data to law enforcement agencies regarding the number of stops of persons perceived or known to have disabilities, as well as actions during a stop and stop outcomes. This information will enable analysis of potential disparities in stops and stop outcomes with respect to the disability community, and help inform agencies about training needs to help officers in interactions with persons with mental or physical disabilities." (ISOR, p. 19.) It is also consistent with the definition of "racial or identity profiling" set forth in Penal Code section 13519.4, subdivision (e), which includes "consideration of, or reliance on…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. . ." As explained in the ISOR Addendum, the modified data elements were drafted in consultation with stakeholders that have expertise in disability rights. (See ISOR Addendum, p. 10.)

The specific data element referred to by the commenters—"hyperactivity or impulsive behavior"—applies only to stops of students in the K-12 public school setting. This data element was specifically recommended by the Racial and Identity Profiling Advisory Board, as well as advocates, because the previously existing data values did not sufficiently account for situations in which the officer perceives (or knows) the student stopped to be an individual with a disability for reasons related to hyperactivity or impulsive behavior, and because this data value would provide important insights regarding interactions in the K-12 public school setting.

(d) Orange County Sheriff's Department objected to the data element "perceived or known disability of person stopped," arguing that "there is no uniform standard for collecting this data point and therefore it does a disservice to treat such haphazard perceptions as fact." (Comment 223, p. 2530.)

Response: No change has been made in response to this comment. The data element "perceived or known disability of the person stopped" was included in the originally proposed regulations; to the extent this comment is directed to the data element itself and not to the modifications, no response is required. Note, however, that the officer is not prohibited from asking the person stopped whether he or she is disabled or otherwise requires special assistance if necessary under state and federal reasonable accommodation and anti-discrimination laws.

10. 999.226, subd. (a)(10) [Reason for Stop]

(a) San Bernardino County Sheriff's Department objected to the new data value "investigation to determine whether a person was truant" under "Reason for Stop," explaining: "This will actually result in SROs not 'questioning' kids who are possibly truant—simply because officers don't have the desire or time to trigger yet another report form. This is another example of imposing regulations that far exceed the definition of 'stop' and are not consistent with the original statute." (Comment 228, p. 2550.)

Response: No change has been made in response to this comment. "Investigation to determine whether person was truant" was added to the regulations in response to comments that school-age persons are commonly detained to check for truancy, but no existing data values would be applicable in that situation. This data value was added to ensure that, when an officer detains a person for the purpose of investigating possible truancy, the officer will have an appropriate choice. The suggestion that an officer would decline to fulfill his or her duties because they did not want to complete a stop data form is beyond the scope of these regulations and should be addressed at the agency level.

(b) The Hon. Judge Alice Lytle (Ret.) commented on the data value "Consent" as a choice for "Reason for Stop" as follows: "Shouldn't reporting information here include the reason why a person consenting to a police encounter is thereafter asked to consent to a search? Profiling could definitely occur at the point the officer asks for consent." (Comment 230, p. 2555.)

Response: No change has been made in response to this comment. The explanatory field required by proposed Section 999.226, subdivision (a)(10)(B) requires that the officer "provide a brief explanation (250-character maximum) regarding the reason for the stop. This explanation shall include additional detail beyond the general data values selected for the 'Reason for the Stop.'" (Final Text, p. 10 [§ 999.226, subd. (a)(10)(B)].) If the officer selects "consent" as the reason for the stop, this explanatory field will provide an opportunity to explain why the person was asked to consent to the stop.

11. 999.226, subd. (a)(10)(B) and (a)(12)(B)(2) [Explanatory Fields for "Reason for Stop" and "Basis for Search"]

(a) ACLU et al. commended the Attorney General for adding explanatory fields for "reason for stop" and "basis for search" and recommended that future versions of the regulations be amended to require several additional mandatory narrative fields. (Comment 225, p. 2537.)

Response: No change has been made in response to this comment which is interpreted to be an observation, rather than a recommendation of any change to the regulations themselves.

If, in the alternative, this comment is intended to recommend further modifications of the regulations before they are adopted, then no change has been made in response to that comment. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling.

(b) Los Angeles Police Department (LAPD) objected to the narrative fields, commenting that the text field is time consuming for the officer and duplicative of the choices provided in proposed Section 999.226, subdivisions (a)(10)(A) [reason for stop] and (a)(12)(B) [basis for search]. In addition, the LAPD commented, these narrative fields will require supervisory review in order to ensure that no personally identifying information of the person stopped or unique identifying information of any officer is included in the field. (Comment 213, p. 2503.)

(c) California Highway Patrol also objected to the text fields, noting that narrative fields were considered by the Legislature when AB 953 was introduced, yet were not included in the final

version of the bill signed by the Governor, suggesting that such fields were "deemed unnecessary by the Legislature" and therefore lack a "statutory basis."

In addition, the CHP commented that when its officers completed the pilot study, officers were not given specific instructions regarding how to complete the text fields. The regulations, by contrast, now require that the narrative "shall include additional details beyond the general data values selected." The CHP opined that this will seemingly required additional narrative, beyond what was acceptable in the pilot study. Further, the CHP commented that there was no supervisory review of data collection included in the pilot study. The CHP contended that supervisory review will likely be necessary for every text box, and this was not considered in how much additional time this requirement of the text fields will incur.

In the alternative, the CHP recommended that the explanatory field be made optional and only required when there is clarifying, or otherwise contextual, information necessary beyond the code violation and type of stop data categories already required. The CHP noted that, given that the vast majority of traffic stops are for Vehicle Code violations, it is unclear what detail can be provided in the text boxes beyond the statutory citations, e.g., for speeding. (Comment 216, pp. 2508-2509.)

(d) Assemblymember Tom Lackey commented that the narrative fields impose a "time-consuming demand" on officers that will decrease the time an officer will spend in the field serving their respective community. He added that "it is important that law enforcement focuses its time to protect the community and should be cognizant to not add overly burdensome paperwork." He also expressed concern that "it will be difficult to quantify non-standardized data elements such as narrative responses which could affect the quality of the data collected under RIPA." (Comment 209, p. 2489.)

(e) Kings County Sheriff's Office (KCSO) recommended that the narrative fields for Reason for Stop and Basis for Search be optional, particularly if the data values provided in subdivision (a)(10)(A) and (a)(12)(B) are sufficient to cover the reason for stop and basis for search, respectively. For example, the Sheriff commented, "[I]f the Search Warrant on basis for search is selected, then it had judicial review. Why would that have to be explained? (Comment 218, p. 2512.)

(f) Alameda County Sheriff's Office also commented on the inclusion of a narrative field for the following reasons: (1) limiting the text field to 250 characters will result in confusing abbreviations or deletions of relevant information; (2) the text fields will create records that a defendant can and will access and use in court; (3) the prosecution would be required to produce this information; and (4) "in preparing a defense a CPRA could be served for all other interactions based on the now known officer's "Identification Number," creating an entire library of the actions of a particular law enforcement officer far outside the original intent of the law." The commenter concluded that adding open narrative "only compounds this expenditure of time for an item which I believe is both outside the original spirit of the law and creates the concerns outlined above." (Comment 221, pp. 2525-2527.)

Response to (b) through (f): No change has been made in response to these comments. As explained in the Revised STD Form 399 and Addendum, the Department has determined that the

text fields for these two data values are necessary to satisfy the statutory requirement that officers record the reason for stop and basis for search. As further discussed in the ISOR Addendum, page 13-14, these two narrative fields were also added in response to recommendations from the RIPA Board, academics, and other stakeholders.

With respect to Assemblymember Lackey's concern that the subjective responses in the narrative fields for reason for stop and basis for search will be difficult to quantify because the responses are not standardized, the Department has determined that the benefits of including such data outweigh any difficulties in quantifying this data. Moreover, other agencies have collected narrative data, and have utilized both human-coders and automated processes to productively analyze that information. (See, e.g., Jennifer Eberhardt et al., Strategies for Change: Research Initiatives and Recommendations to Improve Police-Community Relations in Oakland, Calif., pp. 24-25 (June 20, 2016) [Rulemaking File, pp. 1098-1099].) Rather than replacing the standardized responses provided in the data values set forth in proposed Section 999.226, subdivisions (a)(10)(A) and (a)(12)(B), these fields will provide additional valuable context and information regarding the circumstances of the stop, which will aid agencies, researchers and the RIPA Board in their analysis of this data.

With respect to the KCSO's comment regarding search warrants, the Department has determined that a specific carve-out for search warrants—like that provided for "condition of parole/probation/PRCS/mandatory supervision"—is not necessary because a "search warrant" will rarely provide the basis for search (note that the subject of a search warrant served in the home is exempt from reporting). When a situation does arise in which an officer relies on a search warrant as the basis for a search outside of that exception, the narrative field will provide context on that search.

With respect to the comment concerning the need for supervisory review, it is beyond the scope of these regulations and should be addressed at the agency level. It is the Department's view that the stop data form, regardless of the narrative field, may (and likely should) trigger internal policies requiring supervisor review of that report; however, the Department has not included such a requirement in its proposed regulations at this time. From a police accountability/management perspective, such review could provide law enforcement agencies with potentially valuable information to help ensure the officers had legal cause for stops and searches and that profiling and other civil rights violations do not occur.

(g) Hon. Alice Lytle (Ret.) commented that the explanatory field "basis for search" "might be a good place to include the requirement that the officer indicate why the consent was requested." (Comment 230, p. 2555.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

If, in the alternative, the commenter is recommending a modification of the regulations, no change has been made in response to this comment. The explanatory field required by proposed Section 999.226, subdivision (a)(12)(B)(2) requires that the officer "provide a brief explanation (250-character maximum) regarding the basis for the search. (Final Text, p. 12 [§ 999.226, subd. (a)(12)(B)(2)].) This explanation shall include additional detail beyond the general data

values selected for the 'Basis for the Search.'" If the officer selects "consent" as the basis for search, this explanatory field will provide an opportunity to explain why the person was asked to consent to the stop. Rather than further modifying to include additional specific examples, however, the Department has determined that further guidance for completing the explanatory fields is best left to training.

12. 999.226, subd. (a)(12) [Actions Taken by Officer During Stop]

(a) ACLU et al. did not request any further modifications to proposed Section 999.226, subdivision (a)(12), but recommended that "the next revision of the regulations add data values for 'Firearm removed from holster or brandished,' 'Electronic control device or chemical spray removed from holster or brandished,' and 'Electronic control device or chemical spray pointed at person.'" (Comment 225, p. 2539.)

Response: No change has been made in response to this comment. The Department interprets this comment to recommend changes in future revisions, and not during the current rulemaking process.

If, in the alternative, this comment is intended to recommend further modifications of the regulations before they are adopted, then no change has been made in response to that comment. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling.

(b) San Bernardino County Sheriff's Department commented on the proposed data value "Firearm pointed at a person," explaining that this data element is "very problematic[,] especially during the service of search warrants, arrest warrants, and other high risk incidents where officers have their guns drawn." (Comment 228, p. 2550.)

Response: No change has been made in response to this comment. The data values set forth under "Actions Taken by Officer During Stop" are not prerequisite actions for reporting in the context of a search warrant or parole condition. If, in the alternative, the commenter is suggesting a further modification of the reporting requirements in those scenarios, that comment is addressed below.

(c) Professor Jack Glaser commented that he did not like the Department's decision to remove the data value "unholstering weapons from the use of force list." (Comment 190, p. 2453.)

Response: No change has been made in response to this comment. As explained in the ISOR Addendum, page 15, this data value was removed in order to streamline the choices for officers by retaining the more significant categories of information and to be consistent with terms utilized in the collection of use of force data required by Government Code section 12525.2 ("AB 71").

13. 999.226, subd. (a)(12)(D)(2) [Type of Property Seized]

Disability Rights California recommended that "mobility device" and "sensory aid or device" be added to the list of property seized in proposed Section 996.226(a)(6)(D)(2), explaining that

"[i]ncluding these items provides not only information regarding an individual's disability, but also reveals practices that could constitute outright harassment of the subject." The commenter further noted that "[e]lectronic sensory aids could be erroneously perceived by the officer as recording devices and confiscated because the officer is under the belief that the interaction is being recorded without his or her consent." (Comment 220, p. 2523.)

Response: No change has been made in response to this comment. The same comment was submitted during the 45-day comment period, and is discussed above.

14. 999.226, subd. (a)(13) [Result of Stop]

ACLU et al. supported the Department's determination, at this point, not to require the officer to input the specific ordinance that provided the basis for a citation or arrest, but "strongly recommend[ed] that the next revision of regulations require that officers specify the local ordinance used to issue a citation or make an arrest or that provided reasonable suspicion to make a stop." The commenters recommended that "including such information should be relatively easy to do. An officer issuing a citation or making an arrest for an ordinance violation can easily fill in the ordinance number in an open field (or a field with data verification to ensure it is entered in the correct format for the local jurisdiction's municipal code), or the DOJ could provide technical assistance to local agencies to customize a drop-down of their local ordinances." (Comment 225, p. 2540.)

Response: No change has been made in response to this comment. The Department interprets this comment to recommend changes in future revisions, and not during the current rulemaking process.

If, in the alternative, this comment is intended to recommend further modifications of the regulations before they are adopted, then no change has been made in response to that comment. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling.

15. 996.226, subd. (a)(14) [Officer Identification (I.D.) Number]

(a) Assemblymember Tom Lackey commented that the required data element for "officer identification number" (referred to as the "unique identifier" in the originally proposed regulations), "will get far better data if officers can remain anonymous and answer honestly without concern of their identity being unmasked." Ensuring officer anonymity, the commenter continued, "will strengthen the aggregate data collected under RIPA and help ensure the most accurate information possible." (Comment 209, p. 2489.)

(b) Kings County Sheriff's Office also commented that this data value "leaves the door open for the officer to be identified, even if the agency has retained the information" and that this is "not the intent of the law, nor what the law says." (Comment 218, p. 2512.)

(c) California Police Chiefs Association (CPCA) commented that the regulations as modified "still do not adequately protect individual officer's identity." Acknowledging the need to account for each report and to ensure compliance, the CPCA is concerned that the officer I.D.

number may result in disclosure of an individual officer identification through court orders and public records act requests. According to the CPCA, "If the intent of the legislation was to utilize statewide data collected through these reports to identify possible racial bias in order to better guide our ongoing training, policies and procedures, then there is no purpose for identifying individual officers." (Comment 227, p. 2546.)

(d) Jeremy Verinsky commented that this requirement, together with the officer's assignment and years of experience "will easily lead to discovery of the officer's identity." (Comment 208, p. 2488.)

(e) Professor Jack Glaser expressed the converse view, stating that he is "very encouraged that officer identifiers will be included" in the regulations. Professor Glaser explained, "Without [officer identification numbers], the value of the data would be an order of magnitude lower." (Comment 190, p. 2453.)

Response to (a) through (e): No change has been made in response to these comments. The Department has included provisions in the regulations to ensure officer anonymity as contemplated in Government Code section 12525.5, which will not only promote candor and ensure data integrity but also protect officer safety. As explained in the ISOR, and consistent with Professor Glaser's comment summarized above, the Department has previously determined that an officer identification number is necessary to validate and ensure data integrity and to conduct officer-level analysis, as required by section 12525.5 itself.

Moreover, although an Officer's Identification (I.D.) Number must be included with each report submitted to the Department, the regulations provide that the Department shall not release that number to the public. (Final Text, pp. 21-22 [§ 999.228, subd. (g)].)

16. 996.226, subd. (a)(15) [Years of Experience]

(a) San Bernardino County Sheriff's Department opposed the modification to require the officer to input his or her actual years of experience rather than selecting the appropriate time range from a set of pre-determined choices, stating that this requirement "will further increase the likelihood that individual officers will be identified and compromise their and their family's safety." (Comment 228, p. 2551.) Similarly, Butte County Sheriff's Office voiced its concern that the inclusion of an officer's years of experience (along with type of assignments, and assignments to work in areas that are predominantly occupied by members of minority communities) "could assist in identifying specific officers/deputies in smaller agencies, again potentially resulting in a decrease of proactive policing." (Comment 32, pp. 1524-1525.)

Response: No change has been made in response to this comment. As explained in the ISOR Addendum, page 22, the Department determined that this data element will be much more useful and informative if actual years of experience of each officer are collected and analyzed, to help assess how years of experience may impact officer behavior across different agencies. To the extent that an officer's years of experience might, in a particular circumstance, constitute "unique identifying information" as that term is used in Government Code section 12525.5, subdivision (d), then the protections set forth in that provision, as well as proposed Section 999.228, subdivision (g) of these regulations, would apply.

(b) City and County of San Francisco, commented that the officer's years of experience should not be collected as part of each individual stop report, but should instead be appended to each report by the agency as a variable linked to each officer's identification number, in order to minimize the reporting burden on officers and the risk of inconsistent responses and data quality issues. (Comment 219, p. 2518.)

Response: No change has been made in response to this comment. No response is necessary because the comment does not address the proposed modification to the data element for an officer's years of experience (i.e., replacing a range of years with actual years of experience); rather, it objects to the inclusion of years of experience as a data element.

Moreover, nothing in the regulations prevents an agency from reporting the officer's years of experience using the method recommended by this commenter. Agencies are required to report each of the required data elements to the Department using the provided data values; when certain data values (such as the agency's ORI number or an officer's years of experience) can be appended to individual officers' reports, the Department encourages agencies to do so in order to minimize the reporting burden on officers. The Department's web application will allow functionality for the officer to input this information upon initial registration into the application and then annually thereafter.

B. Additional Comments Related to Data Elements

1. Comments Regarding the Inclusion or Exclusion of Officer Demographics

ACLU et al. commented in support of the Department's determination not to include additional data elements for the officer's race and gender in the current iteration of the regulations, but "strongly urge[d] that the next Final Text include data elements for the race and gender of the officer." In addition, the organizations "urge[d] the DOJ to work to obtain race and gender information for officers correlated to their Officer Identification Numbers, such that the race and gender of the officer recording the stop is made available to the RIPA Board and other researchers conducting analysis of the data." (Comment 225, pp. 2541-2542.)

Response: No change has been made in response to this comment. The Department interprets this comment to recommend changes in future revisions, and not during the current rulemaking process.

2. Comment Regarding Requirement that Demographic Data be Based Upon Officer's Perception

Los Angeles Police Department (LAPD) commented on "the absolute prohibition in Section 999.226, subdivision (a) against asking an individual their age, race or gender," which it explained "conflicts with basic law enforcement tasks of issuing citations, conducting want and warrant checks, and verifying identity. While this prohibition was likely unintentional, it should be corrected to simply state that it is for the purposes of completing the RIPA report." (Comment 213, p. 2504.)

Response: No change has been made in response to this comment. The proposed regulations do not, as the LAPD suggests, create any absolute prohibition against asking or verifying a

person's age, race or ethnicity, or gender. Each of these provisions in the regulations clearly states "When reporting this data element, the office shall make his or her determination of the person's [race/gender/LGBT/age] based on personal observation only." (See, e.g., Final Text, pp. 6-8 [§ 999.226, subd. (a)(4)[race/ethnicity]; (a)(5)(A)[gender]; (a)(6)[LGBT]; and (a)(7)[age].) In other words, if it is appropriate for a law enforcement officer to ask an individual about his or her age, race or gender for other reasons, the regulations do not prohibit the officer from doing so. Moreover, such interpretation is consistent with the requirement of Government Code section 12525.5 that these data values be reported based upon "perception" as opposed to the person's actual race/age/gender.

IV. COMMENTS REGARDING ARTICLE 4 [REPORTING REQUIREMENTS] (PROPOSED SECTION 999.227, AS MODIFIED)

1. 999.227, subd. (a)(4) [Reporting Requirements When Multiple Agencies Are Involved in Stop]

(a) San Bernardino County Sheriff's Department commented on the modification to proposed Section 999.227, subdivision (a)(4), which requires the reporting agency to submit data on a stop made in conjunction with an agency that is not subject to these regulations, even if it is not the primary agency responsible for the interaction. The commenter asked how an officer who did not initiate a stop could determine the primary officer's state of mind, perception and rationale. The commenter added, "This is entirely impractical and won't work in real life. It also will inhibit officers from assisting other agencies in order to avoid burdensome reporting requirements on a case they did not even initiate." (Comment 228, p. 2551.)

Response: No change has been made in response to this comment. This comment does not relate to the modifications noticed for comment on August 1, 2017, but rather to a reporting agency's obligation under Government Code section 12525.5 itself, which requires covered agencies to report on all stops and searches by their officers. There is no exception in the statute when an officer is assisting a non-reporting agency. The modification made by the Department does not effect a substantive change on the obligations required by the statute. Instead, the provision included in the regulations for "primary agencies" clarifies and eliminates any confusion if more than one reporting agency is involved in a reportable interaction—confusion which would not arise when a single reporting agency is assisting a non-reporting agency.

(b) Hon. Alice Lytle (Ret.) commented: "Suppose two 'reporting agencies' are involved in a stop, but the 'primary agency' arrives significantly later in time than the other. How do we avoid missing important data as a result?" (Comment 230, page 2555.)

Response: No change has been made in response to this comment. A reporting agency is responsible for collecting and reporting to the Department all of the information required by Government Code section 12525.5 and these regulations, but agencies do retain discretion in how best to meet those requirements. It is the Department's expectation that law enforcement agencies will fully and correctly collect and report all data as required under the statute and these implementing regulations.

2. 999.227, subd. (a)(9) [Requirement that Reports be Completed by End of Shift Absent Exigent Circumstances]

(a) Kings County Sheriff's Office commented on the requirement in proposed Section 999.227, subdivision (a)(9) that "An officer shall complete all stop reports for stops made during his or her shift by the end of that shift, unless exigent circumstances preclude doing so. In such circumstances, the data shall be completed as soon as practicable." The commenter recommended that the word "shall" be stricken and the provision modified to permit the officer to complete stop reports "by the end of the shift or as soon as practical during the next worked shift" in order to avoid agency overtime and prevent the reporting obligations from deterring self-initiated activity by officers. (Comment 218, p. 2512.)

Response: No change has been made in response to this comment. As explained in the ISOR Addendum, page 24, this provision was modified to provide flexibility by adding an exception for "exigent circumstances, in which case officers should complete stop data reports as soon as practicable." The Department has determined that permitting officers, as a general rule, to complete stop reports during the following shift would degrade the value of the data by increasing the necessary recall time between the incident and the report and is likely to increase the reporting time because it would require officers to attempt to reconstruct—or refer to notes—for incidents that occurred one or more days in the past.

3. 999.227, subd. (a)(10) [Error Resolution]

(a) Hon. Alice Lytle (Ret.) commented on whether proposed Section 999.227, subdivision (a)(10) gives agencies an entire year to correct errors. (Comment 230, p. 2555.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves. Proposed Section 999.227, subdivision (a)(10) does not impose any temporal limits on agency error correction, but rather provides that the Department's error resolution process apply once data is submitted to the Department. (Final Text, p. 16 [§ 999.227, subd. (a)(10)].)

(b) Richard Hylton referred to the City of San Diego's stop data report and recommended that agencies might use "the denominator trick, by not resolving 'errors'" and thereby skew the data. (Comment 181, p. 2440.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves. The comment regarding the City of San Diego's stop data report is not germane. Nothing in the regulations permits agencies to manipulate data through "error correction" or otherwise.

4. 999.227, subd. (a)(11) [Reporting of Officer Identification Number]

Richard Hylton commented with respect to the requirement in proposed Section 999.227, subdivision (a)(11), that stop reports submitted to the Department must include the Officer's I.D. Number. The commenter stated: "I would have kept my promise had you not done this; something that I rarely do. Here again, absent what you have required, the local idiots may have

tried to conceal information that allows identification of their miscreants." (Comment 181, p. 2440.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

5. 999.227, subd. (c)(3) [Security Screenings]

Los Angeles Police Department supported the Department's clarification that routine security screenings and secondary searches resulting from those screenings will not be reportable, commenting that this modification "helps to relieve some of the burden" on officers' time. (Comment 213, p. 2503.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

6. 999.227, subd. (d)(1)(B) [Crowd Control]

Anonymous commenter stated that "ANY contact requires completion of the form" and asked, "How does this apply in crowd control situations, not everything is a one on one encounter and it seems as though the legislation really is geared toward discouraging police from any contact with a citizen?" (Comment 205, p. 2481.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

To the extent this comment is suggesting further modification of the reporting requirements in crowd control settings, no change has been made in response to this comment. Reporting is not required for all contacts, but only for interactions in which an officer detains or searches a person (including a consensual search), subject to the specific provisions in Article 4. As relevant here, proposed Section 999.227, subdivision (d)(1)(B) provides that interaction in "[a]ny type of crowd control in which pedestrians are made to remain in a location or routed to a different location for public safety purposes" is reportable only if the officer engages in any of the actions described in the data values set forth in Section 999.226, subdivision (a)(12)(A), excluding "None." [Final Text, p. 18 [§ 999.227, subd. (d)(1)(B)].) The Department has determined that this provision is sufficiently clear to the individuals and entities subject to these regulations, as evidenced by the absence of similar requests for clarity from law enforcement agencies or peace officers.

7. 999.227, subd. (d)(1)(C) [Underage Drinking Checks]

ACLU et al. supported the modified regulations, but recommended that the provision excepting "[i]nteractions during which persons are detained at a residence only so that officers may check for proof of age for purposes of underage drinking" in proposed Section 999.227, subdivision (d)(1)(C) is "directly contrary to the statutory requirement and should be removed at the next revision of the regulations." (Comment 225, pp. 2540-2541.)

Response: No change has been made in response to this comment. The Department interprets this comment to recommend changes in future revisions, and not during the current rulemaking process.

If, in the alternative, this comment is intended to recommend further modifications of the regulations before they are adopted, then no change has been made in response to that comment. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The rationale for the referenced change is set froth in the ISOR Addendum, page 27. As explained, the Department has determined that this provision is necessary to fulfill the intent of AB 953 by properly balancing the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine perceived and actual bias. The Department has determined that these additional data elements were not necessary to include at this time.

8. 999.227, subd. (d)(1)(D)(1) [Checkpoints or roadblocks]

Hon. Alice Lytle (Ret.) noted a typo in proposed Section 999.227, subdivision (d)(1)(D)1, suggesting that the example should read "is not subject to the reporting requirements of this chapter," consistent with the rule set forth in subdivision (d)(1)(D). (Comment 230, p. 2555.)

Response: This comment is accepted (see Attachment A). The example following the rule in Section 999.226, subdivision (d)(1)(D) was edited non-substantively to conform with the rule itself.

9. 999.227, subd. (d)(2) [Execution of Warrants and Search Conditions in a Residence]

(a) ACLU et al. supported the modified regulations, but recommended that the proposed Section 999.227, subdivision (d)(2) [regarding the execution of warrants and search conditions in the home] be removed in the next revision of the regulations, particularly as to individuals other than the subject of the warrant or search condition. (Comment 225, p. 2541.)

Response: No change has been made in response to this comment. The Department interprets this comment to recommend changes in future revisions, and not during the current rulemaking process.

If, in the alternative, this comment is intended to recommend further modifications of the regulations before they are adopted, then no change has been made in response to that comment. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling.

(b) San Bernardino County Sheriff's Department commented on the proposed data value "Firearm pointed at a person," that this data element is "very problematic[,] especially during the service of search warrants, arrest warrants, and other high risk incidents where officers have their guns drawn." The commenter continued, "[Officers] will do whatever is necessary to avoid filling out a 5-8 minute form on an incident that otherwise would not have required a form. The result? Officer safety is compromised an [sic] officers are placed in addition danger of being

killed and/or injured due to under-reacting because they are adverse to the bureaucratic paperwork imposed by so-called 'experts' who have never actually performed the job." (Comment 228, p. 2550.)

Response: No change has been made in response to this comment. The modifications noticed for public comment on August 1, 2017, did not add a reporting requirement in the scenario addressed by the commentator; rather, the modifications further reduced the reporting requirements with respect to stops made of persons other than the subject of a warrant or search condition during the execution of a warrant or search condition in the home. (Compare Original Text, p. 19 [§ 999.227, subd. (c)(2)] with Final Text, p. 18 [§ 999.227, subd. (d)(2)].) As explained in the ISOR Addendum, pages 27-28, this provision was revised to strike the appropriate balance between the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The suggestion that an officer would decline to fulfill his or her duties—or compromise officer safety—because they did not want to complete a stop data form is beyond the scope of these regulations and should be addressed at the agency level.

10. 999.227, subd. (e) [Reporting Requirements for Stops of Students at a K-12 Public School]

Hon. Alice Lytle (Ret.) recommended that proposed Section 999.227, subdivision (e) be modified as follows: "Reporting Requirements for Stops of Students and Non-Students at a K-12 Public School." She further asked whether private and charter schools are covered by the applicable definitions in Section 999.224. (Comment 230, p. 2555.)

Response: No change has been made in response to this comment. This section sets forth the specific reporting requirements and data values for students only in the K-12 public school setting. Although subdivision (e)(1) provides, for clarity, that stops of non-students are subject to the general reporting requirements, subdivision (e) does not otherwise govern stops of non-students. It is the Department's assessment that the recommended change would lead to confusion about when officers should apply the special provisions of subdivision (e).

The definition of "K-12 Public School," "California state educational institution," and "student" set forth in proposed Section 999.224, subdivisions (a)(9), and (11)(C)(1) apply: "K-12 public school" is defined to mean "California state educational institution," which in turn is defined as "any public elementary or secondary school the governing board of a school district; or any combination of school districts or counties recognized as the administrative agency for public elementary or secondary schools." This definition includes charter schools but does not include private schools. All stops at private schools are subject to the general reporting requirements and not the special reporting requirements set forth in proposed Section 999.227, subdivision (e). The Department has determined that no further clarification is necessary on this point.

11. 999.227, subd. (e)(3(C) [Reference to "Screening devices"]

Hon. Alice Lytle (Ret.) commented: "Do the references to "screening devices" refer to anything other than magnetometers? And if so, what are they?" (Comment 230, p. 2556.)

Response: No change has been made in response to this comment. The proposed regulations do not limit the definition of "screening devices" to magnetometers; this provision would apply to metal detectors, as set forth in the example at proposed Section 999.227, subdivision (e)(3)(C)(1), as well as any other similar device used to screen persons entering or exiting a school facility.

12. 999.227, subd. (e)(4)(B) [Additional Data Values in Reporting Interactions with Students at a K-12 Public School – Perceived or Known Disability]

Hon. Alice Lytle (ret.) commented: "Disability related to hyperactivity or impulsive behavior. These are by no means the only types of disability found in public schools. At least two, autism and epilepsy, can be extremely difficult to handle. I would like to elaborate on this at the next meeting." (Comment 230, p. 2556.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

To the extent the commenter is suggesting a further modification to the proposed text, the Department notes that the data element "disability related to hyperactivity or impulsive behavior" is an additional data element for stops of students in the K-12 public school setting; officers shall select among all of the standard data values set forth in proposed Section 999.226, subdivision (a)(9)—including "intellectual or developmental disability, including dementia" and "other disability"—as well as this additional data element when reporting on stops of students in a K-12 public school setting. Because the two conditions noted by the commenter—autism and epilepsy—would be covered by the existing data values, no change has been made in response to this comment.

13. 999.227, subd. (e)(4)(D) [Additional Data Values in Reporting Interactions with Students at a K-12 Public School – Actions Taken During Stop]

Disability Rights California supported the Department's decision to add an additional data value to the data element for "Actions Taken During Stop," when the stop is of a student at a K-12 Public School (see proposed § 999.227, subd. (e)(4)(D)(1) ["Admission or written statement obtained from student"]), but recommended this data element should be required in the general settings as well because of specific concerns that "[i]ndividuals with intellectual or neurological disabilities, whether minors or adults, are at particular risk of being coerced into making statements that may appear as admissions but are in fact made in order to appease an authority figure such as an inquiring officer." (Comment 220, p. 2524.)

Response: No change has been made in response to this comment. The Department previously modified proposed Section 999.227, subdivision (e)(4)(D)(1) in response to specific concerns that this additional data element might reveal racial and identity-based disparities regarding the practice by school resource officers and other law enforcement officers in schools of obtaining admissions or written statements from students. (See Redlined Text, p. 31; Final Text, p. 20 [§ 999.227, subd. (e)(4)(D)(1)].) In drafting these regulations, the Department considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine perceived and actual bias. The Department determined

that, while this additional data element is necessary in the school context, based on prior comments and consultation with stakeholders, the value of the data outside of the school setting is more limited, and therefore, the need to capture this data is outweighed by the additional reporting burden such an addition would create.

V. COMMENTS REGARDING ARTICLE 5 [TECHNICAL SPECIFICATIONS AND UNIFORM REPORTING PRACTICES] (SECTION 999.228, AS MODIFIED)

1. 999.228, subd. (e) [System Security]

Richard Hylton commented in support of proposed Section 999.228, subdivision (e), regarding data security. (Comment 181, p. 2439; Comment 200, p. 2473.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

2. 999.228, subd. (g) [Data Publication]

(a) Richard Hylton "roundly and categorically reject[ed]" the provision of proposed Section 999.228, subdivision (g) that data submitted to the Department shall be published on OpenJustice "at the discretion of the Attorney General and consistent with Government Code section 12525.5," and stated that "the availability of public data is not dependent on the discretion of the fool who occupies the office of Attorney General." (Comment 181, p. 2439.)

(b) Richard Hylton, in a separate comment, referenced Government Code section 12525.5, subdivision (f) ["All data and reports made pursuant to this section are public records within the meaning of subdivision (e) of Section 6252, and are open to public inspection pursuant to Sections 6253 and 6258"], and noted that the term "published" in Section 999.228, subdivision (g) suggests "that some public data may not be present on the OpenJustice website, if its content does not please the Attorney General." (Comment 200, p. 2473.) He recommended that he would like this provision removed from the regulations.

Response to (a) and (b): No change has been made in response to these comments. Government Code section 12525.5, subdivision (d), specifically exempts certain information from public disclosure, and this regulation merely clarifies that the Department will comply with relevant law. There is no requirement in Government Code section 12525.5 that all stop data be published on the OpenJustice website, and therefore how the Department displays such data on that website is at the discretion of the Attorney General. Proposed Section 999.228, subdivision (g) is, therefore, consistent with the general legislative intent of section 12525.5 that stop data be made accessible to the public with the exception of the badge number and other unique identifying information of the officer who collected the data.

VI. COMMENTS REGARDING ARTICLE 6 [AUDITS AND VALIDATION] (PROPOSED SECTION 999.229, AS MODIFIED)

The Department did not receive any comments to the modifications in Article 6.

VII. COMMENTS MADE IN GENERAL TO THE PROPOSED REGULATIONS, AS MODIFIED

A. General Comments in Support of Modified Regulations and/or To Urge Implementation

(a) Professor Jack Glaser offered general comments in support of the modified regulations in general, and the Officer Identification Number in particular. (Comment 190, p. 2453.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations.

(b) Angela Garcia-Sims explained that it is "essential for the safety of all California residents for law enforcement officers to begin to systematically collect racial and identity profiling data across the State" and that until this data has been collected, reported to the State and analyzed, "all claims of the existence or absence of this type of profiling is more likely to be discounted by those who disagree with whatever is being reported." (Comment 207, p. 2485.) The ACLU et al. (Comment 225, p. 2536) and Anonymous (Comment 199, p. 2470) similarly commented that it is important to finalize the regulations as soon as possible.

Response: No change has been made in response to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations.

(c) Disability Rights California offered general comments in support of the proposed regulations, as modified, in addition to the specific recommendations addressed above. The commenter explained: "The data will also allow the public and advocacy organizations to hold outlier jurisdictions accountable and encourage their adoption of successful disability-related practices, such as disability cultural competency training and Crisis Intervention Training. It will also allow advocacy organizations, like Disability Rights California, to focus advocacy efforts on behalf of the affected disability community. The data may also provide information about the availability of disability services in the impacted community." (Comment 220, p. 2521.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations.

(d) ACLU et al. offered general comments in support of the proposed regulations, as modified, in addition to the specific recommendations addressed above. The commenter explained: "We commend the Department of Justice (DOJ) for the Final Text and for their efforts to reflect the discussion and public comment before the RIPA Board and with the DOJ directly over the past year or more, including comments sent by advocacy organizations outlining specific recommendations and comments on the initial proposed regulations . . . . These efforts have led to overall improvements and streamlining of the regulations, and we thank the Department for its careful work." (Comment 225, p. 2536.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations.

(e) Equality California et al. offered general comments in support of the proposed regulations, as modified, in addition to the specific recommendations addressed above. The commenter

explained: "We continue to believe that with successful implementation, AB 953 will be an important step towards eliminating discrimination based on gender identity and sexual orientation. Overall, we appreciate the extent to which the regulations reflect many of our proposed suggestions for the collection of data specific to gender identity." (Comment 229, p. 2553.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations.

(f) City and County of San Francisco commented that AB 953 "is an essential measure to further racial justice throughout California's criminal justice system," and that "[b]y establishing requirements to track and measure disproportionality in our system, we further a data and evidence based approach to ensuring our systems become more just over time." (Comment 219, p. 2514.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations.

(g) Stephanie Robitaille commented that she "strongly support[s] regulations to prevent racial and identity profiling in California." (Comment 217, p. 2511.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations.

(h) Sheila Shane stated that she has "[n]o comments or suggestions." (Comment 183, p. 2443.)

Response: No change has been made in response to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations.

B. General Comments in Opposition to AB 953 and/or Regulations

(a) Anonymous commented, "I still don't understand when the legislation requires officers to ['guess' to what religion (among other factors) a person practices how that does not amount to 'profiling' Can somebody explain this to me?" (Comment 205, p. 2481.)

Response: No change has been made in response to this comment, which is interpreted as a comment on AB 953 itself rather than a recommendation of any change to the regulations.

(b) Jeremy Verinsky offered three general points in opposition to the proposed regulations:

First, Mr. Verinsky commented that the proposed regulations "will result in dramatic decreases in public safety and corresponding increases in crime and massive increases in costs to local agencies and the state" because they will require reporting on each "stop" or "search" before the end of the officer's shift. According to Mr. Verinsky, this will result in greater time spent in the stations completing reports instead of in the field patrolling and responding to calls for service, and that agency will need to either pull officers in before the end of their shifts or pay overtime to complete reporting.

Second, Mr. Verinksy commented that the state will incur additional costs to reimburse local agencies for the time spent to prepare and transmit these reports and for additional hiring to maintain safe staffing levels, as well as additional staff time costs to process these reimbursement requests.

Third, Mr. Verinsky commented that AB 953 and these regulations will "require peace officers to profile every person they stop as to their perceived race/ethnicity, sex/gender identity, sexual orientation, and even age." He continues: "Since peace officers are barred from inquiring or in any way eliciting the information from the person stopped, they must profile them, the very action that this law is purportedly designed to prevent. The law even bars officers from using the information readily available to them on a driver's license and to profile the person separately to complete the report." (Comment 208, pp. 2487-2489.)

Response: No change has been made in response to this comment. The Department interprets this comment as an observation and comment on AB 953 itself, rather than a recommendation of any change to the regulations. To the extent this comment can be interpreted to recommend further modification to the definition of "stop" or "search" set forth in Section 999.224, that comment is addressed above. To the extent this comment can be interpreted to recommend further modification to the end-of-shift requirement set forth in Section 999.227, subdivision (a)(9), that comment is addressed above. Application of the local mandate requirements are addressed in the Revised STD Form 399 and Addendum.

Mr. Verinsky's comment regarding the officer identification number is discussed above.

(c) Los Angeles Police Department offered four general points in opposition to the proposed regulations:

First, the LAPD commented that the modified regulations "continue to go well beyond what is required by the law and create an unreasonable and excessive burden on officers and supervisors." Specifically, the LAPD commented that the modified regulations "do nothing to reduce the time required to document and report stop data," and criticized the field test results as "simply unrealistic." And while acknowledging that the regulations provide an exception for "exigent circumstances," the LAPD commented that officers will "nevertheless" be expected to complete all stop data reports by the end of each shift, which will "all but guarantee[] increased overtime costs" unless officers are taken out of the field prior to the end of their scheduled shifts to complete the required reporting. The LAPD concluded that such a change would reduce the time available to respond to calls for service and proactively police the community.

Second, the LAPD commented that the proposed regulations "are confusing" and will "require extensive and ongoing training to ensure that officers are properly collecting, reporting and retaining the required stop data."

Third, the LAPD commented that the regulations would negatively impact both officer and public safety by furthering the "increasing use of technology in police operations." And officer's focus on a smart phone or mobile data terminal, the LAPD explained, may decrease his or her situational awareness, making the officer "more vulnerable to attack or ambush."

Fourth, the LAPD commented that it is committed to "the unbiased and equitable treatment of all people" and that "[b]iased policing is contrary to Constitutional Policing principles, leads to erroneous decision making, and undermines the public's trust." The LAPD commented that its own data collection "has never revealed system bias in public contacts," and that the "massive amounts of data required by the proposed regulations are unlikely to change that result." (Comment 213, p. 2503-2504.)

Response: No change has been made in response to this comment. To the extent the LAPD has offered specific comments about the proposed regulations, including recommendations for simplifying the regulations, those comments have been addressed above. The methodology used to obtain the Department's time estimate is set forth in detail in the Revised STD Form 399 and Addendum. With respect to the LAPD's comment regarding the exigent circumstances exception, the Department notes that, if there are exigent circumstances, the officer is not required to complete the stop data by the end of his or her shift. (See Final Text, p. 16 [§ 999.227, subd. (a)(9)].)

To the extent, the LAPD is recommending that the regulations be modified to provide for officer training, the Department notes that Penal Code section 13519.4 requires that the Peace Officer Standards and Training Commission (POST) develop training, in consultation with the Racial and Identify Profiling Advisory (RIPA) Board, regarding racial and identity profiling.

To the extent that the LAPD is concerned about officers' use of mobile devices—as opposed to paper data collection or other means of satisfying the statutory data collection requirement—the Department refers to the discussion about possible means of data collection set forth in the Revised STD Form 399 and Addendum.

To the extent that the LAPD is suggesting that data collection is not necessary in light of its own data collection experience, that is a legislative determination that was resolved in enacting AB 953.

The LAPD's specific comments regarding elimination of the data value "Reason for Presence at Scene," the explanatory fields, and the end-of-shift requirement are addressed above.

(d) Orange County Sheriff's Department (OCSD) offered two general comments in opposition to the proposed regulations:

First, OCSD commented that the proposed regulations contain too many data elements, which will increase the reporting burden on officers and divert their attention away from public safety. The OCSD further commented that the narrative field was a particular concern, noting that the Department's field test "did not include a narrative section." The OCSD recommended that the regulations be further modified to include only those data points required in the initial legislation, and that new data elements could be added in future years.

Second, OCSD offered several alternatives to data collection as a means to address racial and identity profiling, including strong hiring practices, effective training, and engaged citizenry. (Comment 223, pp. 2529-2531.)

Response: No change has been made in response to this comment. The rationale for each of the data elements included in the original text of the proposed regulations is set forth in the ISOR; the rationale for all modifications is set forth in the ISOR Addendum. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that each additional data element added by the regulations is necessary to fulfill the intent of AB 953.

To the extent the commenter is offering an observation on the relative merits of AB 953 itself rather than a recommendation of any change to the regulations themselves, no response is necessary. To the extent the commenter is recommending further modification to the proposed regulations to replace data collection with these alternatives—or to address these alternatives in addition to data collection—that recommendation is rejected as inconsistent with the Department's obligations under Government Code section 12525.5, subdivision (e).

The OCSD's specific comments regarding particular data elements are addressed above.

(e) Burbank Police Officers' Association (BPOA) offered two general points in opposition to the proposed regulations:

First, the BPOA commented that the increased costs (in staff hours), or lost productivity, as a result of these regulations will have a significant impact on city and county finances. The BPOA commented that many of the required information is already captured in the form of citations, police reports, and contact cards, suggesting that "[p]erhaps additional research would yield a viable alternative to obtain information that is already captured, sparing the added expense and burden to our communities.

Second, the BPOA commented that AB 953 itself "will likely have a significant negative impact on proactive law enforcement efforts." The BPOA added that, while it is "certain the intent of any enacted changes in the law is not to decrease public safety, it is certainly appears this will be one of the unintended consequences associated with AB 953." (Comment 226, p. 2543)

Response: No change has been made in response to this comment, which is interpreted to be an observation on AB 953 itself rather than a recommendation of any change to the regulations. To the extent the BPOA is recommending that analysis of existing records might provide an alternative to the stop data collection program mandated by Government Code section 12525.5, that is a legislative determination that was resolved with the enactment of AB 953. As discussed in the Revised STD Form 399 and Addendum, however, nothing in these regulations prevents an agency from syncing its stop data collection program with other required reporting in order to streamline officers' overall reporting burden.

(f) California Police Chiefs Association (CPCA) offered two general comments in opposition to the proposed regulations:

First, the CPCA "remains significantly concerned that the modified regulations – *as amended on August 1, 2017* – implementing the California Racial and Identity Profiling Act of 2015 (RIPA) continue beyond the scope of the enacting legislation." The CPCA characterizes the regulations

as creating an "excessive and almost impossible burden on supervisors and department administration' that "will adversely impact the safety of local communities."

Second, the CPCA commented that "[t]hese regulations will arguably have the greatest single impact on policing in recent California history, and as such, must be given great consideration regarding all potential consequences." Given the importance of these regulations, the CPCA argues that the 15-day comment period for the modified regulations was not long enough to "allow for a meaningful conversation with statewide law enforcement groups, city officials, and business leaders regarding the adverse impacts the changes will have on our ability to provide public safety for the near 40 million residents of California." (Comment 227, pp. 2545-2546.)

Response: No change has been made in response to this comment. To the extent the commenter is recommending further, unspecified, reductions in the required data elements, the Department notes that the rationale for each of the data elements included in the original text of the proposed regulations is set forth in the ISOR; the rationale for all modifications is set forth in the ISOR Addendum. In drafting these regulations, the Department has considered the need to balance the burden on law enforcement, including both officer time and technological costs, with the value of the data to examine racial and identity profiling. The Department has determined that each additional data element added by the regulations is necessary to fulfill the intent of AB 953.

Government Code section 11346.8, subdivision (d) sets forth the requisite time for notice and public comment for modifications which are "sufficiently related" to the original text. The Department complied with that provision in setting the time period for the proposed modifications, and the CPCA does not suggest that the modifications were not "sufficiently related" as required by section 11346.8, subdivision (d).

The CPCA's specific comments about the open narrative fields and officer identification number are discussed above.

(g) San Bernardino County Sheriff's Department (SBCSD) offered five general comments in opposition to the regulations:

First, the SBCSD commented that the "positive changes" in the modified regulations to streamline certain data elements and values "have been rendered virtually meaningless" by the addition of the open narrative fields for "Reason for Stop" and "Basis for Search."

Second, the SBCSD commented that the proposed regulations "will drastically reduce pro-active policing in California" and "provide an enormous disincentive for officers performing fundamental law enforcement activities," which will, in turn result in higher crime rates and decrease both public and officer safety.

Third, the SBCSD commented that the recommendations provided to the Department by law enforcement executives, and cautionary statements that the regulations will have a "catastrophic impact" on individual agencies, "have mostly fallen on deaf ears" in favor of the opinions of "academic scholars, social science researchers and a whole host of other activist groups/individuals." According to the SBCSD, "instead of deferring to the actual experts - law enforcement executives - the validity of their arguments and opinions are diminished by discounting them virtually in their entirety." As evidence, the SBCSD pointed to a statement in

the Revised STD 399 and Addendum ("The commenters did not, however, provide any evidence that prior data collection programs have resulted in any negative public safety outcomes.") and again referenced the City of Chicago example referenced by commenters during the 45-day public comment period. The SBCSD recommended that "a simple internet search will yield similar statistics for a vast number of cities throughout the United states that have experienced similar negative outcomes as a result of stop data reporting requirements, federal consent decrees and other state legislative mandates," specifically pointing to Los Angeles, Oakland, and San Francisco to provide "clear 'evidence' of similar outcomes to those being experienced in other major cities like Chicago and New York City." On a related note, the SBCSD specifically criticized the Department's reference to Professors Jennifer Eberhardt and Emily Owens, whom the SBCSD criticized for failing to "reject the alternative (null) hypothesis – namely, that that differing offender rates are the causative factor in disparate rates of arrest rather than bias in policing."

Fourth, the SBCSD cited the RAND Corporation study "Hidden in Plain Sight" (2010) to assert a direct link between reduced staffing levels, increased crime rates, and reduced business revenue. On that basis, the SBCSD challenged the Department's statement that the proposed regulations will have no significant economic costs on California businesses and individuals and that the regulations do not require a Standardized Regulatory Impact Assessment.

Fifth, the SBCSD criticized the field testing results as summarized in the STD 399 and Addendum, stating that their deputies used stop watches to time the field test and calculated that it took San Bernardino deputies an average of 344 seconds to complete a stop data form. The commenter also quoted a Department staff member describing the "rudimentary online survey" as reported in the Voice of San Diego. The SBCSD also challenged the Department's fiscal impact assessment set forth in the STD 399 and Addendum, suggesting that a more accurate estimate of annual "stops per officer" would be 677. (Comment 228, p. 2547-2552).

Response: No change has been made in response to these comments. To the extent the SBCSD is recommending that the open narrative fields be deleted from the regulations, that issue is addressed above. To the extent the SBCSD is suggesting that individual officers may decline to fulfill his or her duties because they did not want to complete a stop data form is beyond the scope of these regulations and should be addressed at the agency level.

To the extent the SBCSD is commenting that the fiscal impact statement did not summarize or respond to comments provided during the 45-day comment period, such a summary and response is beyond the scope of that rulemaking document. As discussed above, the Department has reviewed and considered all of the comments submitted during the public comment periods, and has reviewed the studies and media reports referenced in those comments. It is the Department's assessment that none of those references provides any peer-reviewed or evidenced-based conclusion showing a causal link between data collection and public safety. In particular, the RAND Corporation study that the SBCSD relied on suggests a link between overall law enforcement expenditures, public safety, and business costs; the study does not say anything about how law enforcement spending and resources are best allocated, and says nothing about the potential effects (positive or negative) of data collection on public safety. In any event, the need for data collection is a legislative determination that was resolved with the enactment of AB 953.

The Department utilized online tools, including multiple timers, and a careful research design to obtain an accurate estimate of the time required to collect and record the stop data elements and data values required by the proposed regulations. The size of the survey was not sufficient to permit robust inter-agency comparisons—it is possible that the deputies in San Bernardino took longer, on average, to complete stop data forms relative to other officers; it is also possible these higher time estimates reflect that the officers included additional time to operate stop watches and record time while simultaneously completing the field testing reports. When comment concerning the Department staff member is read, it is clear that the staff member was not describing the timing tools as "rudimentary," but rather was commenting on the simplistic user interface of the mock-up data collection form used in the field test to explain that, if anything, the results of the survey overestimate the time that will be required for officers to complete stop data reports using the more sophisticated web application under development by the Department.

As explained in the Revised STD 399 Addendum, the Department relied on averages from a number of sources to estimate the total number of stops for purposes of the data collection. Even if the Department were to assume that the commenter's estimated 677 "stops per officer" should be extrapolated across all sheriffs' departments (resulting in an increase in the estimated annual stops statewide from 16.7 million to 25.8 million), that would result in an increase in total statewide costs for use of the Department application from $13.8 million in ongoing costs to $17.8 million in ongoing costs (one-time costs would remain unchanged at $8.8 million) using the same methodology set forth in the Revised STD 399 Addendum.

The SBCSD's specific comments about the data elements are discussed above.

C. Additional General Comments

1. Accountability

Professor Karen Glover commented that "AB 953 needs to include a much more focused engagement of accountability for police officers and departments when racial disparity is found" and recommended that "a series of 'checks' of accountability at both the short- and long-term intervals" must be incorporated into the data collection effort. Ms. Glover further recommended "a 'looking ahead' board/commission as part of or follow-up to AB 953," one that will tackle the existing practices of law enforcement agencies ("most importantly accountability") rather than trying to determine whether racial profiling exists. (Comment 215, p. 2506.)

Response: No change has been made in response to this comment, which is interpreted to be an observation regarding AB 953 itself rather than a recommendation of any change to the regulations. To the extent the commenter is recommending further modification to the proposed regulations to address accountability, these recommendations are not related to the proposed modifications to the text of the proposed regulations, and therefore do not require a response.

2. Comments Regarding Police Practices and the Need To Address Racial Profiling

(a) Linda Ullrich commented: "The unacknowledged racial bias and profiling by law enforcement and in our justice system is a continuation of slavery and Jim Crow laws. We cannot continue to have such disparity in police stops, police behavior and in sentencing between

people of color and whites. We will not be a just and free country until this addressed and remedied." (Comment 195, p. 2458.)

(b) Mary Sue Meads commented that "the police are becoming far too 'militarized,'" and "need to slow down." She recommended that agencies should use body cameras that cannot be turned off, and suggested that requiring psychological testing before an officer is hired may address these concerns. (Comment 182, p. 2441.)

(c) Frances Navarro commented: "Please stop all police from racial acts. They should be punished as criminals for abuse on the people they hurt." (Comment 204, p. 2480.)

(d) Patricia Bender commented that, although law enforcement "have a demanding and challenging task . . . that some police will stop people of color more than white people is a reality," and "until they are responsible for making better judgements [sic] about who and why to stop, things will continue to be problematic . . . I think people will be shocked to find how so many more people of color are targeted if officers had to list race or color on tickets and that becomes part of a record!" (Comment 184, p. 2444.)

(e) Barbara Farrell commented that racial profiling is still a problem in California, particularly in Southern California, and she is "especially concerned about the Sheriff's department." She also asked for "increased education and guidelines." (Comment 189, p. 2452.)

(f) Rodney & Cynthia Burt commented about the problems created when police profile individuals, including resentment of police by children of parents who are victims of racial profiling. (Comment 202, p. 2477.)

(g) Several commenters urged an end to racial profiling, including Joanne Britton (Comment 187, p. 2450), Marian Cruz (Comment 188, p. 2451), Anonymous (Comment 191, p. 2454), and Joanne Devine (Comment 192, p. 2455).

Response to (a) through (g): No change has been made in response to these comments, which are interpreted to be observations regarding the need for improved police practice and/or further legislation, rather than recommendations for changes to the regulations.

3. Offer of Assistance

Professor Karen Glover wrote to offer her expertise to assist the RIPA Board with its review of racial profiling policies and analysis of the data collected pursuant to Government Code section 12525.5 and these regulations. (Comment 215, p. 2506.)

Response: No change has been made in response to this comment, which is interpreted to be an offer of assistance to the RIPA Board rather than a recommendation of any change to the regulations.

4. Need for Training

(a) Carolina Goodman (Committee on Community Policing, League of Women Voters, Los Angeles) asked whether there are guidelines for training and follow-up compliance, "or will you expect each law enforcement agency to develop their own?" (Comment 201, p. 2475.)

(b) ACLU et al. "urge[d] the Department continue outside the regulatory framework, in consultation with the RIPA Board, to develop standards and materials for trainings to ensure that officers across the state have accurate and uniform data collection practices." (Comment 225, p. 2537.)

(c) Equality California et al. reiterated the recommendation made in a prior comment during the 45-day public comment period that successful implementation of the regulations "must be accompanied by a robust training program for peace officers on interacting with LGBTQ communities," including "consideration of privacy protections for vulnerable LGBTQ populations" as well as "outreach and education to community members about the regulations and LGBTQ Californians' rights when interacting with law enforcement." (Comment 229, p. 2553.)

Response: No change has been made in response to these comments. Although the regulations do not address training, Penal Code section 13519.4 specifies that the Commission on Peace Officer Standards and Training (POST) shall develop training, in consultation with the Racial and Identify Profiling Advisory (RIPA) Board, regarding racial and identity profiling.

D. Comments that Do Not Require Response

(a) Ligala Manns (Comment 186, p. 2448) and Virginia Franco (Comment 211, p. 2492) submitted comments related to personal matters that are not germane to the proposed regulations.

(b) Lisa Hammermeister commented, "Don't listen to Donald Trump." (Comment 193, p. 2456.)

(c) Linda Ullrich commented "It is time for Americans to pay no more than other industrialized for our medications." (Comment 194, p. 2457.)

(d) Aaron Bruce (Comment 185, p. 2446) and Sean Sheppard (Comment 196, p. 2460) submitted comments regarding Game Changer, a police-community relations program in Southern California.

(e) Agustin Damian provided duplicate comments in Spanish, both of which consist of a reprint of the following article: Richard Stallman, ¿Quién vigilará a los vigilantes? (Oct. 2001), https://stallman.org/watchmen.es.html. The English version of the article appears on the same website at https://stallman.org/watchmen.es.html, and provides a general discussion concerning surveillance and investigative methods by government agencies. (Comment 197, p. 2462, and Comment 198, p. 2469)

(f) Martha Howard stated: "Immigration status should never be relevant whenever there is an encounter with police officers. The focus must to remain in the violation." (Comment 206, p. 2483.)

(g) Ryan Suto (Arab American Institute) wrote to request that a representative from the Racial and Identity Profiling Advisory Board attend an upcoming Community Working Group of the #ReportHate Project launched by the Arab American Institute. (Comment 210, p. 2491.)

(h) Richard Hylton forwarded a copy of an unrelated court filing from January 2014, together with emails regarding that court filing dated December 2015. (Comment 212, pp. 2494-2450). He also commented to register allegations that the City of San Diego altered stop data used in its study of police bias in violation of local law. (Comment 224, p. 2533.)

Response to (a) through (h): No change has been made in response to these comments, which are not germane to the regulations themselves.

SUMMARY OF COMMENTS RECEIVED OUTSIDE OF THE PUBLIC COMMENT PERIOD AND THE DEPARTMENT'S RESPONSES

The Administrative Procedure Act does not require a summary and response of comments received outside of the public comment period. In the interest of completeness, however, the Department offers here a brief summary of the comments received outside of the public comment periods and a brief response to those comments pertaining to the proposed regulations.

I. ADDITIONAL COMMENTS RECEIVED FOLLOWING THE CLOSE OF THE 45-DAY COMMENT PERIOD

(a) Jesse Daniels (Comment 122, p. 2083) submitted an identical comment to Krissy Powell's timely written comment (Comment 66, p. 1609).

No response is required. Ms. Powell's comments have been summarized and responded to above.

(b) Debbie Balestino submitted duplicate comments expressing opposition to sanctuary cities. (Comment 123, p. 2086; Comment 124, p. 2087.)

No response is required to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(c) Deshawn Keys (Comment 126, p. 2090), Sherry Clark (Comment 128, p. 2095), Virgil Robinson (Comment 130, p. 2097), and Ligala Manns (Comment 131, p. 2098) submitted comments regarding personal matters not related to the proposed regulations.

No response is required to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

(d) Anthony Adrian Levintow commented: "[E]xplain to me what constructive law enforcement benefits the Act provides or please register my opposition." (Comment 125, p. 2089.)

No response is required. The benefits of the Act are addressed in the ISOR, ISOR Addendum, and the Revised STD Form 399 and Addendum.

(e) Anonymous submitted a comment on March 21 with no text in the comment field. (Comment 129, p. 2096.)

No response is required.

(f) Chris Barker commented: "This is creating profiling not taking away. You are telling the police to profile people they contact to meet the reporting requirements. The police are not concerned about any of this information when they contact people and now you are requiring them to try and profile people to report this information. Your are overstepping the original intent of the original legislation that was passed. Crime will rise putting more citizens in danger." (Comment 127, p. 2093.)

No response is required to these comments, which are interpreted to be observations related to AB 953 itself rather than recommendations of any change to the regulations themselves. To the extent the comment is a recommendation to eliminate unspecified data elements, similar comments have been summarized and responded to above.

(g) Between May 2, 2017, and July 31, 2017, Richard Hylton corresponded 50 times via email or facsimile with Department staff members working on these regulations. (Comments 132 through TBD.) Some of this correspondence related directly to the proposed regulations; other messages criticized recent stop data analysis regarding the San Diego Police Department or pertained to unrelated matters. For completeness, all of these messages have been included in the rulemaking file and are summarized and responded to below. Additional comments received from Mr. Hylton during the 15-day comment period (Comments 181, 200, 203, 212, 224, and 231) are addressed above. Additional comments received from Mr. Hylton after the close of the 15-day comment period (Comments 232-248) are addressed in Part II below.

(i) Mr. Hylton submitted two comments criticizing the Department's use of the term "other" as a data value in Article 3 and referencing his analysis of the San Diego Police Department's stop data with respect to the term "other." (Comment 132, p. 2100; Comment 165, p. 2276.)

No response is required. A similar comment received during the 15-day comment period is summarized and responded to above.

(ii) Mr. Hylton offered suggestions regarding the specific data values for "perceived race or ethnicity of the person stopped." (Comment 138, p. 2139; Comment 165, p. 2276.)

No response is required. Timely comments received during the 45-day and 15-day public comment periods regarding the data element "perceived race or ethnicity of the person stopped" are addressed above.

(iii) Mr. Hylton expressed his support to retain the proposed data value for "officer identification number." (Comment 165, p. 2276; Comment 179, p. 2315.)

No response is required to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(iv) Mr. Hylton suggested that the data collected pursuant to AB 953 use the parent/child structure as that used by the City of San Diego and that each record "[m]ust have single contents." (Comment 165, p. 2276.)

No response is required. Comments from Mr. Hylton regarding data validation received during the 15-day public comment period are summarized and responded to above.

(v) Mr. Hylton submitted several comments criticizing the Department's delay in issuing final stop data regulations. (Comment 153, p. 2195; Comment 154, p. 2197; Comment 163, p. 2271; Comment 177, p. 2312.)

No response is required to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

(vi) Mr. Hylton offered multiple comments criticizing San Diego Police Department's participation as an "early implementer" of the stop data requirements set forth in Government Code section 12525.5. (Comment 134, p. 2106; Comment 135, p. 2130; Comment 136, p. 2134; Comment 164, p. 2272; and Comment 167, p. 2283.) These comments included criticism of the San Diego Police Department's stop data collection practices and report. Three of these comments included a suggestion that the Department require citation information or other means of data validation as a prerequisite to the San Diego Police Department's participation. (Comment 134, p. 2106; Comment 135, p. 2130; and Comment 167, p. 2283.)

No response is required to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves. The deadline for agency implementation of stop data collection is governed by Government Code section 12525.5, subdivision (a) and not these regulations. Comments from Mr. Hylton regarding data validation received during the 15-day public comment period are summarized and responded to above.

(vii) Mr. Hylton copied the AB 953 mailbox as well as Department staff members working on these regulations on an email addressed to the Attorney General's Public Inquiry Unit criticizing prior email responses to him and stating that the Department failed to notify commenter about the public comment period or send proposed regulations and refused to consider prior communication to our office regarding SDPD report. He further criticized the use of City of San Diego as a "consultant" on the regulations. (Comment 155, p. 2198; Comment 176, p. 2310 (duplicate).)

Response: Mr. Hylton requested to obtain notifications of rulemaking activity on May 12, 2017, and he has been included on all subsequent communication since that time. As evidenced by this document, all of his comments relating to the proposed regulations have been considered.

(viii) Mr. Hylton copied the AB 953 mailbox and Department staff members working on these regulations on various Public Records Requests to the Department. (Comment 137, p. 2136; Comment 139, p. 2140; Comment 144, p. 2151; Comment 160, p. 2258; Comment 169, p. 2288; Comment 176, p. 2310; Comment 180, p. 2316.)

No response is required to these comments. Mr. Hylton's Public Records Requests to the Department have been addressed according to the Department's Guidelines for Access to Public Records, available at https://oag.ca.gov/sites/all/files/agweb/pdfs/consumers/pra_guidelines.pdf.

(ix) Mr. Hylton also copied the AB 953 mailbox and Department staff members working on these regulations on email correspondence with the City of San Diego relating to Public Records Requests to the City. (Comment 145, p. 2154; Comment 148, p. 2173; Comment 150, p. 2176; Comment 152, p. 2194; Comment 162, p. 2268; Comment 168, p. 2286; Comment 171, p. 2295; Comment 172, p. 2299; Comment 174, p. 2304; Comment 177, p. 2312; Comment 178, p. 2313.)

No response is required to these comments.

(x) Mr. Hylton submitted several comments criticizing the San Diego Police Department's stop data collection practices and the recent report from San Diego State University analyzing that data. (Comment 140, p. 2141; Comment 142, p. 2145; Comment 143, p. 2148; Comment 146, p. 2161; Comment 147, p. 2162; Comment 149, p. 2175; Comment 151, p. 2192; Comment 156, p. 2200; Comment 157, p. 2202; Comment 158, p. 2206; Comment 159, p. 2258; Comment 161, p. 2265; Comment 166, p. 2279; Comment 170, p. 2290.)

No response is required to these comments, which are interpreted to be observations rather than recommendations of any change to the regulations themselves.

(xi) Mr. Hylton submitted a request that the Department enable caller identification if staff members attempt to contact him via telephone ("If you call my number make sure that a Calling Line Identifier is presented"). (Comment 173, p. 2303.)

No response is required to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(xii) Mr. Hylton copied the Department on email correspondence with KBPS regarding its coverage of California's suspension of licenses for traffic fines. (Comment 175, p. 2307.)

No response is required to this comment, which is not relevant to the regulations.

(xiii) Mr. Hylton responded to a notification regarding the RIPA Board meeting to be held in Oakland on July 12, 2017, suggesting that the Oakland meeting should not include the same POST presentation included in the San Diego meeting on DATE and requesting that all of his communications be presented to the members of the RIPA Board. (Comment 179, p. 2315.)

No response is required. All of the timely and untimely comments received by the Department have been included in the rulemaking file and posted to the regulations website, http://oag.ca.gov/AB953/regs, and are thereby available to all members of the public, including members of the RIPA Board.

(xiv) Mr. Hylton submitted a comment in response to the written comment received from the Los Angeles Police Department (LAPD) (Comment 54), stating that the LAPD's prior data

collection was pursuant to a consent decree and objecting to the LAPD's statement that its data has never shown "systemic" bias. (Comment 133, p. 2103.)

No response is required to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

(xv) Mr. Hylton submitted a comment suggesting that he had prior correspondence with the Department regarding a vehicle registration payment. (Comment 141, p. 2142.)

No response is required to this comment, which is interpreted to be an observation rather than a recommendation of any change to the regulations themselves.

II. Additional Comments Received Following the Close of the 15-Day Comment Period

(a) Richard Hylton responded to a notice about a RIPA Board meeting, which had been distributed to a general mailing list and included a provision that contact the sender with any questions, to comment that "I have always held myself to be a rather special individual; one deserving of special things, but draw the line when others take it upon themselves to treat me specially. For example, the special way Blacks and Browns are treated by the police. In this context, I mean the contents of the main thread, of this communication, that appears to admonish me for communications directed to people." Mr. Hylton goes on provide additional comments related to the RIPA Board. (Comment 232, p. 2561.)

No response is required to this comment, which is interpreted to pertain to the RIPA Board rather than these regulations.

(b) Richard Hylton forwarded an email chain regarding the San Diego Stop Data Report to the Department and requested that it be provided to the RIPA Board. (Comment 233, p. 2564.)

No response is required. All of the timely and untimely comments received by the Department have been included in the rulemaking file and posted to the regulations website, http://oag.ca.gov/AB953/regs, and are thereby available to all members of the public, including members of the RIPA Board.

(c) Richard Hylton. Mr. Hylton forwarded correspondence with the San Diego District Attorney alleging criminal violations. (Comment 234, p. 2568; Comment 235, p. 2572.)

No response is required to these comments, which do not pertain to these regulations.

(d) Richard Hylton sent a copy of an email error messaging stating that his email correspondence had been "denied by policy." (Comment 236, p. 2577; Comment 240, p. 2584.)

No response is required. As confirmed by the Department (Comment 240), the message was sent in error. All correspondence by Mr. Hylton to the AB953 mailbox has been received and included in this rulemaking file.

(e) Richard Hylton sent a series of messages related to a presentation by the California Peace Officer Standards & Training Commission (POST) at the July 2017 RIPA Board meeting held in San Diego. (Comment 237, p. 2578; Comment 238, p. 2580; Comment 239, p. 2581; Comment 241, p. 2587; Comment 242, p. 2588; Comment 246, p. 2639; Comment 247, p. 2643.)

No response is required to these comments, which are interpreted to pertain to the RIPA Board rather than these regulations.

(f) Richard Hylton sent an email regarding Oakland Police Department stop data, which he requested to "appear as a public comment to the Stop Data Subcommittee at its September 6, 2017 meeting." (Comment 243, p. 2590.) He later sent an annotated copy of the Oakland Police Department's 2015 Stop Data Report, which he again requested be shared with the Stop Data Subcommittee. (Comment 244, p. 2583.) He later forwarded email correspondence with the City of Oakland and others regarding the Oakland Police Department data. (Comment 245, p. 2637; Comment 248, p. 2645.)

No response is required. All of the timely and untimely comments received by the Department have been included in the rulemaking file and posted to the regulations website, http://oag.ca.gov/AB953/regs, and are thereby available to all members of the public, including members of the RIPA Board.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of the Proposed Action, the Initial Statement of Reasons and Addendum to the Initial Statement of Reasons, Notice of Modifications to Text of Proposed Regulations, the text of the regulations in underline and strikethrough, and the STD 399 Form and Addendum were available on the Attorney General's website throughout the rulemaking process. Copies of those documents and the final text of the amended regulations can be accessed on the Attorney General's website at www.oag.ca.gov/AB953/regulations.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Copies of the Final Statement of Reasons may be obtained by submitting a request via facsimile (FAX) at (213) 897-7605, via email to AB953@doj.ca.gov, via voicemail at (213) 987-2039, or via writing addressed to either of the following:

Catherine Z. Ysrael
Deputy Attorney General
California Department of Justice
Civil Rights Enforcement Section
300 S. Spring St., Suite 1702
Los Angeles, CA 90013

or

Kathleen V. Radez
Deputy Attorney General
California Department of Justice
Civil Rights Enforcement Section
1515 Clay Street, Suite 2000
Oakland, CA 94612

ATTACHMENT A
NONSUBSTANTIAL CHANGES TO THE EXPRESS TERMS

The following edits were made to the final text following the 15-day notice. As explained below, these changes are "nonsubstantial or solely grammatical in nature" (Gov. Code § 11346.8(c)), and therefore do not require further notice or public comment. (See Cal. Code of Reg., tit. 1, § 40.)

Additions to the text as noticed for comment on August 1, 2017, are underlined; deletions are indicated using ~~strikeout~~.

1. The prefatory titles provided on page one have been changed from:

Article 1. Definitions
Article 2. Law Enforcement Agencies Subject to Regulations
Article 3. Data Elements to Be Reported
Article 4. Reporting Requirements
Article 5. Technical Specifications and Uniform Reporting Practices
Article 6. Audits and Oversight

to:

Article 1. Definitions
Article 2. Law Enforcement Agencies Subject to ~~Regulations~~ Government Code section 12525.5
Article 3. Data Elements ~~t~~To Be Reported
Article 4. Reporting Requirements
Article 5. Technical Specifications and Uniform Reporting Practices
Article 6. Audits and Oversight Validation

Explanation: The titles listed on page one of the final text of the proposed regulations have been edited nonsubstantively to correct a typographical error in capitalization and to conform to the titles provided in the body of the modified text itself, as noticed for public comment on August 1, 2017. The changes do not "materially alter[] the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text." Cal. Code of Reg., tit. 1, § 40.

2. Change section 999.224, subd. (a)(5) from:

"Data value" is a component or characteristic of a data element to be used in reporting each data element. For example, "female, male, transgender man/boy, transgender woman/girl, gender nonconforming" are each data values to use in reporting the data element "perceived gender of person stopped." Reporting agencies shall ensure that the technical specifications for data values are consistent with these regulations and in doing so shall follow the data dictionary prepared by the Department.

to:

"Data value" is a component or characteristic of a data element to be used in reporting each data element. For example, ~~"female, male, transgender man/boy, transgender woman/girl, gender nonconforming"~~ "male," "female," "transgender man/boy," "transgender woman/girl," and "gender nonconforming" are each data values to use in reporting the data element "perceived gender of person stopped." Reporting agencies shall ensure that the technical specifications for data values are consistent with these regulations and in doing so shall follow the data dictionary prepared by the Department.

Explanation: This provision has been edited nonsubstantively for internal consistency. The sample data values were re-ordered to conform with the data values set forth in section 999.226, subdivision (a)(5) and placed into separate quotation marks to more clearly indicate that these are each separate data values. In addition, the word "and" was added before the final term in the list. These changes do not "materially alter[] the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text." Cal. Code of Reg., tit. 1, § 40.

3. Change section 999.224, subdivision (a)(11)(A)1 from:

"Reporting agency" includes any city or county law enforcement agencies that employ peace officers, including officers who are contracted to work at other government agencies or private entities. This includes, but is not limited to, peace officers assigned to work in cities or other jurisdictions that are not within the original jurisdiction of the city or county law enforcement agency; peace officers of city or county law enforcement agencies assigned to or contracted to work at housing or transit agencies; and school resource officers assigned to work in California state educational institutions.

to:

"Reporting agency" includes any city or county law enforcement ~~agencies~~ agency that ~~employ~~ employs peace officers, including officers who are contracted to work at other government agencies or private entities. This includes, but is not limited to, peace officers assigned to work in cities or other jurisdictions that are not within the original jurisdiction of the city or county law enforcement agency; peace officers of city or county law enforcement agencies assigned to or contracted to work at housing or transit agencies; and school resource officers assigned to work in California state educational institutions.

Explanation: This provision has been edited to correct a grammatical error in verb/subject agreement.

4. Change section 999.224, subdivision (a)(17) from:

"Unique Identifying Information" means personally identifying information, the release of which, either alone or in combination with other data reported is reasonably likely to reveal the identity of the individual officer who collected the stop data information. It does not include the minimum information that is specified in Government Code section 12525.5, subdivision (b).

to:

> "Unique Identifying Information" means personally identifying information, the release of which, either alone or in combination with other data reported, is reasonably likely to reveal the identity of the individual officer who collected the stop data information. It does not include the minimum information that is specified in Government Code section 12525.5, subdivision (b).

Explanation: This provision was edited to fix a typographical error by adding a missing comma after the word "reported."

5. Change section 999.224, subdivision (a)(18) from:

> "Vehicle" means motor vehicles as defined in Vehicle Code section 670; mopeds; motorcycles; motorized scooters as defined in Vehicle Code section 407.5; and any motorized vehicles, including boats.

to:

> "Vehicle" means motor vehicles as defined in Vehicle Code section 670; ~~mopeds;,~~ motorcycles~~;~~, mopeds, and motorized scooters as defined in Vehicle Code sections 400, 406, and 407.5, respectively; and any motorized vehicles, including boats.

Explanation: This provision was edited to correct typographical errors by replacing the semicolons with commas, adding the word "and" before the final term of the list, adding the Vehicle Code cross-references to "mopeds" in section 406 and "motorcycles" in section 400, and reordering the terms in the list to match the enumerated code sections.

6. Section 999.226, subdivision (3)(A) has been edited to underline the subdivision numbers 1 through 4 in order to fix a typographical error. The text of the subdivision itself was correctly underlined in the regulations as noticed for comment on August 1, 2017. No changes have been made to the text of this subdivision.

7. Change section 999.226, subdivision (a)(5)(B) from:

> For purposes of completing this data element, the officer shall refer to the following definitions:
>
> > 1. "Transgender man/boy" means a person who was assigned female at birth but who currently identifies as a man, or boy if they are a minor.
> >
> > 2. "Transgender woman/girl" means a person who was assigned male at birth but who currently identifies as a woman, or girl if they are a minor.

to:

> For purposes of completing this data element, the officer shall refer to the following definitions:

1. “Transgender man/boy” means a person who was assigned female at birth but who currently identifies as a man, or boy if ~~they are~~ the person is a minor.

2. “Transgender woman/girl” means a person who was assigned male at birth but who currently identifies as a woman, or girl if ~~they are~~ the person is a minor.

Explanation: This provision has been edited to correct a grammatical error by replacing “they” with “the person” and the word “are” with “is” for subject-verb agreement.

8. Change section 999.226, subdivision (a)(6) from:

“Person Stopped Perceived to be LGBT” refers to the officer’s perception that the person stopped was LGBT. “LGBT” refers to lesbian, gay, bisexual or transgender. When reporting this data element, the officer shall select “Yes” or “No” and shall make his or her determination based on personal observation only, without asking whether the person is LGBT. If an officer selects “Transgender man/boy” or “Transgender woman/girl” in response to the data element for “Perceived Gender of Person Stopped,” he or she must also select “Yes” in response to this data element.

to:

“Person Stopped Perceived to be LGBT” refers to the officer’s perception that the person stopped ~~was~~ is LGBT. “LGBT” refers to lesbian, gay, bisexual or transgender. When reporting this data element, the officer shall select “Yes” or “No” and shall make his or her determination based on personal observation only, without asking whether the person is LGBT. If an officer selects “Transgender man/boy” or “Transgender woman/girl” in response to the data element for “Perceived Gender of Person Stopped,” he or she must also select “Yes” in response to this data element.

Explanation: This provision has been edited to correct a grammatical error; the word “was” has been replaced with the word “is” to make the verb tense consistent throughout the provision.

9. Change section 999.226, subdivision (a)(7) from:

“Perceived Age of Person Stopped” refers to the officer’s perception of the approximate age of the person stopped. When reporting this data element, the officer shall make his or her determination based on personal observation only. The officer shall not ask the person stopped his or her age or use the age specified on the person’s identification, recognizing that the officer’s observation may not reflect the age specified on the person’s identification. In providing this information, the officer shall input an Arabic numeral (e.g. 1, 2, 3, 4) rounded up to the closest whole number.

to:

“Perceived Age of Person Stopped” refers to the officer’s perception of the approximate age of the person stopped. When reporting this data element, the officer shall make his or her determination based on personal observation only. The officer shall not ask the person stopped his or her age or use the age specified on the person’s identification, recognizing that

the officer's observation may not reflect the age specified on the person's identification. In providing this information, the officer shall input an Arabic numeral (e.g., 1, 2, 3, 4) rounded up to the closest whole number.

Explanation: This provision has been edited to correct a grammatical error; a comma has been added after "e.g." in the final sentence.

10. Change section 999.226, subdivision (a)(10)(A)5 from

Investigation to determine whether the person was truant.

to

Investigation to determine whether the person ~~was~~ is truant.

Explanation: This provision has been edited to correct a grammatical error; the word "was" was changed to "is" for consistency.

11. Change section 999.226, subdivision (a)(10)(B) from

When reporting the "Reason for the Stop," the officer shall also provide a brief explanation (250-character maximum) regarding the reason for the stop. This explanation shall include additional detail beyond the general data values selected for the "Reason for the Stop." Officers shall not include any personal identifying information of the persons stopped or Unique Identifying Information of any officer in this explanation.

to

When reporting the "Reason for ~~the~~ Stop," the officer shall also provide a brief explanation (250-character maximum) regarding the reason for the stop. This explanation shall include additional detail beyond the general data values selected for the "Reason for ~~the~~ Stop." Officers shall not include any personal identifying information of the persons stopped or Unique Identifying Information of any officer in this explanation.

Explanation: This provision has been edited to correct a typographical error; the word "the" was deleted from references to the data element "Reason for Stop."

12. Change section 999.226, subdivision (a)(10)(B)2 from

Example: If the officer selected "Vehicle Code 26708 (Material Obstructing or Reducing the Driver's View)" from the Department's CJIS Offense Table, the officer shall use this field to briefly note the specific nature of the obstruction/reduction of the driver's view (i.e., what specifically did the officer observe and how was such item obstructing or reducing the driver's view).

to:

> Example: If the officer selected "Vehicle Code 26708 (Material Obstructing or Reducing the Driver's View)" from the Department's standard CJIS Offense Table, the officer shall use this field to briefly note the specific nature of the obstruction/reduction of the driver's view (i.e., what specifically did the officer observe and how was such item obstructing or reducing the driver's view).

Explanation: This provision has been edited to correct a typographical error; the word "standard" was added for internal consistence; see prior reference to the phrase "standard CJIS Offense Table" in section 999.226, subdivisions (a)(10)(A)1, 2.

13. Change section 999.226, subdivision (a)(12)(B)2 from:

> When reporting the "Basis for the Search," the officer shall also provide a brief explanation (250-character maximum) regarding the basis for the search. This explanation shall include additional detail beyond the general data values selected for "Basis for Search." Officers shall not include any personal identifying information of the persons stopped or Unique Identifying Information of any officer in this explanation. If the basis for the search is "Condition of parole/probation/PRCS/mandatory supervision," this explanation is not required.
>
> > a. Example: If the officer selected "Suspected weapons" as the Basis for the Search, the officer must use this field to explain the specific nature of the suspected weapons (i.e., what were the specific objects, shapes, and/or movements observed that made the officer suspicious and what type of weapons were suspected).

to:

> When reporting the "Basis for ~~the~~ Search," the officer shall also provide a brief explanation (250-character maximum) regarding the basis for the search. This explanation shall include additional detail beyond the general data values selected for "Basis for Search." Officers shall not include any personal identifying information of the persons stopped or Unique Identifying Information of any officer in this explanation. If the basis for the search is "Condition of parole/probation/PRCS/mandatory supervision," this explanation is not required.
>
> > a. Example: If the officer selected "Suspected weapons" as the "Basis for ~~the~~ Search," the officer must use this field to explain the specific nature of the suspected weapons (i.e., what were the specific objects, shapes, and/or movements observed that made the officer suspicious and what type of weapons were suspected).

Explanation: This provision has been edited to correct typographical errors; the word "the" has been stricken from references to the data value "Basis for Search" and quotation marks have been added to the second reference of this data value.

14. Change section 999.226, subdivision (a)(12)(A)15 from:

Other Physical or Vehicle Contact. This refers to any of the following contacts by the officer, when the purpose of such contact is to restrict movement or control a person's resistance: any physical strike by the officer; instrumental contact with a person by an officer; or the use of significant physical contact by the officer. Examples of such contacts include, but are not limited to, carotid restraints, hard hand controls, the forcible taking of a subject to the ground, or use of vehicle in apprehension.

to:

Other ~~P~~physical or ~~V~~vehicle ~~C~~contact. This refers to any of the following contacts by the officer, when the purpose of such contact is to restrict movement or control a person's resistance: any physical strike by the officer; instrumental contact with a person by an officer; or the use of significant physical contact by the officer. Examples of such contacts include, but are not limited to, carotid restraints, hard hand controls, the forcible taking of a subject to the ground, or use of vehicle in apprehension.

Explanation: This provision has been edited to correct a typographical error in the capitalization of the data value.

15. Section 999.226, subdivision (a)(12)(B) has been edited to correct a typographical error. The extra line space between subdivision (a)(12)(B)1 and (a)(12)(B)2 has been deleted. No changes have been made to the text of this subdivision.

16. Change section 999.226, subdivision (a)(12)(C)1 from:

None. If "None" is selected, no other data values can be selected.

to:

None. If ~~"~~"None"~~"~~ is selected, no other data values can be selected.

Explanation: This subdivision was edited to correct a typographical error by replacing straight quotation marks with curly quotation marks.

17. Section 999.226, subdivision (a)(12)(D) has been edited to fix a typographical error in the subdivision designations. Subdivisions (a)(12)(D)1.a-e and (a)(12)(D)2.a-k have underlined and the parenthesis have been removed from those subdivision designations. The text of the subdivision itself was correctly underlined in the regulations as noticed for comment on August 1, 2017.

Change 999.226, subdivision (a)(12)(D)2 from

"Type of Property Seized." If the officer seized property during the stop, regardless of whether the property belonged to the person stopped, the officer shall report the type of property seized, by selecting all of the following data values that apply:

a. Firearm(s)
b. Ammunition
c. Weapon(s) other than a firearm
d. Drugs/narcotics
e. Alcohol
f. money
g. Drug paraphernalia
h. Suspected stolen property
i. Cell phone(s) or electronic device(s)
j. Vehicle
k. Other contraband or evidence

to

"Type of Property Seized." If the officer seized property during the stop, regardless of whether the property belonged to the person stopped, the officer shall report the type of property seized, by selecting all of the following data values that apply:

a. Firearm(s)
b. Ammunition
c. Weapon(s) other than a firearm
d. Drugs/narcotics
e. Alcohol
f. ~~m~~Money
g. Drug paraphernalia
h. Suspected stolen property
i. Cell phone(s) or electronic device(s)
j. Vehicle
k. Other contraband or evidence

Explanation: This subdivision was edited to correct a typographical error in the capitalization of "Money."

18. Change section 999.226, subdivision (a)(13) from:

"Result of Stop" refers to the outcome of the stop. When reporting this data element, the officer shall select all of the following data values that apply. In addition, for warnings, citations, cite and release, and arrests (with the exception of an arrest pursuant to an outstanding warrant) the officer shall also, using the Department's standard CJIS Offense Table, identify the code, including the section number and appropriate subdivision, that is the basis for the warning, citation, cite and release, or custodial arrest, where applicable. If more than one code section forms the basis for the warning, citation, cite and release or custodial arrest, the officer shall identify all applicable code sections and subdivisions. If the Result of Stop is based on an ordinance, the officer shall select "local ordinance viol" from the Department's CJIS Offense Table without the need for the specific section number.

to:

"Result of Stop" refers to the outcome of the stop. When reporting this data element, the officer shall select all of the following data values that apply. In addition, for warnings, citations, cite and release, and custodial arrests (with the exception of an arrest pursuant to an outstanding warrant) the officer shall also, using the Department's standard CJIS Offense Table, identify the code, including the section number and appropriate subdivision, that is the basis for the warning, citation, cite and release, or custodial arrest, where applicable. If more than one code section forms the basis for the warning, citation, cite and release or custodial arrest, the officer shall identify all applicable code sections and subdivisions. If the Result of Stop is based on an ordinance, the officer shall select "local ordinance viol" from the Department's CJIS Offense Table without the need for the specific section number.

Explanation: This subdivision was edited to correct a typographical error by adding the word "custodial," consistent with the data elements set forth in the preceding subdivisions.

19. Change section 999.226, subdivision (a)(16) from:

"Type of Assignment of Officer" refers to the type of assignment to which an officer is assigned at the time of the stop. When reporting this data element, the officer shall select one of the following data values:

(A) Patrol, traffic enforcement, field operations
(B) Gang enforcement
(C) Compliance check (e.g., parole/PRCS/probation/mandatory supervision)
(D) Special events (e.g., sports, concerts, protests)
(E) Roadblock or DUI sobriety checkpoint
(F) Narcotics/vice
(G) Task force
(H) K-12 Public School, including school resource officer or school police officer
(I) Investigative/detective
(J) Other. If other is selected, the officer shall specify the type of assignment.

to:

"Type of Assignment of Officer" refers to the type of assignment to which an officer is assigned at the time of the stop. When reporting this data element, the officer shall select one of the following data values:

(A) Patrol, traffic enforcement, field operations
(B) Gang enforcement
(C) Compliance check (e.g., parole/probation/PRCS/~~probation/~~mandatory supervision)
(D) Special events (e.g., sports, concerts, protests)
(E) Roadblock or DUI sobriety checkpoint
(F) Narcotics/vice
(G) Task force

(H) K-12 Public School, including school resource officer or school police officer
(I) Investigative/detective
(J) Other. If other is selected, the officer shall specify the type of assignment.

Explanation: This subdivision was edited to correct a typographical error by placing the word "probation" between "parole" and "PRCS" for internal consistency.

20. Change section 999.227, subdivision (b)(1)(A)1 from:

Example: An officer pulls over a vehicle because he or she observes the passenger of a vehicle throw a cigarette outside of the vehicle. The reason for the stop is that the passenger was suspected of violating the Vehicle Code.

to:

Example: An officer pulls over a vehicle because he or she observes the passenger of a vehicle throw a cigarette outside of the vehicle. The "Reason for Stop" ~~reason for the stop~~ is that the passenger was suspected of violating the Vehicle Code.

Explanation: This provision has been edited to correct a typographical error in the reference to the data element "Reason for Stop."

21. Change section 999.227, subdivision (c) from:

Peace Officer Interactions that are Not Reportable

The following interactions, even if they otherwise meet the definition of "detention" set forth in this chapter, shall not be construed to be "detentions" and shall not be reported as stops.

to:

Peace Officer Interactions that ~~a~~Are Not Reportable. The following interactions, even if they otherwise meet the definition of "detention" set forth in this chapter, shall not be construed to be "detentions" and shall not be reported as stops.

Explanation: This provisions has been edited to correct two typographical errors. The word "Are" was capitalized for internal consistency, and a period was added and the line break removed following the word "Reportable."

22. Change section 999.227, subdivision (d) from:

Peace Officer Interactions That Are Reportable Only If the Officer Takes Additional Specified Actions

to:

Peace Officer Interactions ~~T~~that Are Reportable Only ~~I~~if the Officer Takes Additional Specified Actions

Explanation: This provisions has been edited to correct two typographical errors in capitalization.

23. Change section 999.227, subdivision (d)(1) from:

Interactions that take place during the following circumstances shall only be reported if the person is detained based upon individualized suspicion or personal characteristics and/or the officer engages in any of the actions described in the data values set forth in section 999.226, subdivision (a)(12)(A), excluding "None:"

to:

Interactions that take place during the following circumstances shall only be reported if the person is detained based upon individualized suspicion or personal characteristics and/or the officer engages in any of the actions described in the data values set forth in section 999.226, subdivision (a)(12)(A), excluding "None~~:~~":

Explanation: This provision has been edited to correct a typographical error. The final colon has been moved outside of the quotation marks around the data element.

24. Change section 999.227, subdivision (d)(1)(C)1 from

Example: An officer dispatched to a residence to investigate a noise complaint. Upon arrival, the officer suspects that some of the persons at the house party are engaged in underage drinking and he or she detains the persons to request identification to verify proof of age. Because the only action the officer takes is to detain the persons for the sole purpose of verifying proof of age, these interactions are not reportable.

to:

Example: An officer is dispatched to a residence to investigate a noise complaint. Upon arrival, the officer suspects that some of the persons at the house party are engaged in underage drinking and he or she detains the persons to request identification to verify proof of age. Because the only action the officer takes is to detain the persons for the sole purpose of verifying proof of age, these interactions are not reportable.

Explanation: This provision has been edited to correct a grammatical error. The word "is" was added between "officer" and "dispatched."

25. Change section 999.227, subdivision (d)(1)(D) from:

Checkpoints or roadblocks in which an officer detains a person as the result of a blanket regulatory activity or neutral formula that is not based on individualized suspicion or personal characteristics.

1. Example: A checkpoint or roadblock, including a DUI sobriety checkpoint, that stops all vehicles or stops randomly selected vehicles using a neutral formula, i.e., not based on individualized suspicion or personal characteristics, is subject to the reporting requirements of this chapter.

to:

Checkpoints or roadblocks in which an officer detains a person as the result of a blanket regulatory activity or neutral formula that is not based on individualized suspicion or personal characteristics.

1. Example: A checkpoint or roadblock, including a DUI sobriety checkpoint, that stops all vehicles or stops randomly selected vehicles using a neutral formula, i.e., not based on individualized suspicion or personal characteristics, is <u>not</u> subject to the reporting requirements of this chapter.

Explanation: This example following the rule in section 999.226, subdivision (d)(1)(D) was edited nonsubstantively to correct a typographical error and to conform with the rule itself. Because an officer's reporting obligation is set forth in the rule itself, this conforming edit in the example does not "materially alter[] the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text." Cal. Code of Reg., tit. 1, § 40.

26. Change section 999.227, subdivision (d)(2) from:

27. Interactions that take place with a person in his or her residence who is the subject of a warrant or search condition are not subject to the reporting requirements of this chapter. A peace officer shall, however, report any interactions with persons in the home who are not the subject of the warrant or search condition, if the officer takes any of the following actions: handcuffs or flex cuffs the person; arrests the person; points a firearm at the person; or discharges or uses a firearm, electronic control device, impact projectile, baton or other impact weapon, or chemical spray on the person, or if a canine bit/held the person.

to:

28. Interactions that take place with a person in his or her residence who is the subject of a warrant or search condition are not subject to the reporting requirements of this chapter. A peace officer shall, however, report any interactions with persons in the home who are not the subject of the warrant or search condition, if the officer takes any of the following actions: handcuffs or flex cuffs the person; arrests the person; points a firearm at the person; ~~or~~ discharges or uses a firearm, electronic control device, impact projectile,

baton or other impact weapon, or chemical spray on the person~~,~~; or if a canine bit/held the person.

Explanation: This provision has been edited to correct two typographical errors. The word "or" was deleted from the second-to-last list term, and the final comma was replaced with a semi-colon.

29. Change section 999.227, subdivision (d)(3) from:

Interactions that take place with a person in his or her residence who is the subject of home detention or house arrest while an officer is on home detention or house arrest assignment, are not subject to the reporting requirements of this chapter. A peace officer shall, however, report any interactions with persons in the home who are not the subject of the home detention or house arrest, if the officer takes any of the following actions: handcuffs or flex cuffs the person; arrests the person; points a firearm at the person; or discharges or uses a firearm, electronic control device, impact projectile, baton or other impact weapon, or chemical spray on the person, or if a canine bit/held the person or.

to:

Interactions that take place with a person in his or her residence who is the subject of home detention or house arrest while an officer is on home detention or house arrest assignment, are not subject to the reporting requirements of this chapter. A peace officer shall, however, report any interactions with persons in the home who are not the subject of the home detention or house arrest, if the officer takes any of the following actions: handcuffs or flex cuffs the person; arrests the person; points a firearm at the person; ~~or~~ discharges or uses a firearm, electronic control device, impact projectile, baton or other impact weapon, or chemical spray on the person~~,~~; or if a canine bit/held the person ~~or~~.

Explanation: This provision has been edited to correct three typographical errors. The word "or" was deleted from the second-to-last list term, the final comma was replaced with a semi-colon, and the final "or" was deleted.

30. Section 999.227, subdivision (e)(4) has been renumbered to correct a typographical error. In the version of the regulations noticed for comment on August 1, 2017, there were two subdivisions (e)(4)(A). The second provisions ("Perceived or Known Disability.") has been re-designated as (e)(4)(B), and the remainder of the subdivision has been re-designated accordingly as (e)(4)(C)-(G)

31. Change section 999.227, subdivision (e)(4) from

In reporting interactions with students at a K-12 Public School, the officer shall utilize the data elements and corresponding data values set forth in section 999.226, with the addition of the following data values, which the officer shall select if applicable.

to:

In reporting interactions with students at a K-12 Public School, the officer shall utilize the data elements and corresponding data values set forth in section 999.226, with the addition of the following data values, which the officer shall select if applicable~~.~~:

Explanation: This provision has been edited to fix a typographical error. The period at the end of the provision has been replaced with a colon.

32. Change section 999.227, subdivision (e)(4)(B) from:

"Reason for Stop." When reporting this data element, the officer shall select the primary reason for the stop from among the data values in section 999.226, subdivision (a)(10) as well as the additional data values provided below. "Student violated school policy" should only be selected if other options related to violations of law (e.g., Penal Code or Education Code) do not apply.

1. Possible conduct warranting discipline under Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7. When selecting this data value, the officer shall identify the primary code section and subdivision from the following options: 48900(a) through 48900 (r)(l)-(r)(2)(iii); 48900.2; 48900.3; 48900.4; and 48900.7(a).

to:

"Reason for Stop." When reporting this data element, the officer shall select the primary reason for the stop from among the data values in section 999.226, subdivision (a)(10) as well as the additional data values provided below. "Student violated school policy" should only be selected if other options related to violations of law (e.g., Penal Code or Education Code) do not apply.

1. Possible conduct warranting discipline under Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7. When selecting this data value, the officer shall identify the primary code section and subdivision from the following options: 48900(a) through 48900 (r)~~(l) -(r)(2)(iii)~~; 48900.2; 48900.3; 48900.4; and 48900.7(a).

Explanation: This provision has been edited nonsubstantively to remove a cross-reference to the definitional provisions of Education Code section 48900, subdivision (r). The proposed regulation requires officers to identify the primary code section and subdivision setting forth a basis for potential student discipline. Subdivision (r) provides a basis for discipline that the student "[e]ngaged in an act of bullying." Further subparts (r)(1)-(r)(3) provide definitional terms as to what constitutes "bullying" under this provision. These subdivisions do not provide an independent basis for discipline, and therefore could not logically be selected by an officer as the primary code section and subdivision setting forth a basis for potential student discipline. Removing these subdivision references does not "materially alter[] the requirements, rights, responsibilities, conditions, or prescriptions contained in the original text." Cal. Code of Reg., tit. 1, § 40.

33. Change section 999.227, subdivision (e)(4)(F) (formerly subdivision (e)(4)(E)) from:

"Basis for Property Seizure." When reporting this data element, in addition to selecting the applicable data values in section 999.226, subdivision (a)(12)(D)(1) above, the officer shall also select the following data value if applicable:

1. Suspected violation of school policy

to:

"Basis for Property Seizure." When reporting this data element, in addition to selecting the applicable data values in section 999.226, subdivision (a)(12)(D)~~(~~1~~)~~ above, the officer shall also select the following data value if applicable:

1. Suspected violation of school policy

Explanation: This provisions has been edited to correct a typographical error in the cross-referenced section (removing parentheses).

34. Change section 999.228, subdivision (d) from:

Reporting Responsibilities. Law enforcement agencies are solely responsible to ensure that neither personally identifiable information of the person stopped, nor any other information that is exempt from disclosure pursuant to Government Code section 12525.5, subdivision (d), is transmitted to the Department in the data element entitled "Location of Stop" required by section 999.226, subdivision (a)(3) and the explanatory fields required by section 999.226, subdivisions (a)(10)(B) and (12)(B)(2). Unless otherwise provided, all information submitted in the stop data report, including the information entered into the data element entitled "Location of Stop" required by section 999.226, subdivision (a)(3) and the explanatory fields required by section 999.226, subdivisions (a)(10)(B) and (12)(B)(2), is subject to public disclosure consistent with Government Code section 12525.5, subdivision (d).

to:

Reporting Responsibilities. Law enforcement agencies are solely responsible to ensure that neither personally identifiable information of the person stopped, nor any other information that is exempt from disclosure pursuant to Government Code section 12525.5, subdivision (d), is transmitted to the Department in the data element entitled "Location of Stop" required by section 999.226, subdivision (a)(3) and the explanatory fields required by section 999.226, subdivisions (a)(10)(B) and (12)(B)~~(~~2~~)~~. Unless otherwise provided, all information submitted in the stop data report, including the information entered into the data element entitled "Location of Stop" required by section 999.226, subdivision (a)(3) and the explanatory fields required by section 999.226, subdivisions (a)(10)(B) and (12)(B)~~(~~2~~)~~, is subject to public disclosure consistent with Government Code section 12525.5, subdivision (d).

Explanation: This provisions has been edited to correct two typographical errors in the cross-referenced section (removing parentheses).

ATTACHMENT B
TABLE OF SUMMARY AND RESPONSE TO PUBLIC COMMENTS

Person/Organization	Comment No.	Batestamp No.
SUMMARY OF COMMENTS RECEIVED DURING THE 15-DAY PERIOD AND DEPARTMENT RESPONSES (AUG. 1, 2017 - AUG. 16, 2017)		
I. COMMENTS REGARDING ARTICLE I [DEFINITIONS] (SECTION 999.224, AS ORIGINALLY PROPOSED) (FSOR, p. 3)		
1. 999.224, subd. (a)(3) [Custodial setting] (FSOR, p. 4)		
Capt. Eric Tennessen (Ventura County Sheriff's Office)	26-27	1514-1515
2. 999.224, subd. (a)(7) [Detention] (FSOR, p. 5)		
ACLU et al.	47	1555
Peace Resource Center of San Diego	65	1660
3. 999.224, subd. (a)(11) [Reporting Agency] (FSOR, p. 6)		
Peter Bibring (ACLU)	89 (Oral)	1687
Disability Rights California	68	1615
Prof. Glaser (UC Berkeley)	80	1646-1647
Sergio Mendozarodriguez	14	1490
4. 999.224, subd. (a)(13) [Search] (FSOR, p. 7)		
Peter Bibring (ACLU)	89 (Oral)	1687-1688
Michael Chase	97	1697-1698
California Rural Legal Assistance	75	1634-1635
Prof. Glaser (UC Berkeley)	80	1648-1649
5. 999.224, subd. (a)(14) [Stop] (FSOR, p. 8)		
ACLU et al.	47	1556
Peace Resource Center of San Diego	65	1600
Los Angeles Police Department	54	1580
California Association of Highway Patrolmen	61	1589-1590
Butte County Sheriff's Office	32	1524
6. 999.224, subd. (a)(15) [Student] (FSOR, p. 10)		
California Rural Legal Assistance	75	1630
Prof. Glaser (UC Berkeley)	80	1648-1649
7. 999.225, subd. (a)(17) [Weapon] (FSOR, p. 10)		
California Rural Legal Assistance	75	1630
Prof. Glaser (UC Berkeley)	80	1648-1649
8. Definition of "stop data" (FSOR, p. 11)		
Stephan Richards	2	1469
II. COMMENTS REGARDING ARTICLE II [LAW ENFORCEMENT AGENCIES SUBJECT TO GOVERNMENT CODE § 12525.5] (SECTION 999.225, AS ORIGINALLY PROPOSED)] (FSOR, p. 11)		
Michael Chase	97 (Oral)	1697
Peter Bibring (ACLU)	89 (Oral)	1688

Person/Organization	Comment No.	Batestamp No.
III. COMMENTS REGARDING ARTICLE III [DATA ELEMENTS TO BE REPORTED] (SECTION 999.226, AS ORIGINALLY PROPOSED) (FSOR, p. 12)		
A. Comments Related to Proposed Data Values and Data Elements (FSOR, p. 12)		
1. 999.226, subd. (a)(2)(C) [Duration of Stop] (FSOR, p. 12)		
ACLU et al.	47	1556
Peace Resource Center of San Diego	65	1600
Rosa Aqeel (Policy Link)	110	1707
Brandon Sturdivant	113	1709
Carolina Goodman	18	1498
Prof. Glaser (UC Berkeley)	80	1650-1651
Krissy Powell	66	1609
Sean Garcia-Leys	95 (Oral)	1693
Kim McGill (Youth Justice Coalition)	90 (Oral)	1688
Maritzza (last name unknown) (Youth Justice Coalition)	94 (Oral)	1693
Vanessa Deleon	87 (Oral)	1686
2. 999.226, subd. (a)(3) [Location] (FSOR, p. 13)		
Maritzza (last name unknown) (Youth Justice Coalition)	94 (Oral)	1693
Kim McGill (Youth Justice Coalition)	90 (Oral)	1689
ACLU et al.	47	1556-1557
Peace Resource Center of San Diego	65	1600-1601
Kena Cador (ACLU)	114 (Oral)	1709
Vanessa Deleon	87 (Oral)	1686
California Highway Patrol	38	1536
3. 999.226, subd. (a)(4) [Reason for Presence at Scene of Stop] (FSOR, p. 14)		
William Welsh	11	1482
ACLU et al.	47	1557-1559
Peace Resource Center of San Diego	65	1600-1603
Prof. Glaser (UC Berkeley)	80	1654-1655
Los Angeles Police Department	54	1579
4. 999.226, subd. (a)(5) [Reason for Stop] (FSOR, p. 15)		
ACLU et al.	47	1555, 1558
Peace Resource Center of San Diego	65	1598, 1602-1603
Legal Services for Prisoners with Children	31	1523
Kena Cador (ACLU)	114 (Oral)	1709
Peter Bibring (ACLU)	89 (Oral)	1688
Racial and Identity Profiling Advisory Board (RIPA) (Co-Chair Chief Ed Medrano)	101 (Oral)	1703
Carolina Goodman	18	1498
Michael Chase	97 (Oral)	1697
Sameena Usman (Council for American-Islamic Relations)	98 (Oral)	1699
Vanessa Deleon	87	1686
William Welsh	11	1482
Kim McGill (Youth Justice Coalition)	90 (Oral)	1689
Kenneth Orr	7	1475

Person/Organization	Comment No.	Batestamp No.
Prof. Glaser (UC Berkeley)	80	1656-1657
Prof. Eberhardt (Stanford)	77	1639
Jonathan Mummolo	62	1591
California Rural Legal Assistance	75	1633
Los Angeles Police Department	54	1579
5. 999.226, subd. (a)(6) [Actions Taken by Officer During Stop] (FSOR, p. 18)		
ACLU et al.	47	1560-1561
Peace Resource Center of San Diego	65	1603-1604
Kena Cador (ACLU)	114 (Oral)	1709
Krissy Powell	66	1609
Prof. Glaser (UC Berkeley)	80	1658-1661
6. 999.226, subd. (a)(6)(B)(1) [Basis for Search] (FSOR, p. 20)		
Prof. Glaser (UC Berkeley)	80	1660-1661
Legal Services for Prisoners with Children	31	1523
ACLU et al.	47	1555, 1561
Peace Resource Center of San Diego	65	1598, 1604-1605
Prof. Eberhardt (Stanford)	77	1640
Michael Chase	97 (Oral)	1697
Kena Cador (ACLU)	114 (Oral)	1709
RIPA Board (Co-chair Chief Ed Medrano)	101 (Oral)	1703
Prof. Glaser (UC Berkeley)	80	1662-1663
Disability Rights California	68	1616
Prof. Glaser (UC Berkeley)	80	1662-1663
7. 999.226, subd. (a)(6)(B)(2) [Contraband or Evidence Discovered] (FSOR, p. 22)		
Prof. Jack Glaser (UC Berkeley)	80	1662-1663
8. 999.226, subd. (a)(6)(C)(2) [Property Seized] (FSOR, p. 22)		
Disability Rights California	68	1616
Prof. Jack Glaser (UC Berkeley)	80	1663
9. 999.226, subd. (a)(7) [Result of Stop/Referral] (FSOR, p. 23)		
Andrea Guerrero (Alliance San Diego Mobilization Fund)	1	1467
ACLU et al.	47	1562
Peace Resource Center of San Diego	65	1605
10. 999.226, subd. (a)(8) [Perceived Race or Ethnicity of Person Stopped] (FSOR, p. 23)		
Calvin Chang (Empowering Pacific Islander Communities)	86	1685
Prof. Glaser (UC Berkeley)	80	1664-1667
Capt. Eric Tennessen (Ventura County Sheriff's Office)	27	1515
11. 999.226, subd. (a)(9) [Perceived Gender] (FSOR, p. 25)		
California Rural Legal Assistance	75	1629
Michael Chase	97 (Oral)	1697
ACLU et al.	47	1562
Peace Resource Center of San Diego	65	1605
Equality California et al.	48	1568
Prof. Glaser (UC Berkeley)	80	1666-67

Person/Organization	Comment No.	Batestamp No.
12. 999.226, subd. (a)(10)[Perceived Age] (FSOR, p. 26)		
ACLU et al.	47	1562
Peace Resource Center of San Diego	65	1605
Prof. Glaser (UC Berkeley)	80	1668-1669
13. 999.226, subd. (a)(11) [Person Stopped had Limited English Fluency or Pronounced Accent] (FSOR, p. 26)		
California Rural Legal Assistance	75	1631
ACLU et al.	47	1563
Peace Resource Center of San Diego	65	1606
RIPA Board (Co-chair Chief Ed Medrano)	101 (Oral)	1703
Prof. Glaser (UC Berkeley)	80	1668-1669
San Francisco Police Department	51	1575
14. 999.226, subd. (a)(12) [Perceived or Known Disability of Person Stopped] (FSOR, p. 28)		
Disability Rights California	68	1613-1614, 1616-1617
Krissy Powell	66	1609
Michael Chase	97	1697
Terrance Stewart	112 (Oral)	1708
ACLU et al.	47	1563
Peace Resource Center of San Diego	65	1606
California Rural Legal Assistance	75	1631-1632
San Francisco Police Department	51	1575
Orange County Sheriff's Department	29	1519
15. 999.226, subd. (a)(13) [Officer's Unique Identifier] (FSOR, p. 30)		
Orange County Sheriff's Department	29	1519
Butte County Sheriff	32	1524
California State Sheriffs' Association	35	1529
Amador County Sheriff's Office	50	1572
Yolo County Sheriff's Office	60	1587
Lake County Sheriff's Office	81	1678
Kings County Board of Supervisors	49	1571
California Highway Patrol	38	1536
Hanford Police Department	20	1502
California Police Chiefs Association	21	1505
Jonathan Mummolo	62	1592
16. 999.226, subd. (a)(15) [Type of Assignment of Officer] (FSOR, p. 31)		
Orange County Sheriff's Department	29	1519
California State Sheriff's Association	35	1529
Amador County Sheriff's Office	50	1572
Yolo County Sheriff's Office	60	1587
Lake County Sheriff's Office	81	1678
Kings County Sheriff's Office	43	1545
Kings County Probation Department	45	1548
Kings County Board of Supervisors	49	1570-1571

Person/Organization	Comment No.	Batestamp No.
Riverside County Sheriff's Department	30	1522
Butte County Sheriff's Office	32	1525
Los Angeles County Sheriff's Office	76	1637
17. 999.226, subd. (a)(14) [Officer's Years of Experience] (FSOR, p. 32)		
Orange County Sheriff's Department	29	1519
California State Sheriff's Association	35	1529
Amador County Sheriff's Office	50	1572
Yolo County Sheriff's Office	60	1587
Lake County Sheriff's Office	81	1678
Kings County Sheriff's Office	43	1545
Kings County Probation Department	45	1548
Kings County Board of Supervisors	49	1570-1571
Butte County Sheriff's Office	32	1524-1525
Los Angeles County Sheriff's Office	76	1637
ACLU et al.	47	1564
Peace Resource Center of San Diego	65	1607
Prof. Glaser (UC Berkeley)	80	1670-1671
B. Data Elements That Commenters Requested Be Added to (or Not be Added to) Data Collection (FSOR, p. 33)		
1. Person Stopped Perceived To Be LGBT (FSOR, p. 33)		
ACLU et al.	47	1563
Peace Resource Center of San Diego	65	1606
Equality California et al.	48	1567
California Rural Legal Assistance	75	1635-1636
RIPA Board (Co-Chair Chief Ed Medrano)	101 (Oral)	1703
Krissy Powell	66	1609
William Welsh	11	1482
2. Homeless Status (FSOR, p. 34)		
William Welsh	11	1482
California Rural Legal Assistance	75	1635-1636
3. Immigration Status (FSOR, p. 34)		
William Welsh	11	1482
4. Number of Civilians Present/Prior Contact (FSOR, p. 34)		
William Welsh	11	1482
5. Religion (FSOR, p. 35)		
California Rural Legal Assistance	75	1635-1636
RIPA Board (Co-chair Chief Ed Medrano)	101 (Oral)	1703
Krissy Powell	66	1609
Sukaina Hussain	119 (Oral)	1712
6. State of Mind (FSOR, p. 35)		
Krissy Powell	66	1609
7. Residency in Neighborhood Where Stopped (FSOR, p. 36)		
Keunbok Lee	13	1488
8. Comments Regarding the Inclusion or Exclusion of Officer Demographics (FSOR, p. 36)		

Person/Organization	Comment No.	Batestamp No.
California State Sheriff's Association	35	1529
Amador County Sheriff's Office	50	1572
Yolo County Sheriff's Office	60	1587
Lake County Sheriff's Office	81	1678
William Welsh	11	1482
ACLU et al.	47	1563
Peace Resource Center of San Diego	65	1606
Andrea Donado (Greater Long Beach Interfaith Community Organization/ICO)	109 (Oral)	1706
California Rural Legal Assistance	75	1636
Prof. Glaser (UC Berkeley)	80	1668-1669
Krissy Powell	66	1609
Prof. Eberhardt (Stanford)	77	1640
9. Officer in Uniform/Number of Officers Present at Scene (FSOR, p. 37)		
William Welsh	11	1482
Krissy Powell	66	1609
10. Other Narrative Fields (FSOR, p. 37)		
Kena Cador (ACLU)	114 (Oral)	1709
Peter Bibring (ACLU)	89 (Oral)	1688
ACLU et al.	47	1554-1555
Peace Resource Center of San Diego	65	1599
Alexandra Santa Ana (National Cente+r for Youth Law)	99 (Oral)	1699
Andrea Donado (Greater Long Beach Interfaith Community Organization/ICO)	109 (Oral)	1706
Disability Rights California	68	1615
Faith in the Valley	52	1576
Prof. Glaser (UC Berkeley)	80	1664-1665
Krissy Powell	66	1609
Sean Garcia-Leys	95 (Oral)	1693
Carolina Goodman	18	1498
RIPA Board (Co-chair Chief Ed Medrano)	101 (Oral)	1703
Kim McGill (Youth Justice Coalition)	90 (Oral)	1689
Tony Amarante	56	1582
Nebyou Berhe	118 (Oral)	1711
11. Prior Contacts with Officer (FSOR, p. 39)		
California Police Chiefs Association	21	1505
III. COMMENTS REGARDING ARTICLE IV: REPORTING REQUIREMENTS (SECTION 999.227, AS ORIGINALLY PROPOSED) (FSOR, p. 39)		
A. General Reporting Requirements (FSOR, p. 39)		
1. 999.227, subd. (a)(5) [Reports/multiple officers] (FSOR, p. 39)		
Prof. Glaser (UC Berkeley)	80	1672-1673
2. 999.227, subd. (a)(6) Incident number (FSOR, p. 39)		
Prof. Owens (UC Irvine)	46	1551
California Rural Legal Assistance	75	1632

Person/Organization	Comment No.	Batestamp No.
3. 999.227, subd. (a)(9) [Requirement that Reports be Completed by End of Shift] (FSOR, p. 40)		
Los Angeles Police Department	54	1580
Kings County Sheriff's Office	43	1545
Kings County Probation Department	45	1548
Kings County Board of Supervisors	49	1570
California State Sheriff's Association	35	1529
Amador County Sheriff's Office	50	1572
Yolo County Sheriff's Office	60	1587
Lake County Sheriff's Office	81	1678
4. 999.227, subd. (a)(1) [Officer Reporting] (FSOR, p. 40)		
Matt Nussbaum	100 (Oral)	1699-1700
5. 999.227, subd. (a)(4) [Reporting For Stops With Multiple Agencies] (FSOR, p. 41)		
ACLU et al.	47	1564
Peace Resource Center of San Diego	65	1607
6. 999.227, subd. (a)(11) [Requirement that Agencies Create a Unique Identifier] (FSOR, p. 41)		
Prof. Glaser (UC Berkeley)	80	1672-1673
B. 999.227, subd. (c) Peace Officer Interactions That Are Reportable Only If the Officer Takes Additional Specified Actions (FSOR, p. 42)		
1. 999.227(c)(1) [Special Settings That Only Require Reporting if Additional Actions Taken] (FSOR, p. 42)		
ACLU et al.	47	1564
Peace Resource Center of San Diego	65	1607
California Police Chiefs Association	21	1505
2. 999.227, subd. (c)(1)(A)[Traffic Control] (FSOR, p. 42)		
ACLU et al.	47	1564
Peace Resource Center of San Diego	65	1607
3. 999.227(c)(2)-(3) [Reporting Requirements for Interactions Within Home Pursuant to Warrant, Search Condition, Home Detention or House Arrest Assignment] (FSOR, p. 42)		
Capt. Eric Tennessen (Ventura County Sheriff's Office)	26	1514
4. 999.227(c)(4) [Reporting Requirements for Programmatic Searches or Seizures] (FSOR, p. 42)		
Dave Brown (San Diego County Sheriff's Department)	88 (Oral)	1686
Prof. Owens (UC Irvine)	46	1551
C. 999.227(d) [Reporting Requirements for Stops of Students in a K-12 Public School Setting] (FSOR, p. 44)		
Kim McGill (Youth Justice Coalition)	90 (Oral)	1689
Alexandra Santa Ana (National Center for Youth Law)	99 (Oral)	1699
Michael Chase	97 (Oral)	1697
1. 999.227, subd. (d)(1)(D) [K-12 Public School Setting – Truancy] (FSOR, p. 44)		
California Rural Legal Assistance	75	1632
2. 999.227, subd. (d)(1) [K-12 Public School Setting – Reportable Interactions] (FSOR, p. 44)		
California Rural Legal Assistance	75	1634

Person/Organization	Comment No.	Batestamp No.
3. 999.227, subd. (d)(2)(C) [K-12 Public School Setting – Basis for Search] (FSOR, p. 45)		
California Rural Legal Assistance	75	1634
Vanessa Deleon	87 (Oral)	1686
4. 999.227, subd. (d)(2)(B) [K-12 Public School Setting – Reason for Stop] (FSOR, p. 45)		
California Rural Legal Assistance	75	1632-1633
5. 999.227, subd. (d)(2)(E) [K-12 Public School Setting – Result of Stop] (FSOR, p. 45)		
California Rural Legal Assistance	75	1634
6. 999.27, subd. (d)(2) [K-12 Public School Setting – Perceived Disability] (FSOR, p. 46)		
RIPA Board (Co-chair Chief Ed Medrano)	101 (Oral)	1703
Krissy Powell	66	1609
7. 999.227, subd. (d)(2) [K-12 Public School Setting – Actions Taken During Stop] (FSOR, p. 46)		
California Rural Legal Assistance	75	1631
IV. COMMENTS REGARDING ARTICLE V [TECHNICAL SPECIFICATIONS AND UNIFORM REPORTING PRACTICES] (SECTION 999.227, AS ORIGINALLY PROPOSED) (FSOR, p. 46)		
1. 999.228, subd. (c)(1) [Data Submission] (FSOR, p. 46)		
Prof. Glaser (UC Berkeley)	80	1674-1677
2. 999.228, subd. (f) [Data Publication] (FSOR, p. 47)		
Prof. Glaser (UC Berkeley)	80	1676-1677
3. 999.228, subd. (g) [Retention Period] (FSOR, p. 47)		
Prof. Glaser (UC Berkeley)	80	1676-1677
V. COMMENTS REGARDING ARTICLE 6 [AUDITS AND VALIDATION] [SECTION 999.229, AS ORIGINALLY PROPOSED] (FSOR, p. 47)		
Jonathan Mummolo	62	1592
VI. COMMENTS MADE IN GENERAL TO THE REGULATIONS AS ORIGINALLY PROPOSED (FSOR, p. 48)		
A. General Comments in Support of Regulations, AB 953, and Effective Implementation FSOR 48 (FSOR, p. 48)		
Prof. Glaser (UC Berkeley)	79	1645
ACLU et al.	47	1554
Peter Bibring (ACLU)	89 (Oral)	1687-1688
Kena Cador (ACLU)	114 (Oral)	1709
Kim McGill (Youth Justice Coalition)	90 (Oral)	1688
Michael Wilson	91 (Oral)	1689
Carletta Jackson	92 (Oral)	1690
Maritzza (last name unknown) (Youth Justice Coalition)	94 (Oral)	1692
Chantelle (last name unknown) (Youth Justice Coalition)	96 (Oral)	1693
Sameena Usman (Council for American-Islamic Relations)	98 (Oral)	1698-1699
Maria Lopez	106 (Oral)	1705
Alfredo Aguero	111 (Oral)	1707
Aaron Pratt	102 (Oral)	1703
Krissy Powell	66	1609
Carolina Goodman	18	1498
Michael Chase	97 (Oral)	1697
Rich (last name unknown)	16	1494

Person/Organization	Comment No.	Batestamp No.
Sharon Reinbott	72	1624
Nicole Remble	107 (Oral)	1706
Brandon Sturdivant	113 (Oral)	1709
Crisantema Gallardo	115 (Oral)	1710
Prof. Raphael (UC Berkeley)	57	1583
Prof. Owens (UC Irvine)	46	1549
Prof. Eberhardt (Stanford)	77	1639
Andrea Donado (Greater Long Beach Interfaith Community Organization/ICO)	109 (Oral)	1706
California Rural Legal Assistance	75	1629
Terrance Stewart	112 (Oral)	1708
Taymah Jahsi (Faith in the Valley)	120 (Oral)	1712
Skyler Porras	83	1681
B. Comments re Concerns About Identification of Officer (FSOR, p. 53)		
Orange County Sheriff's Department	20	1519
Amador County Sheriff's Office	50	1572-1573
Yolo County Sheriff's Office	60	1587
Lake County Sheriff's Office	60	1587
California Association of Highway Patrolmen	61	1590
Prof. Eberhardt (Stanford)	77	1640-1641
C. General Comments in Opposition of the Proposed Regulations (FSOR, p. 54)		
Alameda County Sheriff's Office	67	1611-1612
Butte County Sheriff's Office	32	1524-1525
California Highway Patrol	38	1536-1537
California Police Chiefs Association	21	1503-1505
California State Sheriffs' Association	35	1529-1530
Amador County Sheriff's Office	50	1573-1574
Yolo County Sheriff's Office	60	1587-1588
Lake County Sheriff's Office	81	1678-1679
Hanford Police Department	20	1502
Kings County Sheriff's Office	43	1545
Kings County Probation Department	45	1548
Los Angeles County Sheriff's Office	76	1637-1638
Los Angeles Police Department	54	1579-1580
Orange County Sheriff's Department	29	1518-1519
Riverside County Sheriff's Department	30	1521-1522
Brandon Rock	28	1516
San Diego County Sheriff's Department	19	1500-1501
San Mateo County Sheriff's Office	33	1526
Ventura County Sheriff's Office	69	1618-1619
Robert Thayer	34	1527
Kim Pearson	36	1532
Mike Strutz	39	1538
Marni Watkins	42	1543

Person/Organization	Comment No.	Batestamp No.
Peggy Montgomery	40	1540
Casey Nice	53	1577
Five Law Enforcement Associations	74	1627-1628
Kings County Board of Supervisors	49	1570-1571
James Sing	5	1472
D. Opposition to AB 953 (FSOR, p. 65)		
Jason Lines	41	1541
Robert Evans	3	1470
Liang Chen	15	1492
Maria C. Trudeau	8	1477
John Doe	10	1480
Jeremy Buttgereit	59	1585
Anonymous	23	1508
Jack Tucker	22	1506
E. Miscellaneous (FSOR, p. 66)		
1. Accountability (FSOR, p. 66)		
Julie Dudley	121 (Oral)	1713
Karen Glover	85 (Oral)	1683
Karen Glover	82	1680
2. Training (FSOR, p. 66)		
ACLU et al.	47	1555
Peace Resource Center of San Diego	65	1599
Equality California et al.	48	1568
Alfredo Aguero	111 (Oral)	1707
Sukaina Hussain	119 (Oral)	1711
Anthony Amarante	56	1582
3. Implementation (FSOR, p. 67)		
Vanessa Deleon	87 (Oral)	1686
Krissy Powell	66	1609
Jonathan Mummolo	62	1592
4. Public Access to Data (FSOR, p. 68)		
Crisantema Gallardo	115 (Oral)	1710
5. Racial and Identity Profiling and Law Enforcement Practices (FSOR, p. 68)		
Karen Glover	82	1680
Genea Nicholson	108 (Oral)	1706
Greg Jones (Congregation Out for Change)	117 (Oral)	1710-1711
Denise Friday-Hall	105 (Oral)	1705
Nicole Remble	103 (Oral)	1706
Andrea Donado (Greater Long Beach Interfaith Community Organization/ICO)	109 (Oral)	1706
Terrance Stewart	112 (Oral)	1708
Brandon Sturdivant	109 (Oral)	1708
Kena Cador (ACLU)	114 (Oral)	1709
Nebyou Berhe	118 (Oral)	1711

Person/Organization	Comment No.	Batestamp No.
Sukaina Hussain	119 (Oral)	1711-1712
Taymah Jahsi (Faith in the Valley)	120 (Oral)	1712
Julia Dudley	121 (Oral)	1712-1713
Victoria Castillo	103 (Oral)	1704
Sharon Hoffman	70	1620
Todd Benson	71	1622
Michael Wilson	90 (Oral)	1689-1690
Carletta Jackson (Youth Justice Coalition)	92 (Oral)	1690-1691
Harry Shakur	93 (Oral)	1691
Chantelle (last name unknown) (Youth Justice Coalition)	96 (Oral)	1693-1694
Bobbi Butts	116 (Oral)	1710
Maritzza (last name unknown) (Youth Justice Coalition)	94 (Oral)	1692-1693
M. Gloria Hernandez	58	1584
6. Disability and Law Enforcement Practices (FSOR, p. 69)		
Irene Armendariz	104 (Oral)	1705
7. Comments Regarding the Public Hearings (FSOR, p. 69)		
Maria Lopez	106 (Oral)	1705
Karen Glover	85 (Oral)	1685
Rosa Aqeel (PolicyLink)	110 (Oral)	1707
8. Department of Finance (FSOR, p. 69)		
California Department of Finance	64	1596
F. Comments that do not Require Response (FSOR, p. 70)		
Sherry Clark	6	1474
Sherry Clark	9	1478
Sherry Clark	24	1510-1511
Sherry Clark	25	1512-1513
Sherry Clark	55	1581
Elizabeth Hess	17	1495
James Miramontes	4	1471
George Odemns	12	1484-1487
ACLU	73	1626-1628
SUMMARY OF COMMENTS RECEIVED DURING THE 15-DAY PERIOD AND DEPARTMENT RESPONSES (Aug. 1, 2017 - Aug. 16, 2017)		
I. COMMENTS REGARDING ARTICLE I [DEFINITIONS] [PROPOSED SECTION 999.224, AS MODIFIED] (FSOR, p. 71)		
1. 999.224, subd. (a)(2) [Consensual search] (FSOR, p. 71)		
Santa Monica Coalition on Police Reform	214	2505
Cathie Gentile	222	2528
2. 999.224, subd. (a)(7) [Detention] (FSOR, p. 71)		
Santa Monica Coalition on Police Reform	214	2505
Cathie Gentile	222	2528
3. 999.224, subd. (a)(11)(B) [Reporting Agency] (FSOR, p. 71)		
Hon. Alice Lytle (Ret.)	230	2555

Person/Organization	Comment No.	Batestamp No.
4. 999.224, subd. (a)(15) [Stop Data] (FSOR, p. 72)		
Richard Hylton	181	2440
Richard Hylton	200	2472-2473
5. 999.224, subd. (a)(16) [Student] (FSOR, p. 71)		
Hon. Alice Lytle (Ret.)	230	2555
Disability Rights California	220	2521
6. 999.224, subd. (a)(17) [Unique Identifying Information] (FSOR, p. 73)		
ACLU et al.	225	2536
II. COMMENTS REGARDING ARTICLE 2 [LAW ENFORCEMENT AGENCIES SUBJECT TO GOVERNMENT CODE SECTION 12525.5] (SECTION 999.225, AS MODIFIED) (FSOR, p. 73)		
No comments received		
III. COMMENTS REGARDING ARTICLE 3 [DATA ELEMENTS TO BE REPORTED] (SECTION 999.226, AS MODIFIED) (FSOR, p. 74)		
A. Comments Related to Proposed Data Values And Data Elements (FSOR, p. 74)		
1. 999.226, subd. (a)(3) [Location of Stop] (FSOR, p. 74)		
ACLU et al.	225	2536
2. 999.226, subd. (a)(2)(C) [Duration of Stop] (FSOR, p. 74)		
City and County of San Francisco	219	2518
California Highway Patrol	216	2509
3. 999.226, deleted subd. (a)(4) [Reason for Presence at Scene of Stop] (FSOR, p. 75)		
Los Angeles Police Department	213	2503
ACLU et al.	225	2538
4. 999.226, subd. (a)(4) [Perceived Race or Ethnicity of the Person Stopped] (FSOR, p. 75)		
City and County of San Francisco	219	2515-2518
5. 999.226, subd. (a)(5) [Perceived Gender of the Person Stopped] (FSOR, p. 76)		
Equality California et al.	229	2553
6. 999.226, subd. (a)(6) [Person Stopped Perceived to be LGBT] (FSOR, p.76)		
Equality California et al.	229	2553
ACLU et al.	225	2539
California Highway Patrol	216	2510
Kings County Sheriff's Office	218	2512
San Bernardino County Sheriff's Department	228	2550
Orange County Sheriff's Department	223	2530
7. Section 999.226, subd. (a)(7) [Perceived Age of Person Stopped] (FSOR, p. 78)		
San Bernardino County Sheriff's Department	228	2550
California Highway Patrol	216	2510
Richard Hylton	203	2479
8. 999.226, subd. (a)(8) [Person Stopped Has Limited or No English Fluency] (FSOR, p. 79)		
Orange County Sheriff's Department	223	2530
9. 999.226, subd. (a)(9) [Perceived or Known Disability] (FSOR, p. 79)		
Disability Rights California	220	2522-2523
Kings County Sheriff's Office	218	2512
San Bernardino County Sheriff's Department	228	2551
Orange County Sheriff's Department	223	2530

Person/Organization	Comment No.	Batestamp No.
10. 999.226, subd. (a)(10) [Reason for Stop] (FSOR, p. 81)		
San Bernardino County Sheriff's Department	228	2550
Hon. Judge Alice Lytle (Ret.).	230	2555
11. 999.226, subd. (a)(10)(B)(2) and (12)(B)(2) [Explanatory Fields for "Reason for Stop" and "Basis for Search"] (FSOR, p. 82)		
ACLU et al.	225	2537
Los Angeles Police Department	213	2503
California Highway Patrol	216	2508-2509
Assemblymember Tom Lackey	209	2489
Kings County Sheriff's Office	218	2512
Alameda County Sheriff's Office	221	2525-2527
Hon. Alice Lytle (Ret.)	230	2555
12. Section 999.226, subd. (a)(12) [Actions Taken by Officer During Stop] (FSOR, p. 84)		
ACLU et al.	225	2539
San Bernardino County Sheriff's Department	228	2550
Prof. Glaser (UC Berkeley)	190	2453
13. 999.226, subd. (a)(12)(D)(2) [Type of Property Seized] (FSOR, p. 85)		
Disability Rights California	220	2523
14. 999.226, subd. (a)(13) [Result of Stop] (FSOR, p. 85)		
ACLU et al.	225	2540
15. 996.226, subd. (a)(14) [Officer Identification (I.D.) Number] (FSOR, p. 86)		
Assemblymember Tom Lackey	209	2489
Kings County Sheriff's Office	218	2512
California Police Chiefs Association	227	2546
Jeremy Verinsky	208	2488
Prof. Glaser (UC Berkeley)	190	2453
16. 996.226, subd. (a)(15) [Years of Experience] (FSOR, p. 87)		
San Bernardino County Sheriff's Department	228	2551
Butte County Sheriff's Office	32	1524-1525
City and County of San Francisco	219	2518
B. Additional Comments Related to Data Elements (FSOR, p. 88)		
1. Comments Regarding the Inclusion or Exclusion of Officer Demographics (FSOR, p. 88)		
ACLU et al.	225	2541-2542
2. Comments Regarding Requirement that Demographic Data be Based Upon Officer's Perception (FSOR, p. 88)		
Los Angeles Police Department	213	2504
IV. COMMENTS REGARDING ARTICLE 4 [REPORTING REQUIREMENTS] (PROPOSED SECTION 999.227, AS MODIFIED) (FSOR, p. 89)		
1. 999.227, subd. (a)(4) [Reporting Requirements When Multiple Agencies Are Involved in Stop] (FSOR, p. 88)		
San Bernardino County Sheriff's Department	228	2551
Hon. Alice Lytle (Ret.)	230	2555

Person/Organization	Comment No.	Batestamp No.
2. 999.227, subd. (a)(9) [Requirement that Reports be Completed by End of Shift Absent Exigent Circumstances] (FSOR, p. 89)		
Kings County Sheriff's Office	218	2512
3. 999.227, subd. (a)(10) [Error Resolution] (FSOR, p. 90)		
Hon. Alice Lytle (Ret.)	230	2555
Richard Hylton	181	2440
4. 999.227, subd. (a)(11) [Reporting of Officer Identification Number] (FSOR, p. 90)		
Richard Hylton	181	2440
5. 999.227, subd. (c)(3) [Security Screenings] (FSOR, p. 90)		
Los Angeles Police Department	213	2503
6. 999.227, subd. (d)(1)(B) [Crowd Control] (FSOR, p. 90)		
Anonymous	205	2481
7. 999.227, subd. (d)(1)(C) [Underage Drinking Checks] (FSOR, p. 91)		
ACLU et al.	225	2540-2541
8. 999.227, subd. (d)(1)(D)1 [Checkpoints or roadblocks] (FSOR, p. 91)		
Hon. Alice Lytle (Ret.)	230	2550
9. 999.227, subd. (d)(2) [Execution of Warrants and Search Conditions in a Residence] (FSOR, p. 92)		
ACLU et al.	225	2541
San Bernardino County Sheriff's Office	228	2550
10. 999.227, subd. (e) [Reporting Requirements for Stops of Students at a K-12 Public School] (FSOR, p. 92)		
Hon. Alice Lytle (Ret.)	230	2556
11. 999.227, subd. (e)(3)(C) [Reference to "Screening devices"] (FSOR, p. 93)		
Hon. Alice Lytle (Ret.)	230	2556
12. 999.227, subd. (e)(4)(A) [Additional Data Values in Reporting Interactions with Students at a K-12 Public School – Perceived or Known Disability] (FSOR, p. 93)		
Hon. Alice Lytle (Ret.)	230	2556
13. 999.227, subd. (e)(4)(C) [Additional Data Values in Reporting Interactions with Students at a K-12 Public School – Actions Taken During Stop] (FSOR, p. 94)		
Disability Rights California	220	2524
V. COMMENTS REGARDING ARTICLE 5 [TECHNICAL SPECIFICATION AND UNIFORM PRACTICES] (SECTION 999.228, AS MODIFIED) (FSOR, p. 94)		
1. 999.228, subd. (e) [System Security] (FSOR, p.		
Richard Hylton	181	2439
Richard Hylton	200	2473
2. 999.228, subd. (g) [Data Publication] (FSOR, p.		
Richard Hylton	181	2439
Richard Hylton	200	2473
VI. COMMENTS REGARDING ARTICLE 6 [AUDITS AND VALIDATION] (PROPOSED SECTION 999.229, AS MODIFIED) (FSOR, p. 95)		
No comments received		

Person/Organization	Comment No.	Batestamp No.
VI. COMMENTS MADE IN GENERAL TO THE PROPOSED REGULATIONS, AS MODIFIED (FSOR, p. 95)		
A. General Comments in Support of Modified Regulations and/or to Urge Implementation (FSOR, p. 95)		
Prof. Glaser (UC Berkeley)	190	2453
Angela Garcia-Sims	207	2485
ACLU et al.	225	2536
Anonymous	199	2470
Disability Rights California	220	2521
Equality California et al.	229	2553
City and County of San Francisco	219	2514
Stephanie Robitaille	217	2511
Sheila Shane	183	2443
B. General Comments in Opposition to AB 953 and/or Regulations (FSOR, p. 97)		
Anonymous	205	2481
Jeremy Verinsky	208	2487-2489
Los Angeles Police Department	213	2503-2504
Orange County Sheriff's Department	223	2529-2531
Burbank Police Officers' Association	226	2543
California Police Chiefs Association	227	2545-2546
San Bernardino County Sheriff's Department	228	2547-2550, 2552
C. Additional General Comments (FSOR, p. 103)		
1. Accountability (FSOR, p. 103)		
Karen Glover	215	2506
2. Comments Regarding Police Practices and the Need to Address Racial and Identity Profiling (FSOR, p. 103)		
Linda Ullrich	195	2458
Mary Sue Meads	182	2441
Frances Navarro	204	2480
Patricia Bender	184	2444
Barbara Farrell	189	2452
Rodney & Cynthia Burt	202	2477
Joanne Britton	187	2450
Marian Cruz	188	2451
Anonymous	191	2454
Joanne DeVine	192	2455
3. Offer of Assistance (FSOR, p. 104)		
Karen Glover	215	2506
4. Need for Training (FSOR, p. 104)		
Carolina Goodman	201	2475
ACLU et al.	225	2537
Equality California et al.	229	2553
D. Comments That Do Not Require a Response (FSOR, p. 104)		
Ligala Manns	186	2448

Person/Organization	Comment No.	Batestamp No.
Virginia Franco	211	2492
Lisa Hammermeister	193	2456
Linda Ullrich	194	2457
Aaron Bruce	185	2446
Sean Sheppard	196	2460
Agustin Damian	197	2462
Agustin Damian	198	2466
Martha Howard	206	2483
Ryan Suto	210	2491
Richard Hylton	212	2494
Richard Hylton	224	2532
SUMMARY OF COMMENTS RECEIVED OUT OF THE PUBLIC COMMENT PERIOD AND THE DEPARTMENT'S RESPONSES		
I. ADDITIONAL COMMENTS RECEIVED FOLLOWING THE CLOSE OF THE 45-DAY COMMENT PERIOD (FSOR, p. 105)		
Jesse Daniels	122	2083
Debbie Balestino	123	2086
Debbie Balestino	124	2087
Deshawn Keys	126	2090
Sherry Clark	128	2095
Virgil Robinson	130	2097
Ligala Manns	131	2098
Anthony Adrian Levintow	125	2089
Anonymous	129	2096
Chris Barker	127	2093
Richard Hylton	132-180	2100-2316
II. Additional Comments Received Following the Close of the 15-Day Comment Period (FSOR, p. 109)		
Richard Hylton	232-248	2561-2648

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT

DEPARTMENT NAME	CONTACT PERSON	EMAIL ADDRESS	TELEPHONE NUMBER
California Department of Justice	Melan Noble	Melan.Noble@doj.ca.gov	(916) 210-7011

DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400	NOTICE FILE NUMBER
AB 953 Stop Data Reporting Regulations to Implement Gov. Code Section 12525.5	Z 2016-1129-03

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- [X] a. Impacts business and/or employees
- [X] b. Impacts small businesses
- [ ] c. Impacts jobs or occupations
- [ ] d. Impacts California competitiveness
- [ ] e. Imposes reporting requirements
- [ ] f. Imposes prescriptive instead of performance
- [X] g. Impacts individuals
- [ ] h. None of the above (Explain below):

If any box in Items 1 a through g is checked, complete this Economic Impact Statement.
If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.

2. The Department of Justice (Agency/Department) estimates that the economic impact of this regulation (which includes the fiscal impact) is:

- [ ] Below $10 million
- [ ] Between $10 and $25 million
- [X] Between $25 and $50 million
- [ ] Over $50 million *[If the economic impact is over $50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: Unknown.

Describe the types of businesses (Include nonprofits): Technology and training vendors to law enforcement agencies may benefit.

Enter the number or percentage of total businesses impacted that are small businesses: Unknown.

4. Enter the number of businesses that will be created: Unknown. eliminated: None.

Explain: The statute and regulations may result in increased revenue to (or the creation of) technology and training vendor

5. Indicate the geographic extent of impacts: [X] Statewide

[ ] Local or regional (List areas):

6. Enter the number of jobs created: Unknown. and eliminated: None.

Describe the types of jobs or occupations impacted: The statute and regulations may result in increased demand for IT, software, and training professionals and support staff to help law enforcement agencies implement the reporting requirements.

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? [ ] YES [X] NO

If YES, explain briefly:

ECONOMIC IMPACT STATEMENT (CONTINUED)

B. ESTIMATED COSTS *Include calculations and assumptions in the rulemaking record.*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? $ Unknown.

   a. Initial costs for a small business: $ _____ Annual ongoing costs: $ _____ Years: _____

   b. Initial costs for a typical business: $ _____ Annual ongoing costs: $ _____ Years: _____

   c. Initial costs for an individual: $ _____ Annual ongoing costs: $ _____ Years: _____

   d. Describe other economic costs that may occur: Businesses and individuals may see an indirect cost of increased taxes and fees to fund the fiscal impact to state and local law enforcement agencies of the regulations (see attachment re: fiscal impacts).

2. If multiple industries are impacted, enter the share of total costs for each industry: Unknown.

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.* $ None.

4. Will this regulation directly impact housing costs? ☐ YES ☒ NO

   If YES, enter the annual dollar cost per housing unit: $ _____

   Number of units: _____

5. Are there comparable Federal regulations? ☐ YES ☒ NO

   Explain the need for State regulation given the existence or absence of Federal regulations: Govt. Code section 12525.5 (e) requires the DOJ to issue regulations that must specify all data to be reported, and provide standards, definitions, and technical specifications.

   Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: $ None.

C. ESTIMATED BENEFITS *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: See attachment. Business may benefit from increased IT, software, and training revenues to help agencies implement the regulations; Californians will benefit from improved public safety and elimination of racial and identity profiling. These benefits are primarily attributable to the statute.

2. Are the benefits the result of: ☒ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?

   Explain: The potential benefits to individuals and businesses (see attachment) are primarily attributable to the statute.

3. What are the total statewide benefits from this regulation over its lifetime? $ Unknown.

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: It is possible that the proposed regulations may expand business providers of IT, software, hardware, and training services to law enforcement agencies; these effects are primarily attributable to the statute.

D. ALTERNATIVES TO THE REGULATION *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: See attachment.

ECONOMIC IMPACT STATEMENT (CONTINUED)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

   Regulation: Benefit: $ _____ Cost: $ _____

   Alternative 1: Benefit: $ _____ Cost: $ _____

   Alternative 2: Benefit: $ _____ Cost: $ _____

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: _____

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ YES ☐ NO

   Explain: _____

E. MAJOR REGULATIONS *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises **exceed $10 million?** ☐ YES ☐ NO

If YES, complete E2. and E3
If NO, skip to E4

2. Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

   Alternative 1: _____

   Alternative 2: _____

   (Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

   Regulation: Total Cost $ _____ Cost-effectiveness ratio: $ _____

   Alternative 1: Total Cost $ _____ Cost-effectiveness ratio: $ _____

   Alternative 2: Total Cost $ _____ Cost-effectiveness ratio: $ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding $50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through12 months after the major regulation is estimated to be fully implemented?

   ☐ YES ☒ NO

   If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

   The increase or decrease of investment in the State: _____

   The incentive for innovation in products, materials or processes: _____

   The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: _____

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

☐ a. Funding provided in _____

Budget Act of _____ or Chapter _____, Statutes of _____

☐ b. Funding will be requested in the Governor's Budget Act of _____

Fiscal Year: _____

☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

☐ a. Implements the Federal mandate contained in _____

☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

_____

☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

☐ 3. Annual Savings. (approximate)

$ _____

☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

☐ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

☒ 6. Other. Explain Please see pages 15-16 of the attached addendum regarding potential estimated costs to local agencies.

STATE OF CALIFORNIA — DEPARTMENT OF FINANCE

ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT (CONTINUED)

B. FISCAL EFFECT ON STATE GOVERNMENT *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☒ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ Less than $2.1m (see attached).

It is anticipated that State agencies will:

☒ a. Absorb these additional costs within their existing budgets and resources.

☐ b. Increase the currently authorized budget level for the _____ Fiscal Year

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

☐ 3. No fiscal impact exists. This regulation does not affect any State agency or program.

☐ 4. Other. Explain _____

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.

☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE	DATE
[signature]	11-1-17

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY	DATE
[signature]	11-1-17

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER	DATE
[signature]	11/3/17

AB 953 Stop Data Reporting Regulations
ADDENDUM TO STD 399
Submitted by the California Department of Justice

(OAL File No. Z-2016-1129-03)

INTRODUCTION

The attached STD 399 form and this addendum are intended to replace the prior STD 399 form and addendum published by the Department of Justice (DOJ) on December 9, 2016.

California's Racial and Identity Profiling Act of 2015 (Stats. 2015, ch. 466 (AB 953)) requires the DOJ to draft and issue regulations to implement the stop data reporting requirements of Government Code section 12525.5. (Gov. Code, § 12525.5, subd. (e).) This new statutory program requires specified state and local law enforcement agencies to collect data on "stops" (as that term is defined in the statute) by their officers and to report that data to the DOJ at least annually. (*Id.*, subd. (a)(1).) The statute defines "stop" as "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." (*Id.*, subd. (g)(2).) The statute sets forth a schedule for compliance based on the size of each agency. (*Id.*, subd. (a)(2).) The Legislative Counsel's Digest of AB 953 notes that costs incurred by local agencies because of this state-mandated program are reimbursable:

> By imposing a higher level of service on local entities that employ peace officers, the bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

(Legis. Counsel's Dig., Assem. Bill No. 953, Stats. 2015, ch. 466, pp. 4153-4154.) Further, Section 5 of AB 953 provides:

> If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

(Stats. 2015, ch. 466, § 5, p. 4159.) Accordingly, costs imposed by the statute itself are reimbursable through the state mandates process. The actual costs that will be incurred by local agencies as a result of the statute's implementation are unknown, and can likely only be determined by the Commission on State Mandates once "test claims" are filed by city and county agencies subject to the stop data reporting requirement of Government Code section 12525.5.

Separate from the statutory costs, the Administrative Procedure Act (APA) requires rulemaking agencies to estimate both the economic costs and fiscal impacts of proposed regulations. Following is a summary of the estimated economic costs to businesses and individuals and fiscal impact of the proposed stop data regulations to state and local agencies.

ECONOMIC COSTS TO CALIFORNIA BUSINESSES AND INDIVIDUALS

The DOJ has determined these proposed regulations will not impose any significant economic costs on California businesses and individuals.

The DOJ received several comments from law enforcement agencies and individuals during the public comment period suggesting that the stop data collection requirements imposed by Government Code section 12525.5 would result in public safety costs by decreasing officer efficiency or providing a disincentive for officers to conduct "proactive" police work. The commenters did not, however, provide any evidence that prior data collection programs have resulted in any negative public safety outcomes.

Although some of these comments attempted to link the additional officer time to collect data on those elements added by the proposed regulations, these comments as a whole reflected a general concern about the statutory requirement to collect stop data rather than any costs specifically attributable to the proposed regulations. Any such costs, therefore, are more properly attributed to the statute than the regulations.

The DOJ has nevertheless carefully evaluated these comments and consulted with police practice/criminal justice researchers on this issue. These consultations confirmed there is no empirical evidence linking stop data collection to decreased public safety.[1] Accordingly, DOJ reiterates its assessment that the proposed regulations do not impose any significant economic costs on California businesses or individuals.

ESTIMATED REGULATORY FISCAL IMPACT ON LOCAL AND STATE GOVERNMENT

A. Agencies Affected

Government Code section 12525.5, subdivision (a) requires "each state and local agency that employs peace officers" to comply with the stop data reporting requirements set forth in subdivisions (b) and (c). The statute incorporates the definition of "peace officer" set forth in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, but then limits that definition "to members of the California Highway Patrol, a city or county law enforcement agency, and California state or university education institution." (Gov. Code § 12525.5, subd. (g)(1).) The statute further limits the definition of "peace officer" to exclude "probation officers and officers in a custodial setting."

Using publicly-available data from the Commission on Peace Officer Standards and Training (POST), the DOJ has identified 415 local and 34 state agencies that will be required to collect

[1] For example, Professor Emily Owens of the University of California, Irvine, explains: "I believe that assertions that there will be a substantial impact of the reporting requirements rely on two assumptions that are not obviously supported by existing empirical evidence: first, that the data collection will result in a large reduction in FTEs, and second, that the reduction in FTEs will cause a meaningful increase crime." A copy of Professor Owens letter, and similar comments from academics, has been added to the rulemaking file [Z-2016-1129-03-01884].

and submit stop data pursuant to Government Code section 12525.5.[2] Each of these 449 agencies will, in turn, be subject to the proposed implementing regulations.

Section 12525.5, subdivision (a) sets forth a schedule for agencies to begin collecting and reporting stop data. Subdivision (a)(1) requires each agency to report annually to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year (i.e., January 1 through December 31). Subdivision (a)(2) sets out a schedule of reporting deadlines for the initial stop data report to the Attorney General by agency size according to the following schedule:

Reporting Tier	Size of Agency	Deadline to Report Data to the DOJ	Deadline to Begin Data Collection	Approx. No. of Agencies	
				Local	State
1	1,000+	4/1/2019	1/1/2018	8	1
2	667-999	4/1/2020	1/1/2019	5	0
3	334-666	4/1/2022	1/1/2021	10	0
4	1-333	4/1/2023	1/1/2022	392	33
			Total Agencies (449):	**415**	**34**

Therefore, the total estimated fiscal impacts will not accrue within one calendar year. Rather, agencies' one-time costs will accrue on a rolling basis until the last agencies' deadline to first begin reporting stop data, with additional annual ongoing costs thereafter.

B. Prior Estimates

The legislative history of AB 953 provides some analysis of the total cost to local and state agencies to implement the statutory reporting requirement. In addition, the DOJ conducted its own survey of law enforcement agencies in May-June 2016 in order to inform its rulemaking process. That survey provided an opportunity for agencies to estimate the cost to implement the data collection and reporting requirements. Because the survey was conducted before these proposed regulations were drafted, the survey estimates—like those estimates provided to the Legislature—were necessarily limited to the statutory rather than regulatory costs. Nevertheless, a brief summary of both is included below to provide greater context to the DOJ's estimated fiscal impact of the regulations.

1. Legislative History (Statutory Costs)

On August 17, 2015, the Senate Committee on Appropriations held a hearing on AB 953. Its analysis of the bill included the following information regarding AB 953's fiscal impact related to data collection and reporting by local agencies:

---

[2] The actual number of officers and agencies in each reporting tier may vary as agencies add or subtract officers prior to the start of stop data collection. (See proposed 11 CCR § 999.227, subd. (a)(8) ["On January 1 of each year, each reporting agency shall count the number of peace officers it employs that are subject to this chapter to determine the date that agency must start collecting stop data and reporting to the Department pursuant to Government Code section 12525.5, subdivisions (a)(1) and (a)(2)."].)

Fiscal Impact:

Data collection, reporting, retention, and training: Major one-time and ongoing costs, potentially in the tens of millions of dollars annually to local law enforcement agencies for data collection, reporting, and retention requirements specified in the bill. Additional costs for training on the process would likely be required. There are currently 482 cities and 58 counties in California. To the extent local agency expenditures qualify as a reimbursable state mandate, agencies could claim reimbursement of those costs (General Fund). While costs could vary widely, for context, the Commission on State Mandates' statewide cost estimate for *Crime Statistics Reports for the DOJ* reflects eligible reimbursement of over $13.6 million per year for slightly over 50 percent of local agencies reporting.

(Sen. Comm. on Approp., Rep. on Assem. Bill No. 953 (2015-2016 Reg. Sess.) as amended June 30, 2016, p. 1 [Z-2016-1129-03-01247].)

In addition, on August 4, 2015, the California Police Chiefs Association (CPCA) issued a report voicing its concerns and costs estimates regarding AB 953. In that report, 86 police agencies throughout California provided estimates of the costs associated with implementing the bill's requirements. (California Police Chiefs Association, AB 953: CPCA Concerns and Cost Estimates (Aug. 4, 2015) pp. 6-18 [Z-2016-1129-03-00161].) Of the 86 agencies that reported, two stated they would incur no additional costs, and 26 stated that additional costs were unknown. The remaining 58 agencies provided estimates ranging from $5,000 to more than $500,000 of fiscal impacts. Many estimates did not distinguish between one-time and ongoing costs.

2. DOJ Survey (Statutory Costs)

Following the passage of AB 953, the DOJ surveyed local and state law enforcement agencies to obtain information on their anticipated one-time technical development and personnel costs, and anticipated costs for training, equipment, and on-going system maintenance to comply with Government Code section 12525.5. For those agencies that declined to complete a survey or omitted fiscal estimates, the DOJ supplemented the survey data with data included in the CPCA report referenced in the previous paragraph.

According to feedback provided by agencies, the anticipated costs of initially implementing the stop data reporting program ranged from $0 to $2 million, with additional ongoing costs anticipated, but not specified, in most responses. As these significant variances demonstrate, and based on discussions the Department has had with law enforcement agencies, the cost to local governments will vary widely based on the degree to which their current technical environments can be leveraged to perform the required new functions for the collection and reporting of stop data.

Based on these surveys, the Department estimated that the fiscal impact on state and local agencies to implement the stop data collection program required by Government Code section 12525.5 (and excluding the amount already provided in the DOJ's approved BCP) would be

approximately $89.9 million in total costs for local agencies and $5.0 million in total costs for state agencies. The methodology used to obtain that overall estimate is described below:

Factors to Consider: One-time technical development costs generally will be less for those agencies with existing record management systems that can be readily modified to accommodate additional data elements. Further, costs relating to data collection will be less for agencies that currently have mobile data capture equipment and systems. Some agencies are currently collecting stop data and thus reported minimal cost estimates for the implementation of AB 953. Local governments will also incur varied personnel-related costs based on the time needed to enter stop data in the field and associated data processing support. These costs will be greatly affected by the number of peace officers in the agencies and the volume of stops conducted.

Basis of Estimate: AB 953 separates agencies into four reporting categories based on the number of sworn peace officers at the agency (excluding those in a custodial setting). The larger the agency, the sooner it is required to report stop data. The average estimated one-time cost to the vast majority of agencies (those with less than 334 peace officers) totaled $169,959 based on data submitted by 113 such agencies. Details from 26 of these agencies indicate that roughly 57% of the costs are tied to technical development and 43% are tied to personnel. Estimates from five larger agencies varied considerably, from no cost to $2 million, depending mainly on the extent of required technical development and whether the agencies are already collecting stop data.

We took the average for each category of agency size, multiplied it by the number of agencies in that category statewide, and calculated the following totals for each category:

	Size of Agency	Average Estimated Fiscal Impact	Number of Agencies	Total Estimated Fiscal Impact[3]
Local	1,000 +	$2,540,941	8	$20,327,528
	667 – 999	$272,500	5	$1,362,500
	334 – 666	$201,000	10	$2,010,000
	1 – 333	$168,959	392	$66,231,928
	Local Agencies Subtotal:		**415**	**$89,931,956**
State	CHP	$1,940,000	1	$1,940,000
	UC, CSU	$93,917	33	$3,099,261
	State Agencies Subtotal:		**34**	**$5,039,261**
	Statewide Total:		**449**	**$94,971,217**

Limitations on Estimates Provided Many agencies from whom we solicited input did not differentiate between one-time costs (system development) and ongoing costs (personnel and system maintenance). Thus, the estimates they provided may have overlooked some cost factors.

[3] Unless otherwise indicated, cost estimates have been rounded up to the nearest whole dollar throughout this document. The summed totals in individual charts may therefore appear to be slightly off as a result of rounding in the underlying calculation.

It should also be noted that many agencies indicated they were currently unable to provide cost estimates regarding the implementation of Government Code section 12525.5.

In addition, at the time of the survey the DOJ had not yet developed its plan to provide a no-cost DOJ-hosted web application to collect and report stop data. As set forth below, agencies that elect to use the DOJ-hosted applicable may be able to implement the stop data collection program at significantly lower costs.

C. Fiscal Estimate Methodology

In order to estimate the total statewide costs to implement the proposed regulations, the DOJ has developed the following methodology to identify the specific costs an agency would accrue to implement each of four plausible methods of data collection: paper collection, relay-to-dispatch, DOJ-hosted application, and agency-hosted data collection process. Each method is described in greater detail below. The regulations do not require any one particular method of data collection; therefore, the DOJ considered each plausible means of data collection to implement the statute itself as part of this fiscal estimate. Each method carries costs and benefits from a fiscal perspective:

- **DOJ-hosted application** may require up-front costs in technology investment to equip officers in the field with a laptop, tablet, or smartphone (although many departments already provide some or all of their officers with such tools), but it eliminates the need for data input services, paper publication, and data storage costs.
- **Paper-based collection** will require few upfront costs but significant ongoing resources to produce paper forms and to input the data. It will also require some minimal costs to store the data.
- **Relay-to-dispatch** eliminates the need for paper forms but requires similar costs for data input. It will also require some minimal costs to store the data.
- Modifying an existing **agency-hosted data collection process** to accommodate the statutory and regulatory requirements—or acquiring such a system—may result in significant upfront costs for technology, as well as ongoing vendor costs to maintain and support the system, but may streamline the data collection process by syncing with other agency data collection requirements. It may be especially challenging and costly for some law enforcement agencies with older record management systems to modify these systems to allow for the collection of stop data. Some agencies are using systems that are 20+ years old. If agencies are unable to make modifications to their existing systems due to the age or other limitations, an alternative would be to use the DOJ AB 953 application or other acceptable submission methods.

Based on the initial survey responses and focus group meetings with law enforcement prior to the initial notice of rulemaking issued December 9, 2016, and insight from the California Justice Information Systems (CJIS), the DOJ has constructed a model to measure the estimated fiscal impact to implement each of the first three methods of data collection: paper-based collection, relay-to-dispatch, and the DOJ-hosted application.

Each of the calculations set forth below relies on three key factors: (1) the estimated number of officers subject to the data collections requirements of Government Code section 12525.5 and

the AB 953 regulations; (2) the estimated number of stops per year upon which agencies will be required to collect and report information; and (3) the method of data collection. Our methodology follows:

1. Estimated Number of Officers

To estimate the number of agencies and peace officers subject to AB 953 and these regulations, as well as the number of agencies in each reporting tier, the DOJ obtained data on the number of non-jail, sworn personnel as of October 31, 2015 from the Commission on Peace Officer Standards and Training (POST). The actual number of officers and agencies in each reporting tier may vary as agencies add or subtract officers prior to the start of stop data collection.

Using the POST data, the DOJ calculated the following number of agencies and officers subject to these reporting requirements:

Tier	Agency Type	Agencies	Officers
1	Local	8	25,772
	State	1	7,226
2	Local	5	3,807
	State	0	0
3	Local	10	4,536
	State	0	0
4	Local	392	23,382
	State	33	799
Statewide Totals:		**449**	**65,522**

2. Estimated Number of Stops

The DOJ considered several methods of calculating the total number of stops, including extrapolation from the responses received in our 2016 survey to law enforcement, and determined that the best estimate should be based on comments received from law enforcement agencies during the initial public comment period:

1. The California Police Chief Association provided the following estimate for the total number of stops per year:

> The California Highway Patrol (CHP) employs over 7,200 sworn officers and initiates roughly four million total public contacts per year. Since they are almost all vehicle stops, nearly every one would be reportable under these regulations. Conversely, municipal police departments employ over 37,000 officers in California, which does not include the additional 32,000 sworn and reserve sheriff officers. Even with the most conservative estimates, it is not unlikely we will see over 10 million stops reported under these regulations each year when AB953 is fully implemented. With such a high volume of reporting, the individual time it takes to fill out each report becomes increasingly significant.

(Rulemaking File Z-2016-1129-03-01503 to -01504.)

Although it is not clear whether this estimate was intended to include stops by sheriffs' departments, the DOJ elected to assume for purposes of this analysis that sheriffs' departments were excluded from that estimate. In addition, in order to ensure that our fiscal estimate was not too conservative, DOJ assumed that the CHP was also excluded from this estimate. Therefore, for purposes of this analysis, the DOJ assumes that the 10 million annual stops estimated by the California Police Chief Association are apportioned between police departments and state agencies other than the CHP. Using the same POST data discussed above, we determined that these agencies collectively employ 38,710 non-jail sworn officers, resulting in an estimated 258 stops per year per officer employed by a local or state agency other than a sheriff's department or the California Highway Patrol.

2. The DOJ then reviewed comments submitted by sheriff's departments and determined that the highest estimated stops per officer was provided by the Ventura County Sheriff's Department:

> The data collection guidelines proposed by your office will have a detrimental impact on public safety in Ventura County and throughout the state. To put the impacts in perspective, in 2016, my deputies responded to more than 35,000 calls for service and conducted more than 62,000 traffic and pedestrian stops that resulted in detentions. This amounts to roughly 100,000 events that would trigger reporting pursuant to AB 953.

(Rulemaking File Z-2016-1129-03-01618.) Using the same POST data discussed above, we determined that the Ventura County Sheriff's Department employs 498 non-jail sworn officers, resulting in an estimated 201 stops per year for each of the 19,586 officers employed by a sheriff's department.

3. Next, the DOJ reviewed comments received from the California Highway Patrol, which estimated a total of 2.8 million stops per year by the 7,226 California Highway Patrol officers.

Extrapolating across the entire universe of agencies identified through the POST data results in the following estimated stops per year by agency type:

Estimated Stops, by Agency Type (State and Local Combined)			
	Total Officers	Total Stops	Stops per officer
Sheriff	19,586	3,936,786	201
CHP	7,226	2,800,000	387
Other	38,710	10,000,000	258
Statewide Totals:	**65,522**	**16,736,786**	**255**

3. Method of Data Collection

Although the fiscal estimate provided here is limited to the regulatory costs—as distinct from those costs imposed by existing laws including Government Code section 12525.5—the DOJ's outreach to law enforcement agencies, including the survey discussed above, makes it clear that agencies are thinking about stop data collection holistically in terms of what is required by the statute and regulations together. For that reason, it is our assessment that agencies will select

among the various possible methods of data collection based on the cost of each method as a whole.

In order to determine the most likely method of data collection, the DOJ therefore constructed a model to estimate each agency's cost to collect the stop data elements and values required by both the statute and the proposed regulations using each of three potential methods. For each of method, the DOJ relied upon the following costs, which are explained in greater detail below:

Cost calculations (statute plus regulations)				
	Type	**Cost Item**	**Description**	**Per Unit Cost**
DOJ Application	**One-time**	**Devices**	$150 per device (one-time)	$150.00
	Ongoing	**Officer time:**	150 total seconds per stop;[4] $111,800 annual salary; [5] 1920 hours of officer time per year	$2.43
	Ongoing	**Device replacement**	full replacement cost ($150) amortized over estimated 3-year lifespan	$50.00
	Ongoing	**Connectivity**	$100/device/year for connectivity (ongoing)	$100.00
Paper Collection	**One-Time**	**Computers**	one computer (terminal, monitor, keyboard and mouse) per data input personnel	$700.00
	Ongoing	**Printing costs:**	one additional sheet of paper ($0.08 per page) per stop	$0.08
	Ongoing	**Officer time:**	150 total seconds per stop; $111,800 annual salary; 1920 hours of officer time per year	$2.43
	Ongoing	**Data input time:**	167 seconds per stop (DOJ estimate of time to transfer paper to excel); $60,758.24 annual salary; 1920 hours of time per year	$2.05
	Ongoing	**Data storage**	1 gigabyte of storage is sufficient to store data for 50,000 stops; $200 per gigabyte for 3 years storage	$0.0013
Relay-to-Dispatch	**One-Time**	**Computers**	one computer (terminal, monitor, keyboard and mouse) per data input personnel	$700.00
	Ongoing	**Officer time:**	300 total seconds per stop (double the field test time); $111,800 annual salary; 1920 hours of officer time per year	$4.85
	Ongoing	**Data input time:**	300 seconds per stop (double field test time); $60,758.24 annual salary; 1920 hours of time per year	$3.69
	Ongoing	**Data storage**	1 gigabyte of storage is sufficient to store data for 50,000 stops; $200 per gigabyte for 3 years storage	$0.0013

[4] As explained below, the median time to complete the complete stop data form in field testing was 145 seconds. For simplicity, we have rounded that time estimate up to 150 seconds (two and a half minutes) for this calculation.

[5] "California police officers made, on average, $111,800 during 2015, according to a Sacramento Bee analysis of new data from the State Controller's Office. That figure reflects base pay, as well as overtime, incentive pay and payouts upon retirement." Phillip Reese, *See what California cities pay police, firefighters*, Sacramento Bee (Feb. 27, 2016), http://www.sacbee.com/site-services/databases/article2573210.html [Z-2016-1129-03-01916.]

Explanation of Costs Associated with the DOJ-hosted web application:

Technology investment: Agencies that elect to collect stop data using the DOJ application will need to provide all officers in the field with a smartphone, laptop, tablet, or other handheld web-enabled device installed with the application. The DOJ is developing the application to be compatible with all common operating systems.

Many law enforcement agencies already collect stop data electronically, as reported in the DOJ's survey; the officers employed by these agencies are likely to already have sufficient technology available in the field to utilize the DOJ application. Other agencies already provide officers in the field with smartphone or similar devices as discovered during our outreach meetings with law enforcement agencies before the regulations were posted for comment. In addition, many if not all patrol cars are equipped with mobile data terminals (MDTs). The DOJ-hosted application will be compatible with that system; therefore, no additional technology purchase or service will be required for officers with access to an MDT in order to collect stop data via the DOJ-hosted app.

As part of a recent grant proposal, CJIS determined that the cost to provide an officer in the field with a compatible device would be $150 per device (one-time cost) plus $100 per device per year for connectivity to the DOJ system (ongoing costs) and $50 per device per year to account for replacement costs, which we have assumed would be amortized over an estimated three-year lifespan of the devices.

Again, these technology costs are not necessarily attributable to the proposed regulations, because an agency that elected to use a DOJ-hosted application to fulfill only the statutory-minimum data collection program (were such an application available) would incur the same costs. Nevertheless, these estimates are provided to illustrate the cost-effectiveness of this method of data collection and to provide an outer limit of the DOJ's estimated statewide costs to implement the statute and the proposed regulations.

Officer time: In order to assess the amount of officer time to complete a stop data collection form—including the specific time attributable to the additional data elements added by the proposed regulations—the DOJ conducted a field test. Nine law enforcement agencies participated in a field test for the AB 953 project in order to provide a measure of the time to complete the stop data form and to test out certain data elements and values in the field. The LEAs were chosen among the nine (9) largest LEAs and designated first reporters, as well as additional LEAs that expressed interest during the initial outreach conducted by the AB 953 team. Those agencies that participated are:

1. California Highway Patrol
2. Gardena Police Department
3. Los Angeles County Sheriff's Department
4. Los Angeles Police Department
5. Orange County Sheriff's Department
6. San Bernardino County Sheriff's Office
7. San Diego County Sheriff's Office
8. San Diego Police Department
9. Ventura City Police Department

These LEAs were provided 30 individualized survey links (one for each officer participating) that would allow each testing officer to enter 14 stops and provide comments during a final

feedback survey. The web tool used to complete the field test randomly placed officers into one of two groups: the first group was assigned to complete a statute-only form for its first seven stops, followed by a statute-plus-regulations form for the remaining stops; the second group started with the statute-plus-regulations form and then finished with the statute-only form. Both forms included a narrative box requiring officers to explain (in 150 characters or fewer) the reason for the stop and, if applicable, the basis for search. In total, 2,928 individual stop records were utilized for analyses. A complete description of the field testing methodology and results has been added to the rulemaking file.

Results of the field test showed a median completion time of approximately 2.5 minutes (145 seconds) per stop. This included 27 seconds to complete the seven (7) additional eliminates added by the regulations based on the definition of "racial profiling" set forth in the Penal Code as well as the recommendations of the Racial and Identity Profiling Advisory Board and public comments to the regulations as originally proposed in December 2016.[6] Those additional data elements are:

1. Stop made in response to a call for service (check if "yes").
2. Other actions taken by officer during stop (in addition to searches and seizures).
3. Officer's perception that the person stopped had limited or no English fluency.
4. Perceived or known disability of person stopped.
5. Number of officers engaged in actions taken during the stop.
6. Officer's years of experience.
7. Type of assignment of officer.

It also includes the time to complete the text field for reason for stop (required for all stops) and the text field for "basis for search," which was applicable to only 20% of the stops conducted during the field test. The DOJ has determined that the text fields for these two data values are necessary to satisfy the statutory requirement that officer record the reason for stop and basis for search; therefore, the time to complete these narrative fields has not been included in the fiscal estimate attributed to the regulations. The median time to complete the text field for "reason for stop" was 16.1 seconds; the median time to complete the text field for "basis for search" was 22.4 seconds.

Data transmission: Stop data reports collected via the DOJ-hosted web application will be reported directly to the DOJ. Agencies will not accrue any additional costs for data transmission beyond the connectivity cost set forth above.

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[6] The templates used in the field test reflect the current data elements and values set forth in the modified proposed regulations to be noticed for a 15-day public comment period in June 2017. Since the time of the field test, the DOJ has simplified or eliminated certain data values and replaced the prior data element "reason for presence at scene" with a simple box to be checked if the stop was made in response to a call for service. The DOJ has also added a new data element for the officer to indicate whether the officer perceives the person stopped to be lesbian, gay, bisexual, or transgender (single yes/no response). The DOJ has determined that none of these changes is likely to increase the time required to complete the form; in fact, replacing the more detailed "reason for presence at scene" with these two yes/no questions is likely to reduce the time to complete the form.

Storage and related costs: Agencies that use the DOJ web application to collect stop data will have two options for data storage:

- Agencies may elect to have the DOJ retain sole possession of the transmitted stop data. In this case, the DOJ will assume responsibility for the requisite 3-year retention period. Because these records will remain in the DOJ's control, agencies will not be responsible for any storage costs.
- As an alternative, agencies may elect to have the DOJ transmit data back to the agency for storage. Because this option is not required by the regulations, any costs associated with this option are not attributable to the regulations.

Because the regulations do not require any minimum period of data storage for those agencies that elect to collect data using the DOJ-hosted application, these agencies will not incur any costs attributable to the regulations to store the data at DOJ.

Explanation of Costs Associated with Paper Data Collection:

Printing Costs: An agency that elects to implement Government Code section 12525.5 via paper data collection would be required to produce and distribute a stop data form to officers to complete in the field. The main costs to produce the form are attributable to the statute itself, with only de minimus additional costs to produce the slightly longer form that includes the additional data elements set forth in the regulations.

In order to assess these additional costs, the DOJ created two mock forms: one limited to the statutory elements ("statute form") and a second including the additional data elements set forth in these regulations ("statute plus regulations form"). The statute form is two pages; the statute plus regulations form is three pages. Assuming a standard production cost of $0.08 for the single additional page required to produce the statute plus regulations form will cost $.08 more per stop compared to the statute form.

Officer Time: In addition to the physical forms, agencies will incur costs in the form of the time it takes an officer to complete the paper forms. For purpose of this analysis, the DOJ assumes that the time to complete a paper form will be less than or equal to the time to complete the web form used in our field test.

Data Input and Transmission: Section 12525.5, subdivision (a) requires agencies "to annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year." The statute is silent on the method of data transmission, although the statutory requirement that the DOJ promulgate regulations that "provide standards, definitions, and technical specifications to ensure uniform reporting practices across all reporting agencies" could readily be understood to indicate that the Legislature intended that all stop data be transmitted electronically to the DOJ. This is consistent with other data transmitted to the DOJ in other law enforcement contexts such as Live Scan fingerprinting.

Although data input is not properly a regulatory cost, the DOJ nevertheless provides an estimate here in the interest of completeness. The data input staff at CJIS determined that the average time required to input a paper stop data form into a spreadsheet would require 167 seconds of time per

stop. Based on an average annual salary of $60,758.24 for a data clerk (including benefits), the data input cost attributable to the regulations is $2.05 per stop. Based on this calculation, local agencies would accrue total costs of $2,814,7276 annually to input 13,730,379 local stop data forms.

Each data input personnel (or fraction thereof) would also require a computer, including a terminal, monitor, keyboard, and mouse. Based on CJIS's research, the DOJ has determined that the necessary computer equipment would cost no more than $700 per data input person (or fraction thereof).

In addition, AB 953 requires agencies to transmit (or report) data at least annually to the DOJ. The proposed regulations do not increase the reporting frequency, but do provide three methods of data transmission to the DOJ:

> Submission of Data. Agencies shall be provided with the following options to submit their stop data to the Department: (1) a web-browser based application, which shall include mobile capabilities for agencies that choose to use the Department's developed and hosted solution to submit stop data; (2) a system-to-system web service for agencies that elect to collect the data in a local system and then submit the data to the Department; and (3) a secured file transfer protocol for agencies that elect to collect the data in a local repository and then submit the data to the Department. Agencies that select option 3 shall be permitted to submit batch uploads of stop data in Excel spreadsheets and other delimited text formats of electronic documentation that complies with the Department's interface specifications.

(Proposed 11 CCR § 999.228, subd. (b).)

Of these three options, only option three (secured file transfer) is applicable for agencies that use paper data collection. The use of secured file transfer is not, however, specific to these regulations, but rather a standard procedure used by law enforcement agencies to transmit sensitive information electronically. To the extent an agency does not already have a secured file transfer protocol in place, CJIS staff intend to provide technical support, bringing the cost at or near zero for this requirement.

Data Storage: An agency that elects to collect data using paper forms will be required by the regulations to maintain that data for three years. The DOJ estimates that one gigabyte of storage is sufficient to store data for 50,000 stops. At an estimated cost of $200 per gigabyte for three years of storage, an agency will accrue ongoing costs of approximately $0.0013 per stop.

Explanation of Costs Associated with Relay-to-Dispatch:

This method eliminates the need for paper forms. Therefore, the in-field data collection costs will be limited to the officer's time to complete the stop data report.

Because data input would happen real-time via a radio or telephone conversation with the officer in the field (rather than input of a completed stop-data form), the data input time would be equal to the entire time required for an officer to complete the stop data form (including both statutory

and regulatory elements). According to the field test, the average total time to complete a stop data report is 150 seconds. Assuming that it will take twice as long to verbally complete a stop data form, the DOJ estimates that the average time to complete a stop data form via relay-to-dispatch will be 300 seconds, including 54 seconds attributable to regulatory elements. The data input time in this scenario will be equal to the officer's time on the phone or radio to complete the report (300 seconds).

The same options for data transmission and data storage discussed above for paper collection apply to relay-to-dispatch.

4. Agency Costs, by Method of Data Collection

The following chart provides a summary of the one-time, ongoing, and 5-year total (one-time costs plus 4 years of data collection) to implement each of these three methods of data collections, based on the average number of officers in each reporting tier and an estimated 255 stops per year per officer (as explained above). For the purpose of this estimate only, the DOJ assumes that the agency using the DOJ-application would need to purchase a new device for every officer, including ongoing connectivity and replacement costs for each of those devices. In reality, many officers already have access to the necessary hardware and connectivity, as explained above. Nevertheless, even with this assumption, the DOJ application proves to be significantly more cost effective across all levels of agency size:

Per-Agency Cost Calculations, By Data Collection Method						
Tier	**Avg. Officers**	**Estimated Stops**	**Collection**	**One-time**	**Ongoing**	**5-year total**
1	3,666	934,943	**DOJ Application**	**$549,967**	**$2,818,340**	**$11,823,329**
			Paper	$16,100	$4,264,485	$17,074,042
			Relay-to-Dispatch	$28,700	$7,987,221	$31,977,584
2	761	194,157	**DOJ Application**	**$114,210**	**$585,277**	**$2,455,317**
			Paper	$3,500	$885,593	$3,545,874
			Relay-to-Dispatch	$6,300	$1,658,683	$6,641,033
3	454	115,668	**DOJ Application**	**$68,040**	**$348,675**	**$1,462,742**
			Paper	$2,100	$527,588	$2,112,450
			Relay-to-Dispatch	$4,200	$988,152	$3,956,807
4	57	14,509	**DOJ Application**	**$8,534**	**$43,735**	**$183,476**
			Paper	$700	$66,177	$265,408
			Relay-to-Dispatch	$700	$123,947	$496,488

Based on this analysis, it is the DOJ assessment that most agencies—if not all—will elect to use the free DOJ application to collect stop data. The exception may for agencies with existing agency-hosted data collection systems that are able to negotiate with their vendors to modify existing systems at a lower cost (including hardware, software, and officer time). The DOJ therefore assumes for purposes of this fiscal estimate that the costs associated with the DOJ application provide an upper limit on the estimated fiscal impact to implement these regulations.

D. Estimated Fiscal Impact on State and Local Agencies

The DOJ's fiscal estimate for local and state agencies applies the same methodology set forth above, with two exceptions:

1) The officer's time to collect the required data in the field. As noted above, only 27 seconds of the 150-second median time to the complete the stop data form is attributable to the regulations. Therefore, using the same calculations set forth above, this results in an average regulatory cost of $0.44 per stop (compared to a combined statute-and-regulatory cost of $2.43).

2) Number of devices. As noted above, many officers in the field already possess the necessary equipment and connectivity to use the DOJ application. For purposes of our statewide fiscal estimates, the DOJ assumes (conservatively) that only 25 percent of officers have such equipment and that 75 percent of officers will require new devices, as well as the associated ongoing costs for connectivity and device replacement.

Although the APA only requires a two-year fiscal estimate, the DOJ provides here an estimate of the annual fiscal costs through full implementation in FY 2023 in order to demonstrate that the proposed regulations remain below the major regulation threshold set forth in the APA. These estimates account for an estimated annual inflation rate of 3%. In addition, the DOJ has assumed that the number of officers and stops will increase at a rate of 0.43% annually. This number is based on the average increase in law enforcement personnel statewide from 2012 through 2016, the time period during which agency employment began to increase again following the great recession. In contrast, the average annual grown from 2003 through 2015 was just 0.23%.[7]

The following costs are accrued in each fiscal year, based on the collection and reporting schedule set forth in Government Code section 12525.5, subdivision (a):

- **FY2017-2018:** Tier 1 one-time costs and 9 months of data collection
- **FY2018-2019:** Tier 1 ongoing costs; Tier 2 one-time costs and 9 months of collection
- **FY2019-2020:** Tiers 1-2 ongoing costs
- **FY2020-2021:** Tiers 1-2 ongoing costs; Tier 3 one-time costs and 9 months of collection
- **FY2021-2022:** Tiers 1-3 ongoing costs; Tier 4 one-time costs and 9 months of collection
- **FY2022-2023:** Tiers 1-4 ongoing costs

[7] Source: Department of Justice, OpenJustice: Criminal Justice Personnel, at https://openjustice.doj.ca.gov/crime-statistics/criminal-justice-personnel.

AB 953 Stop Data Reporting Regulations: Estimated Fiscal Impact

			FY2017-2018			FY2018-2019			FY2019-2020		
State/ Local	Reporting Tier	No. of Agencies	Total Officers	Estimated Stops	Costs	Total Officers	Estimated Stops	Costs	Total Officers	Estimated Stops	Costs
Local	1	8	25,772	6,571,860	$7,226,403	25,888	6,601,433	$5,969,228	26,004	6,631,140	$6,175,972
Local	2	5	3,807	970,785	none	3,824	975,154	$1,104,445	3,841	979,542	$912,305
Local	3	10	4,536	1,156,680	none	4,556	1,161,885	none	4,577	1,167,114	none
Local	4	392	23,382	5,962,410	none	23,487	5,989,241	none	23,593	6,016,192	none
Local Totals:		**415**	**57,497**	**14,661,735**	**$7,226,403**	**57,756**	**14,727,713**	**$7,073,673**	**58,016**	**14,793,988**	**$7,088,277**
State	1	1	7,226	1,842,630	$2,026,152	7,259	1,850,922	$1,673,663	7,291	1,859,251	$1,731,630
State	2	0	0	0	none	0	0	$0	0	0	$0
State	3	0	0	0	none	0	0	none	0	0	none
State	4	33	799	203,745	none	803	204,662	none	806	205,583	none
State Totals:		**34**	**8,025**	**2,046,375**	**$2,026,152**	**8,061**	**2,055,584**	**$1,673,663**	**8,097**	**2,064,834**	**$1,731,630**
Combined Total:		**449**	**65,522**	**16,708,110**	**$9,252,555**	**65,817**	**16,783,296**	**$8,747,336**	**66,113**	**16,858,821**	**$8,819,907**

21

			FY2020-2021			FY2021-2022			FY2022-2023		
State/ Local	Reporting Tier	No. of Agencies	Total Officers	Estimated Stops	Costs	Total Officers	Estimated Stops	Costs	Total Officers	Estimated Stops	Costs
Local	1	8	26,121	6,660,980	$6,389,877	26,239	6,690,954	$6,611,190	26,357	6,721,064	$6,840,169
Local	2	5	3,859	983,950	$943,903	3,876	988,377	$976,595	3,893	992,825	$1,010,419
Local	3	10	4,598	1,172,366	$1,689,830	4,618	1,177,641	$0	4,639	1,182,941	$1,203,904
Local	4	392	23,699	6,043,265	none	23,806	6,070,460	$9,012,368	23,913	6,097,777	$6,205,837
Local Totals:		**415**	**58,277**	**14,860,560**	**$9,023,610**	**58,539**	**14,927,433**	**$16,600,153**	**58,802**	**14,994,606**	**$15,260,328**
State	1	1	7,324	1,867,618	$1,791,605	7,357	1,876,022	$1,853,657	7,390	1,884,464	$1,917,859
State	2	0	0	0	$0	0	0	$0	0	0	$0
State	3	0	0	0	$0	0	0	$0	0	0	$0
State	4	33	810	206,508	none	813	207,437	$307,967	817	208,371	$212,063
State Totals:		**34**	**8,134**	**2,074,126**	**$1,791,605**	**8,170**	**2,083,459**	**$2,161,624**	**8,207**	**2,092,835**	**$2,129,922**
Combined Total:		**449**	**66,411**	**16,934,686**	**$10,815,215**	**66,709**	**17,010,892**	**$18,761,777**	**67,010**	**17,087,441**	**$17,390,251**

E. Statutory Implementation Costs Not Affected by the Regulations

As required by the APA, the above analysis is limited to the additional costs to state and local agencies to implement the proposed regulations beyond the minimum cost to implement the statute itself. In order to provide additional context to that analysis, the following is a brief summary of the ways in which the proposed regulations do not expand the data collection and reporting obligations on officers and agencies set forth in Government Code section 12525.5:

1. Officers/Agencies Subject to Reporting

The proposed regulations do not expand the basic reporting requirements of section 12525.5, which mandates that every "state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year." (Gov. Code, § 12525.5, subd. (a)(1).) The statute further defines "peace officer," as used in this section, to be "limited to members of the California Highway Patrol, a city or county law enforcement agency, and California state or university educational institutions" and to exclude "probation officers and officers in a custodial setting." The regulations do not extend the reporting requirements to any officers or agencies not otherwise required to report stop data by the statute.

2. "Stops"

The proposed regulations do not expand the definition of "stop" set forth in section 12525.5, subdivision (g)(2), which provides: "For purposes of this section, 'stop' 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." For clarity, the regulations reiterate the same definition of "stop." (See proposed 11 CCR § 999.225, subd. (a)(14).) The regulations provide the DOJ's interpretation of how the statutory definition of "stop" should be applied in certain special settings, including schools, emergencies (bomb threats, active shooters, etc.), building and event security, and the execution of search warrants. The regulations mirror the definition of "stop" in the statute, and, in fact, make clear that a number of incidents that might otherwise technically fit the statutory definition of "stop" should be excluded in order to maintain the integrity of the data and to collect information relevant and consistent with the intent of the statute. As a result, the regulations are likely to result in some cost savings to agencies by clarifying that some incidents that might otherwise within the statutory definition of "stop" are not subject to stop data collection.

3. Data Collection

The regulations to do not impose any limitations on how an agency might instruct its officers to collect the data required by the statute and the proposed regulations. The DOJ, in this STD 399, has identified four potential methods of data collection: paper, relay-to-dispatch, a DOJ-provided web application, or an agency-hosted data collection process. The regulations permit agencies to use any of these methods—or any other method that an agency might identify to collect stop data—to collect that data elements set forth in the statute and proposed regulations.

4. Data Transfer

The regulations require the DOJ to accept stop data reports from agencies using any one of the three plausible methods of data transmission available for electronic records: direct upload through a web based browser, system-to-system file transfer, or secure file transfer protocol. The regulations require the DOJ to permit agencies to use any one of these three methods.

5. Review and Redaction

Although the regulations instruct officers not to include personal identifying information in any narrative field and instruct agencies that they must redact any personal identifying information from stop records before they are transmitted to the DOJ (proposed 11 CCR § 999.228, subd. (d)), that provision is included for clarity purposes only. Government Code section 12525.5, subdivision (d) already provides: "State and local law enforcement agencies shall not report the name, address, social security number or other unique personal identifying information of persons stopped, searched, or subjected to a property seizure, for purposes of this section."

In order to comply with this statutory requirement, any agency that collects stop data internally (via paper forms, relay-to-dispatch, or agency-hosted data collection) before transmitting it to the DOJ will be required to review those records and redact any personal identifying information before submitting those records to the DOJ. Similarly, the Information Practices Act only permit agencies to disclose personal identifying information to another government agency "when required by state or federal law." (Civil Code § 1789.24, subd. (f).) Because this review and redaction requirement derives from Government Code section 12525.5 itself (as well as the Information Practices Act), these costs are not attributable to the proposed regulations.

6. Reporting Frequency

Although the regulations permit agencies to submit stop data to the DOJ as frequently as they choose, the regulations do not require agencies to submit data any more frequently than once per year, as required by Government Code section 12525, subdivision (a).

7. Unique Identifier

Although the regulations provide some direction to agencies on how to develop and use unique officer identifiers in order to protect officer confidentiality while satisfying the statutory requirement that agencies report incident-level data to the DOJ, the requirement to develop and maintain such a system flows from the statute and not the proposed regulations.

8. Narratives

The original version of the regulations did not require an open narrative in any categories, instead offering an "other" category for certain elements, such as reason for stop and reason for search. However, we received numerous comments from advocates, academics, as well as the Racial and Identity Profiling Advisory (RIPA) Board, arguing that open narratives, particularly for reason for stop and basis for search, are essential to any data collection of stops.

Based on the public comment received, as well as an analysis of nearly 3,000 stop reports collected during our field test, the DOJ has concluded that a narrative field is necessary in order to collect and report two of the required statutory elements: reason for stop and basis for search. Solely providing officers with a list of pre-determined data values, including an "other" category, from which to select would not satisfy the statutory requirement that reason for stop and basis for search be reported. For that reason, the DOJ has determined that the time to complete these two narrative fields (and any associated technology costs to collect and report these fields) are attributable to the statute itself and not the regulations.

9. Error Correction

The proposed regulations provide for an optional error resolution process by which an agency may correct its data after the data has been transmitted to the DOJ:

> In order to ensure compliance with these regulations, a reporting agency, its officers, or both may review the stop data to correct errors before submitting the stop data to the Department. Once the stop data is submitted to the Department, however, an agency can only revise stop data through the Department's error resolution process.

(Proposed 11 CCR § 999.227, subd. (a)(10).) As provided in the regulations, this error correction process is optional; the regulations do not impose any affirmative obligation on agencies to utilize that process.

F. Benefits of Data Collection

The benefits of collecting data regarding stops by law enforcement officers have been recognized by law enforcement agencies, advocates, academics, and other stakeholders. The ACLU of North Carolina describes three broad types of benefits that result from enhanced data collection efforts like those required by AB 953 and the proposed regulations:

> Data collection has benefits recognized by the law enforcement community, including the Police Executive Research Forum. First, data collection can provide significant information about a department's traffic stops and their results, which can improve a department's efficiency. It can help departments discern whether racial disparities are rooted in the department's culture or in a small number of officers who may need additional training. Most importantly, data collection can help guide dialogue within communities about racially biased policing and show affected community members a police department's willingness to work with them in addressing the issue.

(ACLU of North Carolina, Road Work Ahead, p. 1 (May 2014) at http://acluofnc.org/files/Road_Work_Ahead_-_Data_collection_report_May_2014.pdf [as of Jan. 5, 2017] [Z-2016-1129-03-01721].)

Using this framework, the remainder of this memorandum expands upon the specific benefits we anticipate to result from implementation of AB 953 and the proposed regulations, as originally set forth in the ISOR. Please note, however, that it is difficult to quantify these benefits. As the U.S. Department of Justice explains:

> Calculating the benefits from engaging in data collection and analysis is a very difficult matter. In many respects, only potential benefits can be cited. Individual departments will have to determine how far they are willing to go in using the data collected and for what purposes they are willing to use the data.

(Community Oriented Policing Services, How to Correctly Collect and Analyze Racial Profiling Data: Your Reputation Depends on It!, p. 107 (2002) at https://cops.usdoj.gov/html/cd_rom/inaction1/pubs/HowToCorrectlyCollectAnalyzeRacialProfilingData.pdf [as of Jan. 4, 2017] [Z-2016-1129-03-00727].) Unfortunately, the DOJ has no means at this time to more specifically estimate the economic benefits that may result from either AB 953 or the proposed regulations.

a. Improved Agency Efficiency

The first category of anticipated benefits from implementation of AB 953 is improved agency efficiency. Studies have shown that biased policing—whether it is the result of implicit or explicit bias—results in inefficiencies and resource misallocation. As the ACLU of North Carolina explains:

> [A] report by the Institute of Race and Justice lists several potential benefits of a strong data collection program. First, it can help provide important information about the characteristics of different types of stops and their results. Second, data on traffic stops could allow law enforcement agencies to be able to address questions about the effectiveness of their traffic stops. This is an often overlooked but important benefit of data collection, given the aforementioned evidence suggesting that officers need to complete an exorbitant number of stops to find contraband.

(Road Work Ahead, p. 12 [fns. omitted].)

For example, a recent assessment of traffic stop data from the San Francisco Police Department found that officers there were significantly more likely to search black drivers after a traffic stop compared to white drivers, and that searches of black drivers were significantly less likely to result in contraband compared to searches of white drivers. (Community Oriented Policing Services, U.S. Department of Justice, Collaborative Reform Initiative: An Assessment of the San Francisco Police Department, p. 75 (Oct. 2016), at https://ric-zai-inc.com/Publications/cops-w0817-pub.pdf [as of Jan. 4, 2017] [Z2016-11129-03-00270]; see also New York Civil Liberties Union, Stop-and-Frisk Data, at http://www.nyclu.org/content/stop-and-frisk-data [as of Jan. 7, 2017] [revealing that nearly 9 out of 10 people stopped and frisked were completely innocent] [Z-2016-1129-03-01908].)

AB 953 and these proposed regulations will enable the Department and the RIPA Board to conduct similar analysis for agencies statewide and develop training recommendations to promote more equitable and efficient policing.

In addition to addressing racial bias, the data collected pursuant to AB 953 and the proposed regulations will help to inform training recommendations across other metrics. For example, data regarding the number of stops of persons with perceived disabilities or limited English proficiency may help alert an agency of the need for enhanced training to provide better, more efficient services to those communities.

b. Understanding and Addressing Disparities

Biased policing—whether implicit or explicit, individual or systemic—results in both tangible and intangible costs for law enforcement agencies. At a minimum, agencies expend financial and staff resources to investigate and respond to citizen complaints about racial profiling. (See, e.g., Community Oriented Policing Services, U.S. Department of Justice, Collaborative Reform Initiative: An Assessment of the San Francisco Police Department, p. 62 (Oct. 2016), at https://ric-zai-inc.com/Publications/cops-w0817-pub.pdf [as of Jan. 4, 2017] [Z2016-1129-03-000257] [SFPD report discussing the number of complaints received by the SFPD annually alleging racial bias].) In other cases, law enforcement agencies and municipalities may pay steep financial costs to litigate and settle claims related to allegations of bias. (See, e.g., Susanna Capelouto, *Racial profiling costs Arizona county $22 million*, CNN (Jan. 3, 2014), available at http://www.cnn.com/2014/01/03/us/racial-profiling-payments [as of Jan. 4, 2017] [Z2016-1129-03-02076].)

The data collection required by the proposed regulations will provide invaluable information to understand where disparities exist, address those disparities, and reduce the high costs of both real and perceived disparities. For example, a recent study of the Oakland Police Department's stop data recommended additional targeted training for new officers based upon its findings that less-experienced officers show more racial disparities in their stops. (See ISOR, p. 20, citing Jennifer L. Eberhardt, et al., Strategies for Change: Research Initiatives and Recommendations To Improve Police Community Relations in Oakland, Calif., p. 5 (June 20, 2016), at https://stanford.box.com/v/Strategies-for-Change [as of Nov. 21, 2016] [Z-2016-1129-03-01079].) By requiring similar data collection and analysis statewide, AB 953 and the proposed regulations will enable the Department and RIPA Board to detect similar patterns and craft targeted training recommendations to eliminate such disparities.

c. Improved Community Relations

In addition to the immediate benefit to law enforcement agencies with respect to obtaining data regarding stops of their officers, an equally important benefit, albeit less quantifiable, of such data collection is its role in enhancing trust between agencies and the communities they serve, as a result of increased transparency and accountability. As the President's Task Force on 21st Century Policing explained:

> [L]aw enforcement's obligation is not only to reduce crime but also to do so fairly while protecting the rights of citizens. Any prevention strategy that unintentionally violates civil rights, compromises police legitimacy, or undermines trust is counterproductive from both ethical and cost-benefit perspectives. Ignoring these considerations can have both financial costs (e.g., lawsuits) and social costs (e.g., loss of public support).

(Final Report of the President's Task Force on 21st Century Policing, p. 42 (May 2015) at https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf [as of Jan. 4, 2017] [Z-2016-1129-03-01974].)

Agencies expend both financial and staff resources to compensate for a lack of community cooperation as a result of the trust deficit between some law enforcement agencies and the

communities they serve. Although the link between enhanced data collection and improved community relations is well-recognized, it remains the most difficult benefit to quantify:

> [I]t has so far been difficult to quantify the benefits of releasing data for the purpose of improved police community relations. "Better community relations" have been loosely observed, with unstandardized, qualitative measurements not fitting neatly into a metrics report.

(R. Sibley, P. Gibbs, and E. Shaw, The benefits of data in criminal justice: Improving police community relations, The Sunlight Foundation (Apr. 30, 2015) at https://sunlightfoundation.com/2015/04/30/thebenefitsofdataincriminaljusticeimprovingpolicecommunityrelations/ [as of Jan. 5, 2017] [Z-2016-1129-03-02064].)

Just as policing strategies that undermine legitimacy and trust accrue both financial and social costs, efforts to counteract such trends—like AB 953 and the Department's implementing regulations—accrue corresponding financial and social benefits. The U.S. Department of Justice has recognized similar benefits to data collection:

> An additional benefit from data collection is that it focuses attention on the issue, and may result in making members of the community feel that their concerns are at least being addressed in a substantive fashion. If police departments begin to engage their communities and interact with community groups and leaders, as part of the attempt to defuse racial profiling accusations, there may be positive benefits from this as well. The results from analysis of data collected will offer much new information about police practices and patterns, which will allow for valuable discussion and consideration of the appropriate roles for police and community members. And finally, the data collected can show police managers a great deal of information about the efficiency and productivity of the staffing patterns and practices currently employed.

(Community Oriented Policing Services, How to Correctly Collect and Analyze Racial Profiling Data: Your Reputation Depends on It!, p. 107 (2002) at https://cops.usdoj.gov/html/cd_rom/inaction1/pubs/HowToCorrectlyCollectAnalyzeRacialProfilingData.pdf [as of Jan. 4, 2017] [Z-2016-1129-03-00727]; see also U.S. Department of Justice, A Resource Guide on Racial Profiling Data Collection Systems: Promising Practices and Lessons Learned, p. 55 (Nov. 2000) at http://permanent.access.gpo.gov/lps47663/184768.pdf [as of Jan. 4, 2017] [Z-2016-1129-03-01454] [similar].)

Ultimately, as explained in the ISOR:

> Increased transparency, including the publication of this data, as required by AB 953, will be an important step in building bridges between the public and law enforcement agencies that will ultimately promote overall public safety for officers and the communities they serve.

(ISOR, p. 3.)

BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE TEST CLAIM:

Penal Code Section 13519.4;

Statutes 2000, Chapter 684;

Filed on August 13, 2001 by the County of Sacramento, Claimant.

Case No.: 01-TC-01

Racial Profiling: Law Enforcement Training

STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5, ARTICLE 7

(Adopted on October 26, 2006)

STATEMENT OF DECISION

The attached Statement of Decision of the Commission on State Mandates is hereby adopted in the above-entitled matter.

Paula Higashi

PAULA HIGASHI, Executive Director

October 31, 2006

Date

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(Adopted on October 26, 2006)

STATEMENT OF DECISION

The Commission on State Mandates ("Commission") heard and decided this test claim during a regularly scheduled hearing on October 26, 2006. Nancy Gust appeared on behalf of the County of Sacramento, claimant. Carla Castaneda, Donna Ferebee, and Susan Geanacou appeared on behalf of the Department of Finance.

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., and related case law.

The Commission adopted the staff analysis to partially approve this test claim at the hearing by a vote of 7-0.

Summary of Findings

This test claim addresses legislation that prohibits law enforcement officers from engaging in racial profiling and establishes racial profiling training requirements for law enforcement officers, with the curriculum developed by the Commission on Peace Officer Standards and Training (POST).

Law enforcement officers are required to take a basic training course prior to exercising their duties as peace officers, and must subsequently complete 24 hours of continuing professional training every two years. The test claim statute, as interpreted by POST, required a five-hour initial racial profiling training course and a two-hour refresher course every five years. Both of these courses can be certified by POST to allow local agencies to apply the training hours towards the 24-hour continuing professional training requirement. Since POST can certify a course retroactively, it is possible for racial profiling courses that were developed and

presented prior to the time POST developed its curriculum to be certified to meet the requirements of the test claim statute.

Because the initial five-hour racial profiling training was incorporated into the basic training course for law enforcement officers as of January 1, 2004, and there is no state mandate for local agencies to provide basic training to new recruits, the initial five-hour training can only be required of incumbent officers who completed basic training on or before January 1, 2004. The activity is a mandate on the local agency because the Fair Labor Standards Act requires employers to compensate their employees for work-related mandatory training when such training occurs during the employees' regular working hours. Additionally, a Memorandum of Understanding between the employer and employee organization, in effect as of January 1, 2001, can require the employer to compensate the employee for work-related mandatory training when it occurs outside the employee's regular working hours.

However, the test claim statute imposes costs mandated by the state *only* to the extent that attending the initial five-hour racial profiling training course causes the officer to exceed his or her 24-hour continuing education requirement, when the two-year cycle that included the initial five-hour racial profiling course occurs between January 1, 2002 and July 2004, and the continuing education for that cycle was attended *prior to* the initial racial profiling course.

The two-hour racial profiling refresher course does not impose costs mandated by the state since that course is only required every five years, beginning after the initial course is provided, and officers can readily incorporate the two-hour course into their 24-hour, two-year continuing education requirement.

BACKGROUND

This test claim addresses legislation that prohibits law enforcement officers from engaging in racial profiling, as defined, and establishes racial profiling training requirements for law enforcement officers, with the curriculum developed by POST.

POST was established by the Legislature in 1959 to set minimum selection and training standards for California law enforcement.[1] The POST program is funded primarily by persons who violate the laws that peace officers are trained to enforce.[2] Participating agencies agree to abide by the standards established by POST and may apply to POST for state aid.[3]

In enacting the test claim statute (Stats. 2000, ch. 684), the Legislature found that racial profiling[4] is a practice that presents a great danger to the fundamental principles of a democratic society, is abhorrent and cannot be tolerated.[5] The Legislature further found that

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[1] Penal Code section 13500 et seq.

[2] *About California POST*, <http://www.POST.ca.gov>

[3] Penal Code sections 13522 and 13523.

[4] Racial profiling is defined as "the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped." (Pen. Code § 13519.4, subd. (d), as enacted in Stats. 2000, ch. 684.)

[5] Penal Code section 13519.4, subdivision (c)(1) (as enacted in Stats. 2000, ch. 684).

motorists who have been stopped by the police for no reason other than the color of their skin or their apparent nationality or ethnicity are the victims of discriminatory practices.[6]

The test claim statute required every law enforcement officer in the state to participate in expanded training regarding racial profiling, beginning no later than January 1, 2002.[7] The training shall be prescribed and certified by POST, in collaboration with a five-person panel appointed by the Governor, Senate Rules Committee and Speaker of the Assembly.[8]

Once the initial training on racial profiling is completed, each law enforcement officer in California, as described in subdivision (a) of Penal Code section 13510 who adheres to the standards approved by POST, is required to complete a two-hour refresher course every five years thereafter, or on a more frequent basis if deemed necessary.[9]

POST developed a five-hour approved curriculum to meet the initial training required by Penal Code section 13519.4, subdivision (f). The curriculum was designed to be presented in-house by a trained instructor within the law enforcement agency, who must complete a Racial Profiling Train-the-Trainer Course prior to facilitating the training. That course is given on an ongoing basis by the Museum of Tolerance in Los Angeles at no cost to the law enforcement agency, and the newly-trained instructor is provided with all necessary course material to train his or her own officers.[10]

The five-hour initial racial profiling training was incorporated into the Regular Basic Course[11] for peace officer applicants after January 1, 2004,[12] and POST suggested that incumbent peace officers complete the five-hour training by July 2004.[13] POST can certify a course retroactively,[14] thus it is possible for racial profiling courses that were developed and presented prior to the time POST developed its curriculum to be certified as meeting the requirements of Penal Code section 13519.4. Additionally, both the five-hour racial profiling course and the

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[6] Penal Code section 13519.4, subdivision (c)(2).

[7] Penal Code section 13519.4, subdivision (f); Statutes 2004, chapter 700 (SB 1234) renumbered subdivision *(f)* to subdivision *(g)*. The Commission makes no findings regarding any substantive changes which may have been made in the 2004 legislation since it was not pled in the test claim. Accordingly, this provision will continue to be referred to as "subdivision (f)" as originally set forth in the test claim statute.

[8] Penal Code section 13519.4, subdivision (f).

[9] Penal Code section 13519.4, subdivision (i).

[10] Comments filed by POST, August 10, 2005.

[11] Penal Code section 832.3 requires peace officers to complete a course of training prescribed by POST before exercising the powers of a peace officer.

[12] California Code of Regulations, title 11, section 1081, subdivision (a)(33).

[13] POST Legislative Training Mandates, updated August, 2004.

[14] California Code of Regulations, title 11, section 1052, subdivision (d).

two-hour refresher course can be certified by POST to allow agencies and officers to apply the training hours toward their 24-hour Continuing Professional Training requirement.[15, 16]

Prior Test Claim Decisions

In the past, the Commission has decided six other test claims addressing POST training for peace officers that are relevant for this analysis.

1. Domestic Violence Training

In 1991, the Commission denied a test claim filed by the City of Pasadena requiring new and veteran peace officers to complete a course regarding the handling of domestic violence complaints as part of their basic training and continuing education courses (*Domestic Violence Training*, CSM-4376). The Commission reached the following conclusions:

- the test claim statute does not require local agencies to implement a domestic violence training program and to pay the cost of such training;
- the test claim statute does not increase the minimum number of basic training hours, nor the minimum number of advanced officer training hours and, thus, no additional costs are incurred by local agencies; and
- the test claim statute does not require local agencies to provide domestic violence training.

2. Domestic Violence and Incident Reporting

In January 1998, the Commission denied a test claim filed by the County of Los Angeles requiring veteran law enforcement officers below the rank of supervisor to complete an updated course of instruction on domestic violence every two years (*Domestic Violence Training and Incident Reporting*, CSM-96-362-01). Although the Commission recognized that the test claim statute imposed a new program or higher level of service, the Commission found that local agencies incurred *no* increased "costs mandated by the state" in carrying out the two-hour course for the following reasons:

- *immediately before and after* the effective date of the test claim statute, POST's minimum required number of continuing education hours for the law enforcement officers in question *remained the same at 24 hours*. After the operative date of the test claim statute these officers must still complete at least 24 hours of professional training every two years;
- the two-hour domestic violence training update may be credited toward satisfying the officer's 24-hour minimum;
- the two-hour training is *neither* "separate and apart" *nor* "on top of" the 24-hour minimum;
- POST does not mandate creation and maintenance of a separate schedule and tracking system for this two-hour course;

[15] Letter from POST, dated August 10, 2005.

[16] Title 11, section 1005(d)(1) requires peace officers to complete 24 hours of POST-qualifying training every two years.

- POST prepared and provides local agencies with the course materials and video tape to satisfy the training in question; and
- of the 24-hour minimum, the two-hour domestic violence training update is the only course that is legislatively mandated to be continuously completed every two years by the officers in question. The officers may satisfy their remaining 22-hour requirement by choosing from *the many elective courses* certified by POST.

That test claim was subsequently litigated and decided in the Second District Court of Appeal (*County of Los Angeles v. Commission on State Mandates* (2003) 110 Cal.App.4th 1176 [*County of Los Angeles II*]), where the Commission's decision was upheld and reimbursement was ultimately denied.

3. Sexual Harassment Training in the Law Enforcement Workplace

In September 2000, the Commission approved in part and denied in part a test claim filed by the County of Los Angeles regarding sexual harassment training for peace officers (*Sexual Harassment Training in the Law Enforcement Workplace,* 97-TC-07). The test claim statute required POST to develop complaint guidelines to be followed by local law enforcement agencies for peace officers who are victims of sexual harassment in the workplace. The statute also required the course of basic training for law enforcement officers to include instruction on sexual harassment in the workplace, and veteran peace officers that had already completed basic training were required to receive supplementary training on sexual harassment in the workplace. The Commission reached the following conclusions:

- the sexual harassment complaint guidelines to be followed by local law enforcement agencies developed by POST constituted a reimbursable state-mandated program;
- the modifications to the course of basic training did not constitute a reimbursable state-mandated program since it did not impose any mandated duties on the local agency; and
- the supplemental training that required veteran peace officers to receive a one-time, two-hour course on sexual harassment in the workplace constituted a reimbursable state-mandated program when the training occurred during the employee's regular working hours, or when the training occurred outside the employee's regular working hours and was an obligation imposed by a Memorandum of Understanding existing on the effective date of the statute which required the local agency to provide or pay for continuing education training.[17]

[17] Reimbursable "costs mandated by the state" for this test claim included: 1) salaries, benefits, and incidental expenses for each veteran officer to receive a one-time, two-hour course on sexual harassment in the workplace; and 2) costs to present the one-time, two-hour course in the form of materials and trainer time.

4. Law Enforcement Racial and Cultural Diversity Training

In October 2000, the Commission denied a test claim filed by the County of Los Angeles regarding racial and cultural diversity training for law enforcement officers (*Law Enforcement Racial and Cultural Diversity Training,* 97-TC-06). The test claim statute required that, no later than August 1, 1993, the basic training course for law enforcement officers include adequate instruction, as developed by POST, on racial and cultural diversity. The Commission found that the test claim statute did not impose any mandated duties or activities on local agencies since the requirement to complete the basic training course on racial and cultural diversity is a mandate imposed only on the individual who seeks peace officer status.

5. Elder Abuse Training

In January 2001, the Commission approved in part and denied in part a test claim filed by the City of Newport Beach regarding elder abuse training for city police officers and deputy sheriffs (*Elder Abuse Training,* 98-TC-12). The test claim statute required city police officers or deputy sheriffs at a supervisory level and below who are assigned field or investigative duties to complete an elder abuse training course, as developed by POST, by January 1, 1999, or within 18 months of being assigned to field duties. The Commission reached the following conclusions:

- The elder abuse training *did constitute* a reimbursable state-mandated program when the training occurred during the employee's regular working hours, or when the training occurred outside the employee's regular working hours and was an obligation imposed by a Memorandum of Understanding existing on the effective date of the statute, which requires the local agency to provide or pay for continuing education training.[18]
- The elder abuse training *did not constitute* a reimbursable state-mandated program when applied to city police officers or deputy sheriffs hired after the effective date of the test claim statute, since such officers could apply the two-hour elder abuse training course towards their 24-hour continuing education requirement.

6. Mandatory On-The-Job Training For Peace Officers Working Alone

In July 2004, the Commission denied a consolidated test claim, filed by the County of Los Angeles and Santa Monica Community College District, regarding POST Bulletin 98-1 and POST Administrative Manual Procedure D-13, in which POST imposed field training requirements for peace officers that work alone and are assigned to general law enforcement patrol duties (*Mandatory On-The-Job Training For Peace Officers Working Alone*, 00-TC-19/ 02-TC-06). The Commission found that these executive orders do not impose a reimbursable

[18] Reimbursable "costs mandated by the state" for this test claim included: 1) costs to present the one-time, two-hour course in the form of trainer time and necessary materials provided to trainees; and 2) salaries, benefits and incidental expenses for each city police officer or deputy sheriff to receive the one-time, two-hour course on elder abuse in those instances where the police officer or deputy sheriff already completed their 24 hours of continuing education at the time the training requirement was imposed on the particular officer, and when a new two-year training cycle did not commence until after the deadline for that officer or deputy to complete elder abuse training.

state-mandated program within the meaning of article XIII B, section 6 of the California Constitution for the following reasons:

- state law does not require school districts and community college districts to employ peace officers and, thus, POST's field training requirements do not impose a state mandate on school districts and community college districts; and
- state law does not require local agencies and school districts to participate in the POST program and, thus, the field training requirements imposed by POST on their members are not mandated by the state.

Claimant's Position

The claimant contends that the test claim statute constitutes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

Claimant asserts that costs for the following activities will be incurred and are reimbursable:

- Development costs for the racial profiling training beginning in fiscal year 2000-2001, including travel, training, salary and benefit costs.
- Implementation costs beginning in fiscal year 2001-2002 for over 1,000 incumbent police officers to receive an eight-hour racial profiling class during regular business hours, and may include some overtime pay at one and one-half pay rates for a total of least $65,269.
- Set up and preparation time for instructors at an additional $3,000.
- Ongoing racial profiling training for new officers, as they are hired, which includes the eight-hour class during regular business hours and may include some overtime pay at one and one-half pay rates.
- Ongoing training for the refresher course.

Position of Department of Finance (DOF)

DOF stated in its comments that the test claim is without merit because the test claim statute does not impose an obligation on any *law enforcement agency* to provide training; rather the statute imposes the requirement on the *law enforcement officer*. Further, no duty is imposed on any local government entity to pay the expense of training law enforcement officers, since the local agency has the option when hiring new law enforcement officers to hire only those persons who have already obtained the training. Finally, since the test claim statute specifies that refresher courses are required only of each law enforcement officer who adheres to the standards imposed by POST, there is no mandate because local agency participation in and compliance with POST programs and standards is optional.

DOF subsequently filed comments agreeing with the draft staff analysis.

Position of POST

In its September 17, 2001 comments, POST stated the following:

> Pursuant to the passage of Senate Bill 1102, [POST] is presently in the process of developing a prescribed course that will meet the intent of Senate Bill 1102, as well as the needs of all law enforcement agencies that participate in the POST program.
>
> Local agencies participate in the POST program on a voluntary basis. There is no requirement for any department to present this training. Because the prescribed curriculum for this training is still in the design phase, it is not possible to calculate the cost of presenting such training or the fiscal impact on agencies in the POST program. Suffice it to say that POST is desirous of finding a cost-efficient means of presenting the training so that fiscal impact on the field is not onerous.

In its August 10, 2005 comments, POST stated that subject matter experts from throughout the state in concert with the Governor's Panel on Racial Profiling developed the *Racial Profiling: Issues and Impact* curriculum. This curriculum was designed to be presented in-house by a trained instructor within the law enforcement agency. The comments further stated:

> It is believed that in-house instructors provide validity to the training and can relate the material directly to agency policies.
>
> The curriculum was designed as a "course-in-a-box" and includes an instructor guide, facilitated discussion questions, class exercises, and a companion training video. ... The course was designed to ensure training consistency throughout the State.
>
> Due to the complexity and sensitivity of the topic, POST regulation requires that each instructor complete the 24-hour Racial Profiling Train-the-Trainer Course prior to facilitating the training. The Training for Trainers course is presented on an on-going basis by the Museum of Tolerance in Los Angeles. The course is presented under contract and is of no cost to the [local law enforcement] agency. At the completion of the training, the instructor is provided with all necessary course material to train their own officers.

The mandated basic curriculum is five hours, and the refresher course is two hours. Both courses can be certified by POST to allow agencies to apply the training hours towards the 24-hour Continuing Professional Training requirement.

COMMISSION FINDINGS

The courts have found that article XIII B, section 6 of the California Constitution[19] recognizes the state constitutional restrictions on the powers of local government to tax and spend.[20] "Its purpose is to preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are 'ill equipped' to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose."[21] A test claim statute or executive order may impose a reimbursable state-mandated program if it orders or commands a local agency or school district to engage in an activity or task.[22] In addition, the required activity or task must be new, constituting a "new program," or it must create a "higher level of service" over the previously required level of service.[23]

The courts have defined a "program" subject to article XIII B, section 6, of the California Constitution, as one that carries out the governmental function of providing public services, or a law that imposes unique requirements on local agencies or school districts to implement a state policy, but does not apply generally to all residents and entities in the state.[24] To determine if the program is new or imposes a higher level of service, the test claim statute must be compared with the legal requirements in effect immediately before the enactment of the test claim statute.[25] A "higher level of service" occurs when the new "requirements were intended to provide an enhanced service to the public."[26]

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[19] Article XIII B, section 6, subdivision (a), (as amended by Proposition 1A in November 2004) provides: "Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service, except that the Legislature may, but need not, provide a subvention of funds for the following mandates: (1) Legislative mandates requested by the local agency affected. (2) Legislation defining a new crime or changing an existing definition of a crime. (3) Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975."

[20] *Department of Finance v. Commission on State Mandates* (*Kern High School Dist.*) (2003) 30 Cal.4th 727, 735.

[21] *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.

[22] *Long Beach Unified School Dist. v. State of California* (1990) 225 Cal.App.3d 155, 174.

[23] *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 878 (*San Diego Unified School Dist.*); *Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835-836 (*Lucia Mar*).

[24] *San Diego Unified School Dist., supra,* 33 Cal.4th 859, 874, [reaffirming the test set out in *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56 (*County of Los Angeles I*) and *Lucia Mar, supra,* 44 Cal.3d 830, 835].

[25] *San Diego Unified School Dist., supra*, 33 Cal.4th 859, 878; *Lucia Mar, supra,* 44 Cal.3d 830, 835.

[26] *San Diego Unified School Dist., supra*, 33 Cal.4th 859, 878.

Finally, the newly required activity or increased level of service must impose costs mandated by the state.[27]

The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6.[28] In making its decisions, the Commission must strictly construe article XIII B, section 6 and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities."[29]

The analysis addresses the following issues:

- Is the test claim statute subject to article XIII B, section 6 of the California Constitution?
- Does the test claim statute impose a "new program or higher level of service" on local agencies within the meaning of article XIII B, section 6 of the California Constitution?
- Does the test claim statute impose "costs mandated by the state" on local agencies within the meaning of article XIII B, section 6 of the California Constitution?

Issue 1: Is the test claim statute subject to article XIII B, section 6 of the California Constitution?

A. Does the test claim statute mandate any activities?

In order for the test claim statute to impose a reimbursable state-mandated program under article XIII B, section 6, the statutory language must mandate an activity or task upon local governmental agencies. If the language does not mandate or require local agencies to perform a task, then article XIII B, section 6 is not triggered.

The test claim statute, Statutes 2000, chapter 684, amended Penal Code section 13519.4 by adding subdivisions (c)(1) through (c)(4), and subdivisions (d) through (j). Each of these new provisions is summarized below.

Subdivisions (c)(1) through (c)(4): These subdivisions state the Legislature's findings and declarations regarding racial profiling and do not mandate any activities.

Subdivision (d): This subdivision provides a definition for racial profiling and does not mandate any activities.

Subdivision (e): This subdivision states that law enforcement officers "shall not engage in racial profiling" and thus prohibits, rather than mandates, an activity.

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[27] *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1284 (*County of Sonoma*); Government Code sections 17514 and 17556.

[28] *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code sections 17551, 17552.

[29] *County of Sonoma, supra,* 84 Cal.App.4th 1264, 1280, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

Subdivision (f): This subdivision states that every law enforcement officer in the state shall participate in expanded racial profiling training that is prescribed and certified by POST, to begin no later than January 1, 2002; it further sets forth requirements for POST to collaborate with a five-person panel appointed by the Governor and the Legislature in developing the training. Thus, the provision does mandate an activity on local law enforcement officers. Whether this mandates an activity on local agencies is analyzed below.

Subdivision (g): This subdivision states that members of the panel established pursuant to subdivision (f) shall not be compensated except for reasonable per diem related to their work for panel purposes, and does not mandate any activities on local government agencies.

Subdivision (h): This subdivision specifies that certain requirements be incorporated into the racial profiling curriculum, but does not mandate any activities on local agencies.

Subdivision (i): This subdivision requires that once the initial racial profiling training is completed, each law enforcement officer as described in Penal Code section 13510, subdivision (a), who adheres to the standards approved by POST, complete a refresher course every five years thereafter or on a more frequent basis if deemed necessary. Thus, the provision does mandate an activity on specified law enforcement officers. Whether this mandates an activity on local agencies is analyzed below.

Subdivision (j): This provision requires the Legislative Analyst to conduct a study of data being voluntarily collected on racial profiling and provide a report to the Legislature. It does not mandate any activities on local agencies.

The Requirement for Initial Racial Profiling Training Mandates Activities on Local Agencies for Incumbent Officers Only

Penal Code section 13519.5, subdivision (f), states in pertinent part:

> Every law enforcement officer in this state shall participate in expanded training [in racial profiling] as prescribed and certified by [POST]. Training shall begin being offered no later than January 1, 2002.

The plain meaning of this provision requires that law enforcement officers participate in expanded training regarding racial profiling, that the training is prescribed and certified by POST, and that such training was required to begin being offered no later than January 1, 2002.

Claimant contends that subdivision (f) requires local agencies to develop a racial profiling course and is seeking reimbursement for travel, training, salary and benefit costs for developing an eight-hour racial profiling curriculum. The plain language of subdivision (f) does not require local agencies to develop the training; instead, the statute requires *POST*, in collaboration with a designated panel, to prescribe and certify the training. Thus, the activity of local agencies developing the racial profiling training is not mandated by the test claim statute and, therefore, is not reimbursable pursuant to article XIII B, section 6 of the California Constitution.

Claimant also contends that subdivision (f) requires local agencies to provide an initial racial profiling course to both its new recruits and incumbent officers, and is seeking reimbursement for salary and benefit costs, in some instances at overtime rates, for the time taken by these employees to attend an *eight-hour* course. However, POST states that it developed a *five-hour* course to meet the "expanded training" requirement in Penal Code section 13519.4,

subdivision (f). Moreover, as of January 1, 2004, that five-hour racial profiling curriculum was incorporated into the Regular Basic Course requirements established by POST.

For the reasons cited below, the Commission finds that there is no requirement for new recruits, i.e., employees who have not yet received basic training, to participate in racial profiling training. Furthermore, there is no requirement for the local agency to provide basic training to its new recruits.

New recruits who have not received basic training are not yet considered "law enforcement officers."[30] Since 1971, Penal Code section 832 has required "every *person* described in this chapter as a peace officer" to satisfactorily complete an introductory course of training prescribed by POST before they can exercise the powers of a peace officer.[31] Any "person" completing the basic training course "who does not become employed as a peace officer" within three years is required to pass an examination developed or approved by POST.[32] Since 1994, POST has been authorized to charge a fee for the basic training examination to each "applicant" who is not sponsored or employed by a local law enforcement agency.[33]

For those "persons" who have acquired prior equivalent peace officer training, POST is required to provide the opportunity for testing instead of the attendance at a "basic training academy or accredited college."[34] Moreover, "each *applicant* for admission to a basic course of training certified by [POST] who is *not* sponsored by a local or other law enforcement agency ... shall be required to submit written certification from the Department of Justice ... that the *applicant* has no criminal history background...."[35] [Emphasis added.]

Thus, until an employee completes basic training, he or she is not a "law enforcement officer" for purposes of the test claim statute, and there is no requirement on the individual to attend racial profiling training.

With regard to new recruits, DOF states that there is no mandate on the local agency to provide the racial profiling training or pay for it, but rather the requirement is on the new recruit alone. DOF further asserts that the claimant has the option of hiring officers already trained in racial profiling as part of the required basic training for peace officers. The Commission agrees there is no mandate on local agencies to provide basic training to their law enforcement recruits.

The Commission determined that there is no provision in statute or POST regulations that requires local agencies to provide basic training. Since 1959, Penal Code section 13510 et seq.

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[30] Penal Code section 13510 establishes that, for the "purpose of raising the level of competence of local law enforcement officers," POST sets minimum standards governing the recruitment of various types of "peace officers." Thus, the terms "law enforcement officer" and "peace officer" are used interchangeably in the Penal Code.

[31] See also POST's regulation, Title 11, California Code of Regulations, section 1005, subdivision (a)(1).

[32] Penal Code section 832, subdivision (e).

[33] Penal Code section 832, subdivision (g).

[34] *Ibid.*

[35] Penal Code section 13511.5.

required POST to adopt rules establishing minimum standards relating to the physical, mental and moral fitness governing the recruitment of new local law enforcement officers.[36] In establishing the standards for training, the Legislature instructed POST to permit the required training to be conducted by *any* institution approved by POST.[37] In fact, there are 39 POST-certified basic training academies in California.

The Commission acknowledges that some local law enforcement agencies hire persons who have not yet completed their basic training course, and then sponsor or provide the training themselves. However, other agencies require the successful completion of the POST Regular Basic Course before the applicant will be considered for the job.[38] There are several community colleges approved by POST to offer the Regular Basic Course, that are open to any interested individual, whether or not employed or sponsored by a local agency.

Thus, the Commission further finds that since the initial five-hour racial profiling training is, as of January 1, 2004, a required element of the basic training curriculum, and there is no state mandate for local agencies to provide to new recruits their basic training, the test claim statute does not mandate local agencies to incur costs to send their new recruits to racial profiling training as part of the basic training course.

With regard to claimant's incumbent law enforcement officers who *had* completed basic training on or before January 1, 2004, and thus did not receive the initial racial profiling training in their basic training, DOF asserts that the test claim statute does not impose any obligations on local agencies to provide the training. Instead, DOF contends, the statute imposes a training obligation on law enforcement officers alone.

Subdivision (f) requires "every law enforcement officer in this state" to attend expanded training in racial profiling. The plain language of the test claim statute does not mandate or require local agencies to provide or pay for the racial profiling training, and there are no other state statutes, regulations, or executive orders requiring local agencies to pay for continuing education training for every law enforcement officer in the state.

However, with regard to the POST-prescribed and certified initial five-hour racial profiling course, POST states the following:

> The curriculum was designed to be presented in-house by a trained instructor within the law enforcement agency. It is believed that in-house instructors provide validity to the training and can relate the material directly to agency policies....
>
> Due to the complexity and sensitivity of the topic, POST regulation requires that each instructor complete the 24-hour Racial Profiling Train-the-Trainer Course prior to facilitating the training. The Training for Trainers course is presented on an on-going basis by the Museum of Tolerance in Los Angeles. The course is presented under contract and is of no cost to the agency. At

[36] These standards are set forth in Title 11, California Code of Regulations.

[37] Penal Code section 13511.

[38] See Job Bulletin for Police Officer for City of San Carlos.

the completion of the training, the instructor is provided with all the necessary course material to train their own officers.

The course was originally planned to be four hours in length. After two pilot presentations it was determined that the material could not be covered sufficiently in four hours; therefore, an additional hour was added, which extended the mandated curriculum to five hours.

Thus, there is evidence in the record that to implement the training requirement, there is an expectation on the local agency to be involved with providing the racial profiling training.[39] Although claimant states that it developed an *eight-hour* racial profiling course, POST's initial racial profiling curriculum is a *five-hour course* and represents both the minimum and maximum number of hours mandated by the state. Any hours exceeding five for this training is within the discretion of the local agency, and therefore cannot be considered an activity mandated by the state.

Claimant asserts that even if the training requirement is imposed upon the *officer*, the *employer* is responsible for compensating the employee for the training time — as if he or she is working — pursuant to the Fair Labor Standards Act ("FLSA"). The Commission agrees that, where law enforcement officers are *employees* of local agencies, the FLSA is relevant to this claim.

The FLSA generally provides employee protection by establishing the minimum wage, maximum hours and overtime pay under federal law. In 1985, the United States Supreme Court found that the FLSA applies to state and local governments.[40] The FLSA is codified in Title 29 of the Code of Federal Regulations (CFR).

Claimant contends that since racial profiling training is required by the state and is not voluntary, training time needs to be counted as compensable working time under 29 CFR section 785.27, and treated as an obligation imposed on the local agency. Section 785.27 states the following:

> Attendance at lectures, meetings, training programs and similar activities need not be counted as working time if the following four criteria are met:
>
> (a) Attendance is outside of the employee's regular working hours;
>
> (b) Attendance is in fact voluntary;
>
> (c) The course, lecture or meeting is not directly related to the employee's job; and
>
> (d) The employee does not perform any productive work during such attendance.

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[39] POST regulation requires trainers from the local agency to attend a 24-hour "Train-the-Trainer Racial Profiling Course" prior to providing the initial five-hour racial profiling course. The claimant has not requested reimbursement for this activity, and the Commission therefore makes no finding on it.

[40] *Garcia v. San Antonio Metropolitan Transit Authority et al.* (1985) 469 U.S. 528.

All four criteria must be met for the employer to avoid paying the employee for time spent in training courses. Here, attendance at the initial course is *not* voluntary, and the racial profiling course *is* directly related to the employee's job. Therefore, the Commission agrees with the claimant that, pursuant to this section, local agencies are required to compensate their employees for racial profiling training *if the training occurs during the employee's regular working hours.*

Accordingly, the Commission finds that local agencies are mandated by the state through Penal Code section 13519.4, subdivision (f), to compensate incumbent officers for attendance at the initial racial profiling training *if* the training occurs during regular work hours. However, because POST has designated five hours as the necessary amount of time to present the curriculum, any claims must be based on a five-hour course.

In 1987, an exception to the FLSA was enacted which provides that time spent by law enforcement officer employees of state and local governments in training required for certification by a higher level of government that occurs *outside of the employee's regular working hours* is noncompensable. The relevant provisions, located in 29 CFR section 553.226, state in pertinent part the following:

> (a) The general rules for determining the compensability of training time under the FLSA are set forth in §§ 785.27 through 785.32 of this title.
>
> (b) While time spent in attending training required by an employer is normally considered compensable hours of work, following are situations where time spent by employees of State and local governments in required training is considered to be noncompensable:
> ...
>
> *(2) Attendance outside of regular working hours at specialized or follow-up training, which is required for certification of employees of a governmental jurisdiction by law of a higher level of government (e.g., where a State or county law imposes a training obligation on city employees), does* ***not*** *constitute compensable hours of work.* (Emphasis added.)

The Commission finds that 29 CFR section 553.226, subdivision (b)(2), applies when the racial profiling training is conducted outside the employee's regular working hours. In such cases, the local agency is not required to compensate the employee. Rather, the cost of compensating officers attending racial profiling training *becomes a term or condition of employment subject to the negotiation and collective bargaining* between the local agency and the employee.

Collective bargaining between local agencies and their employees is governed by the Meyers-Milias-Brown Act. (Gov. Code, §§ 3500 et seq.) The Act requires the governing body of the local agency and its representatives to meet and confer in good faith regarding wages, hours and other terms of employment with representatives of employee organizations. If an agreement is reached, the parties enter into a collective bargaining agreement, or memorandum of understanding (MOU). Only upon the approval and adoption by the governing board of the local agency, does the MOU become binding on the local agency and its employees.[41]

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[41] Government Code sections 3500, 3503, and 3505.1.

Although paying for racial profiling training conducted outside the employee's regular working hours is an issue negotiated at the local level, the Commission recognizes that the California Constitution prohibits the Legislature from impairing obligations or denying rights to the parties of a valid, binding contract absent an emergency.[42] In the present case, the test claim statute became effective on January 1, 2001, and was not enacted as an urgency measure.

Accordingly, the Commission finds that compensating the officer for the initial racial profiling training outside the employee's regular working hours is an obligation imposed on those local agencies that, as of January 1, 2001 (the effective date of the statute), are bound by an existing MOU, which requires the agency to pay for continuing education training.

However, when the existing MOU terminates, or in the case of a local agency that is not bound by an existing MOU on January 1, 2001, requiring that the agency pay for continuing education training, the initial racial profiling training conducted outside the employee's regular working hours becomes a negotiable matter subject to the discretion of the local agency. Under those circumstances, the Commission finds that the requirement to pay for the initial racial profiling training is not an obligation imposed by the state on a local agency.

As a final matter, the test claim statute states that the training shall begin *no later than* January 1, 2002, which does not preclude the agency from providing racial profiling training sooner than that date. Where a local agency conducted the training *prior to* POST releasing its "prescribed and certified" racial profiling training, up to five hours of such training could be considered a mandated activity if the curriculum is approved and certified by POST as meeting the POST specifications for the racial profiling topic. POST can certify such training curriculum *retroactively*, pursuant to California Code of Regulations, title 11, section 1052.

In conclusion, the Commission finds that Penal Code section 13519.4, subdivision (f), mandates *up to five hours* of racial profiling training under the following conditions:

1. the training is provided to incumbent law enforcement officers who completed basic training on or before January 1, 2004;
2. the training is certified by POST; and
3. the training is attended during the employee's regular working hours, or the training occurs outside the employee's regular working hours *and* there is an obligation imposed by an MOU existing on January 1, 2001 (the effective date of the test claim statute), which requires that the local agency pay for continuing education training.

The Requirement for Refresher Racial Profiling Training Mandates an Activity on Local Agencies

Penal Code section 13519.4, subdivision (i), states the following:

> Once the initial basic training [for racial profiling] is completed, each law enforcement officer in California as described in subdivision (a) of Section 13510 who adheres to the standards approved by [POST] shall be required to complete a refresher course every five years thereafter, or on a more frequent basis if deemed necessary, in order to keep current with changing racial and cultural trends.

[42] California Constitution, article 1, section 9.

Claimant is requesting reimbursement for salary and benefit costs, in some instances at overtime rates, for the officers' time spent in attending the refresher racial profiling course. POST has certified that two hours is needed for this refresher racial profiling course.

Since this requirement is applicable to law enforcement officers of specified local agencies that adhere to the standards approved by POST, DOF asserts there is no mandate because belonging to POST is *voluntary* on the part of local agencies. However, in *County of Los Angeles II*, a recent California Second District Court of Appeal case regarding reimbursement for peace officer training mandated by state statute, the court stated that "[w]e agree that POST certification is, for all practical purposes, not a 'voluntary' program..."[43]

Additionally, as with the five-hour racial profiling course for incumbent law enforcement officers, FLSA similarly requires local agencies to compensate their officers for racial profiling training when it occurs during regular work hours and in some cases outside the employee's regular working hours depending on the MOU negotiated between the employees and the local agency.

Thus, the Commission finds that Penal Code section 13519.4, subdivision (i), does mandate up to two hours of refresher racial profiling training for incumbent law enforcement officers under the conditions set forth under the subdivision (f) analysis of this issue.

B. Does the test claim statute constitute a "program?"

The test claim statute must also constitute a "program" in order to be subject to article XIII B, section 6 of the California Constitution. Courts have defined a "program" as one that carries out the governmental function of providing a service to the public, or a law that imposes unique requirements on local agencies or school districts to implement a state policy, but does not apply generally to all residents and entities in the state.[44]

The *County of Los Angeles I* case further explained that the term "program" as it is used in article XIII B, section 6, "was [intended] to require reimbursement to local agencies for the costs involved in carrying out functions *peculiar to government*, not for expenses incurred by local agencies as an incidental impact of laws that apply generally to all state residents and entities." (Emphasis added.)[45] Accordingly, the court found that no reimbursement was required for increases in workers' compensation and unemployment insurance benefits applied to all employees of private and public businesses.[46]

Here, on the other hand, the requirements imposed by the test claim statute are carried out by state and local law enforcement agencies. Although both state and local entities are involved, these requirements do not apply "generally to all residents and entities in the state," as did the requirements for workers' compensation and unemployment insurance benefits in the *County of Los Angeles I* case.

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[43] *County of Los Angeles II, supra,* 110 Cal.App.4th 1176, 1194.

[44] *San Diego Unified School Dist., supra,*33 Cal.4th 859, 874 (reaffirming the test set out in *County of Los Angeles I, supra,* 43 Cal.3d 46, 56; *Lucia Mar, supra,* 44 Cal.3d 830, 835).

[45] *County of Los Angeles I, supra,* 43 Cal.3d 46, 56-57.

[46] *County of Los Angeles I, supra,* 43 Cal.3d 46, 57-58.

Therefore, the Commission finds that the test claim statute imposes requirements peculiar to government to implement a state policy which does not apply generally to all residents and entities in the state, and thus constitutes a "program" within the meaning of article XIII B, section 6 of the California Constitution.

Issue 2: Does the test claim statute impose a "new program or higher level of service" on local agencies within the meaning of article XIII B, section 6 of the California Constitution?

The courts have held that a test claim statute imposes a "new program or higher level of service" when: a) the requirements are new in comparison with the preexisting scheme; *and* b) the requirements were intended to provide an enhanced service to the public.[47] Both of these conditions must be met in order to find that a "new program or higher level of service" was created by the test claim statute. The first step in making this determination is to compare the test claim statute with the legal requirements in effect immediately before the enactment of the test claim statute.

In 1990, the Legislature established requirements for law enforcement officers to be instructed in racial and cultural diversity.[48] As stated above, the test claim statute imposed additional requirements in Penal Code section 13519.4, subdivisions (f) and (i), to provide and compensate incumbent law enforcement officers for attending racial profiling training under certain circumstances. Those requirements are new in comparison to the preexisting scheme.

Furthermore, the test claim statute was intended to help prevent the "pernicious" practice of racial profiling by law enforcement officers,[49] which demonstrates the intent to provide an enhanced service to the public. Thus, the test claim statute does impose a "new program or higher level of service."

Issue 3: Does the test claim statute impose "costs mandated by the state" on local agencies within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514?

For the mandated activities to impose a reimbursable, state-mandated program, two additional elements must be satisfied. First, the activities must impose costs mandated by the state pursuant to Government Code section 17514. Second, the statutory exceptions to reimbursement listed in Government Code section 17556 cannot apply.

Government Code section 17514 defines "costs mandated by the state" as any increased cost a local agency is required to incur as a result of a statute that mandates a new program or higher level of service.

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[47] *San Diego Unified School Dist., supra*, 33 Cal.4th 859, 878; *Lucia Mar, supra*, 44 Cal.3d 830, 835.

[48] Statutes 1990, Chapter 480; Penal Code section 13519.4.

[49] Penal Code section 13519.4, subdivision (c).

The Initial Racial Profiling Training Requirement Imposes "Costs Mandated by the State"

The test claim alleged costs of $65,269 for providing the initial racial profiling training for incumbent officers pursuant to subdivision (f). Thus, there is evidence in the record, signed under penalty of perjury, that there are increased costs as a result of the test claim statute.

However, POST stated that the initial racial profiling course can be "certified by POST which would allow agencies to apply the training hours towards the 24-hour Continuing Professional Training requirement."[50] POST regulations provide that local law enforcement officers must receive at least 24 hours of Advanced Officer continuing education training every two years.[51] Thus, the issue is whether there are *increased costs* as a result of the test claim statute, or whether any costs can be absorbed into *existing* 24-hour continuing education requirement.

In 1998, the Commission analyzed whether a statute that required continuing education training for peace officers imposed "costs mandated by the state" in the *Domestic Violence Training and Incident Reporting* (*"Domestic Violence"*) test claim. That test claim statute included the following language: "The instruction required pursuant to this subdivision shall be funded from existing resources available for the training required pursuant to this section. It is the intent of the Legislature not to increase the annual training costs of local government."

The issue was whether the domestic violence training could be absorbed into the 24-hour requirement which would ultimately result in no increased costs. The Commission determined that if the domestic violence training course caused an increase in the total number of required continuing education hours, then the increased costs associated with the new training course were reimbursable as "costs mandated by the state." On the other hand, if there was no overall increase in the total number of continuing education hours, then there were no increased training costs associated with the training course. Instead, the cost of the training course was accommodated or absorbed by local law enforcement agencies within their existing resources available for training.

The Commission found that there were no "costs mandated by the state" in the *Domestic Violence* test claim. The claim was denied for the following reasons:

- Immediately before and after the effective date of the test claim statute, POST's minimum required number of continuing education hours for the law enforcement officers in question remained the same at 24 hours. After the operative date of the test claim statute these officers must still complete at least 24 hours of professional training every two years.
- The two-hour domestic violence training update may be credited toward satisfying the officer's 24-hour minimum.
- The two-hour training is neither "separate and apart" nor "on top of" the 24-hour minimum.

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[50] Letter from POST, dated August 10, 2005.

[51] California Code of Regulations, title 11, section 1005, subdivision (d).

- POST does not mandate creation and maintenance of a separate schedule and tracking system for this two-hour course.
- POST prepared and provides local agencies with the course materials and video tape to satisfy the training in question.
- Of the 24-hour minimum, the two-hour domestic violence training update is the only course that is legislatively mandated to be continuously completed every two years by the officers in question. The officers may satisfy their remaining 22-hour requirement by choosing from the many elective courses certified by POST.

That test claim was subsequently litigated and decided in the Second District Court of Appeal (*County of Los Angeles II, supra*), where reimbursement was ultimately denied. The court stated the following:

> POST training and certification is ongoing and extensive, and local law enforcement agencies may chose from a menu of course offerings to fulfill the 24-hour requirement. Adding domestic violence training obviously may displace other courses from the menu, or require the adding of courses. Officer downtime will be incurred. However, merely by adding a course requirement to POST's certification, the state has not shifted from itself to the County the burdens of state government. Rather, it has directed local law enforcement agencies to reallocate their training resources in a certain manner by mandating the inclusion of domestic violence training.
>
> ...
>
> While we are mindful that legislative disclaimers, findings and budget control language are not determinative to a finding of a state mandated reimbursable program, [citations omitted], our interpretation is supported by the hortatory statutory language that, "The instruction required pursuant to this subdivision shall be funded from existing resources available for the training required pursuant to this section. It is the intent of the Legislature not to increase the annual training costs of local government."[52]

Here, the Commission finds the initial five-hour racial profiling course, when demonstrated that it exceeds the 24-hour continuing education requirement, does impose "costs mandated by the state" for the following reasons.

First, unlike the domestic violence training statute, the test claim statute did not establish legislative intent that racial profiling training be funded from existing resources and that annual training costs of local government should not be increased. Moreover, although POST states it is *possible* to certify the initial racial profiling training and make it part of the 24-hour continuing education, it did not interpret the test claim statute to *require its inclusion* within the 24-hour continuing education requirement as it did with the *Domestic Violence* test claim.

Second, the test claim statute requires a one-time initial five-hour racial profiling training to begin by January 1, 2002, and the Legislative Training Mandates document issued by POST suggests that incumbent officers complete the initial racial profiling course by July 2004.

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[52] *County of Los Angeles II, supra,* 110 Cal.App.4th 1176, 1194-1195.

Thus, although not mandated, POST recommends the initial training be completed within a specified period of time. Such administrative interpretations of statutes are accorded great weight and respect.[53]

Third, claimant asserts that "an officer can readily exceed the 24 hours mandatory training required every two years, even prior to this new training mandate."[54] It is possible that some law enforcement officers could have already met or been close to meeting their 24-hour continuing education requirements within their particular two-year continuing education cycle *before* they were required to take the initial racial profiling training.

Based on the foregoing, the Commission finds that Penal Code section 13519.4, subdivision (f), imposes "costs mandated by the state" to the extent that the initial racial profiling course causes law enforcement officers to exceed their 24-hour continuing education requirement, when the two-year cycle that included the initial five-hour racial profiling course occurs between January 1, 2002, and July 2004, and the continuing education for that cycle was attended *prior to* the initial racial profiling course.

None of the Exceptions in Government Code Section 17556 Are Applicable to Deny Reimbursement for the Initial Racial Profiling Training

For the reasons stated below, the Commission finds that none of the exceptions apply to deny the portion of the test claim dealing with Penal Code section 13519.4, subdivision (f).

Government Code section 17556, subdivision (c), states that the Commission shall not find costs mandated by the state if, after a hearing, the Commission finds that:

> The statute or executive order imposes a requirement that is mandated by a federal law or regulation and results in costs mandated by the federal government...

Here, because the federal FLSA requires employee training time to be compensated under certain circumstances, this raises the issue of whether the obligation to pay for racial profiling training is an obligation imposed by the state, or an obligation arising out of existing federal law through the provisions of the FLSA.

The Commission finds that there is no federal statutory or regulatory scheme requiring local agencies to provide racial profiling training to incumbent officers. Rather, what triggers the provisions of the FLSA requiring local agencies to compensate incumbent officers for racial profiling training is the test claim statute. If the state had not created this program, incumbent officers would not be required to receive racial profiling training, and local agencies would not be obligated to compensate those officers for such training. Therefore, Government Code section 17556, subdivision (c), is inapplicable to deny the claim.

Government Code section 17556, subdivision (e), states that the Commission shall not find costs mandated by the state if, after a hearing, the Commission finds that:

> The statute, executive order, or an appropriation in a Budget Act or other bill provides for offsetting savings to local agencies or school districts that

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[53] *Hoechst Celanese Corp. V. Franchise Tax Board* (2001) 25 Cal.4th 508.

[54] Declaration of Deputy Alex Nishimura, dated June 18, 2002.

> result in no net costs to the local agencies or school districts, or includes additional revenue that was specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost of the state mandate.

The Penal Code provides authority for POST to allocate from the Peace Officers' Training Fund state aid to cities, counties or districts which have applied and qualified for aid.[55] Although any aid provided under the Penal Code for racial profiling training must be considered an offset to reimbursable amounts, there is no evidence in the record that this provision does not result in "no net costs" or "sufficient" funding for the mandated activities. Therefore, Government Code section 17556, subdivision (e), is inapplicable to deny the claim.

The Racial Profiling Refresher Training Does Not Impose "Costs Mandated by the State"

Claimant asserted in the test claim that it would incur ongoing costs in employee salaries and benefits to provide the refresher course "every five years, or on a more frequent basis if deemed necessary, in order to keep current with changing racial and cultural trends."

However, POST stated that the two-hour racial profiling refresher course can be "certified by POST which would allow agencies to apply the training hours towards the 24-hour Continuing Professional Training requirement."[56] Thus, the issue is whether there are *increased costs* as a result of the requirement for a racial profiling refresher course, or whether those costs can be absorbed into the *existing* 24-hour continuing education requirement.

Unlike the five-hour initial racial profiling course required under subdivision (f), the Commission finds the two-hour racial profiling refresher course required under subdivision (i) *does not* impose "costs mandated by the state" for the following reasons.

As determined by POST, the two-hour racial profiling refresher course, required to be completed every five years, applies to the existing 24-hour continuing education training requirement imposed on officers. In *County of Los Angeles II*, the court focused on the fact that any increased costs resulting from the two-hour domestic violence update training, required only every *two* years, were "incidental" to the cost of administering the POST certification. The court stated:

> Thus, while the County may lose some flexibility in tailoring its training programs, such loss of flexibility does not rise to the level of a state mandated reimbursable program because the loss of flexibility is incidental to the greater goal of providing domestic violence training. Every increase in cost that results from a new state directive does not automatically result in a valid subvention claim where, as here, the directive can be complied with by a minimal reallocation of resources within the entity seeking reimbursement. [57]

Since the two-hour racial profiling refresher training is only required every *five* years, beginning after the initial course is provided, officers can more readily plan for incorporating the training into their 24-hour, two-year continuing education requirement.

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[55] Penal Code section 13523.

[56] Letter from POST, dated August 10, 2005.

[57] *County of Los Angeles II, supra,* 110 Cal.App.4th 1176, 1194-1195.

Based on the foregoing, the Commission finds that Penal Code section 13519.4, subdivision (i), does not impose "costs mandated by the state."

CONCLUSION

The Commission finds that Penal Code section 13519.4, subdivision (f), imposes a reimbursable state-mandated program within the meaning of article XIII, section 6 of the California Constitution, and Government Code section 17514, for *up to five hours* of initial racial profiling training under the following conditions:

1. the training is provided to incumbent law enforcement officers who completed basic training on or before January 1, 2004;
2. the training is certified by POST;
3. the training is attended during the officer's regular work hours, or training is attended outside the officer's regular work hours *and* there is an obligation imposed by an MOU existing on January 1, 2001, which requires that the local agency pay for continuing education training; and
4. the training causes the officer to exceed his or her 24-hour continuing education requirement, when the two-year continuing education cycle that included the initial five-hour racial profiling training occurs between January 1, 2002 and July 2004, and the continuing education for that cycle was attended *prior to* the initial racial profiling course.

The Commission further finds that Penal Code section 13519.5, subdivision (i), which mandates the two-hour refresher racial profiling training, does not impose a reimbursable state-mandated program on local agencies within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514, because it does not impose "costs mandated by the state."

BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE TEST CLAIM ON: Penal Code Sections 12025, 12031, 13012, 13014, 13023 and 13730 Statutes 1980, Chapter 1340 (SB 1447); Statutes 1982, Resolution Chapter 147 (SCR 64); Statutes 1984, Chapter 1609 (SB 1472); Statutes 1989, Chapter 1172 (SB 202); Statutes 1992, Chapter 1338 (SB 1184); Statutes 1993, Chapter 1230 (AB 2250); Statutes 1995, Chapters 803 and 965 (AB 488 and SB 132); Statutes 1998, Chapter 933 (AB 1999); Statutes 1999, Chapter 571 (AB 491); Statutes 2000, Chapter 626 (AB 715); Statutes 2001, Chapters 468 and 483 (SB 314 and AB 469); and California Department of Justice, Criminal Justice Statistics Center, Criminal Statistics Reporting Requirements and Requirements Spreadsheet, March 2000 Filed on September 6, 2002 by City of Newport Beach, Claimant and Filed on November 22, 2002 by County of Sacramento, Claimant	Case Nos.: 02-TC-04 & 02-TC-11 *Crime Statistics Reports for the Department of Justice* STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; TITLE 2, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 2.5, ARTICLE 7. Adopted on June 26, 2008

STATEMENT OF DECISION

The Commission on State Mandates (Commission) heard and decided this test claim during a regularly scheduled hearing on June 26, 2008. Juliana Gmur of MAXIMUS represented claimants City of Newport Beach and County of Sacramento, and Glenn Everroad, represented claimant City of Newport Beach. Carla Castañeda and Donna Ferebee represented the Department of Finance.

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., and related case law.

The Commission adopted the staff analysis to partially approve the test claim at the hearing by a vote of 7-0.

Summary of Findings

The Commission finds that, beginning July 1, 2001, the test claim statutes impose a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for the following:

- A local government entity responsible for the investigation and prosecution of a homicide case to provide the California Department of Justice (DOJ) with demographic information about the victim and the person or persons charged with the crime, including the victim's and person's age, gender, race, and ethnic background (Pen. Code, §13014).
- Local law enforcement agencies to report, in a manner to be prescribed by the Attorney General, any information that may be required relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, or physical or mental disability, or gender or national origin (Pen. Code, §13023).
- For district attorneys to report annually on or before June 30, to the Attorney General, on profiles by race, age, gender, and ethnicity any person charged with a felony or misdemeanor under section 12025 (carrying a concealed firearm) or section 12031 of the Penal Code (carrying a loaded firearm in a public place), and any other offense charged in the same complaint, indictment, or information. The Commission finds that this is a reimbursable mandate from July 1, 2001 (the beginning of the reimbursement period for this test claim) until January 1, 2005 (Pen. Code, §§ 12025 subd. (h)(1) & (h)(3) & 12031 subd. (m)(1) & (m)(3)).
- For local law enforcement agencies to support all domestic-violence related calls for assistance with a written incident report (Pen. Code, § 13730, subd. (a), Stats. 1993, ch. 1230).

The Commission also finds that all other test claim statutes and alleged executive order do not constitute a reimbursable state-mandated program. Neither Penal Code section 13012, nor the "Criminal Statistics Reporting Requirements" and "Requirements Spreadsheet" (March 2000), impose state-mandated requirements on local agencies or school districts.

BACKGROUND

This test claim alleges crime statistics reporting activities that are required of, depending on the type of report, city and county law enforcement agencies, county probation departments, and district attorneys.

The Uniform Crime Reporting (UCR) Program is a city, county and state law enforcement program that provides a nationwide view of crime based on the submission of statistics by law enforcement agencies throughout the country. The crime data are submitted either to a state UCR Program or directly to the national UCR Program, administered by the Federal Bureau of Investigation (FBI). The International Association of Chiefs of Police (IACP) envisioned the need for statistics on crime in the 1920s. The IACP's Committee on Uniform Crime Records is a voluntary national data collection effort begun in 1930. Crime data are, for the most part,

collected monthly by the UCR Program. The FBI provides report forms, tally sheets, and self-addressed envelopes to agencies that complete the forms and return them directly to the FBI.

In 1955, California enacted laws requiring the state's participation in the UCR Program. At the same time, it authorized and directed the California DOJ to collect, maintain and analyze criminal statistics beyond the scope of the UCR Program.

Penal Code section 13010[1] requires DOJ to collect from state and local entities, on forms developed by DOJ, data necessary for the "work of the department." (Department is used in the statutes to mean DOJ.) Penal Code section 13010 also provides that DOJ shall: (1) recommend the form and content of records to be maintained by the state and local entities; (2) instruct them in the installation, maintenance and use of such records; (3) process, tabulate, analyze and interpret the data collected; (4) supply data to the FBI and others engaged in the collection of national criminal statistics; (5) present to the Governor an annual report containing the criminal statistics of the preceding calendar year; and (6) present at such other times as the Attorney General may approve reports on special aspects of criminal statistics (Pen. Code, § 13010, subs. (c) – (g)).

Since 1955 Penal Code section 13020 has imposed a duty on city marshals, chiefs of police, district attorneys, city attorneys, city prosecutors having criminal jurisdiction, probation officers and others, including:

> [E]very other person or agency dealing with crimes or criminals or with delinquency or delinquents, when requested by the Attorney General:
> (a) To install and maintain records needed for the correct reporting of statistical data required by him or her.
> (b) To report statistical data to the department at those times and in the manner that the Attorney General prescribes.
> (c) To give to the Attorney General, or his or her accredited agent, access to statistical data for the purpose of carrying out this title. (Pen. Code, § 13020.)

Since 1955, cities and counties have had the obligation to provide DOJ with criminal statistics used in the UCR Program, as well as those needed for the annual report to the Governor and other reports on special aspects of criminal statistics.

Test Claim Statutes

Annual DOJ report to the Governor: Penal Code section 13012 requires DOJ's annual report to the Governor to contain specified data. It was amended in 1980 to require inclusion of "the number of citizens' complaints received by law enforcement agencies under Section 832.5…" (Stats. 1980, ch. 1340, eff. Sept. 30, 1980.)

Subdivision (c) of section 13012 was amended in 1995 to add the following underlined provision: "The administrative actions taken by law enforcement, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with criminals or delinquents." It was amended again by Statutes 2001, chapter 486 to add the following subdivision (e):

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[1] All references are to the Penal Code unless otherwise indicated.

(e) The administrative actions taken by law enforcement, prosecutorial, judicial, penal, and correctional agencies, including those in the juvenile justice system, in dealing with minors who are the subject to a petition or hearing in the juvenile court to transfer their case to the jurisdiction of an adult criminal court or whose cases are directly filed or otherwise initiated in an adult criminal court.

Homicide reports: Penal Code section 13014 requires DOJ to collect information on all homicide victims and persons charged with homicides, to adopt and distribute homicide reporting forms and to compile the reported homicide information and annually publish a report about it. Subdivision (b) states: "Every state or local governmental entity responsible for the investigation and prosecution of a homicide case shall provide the department with demographic information about the victim and the person or persons charged with the crime." (Stats. 1992, ch. 1338.)

Hate crime reports: Penal Code section 13023, as originally enacted in 1989, provided:

> Commencing July 1, 1990, subject to the availability of adequate funding, the Attorney General shall direct local law enforcement agencies to report to the Department of Justice, in a manner to be prescribed by the Attorney General, any information that may be required relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, or physical or mental disability. (Stats. 1989, ch. 1172.)

Section 13023 also requires DOJ to file annual reports on the hate crime data. Statutes 1998, chapter 933 added the requirement to include 'gender' to the victim characteristics, and Statutes 2000, chapter 626 added 'national origin' to the victim characteristics.

Concealed and loaded firearms reports: Penal Code section 12025 defines when a person is guilty of carrying a concealed firearm, defines punishments for doing so, states a minimum sentence with exceptions, and defines lawful possession of the firearm. It was amended by Statutes 1999, chapter 571 to add a reporting provision in subdivision (h) as follows:

> (1) The district attorney of each county shall submit annually a report on or before June 30, to the Attorney General consisting of profiles by race, age, gender, and ethnicity of any person charged with a felony or a misdemeanor under this section and any other offense charged in the same complaint, indictment, or information.
> (2) The Attorney General shall submit annually a report on or before December 31, to the Legislature compiling all of the reports submitted pursuant to paragraph (1).
> (3) This subdivision shall remain operative until January 1, 2005, and as of that date shall be repealed.

Similarly, section 12031 defines when a person is guilty of carrying a loaded firearm in a public place, and when a person is not guilty of doing so. It was amended by Statutes 1999, chapter 571 to add a reporting provision in subdivision (m) as follows:

> (1) The district attorney of each county shall submit annually a report on or before June 30, to the Attorney General consisting of profiles by race, age, gender, and

ethnicity of any person charged with a felony or a misdemeanor under this section and any other offense charged in the same complaint, indictment, or information.
(2) The Attorney General shall submit annually, a report on or before December 31, to the Legislature compiling all of the reports submitted pursuant to paragraph (1).
(3) This subdivision shall remain operative only until January 1, 2005.

Domestic violence reports: Penal Code section 13730 requires local law enforcement agencies to develop a system for recording all domestic violence-related calls for assistance. Enacted by Statutes 1984, chapter 1609, subdivision (a) requires each law enforcement agency to develop a system for recording all domestic violence-related calls for assistance, including whether weapons are involved. Subdivision (b) requires the Attorney General to report annually to the Governor and Legislature on the total number of domestic violence-related calls received by California law enforcement agencies. Subdivision (c) requires law enforcement agencies to develop a domestic violence incident report form for the domestic violence calls, with specified content. It also requires written reports for domestic-violence related calls for assistance.

The Legislature amended subdivision (a) (Stats. 1993, ch. 1230) to state that "all domestic violence-related calls for assistance shall be supported with a written incident report, as described in subdivision (c), identifying the domestic violence incident."

Reports for crime victims age 60 or older: Senate Resolution No. 64 (Stats. 1982, ch. 147) states in relevant part:

> Resolved by the Senate of the State of California, the Assembly thereof concurring,
> That local law enforcement officials are requested to make every attempt to modify their data gathering procedures and computer storage systems to provide information as to the number of victims of violent crimes who are 60 years of age or older; and be it further Resolved,
> That the Department of Justice is requested to solicit and collect information from local law enforcement agencies concerning the ages and victims of crime and to incorporate that information in its crime statistic reporting system…

Criminal Justice Statistics Center Documents: Also included in the claim is the "Criminal Justice Reporting Requirements" (March 2000) and the "Criminal Statistics Reporting Requirements Spreadsheet" both promulgated by the Department of Justice, Criminal Justice Statistics Center. The introduction to the Reporting Requirements (former) document states:

> This document provides general guidelines to law enforcement agencies, District Attorneys, Public Defenders, and Probation Departments regarding their reporting requirements to the Department of Justice's Criminal Justice Statistics Center (CJSC). For each reporting requirement there is a brief description of what data is collected (introduction), which agencies are required to report the data (who), the code sections(s) that require reporting (why), the due date of the report (when), and the form or alternative method required to be used to report the data (how).

The Table of Contents of this document has sections on arrests, crimes and clearances, arson offenses, homicides, hate crimes, law enforcement officers killed or assaulted, domestic violence related calls for assistance, violent crimes committed against senior citizens, death in custody, adult probation, juvenile court and probation statistical system,

concealable weapons statistical system, hate crime prosecution survey, law enforcement and criminal justice personnel survey, and citizens' complaints against peace officers survey.

The spreadsheet has rows for each of the categories in the Table of Contents above, and columns indicating the reporting agency, reporting frequency, statutory authority, reporting form, and whether electronic reporting is available for each crime or category.

Related Commission Decisions

The Commission has issued four decisions on various versions of Penal Code section 13730 regarding domestic violence reports, as follows.

***Domestic Violence Information*, CSM 4222:** In 1987, the Commission approved this test claim on Penal Code section 13730, as added by Statutes 1984, chapter 1609. The parameters and guidelines for *Domestic Violence Information* authorize reimbursement for local law enforcement agencies for the "costs associated with the development of a Domestic Violence Incident Report form used to record and report domestic violence calls," and "for the writing of mandated reports which shall include domestic violence reports, incidents or crime reports directly related to the domestic violence incident."

Beginning in fiscal year 1992-93, the Legislature suspended Penal Code section 13730 (as added by Stats. 1984, ch. 1609) pursuant to Government Code section 17581. Suspending a statute means the Legislature assigns a zero-dollar appropriation to the program and makes it optional.

***Domestic Violence Training and Incident Reporting*, CSM 96-362-01:** In February 1998, the Commission considered this test claim on the 1995 amendment to Penal Code section 13730, subdivision (c) (Stats. 1995, ch. 965). This amendment requires law enforcement agencies to include in the domestic violence incident report information relating to the use of alcohol or controlled substances by the alleged abuser, and any prior domestic violence responses to the same address.

The Commission determined that the additional information on the domestic violence incident report was not mandated by the state because the suspension of the statute under Government Code section 17581 made the completion of the incident report optional, so the additional information under the test claim statute came into play only after a local agency elected to complete the incident report.

Based on the language of the suspension statute (Gov. Code, § 17581), the Commission determined, however, that during periods when the state operates without a budget, the original suspension of the mandate would not be in effect. Thus, for the periods when the state operates without a budget until the Budget Act is chaptered and makes the domestic violence incident reporting program optional under Government Code section 17581, the Commission determined the activities required by the 1995 amendment to Penal Code section 13730 are reimbursable.

In 1998, Government Code section 17581 was amended[2] to close the gap and continue the suspension of programs during periods when the state operates without a budget. The *Domestic*

[2] Section 17581, subdivision (a), now states the following: "No local agency shall be required to implement or give effect to any statute or executive order, or portion thereof, during any fiscal

Violence Information and Incident Reporting program has been suspended in every Budget Act since 1992 except for 2003-2004.[3]

***Crime Victims' Domestic Violence Incident Reports,* 99-TC-08:** This claim was decided by Commission on May 29, 2003 (corrected decision issued in September 2003). The Commission found it had no jurisdiction over Penal Code section 13730 (Stats. 1984, ch. 1609, Stats. 1995, ch. 965) because it had already adjudicated the statute in CSM 4222, *Domestic Violence Information,* and in CSM 96-362-01, *Domestic Violence Training and Incident Reporting.* The Commission also found that the mandate had been suspended by the Legislature every year since 1992-1993, making the activities discretionary on the part of local government.

***Crime Victims' Domestic Violence Incident Reports II,* 02-TC-18:** This claim, originally submitted as an amendment to (and severed from) test claim 99-TC-08, was adopted September 27, 2007. The Commission found that effective January 1, 2002, Penal Code section 13730, subdivision (c)(3) (Stats. 2001, ch. 483) imposes a reimbursable state-mandated program for local agencies, on all domestic violence-related calls for assistance, to include on the domestic violence incident report form a notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon (Pen. Code, § 13730, subd. (c)(3)).

The Commission noted in the analysis that no test claim had been filed on section 13730 as amended by Statutes 1993, chapter 1230, which added to subdivision (a) "All domestic violence-related calls for assistance shall be supported with a written incident report, as described in subdivision (c), identifying the domestic violence incident."

Claimants' Position

Claimants City of Newport Beach and County of Sacramento filed separate test claims to seek reimbursement based on article XIII B, section 6 of the California Constitution for criminal statistics reporting duties. The test claims do not contain specific activities beyond quoting the language of the test claim statutes. Both test claims estimate that the costs will substantially exceed $1000.00 per year. On September 26, 2007, the Executive Director consolidated the two test claims.

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year and the for the period immediately following that fiscal year for which the Budget Act has not been enacted for the subsequent fiscal year . . ."

[3] 2007-2008 Budget Act (Stats. 2007, chs. 171 & 172) Item 8885-295-0001, Schedule (3)(aa); 2006-2007 Budget Act (Stats. 2006, chs. 46 & 47) Item 8885-295-0001, Schedule (3) (aa); 2005-2006 Budget Act (Stats. 2005, chs. 38 & 39) Item 8885-295-0001, Schedule (3) (hh); 2004-2005 Budget Act (Stats. 2004, ch. 208) Item 9210-295-0001, Provision 3, Schedule (5); 2002-2003 Budget Act (Stats. 2002, ch. 379), Item 9210-295-0001, Provision 3, Schedule (8); 2001-2002 Budget Act (Stats. 2001, ch. 106), Item 210-295-0001, Provision 3, Schedule (8); 2000-2001 Budget Act (Stats. 2000, ch. 52), Item 210-295-0001, Provision 3, Schedule (8); 1999-2000 Budget Act (Stats. 1999, ch. 50), Item 210-295-0001, Provision 2, Schedule (8).

Claimants submitted joint comments on March 3, 2003, rebutting those of the Department of Finance and DOJ. Regarding DOJ's comment about the city claimant claiming costs for county entities, claimants note that the claim has been joined by County of Sacramento. Claimants made other substantive comments that are discussed below.

Claimant County of Sacramento submitted comments on March 11, 2008 concurring with the draft staff analysis except for the discussion of Penal Code section 13012, which is addressed below.

State Agency Positions

Department of Justice: In comments submitted in January 28, 2003, the DOJ's Criminal Justice Statistics Center commented on each test claim statute individually. DOJ stated that the reports in the test claim statutes that are "required" are in Penal Code sections 13012 (citizen complaints and juvenile offender information), 13023 (hate crimes), 12025 (concealed firearms) and 12031 (loaded firearms in a public place).

As to domestic violence reports (§ 13730), DOJ commented that its report has not changed since 1986, and that the amendments to section 13730 relate to local law enforcement's internal documentation that have nothing to do with DOJ reporting requirements.

Regarding homicide reporting in section 13014, DOJ states that the statute did not add new requirements because the same demographic information has been required since at least 1975, and that no additional information was required as a result of Penal Code section 13014. As to reporting on victims of violent crimes who are 60 years of age or older, DOJ states that the Legislature did not mandate local law enforcement to report this information.

For some activities imposed on county district attorneys or county probation officers, DOJ states that "the City of Newport Beach has not explained how it is responsible for costs associated with this reporting requirement."

DOJ's comments are discussed in more detail below.

Department of Finance: In its October 24, 2002 comments, Finance states that except for one test claim statute, the statutes "may have resulted in a new higher level of service as a result of requiring local law enforcement agencies to keep statistical data on the frequency, types and nature of criminal offenses, in addition to requiring these agencies to submit this data to the Department of Justice."

As to Penal Code section 13730, Finance asserts that the Commission has previously determined it to be a state-mandated program and it was subsequently suspended by the Legislature (Gov. Code, § 17581). Regarding this statute, Finance states:

> Chapter 483, Statutes of 2001 [amending Pen. Code, § 13730] would add an additional requirement to the existing mandate. However, since the mandate is suspended, implementation would be at the option of local government. This interpretation is consistent with a decision adopted by the Commission … on January 29, 1998, [*Domestic Violence Training and Incident Reporting,* CSM 96-362-01] regarding earlier changes to the same code section. Therefore it does not seem appropriate to include references to these chapters as a part of this claim.

Finance submitted comments on March 7, 2008, concurring with the draft staff analysis.

COMMISSION FINDINGS

The courts have found that article XIII B, section 6 of the California Constitution[4] recognizes the state constitutional restrictions on the powers of local government to tax and spend.[5] "Its purpose is to preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are 'ill equipped' to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose."[6] A test claim statute or executive order may impose a reimbursable state-mandated program if it orders or commands a local agency or school district to engage in an activity or task.[7]

In addition, the required activity or task must be new, constituting a "new program," or it must create a "higher level of service" over the previously required level of service.[8]

The courts have defined a "program" subject to article XIII B, section 6, of the California Constitution, as one that carries out the governmental function of providing public services, or a law that imposes unique requirements on local agencies or school districts to implement a state policy, but does not apply generally to all residents and entities in the state.[9] To determine if the program is new or imposes a higher level of service, the test claim legislation must be compared with the legal requirements in effect immediately before the enactment of the test claim

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[4] Article XIII B, section 6, subdivision (a), (as amended in Nov. 2004) provides:

> (a) Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service, except that the Legislature may, but need not, provide a subvention of funds for the following mandates: (1) Legislative mandates requested by the local agency affected. (2) Legislation defining a new crime or changing an existing definition of a crime. (3) Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975.

[5] *Department of Finance v. Commission on State Mandates (Kern High School Dist.)* (2003) 30 Cal.4th 727, 735.

[6] *County of San Diego v. State of California (County of San Diego)*(1997) 15 Cal.4th 68, 81.

[7] *Long Beach Unified School Dist. v. State of California* (1990) 225 Cal.App.3d 155, 174.

[8] *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 878 (*San Diego Unified School Dist.)*; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835-836 (*Lucia Mar*).

[9] *San Diego Unified School Dist., supra,* 33 Cal.4th 859, 874, (reaffirming the test set out in *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56; *Lucia Mar, supra,* 44 Cal.3d 830, 835.)

legislation.[10] A "higher level of service" occurs when the new "requirements were intended to provide an enhanced service to the public."[11]

Finally, the newly required activity or increased level of service must impose costs mandated by the state.[12]

The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6.[13] In making its decisions, the Commission must strictly construe article XIII B, section 6 and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities."[14]

Each statute is discussed separately to determine whether it is a reimbursable state-mandate.

Do the test claim statutes or alleged executive orders impose a reimbursable state-mandated program within the meaning of article XIII B, section 6?

Annual DOJ Report to the Governor - Penal Code section 13012

Penal Code section 13012 requires DOJ's annual report to contain specified data. Section 13012 was amended by Statutes 1980, chapter 1340 (eff. Sept. 30, 1980) to require inclusion of "the number of citizens' complaints received by law enforcement agencies under Section 832.5."

Subdivision (c) of section 13012 was amended in 1995 (ch. 803) to add the following underlined provision: "The administrative actions taken by law enforcement, judicial, penal, and correctional agencies or institutions, <u>including those in the juvenile justice system,</u> in dealing with criminals or delinquents." It was amended again by Statutes 2001, chapter 486 to add the following subdivision (e):

> (e) The administrative actions taken by law enforcement, prosecutorial, judicial, penal, and correctional agencies, including those in the juvenile justice system, in dealing with minors who are the subject to a petition or hearing in the juvenile court to transfer their case to the jurisdiction of an adult criminal court or whose cases are directly filed or otherwise initiated in an adult criminal court.

Section 13012 by itself only specifies the content of a DOJ report, not a report by a local agency. It refers to the "annual report of the department provided for in Section 13010…" Section 13010 states: "It shall be the duty of the department [of Justice]: (a) To collect data necessary for the

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[10] *San Diego Unified School Dist., supra,* 33 Cal.4th 859, 878; *Lucia Mar, supra*, 44 Cal.3d 830, 835.

[11] *San Diego Unified School Dist., supra,* 33 Cal.4th 859, 878.

[12] *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1284 (*County of Sonoma*); Government Code sections 17514 and 17556.

[13] *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code sections 17551, 17552.

[14] *County of Sonoma, supra,* 84 Cal.App.4th 1265, 1280, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

department from all persons and agencies mentioned in Section 13020 and from any other appropriate source;" Section 13020, in turn, requires the local agency reports. Section 13020 was not pled by claimants, nor was section 13010. Nor are these sections incorporated by reference into section 13012, the test claim statute. For these reasons, the Commission has no jurisdiction to make determinations on sections 13010 and 13020.[15]

Claimant County of Sacramento, in March 2008 comments on the draft staff analysis, states that section 13020 was "included as part of the original test claim." Claimant cites the following sentence in the test claim: "Pursuant to Penal Code §§ 13020 and 13021, local law enforcement were required to comply with the DOJ and begin collecting statistical crime data." Claimant states:

> [S]ection 13020 was part of a pre-existing program. It is the expansion of that program which is the subject of the instant test claim. The statute was cited as an overarching requirement. It was not part of the addition of the test claim statutes addressing the various new reports. The section was specifically pleaded, as set forth above, in the opening paragraph of the test claim to set the stage for the statutory changes that created new requirements under the existing program.

Although it is mentioned as preexisting law, the test claim does not expressly plead section 13020. On page 6 of both test claims, claimants cite the "specific statutory sections that contain the mandated activities" and do not mention section 13020. Nor are any of the statutes and chapters that enacted or amended section 13020 cited in the test claim.[16] Thus, the Commission finds that section 13020 was not pled in the test claim.

Therefore, the Commission finds that section 13012 (Stats. 1980, ch. 1340, Stats. 1995, ch. 803 & Stats. 2001, ch. 486) by itself, does not impose a state-mandated activity on a local government, and therefore it is not a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.

The next issue is whether there is a state mandate to report the citizen complaint and juvenile justice data based on the "Criminal Statistics Reporting Requirements" and "Requirements Spreadsheet" (March 2000) promulgated by the California Department of Justice, Criminal Justice Statistics Center (CJSC). These CJSC documents were pled by claimants in the test claims.

The Commission only has jurisdiction over statutes and executive orders (Gov. Code, §§ 17551 & 17514). Thus, the issue is whether the CJSC documents are executive orders within the meaning of Government Code section 17516. This section defines an executive order as: "any order, plan, requirement, rule, or regulation issued by any of the following: (a) The Governor.

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[15] Sections 13010, 13012 and 13020 were enacted before 1975 and therefore are not subject to article XIII B, section 6, subdivision (a)(3) of the California Constitution.

[16] Section 13020 was enacted by Statutes 1955, chapter 1128, and amended by Statutes 1965, chapter 238, Statutes 1965, chapter 1916, Statutes 1972, chapter 1377, Statutes 1973, chapter 142, Statutes 1973, chapter 1212, Statutes 1979, chapter 255, Statutes 1979, chapter 860, Statutes 1996, chapter 872.

(b) Any officer or official serving at the pleasure of the Governor. (c) Any agency, department, board, or commission of state government."

The "Criminal Statistics Reporting Requirements" document states, under the first "Introduction:"

> This document provides general guidelines to law enforcement agencies, District Attorneys, Public Defenders, and Probation Departments regarding their reporting requirements to the Department of Justice's Criminal Justice Statistics Center (CJSC). For each reporting requirement there is a brief description of what data is collected (introduction), which agencies are required to report the data (who), the code sections(s) that require reporting (why), the due date of the report (when), and the form or alternative method required to be used to report the data (how).

Under the heading "Citizen Complaints against Peace Officers Survey" there is another introduction that states: "Agencies are to report to DOJ statewide summary information on the number of non-criminal and criminal (misdemeanor and felony) complaints reported by citizens to law enforcement agencies, and the number of complaints that were sustained." Under the heading "Why," only Penal Code section 13012 is quoted.

The Spreadsheet also imposes no requirements, but contains descriptions of the statutory reporting requirements.

Therefore, even if the Commission were to find that the CJSC documents are executive orders within the meaning of Government Code section 17516, the documents still do not mandate the reporting of the citizen complaint information by local agencies. The language used in the document is not mandatory, as it refers to itself as "general guidelines." Therefore, the CJSC documents are not executive orders within the meaning of Government Code section 17516. Also, the CJSC document only references section 13012 for citizen complaints, the statute that specifies the content of DOJ's report. There is no reference to section 13020's local agency reporting requirement in the CJSC document.

As for reporting juvenile justice data, the CJSC document states as follows, under the heading "Juvenile Court and Probation Statistical System:" "Juvenile justice data is to be reported to DOJ to provide information on the administration of juvenile justice in California. Information is collected on a juvenile's progress through the juvenile justice system from probation intake to final case disposition." Under the "Why" portion under juvenile justice, Penal Code section 13020 and Welfare and Institutions Code section 285 are quoted, neither of which are test claim statutes.

There is no other pleading or evidence in the record, such as a letter to law enforcement agencies from DOJ, requiring local agencies to provide statistics for citizen complaints or juvenile justice data.

Thus, the Commission finds that Penal Code section 13012 (Stats. 1980, ch. 1340, Stats. 1995, ch. 803 & Stats. 2001, ch. 486) and the "Criminal Statistics Reporting Requirements" and Requirements Spreadsheet (March 2000), do not impose state-mandated activities on local agencies to report citizen complaints against peace officers and juvenile justice data to the DOJ, and therefore reimbursement is not required pursuant to article XIII B, section 6 of the California Constitution.

Homicide Reports - Penal Code Section 13014

Section 13014 was added by Statutes 1992, chapter 1338. Subdivision (b) of this section states: "Every state or local governmental entity responsible for the investigation and prosecution of a homicide case shall provide the department with demographic information about the victim and the person or persons charged with the crime."

Subdivision (a) of section 13014 requires the DOJ to collect information on all homicide victims and persons charged with homicides. It also requires DOJ to adopt and distribute homicide reporting forms, and requires the department to compile the reported homicide information and annually publish a report about it.

Based on the plain meaning of the statute, the Commission finds that this section 13014, subdivision (b), imposes a state mandate on local law enforcement agencies that are "responsible for the investigation and prosecution of a homicide case" to report to the DOJ the specified data.

The Commission also finds that section 13014 constitutes a program within the meaning of article XIII B, section 6 because it carries out the governmental function of providing a service to the public[17] by collecting homicide information for DOJ to report criminal statistics, and because reporting the data is an activity that is unique to local government.

The next issue is whether this reporting is a new program or higher level of service. DOJ states, in comments submitted in January 2003, that section 13014 did not enact anything new because the demographic information it describes was already included on the Supplementary Homicide Report provided to the local entities by the DOJ. DOJ attached a report form with a revision date of July 11, 1975, to "demonstrate that the same demographic information has been required since at least 1975, and that no additional information was required as a result of the addition of Penal Code section 13014."

Claimants, in joint rebuttal comments submitted in March 2003, assert that "there is no state-mandate until the Legislature creates one" and argue as follows:

> [T]his reporting was optional at the direction of the DOJ, who could have changed its reporting requirements at any time. Nor does it change the fact that such reporting is no longer option [sic] in light of the current statutes. Now, neither the local entities nor the DOJ itself can opt not to report that which is required by law. The simple fact that the DOJ has been conscientious about devising its crime statistic reports and has ultimately foreseen the direction of the Legislature, does not defeat the existence of current state mandate [sic] and the constitutional guarantee for reimbursement of costs for local agencies.

The issue is whether the requirement to report homicides existed before the enactment of section 13014 (Stats. 1992, ch. 1338). The Commission finds there is insufficient evidence that it did.

The legislative history of section 13014 indicates that "Under current law [¶]…[¶] The Department of Justice is not required by statute to maintain data pertaining to victims of

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[17] *County of Los Angeles, supra,* 43 Cal.3d 46, 56.

homicide and persons charged with homicide."[18] This statement in the legislative history suggests that reporting the homicide data is a new program or higher level of service.

State mandates are created by either a statute or an executive order (Gov. Code, §§ 17551, subd. (a) & 17514). If DOJ did not require reporting homicide data under the authority of a statute before the test claim statute, then it may have done so under the authority of an executive order, defined as "any order, plan, requirement, rule, or regulation issued by [¶]…[¶] any agency, department, board, or commission of state government." (Gov. Code, § 17516).

There is no evidence of an executive order requiring homicide reports. The form provided by DOJ in its comments only shows that DOJ collected homicide information, but not that local agencies were required to provide it. In fact, the form DOJ submitted with its comments states: "In view of the importance of the homicide classification in crime reporting, it is *requested* that the following supplementary report be filled in and transmitted …"[19] [Emphasis added.] Since the form uses the non-mandatory language "it is requested that …." the Commission finds that reporting this homicide information prior to the test claim statute was not mandatory for local agencies.

Consequently, the Commission finds that the requirement to provide homicide information as specified in section 13014 is a new program or higher level of service.

The Commission also finds that this data collection imposes costs mandated by the state within the meaning of Government Code section 17514. Government Code section 17556 provides that the Commission shall not find costs mandated by the state if certain conditions apply. The Commission finds that no exceptions in Government Code 17556 apply to Penal Code section 13014.

Therefore, the Commission finds that Penal Code section 13014 is a reimbursable mandate for a local government entity responsible for the investigation and prosecution of a homicide case to provide DOJ with demographic information about the victim and the person or persons charged with the crime, including the victim's and person's age, gender, race, and ethnic background, beginning July 1, 2001 (the beginning of the reimbursement period for this test claim).

Hate Crime Reports - Penal Code Section 13023

As originally enacted (Stats. 1989, ch. 1172) this section stated:

> Commencing July 1, 1990, subject to the availability of adequate funding, the Attorney General shall direct local law enforcement agencies to report to the Department of Justice, in a manner to be prescribed by the Attorney General, any information that may be required relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in

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[18] Senate Third Reading analysis of Senate Bill No. 1182 (1991-1992 Reg. Sess.) as amended August 28, 1992, p. 1.

[19] Comments from the Department of Justice on Test Claim 02-TC-04, January 28, 2003, Exhibit B.

whole or in part, by the victim's race, ethnicity, religion, sexual orientation, or physical or mental disability.

Section 13023 also requires DOJ to file annual reports to the Legislature on the hate crime data. Statutes 1998, chapter 933 added the requirement to include 'gender' to the victim characteristics, and Statutes 2000, chapter 626 added 'national origin' to the victim characteristics.

The plain language of this statute requires the Attorney General to "direct local law enforcement agencies to report to the Department of Justice, in a manner to be prescribed by the Attorney General, any information …"

However, the requirement is contingent on funding, as it reads "subject to the availability of adequate funding, the Attorney General shall direct…" The funding in the statute, however, is allocated to the Attorney General, not local entities. In its comments on the test claim, the Attorney General's Office stated that "[a]lthough the hate crime legislation passed in 1989, because of a lack of funding, the DOJ did not begin collecting data until 1994." This indicates that the funding was allocated to the Attorney General's office to collect the data, not on the local agencies to report it.

Therefore, based on the mandatory language in the statute that gives neither DOJ nor local agencies discretion to refuse to comply, the Commission finds that it is a state mandate for local law enforcement agencies to report to DOJ any information that may be required relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage, where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, gender, national origin, or physical or mental disability.

The Commission also finds that section 13023 constitutes a program within the meaning of article XIII B, section 6 because it carries out the governmental function of providing a service to the public[20] by collecting hate crime information for DOJ to report criminal statistics, and because reporting the data is an activity that is unique to local government.

Since this reporting was not required before the test claim statute, the Commission also finds that it is a new program or higher level of service.

And the Commission finds that section 13023 imposes costs mandated by the state within the meaning of Government Code section 17514, and no exceptions in Government Code section 17556 apply.

Therefore, the Commission finds that Penal Code section 13023 is a reimbursable state-mandated program for local law enforcement agencies to report, in a manner to be prescribed by the Attorney General, any information that may be required relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, or physical or mental disability, or gender or national origin, beginning July 1, 2001 (the beginning of the reimbursement period for this test claim).

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[20] *County of Los Angeles, supra,* 43 Cal.3d 46, 56.

Concealed and Loaded Firearms Reports – Penal Code Sections 12025 & 12031

Section 12025 defines when a person is guilty of carrying a concealed firearm, defines punishments for doing so, states a minimum sentence with exceptions, and defines lawful possession of the firearm. It was amended by Statutes 1999, chapter 571 to add a reporting provision in subdivision (h) as follows:

> (1) The district attorney of each county shall submit annually a report on or before June 30, to the Attorney General consisting of profiles by race, age, gender, and ethnicity of any person charged with a felony or a misdemeanor under this section and any other offense charged in the same complaint, indictment, or information.
> [¶]…[¶]
> (3) This subdivision shall remain operative until January 1, 2005, and as of that date shall be repealed.

Similarly, section 12031 defines when a person is guilty of carrying a loaded firearm in a public place, and when a person is not guilty of doing so. It was amended by Statutes 1999, chapter 571 to add a reporting provision in subdivision (m) as follows:

> (1) The district attorney of each county shall submit annually a report on or before June 30, to the Attorney General consisting of profiles by race, age, gender, and ethnicity of any person charged with a felony or a misdemeanor under this section and any other offense charged in the same complaint, indictment, or information.
> [¶]…[¶]
> (3) This subdivision shall remain operative only until January 1, 2005.

Based on the mandatory language in sections 12025, subdivision (h)(1) and 12031, subdivision (m)(1), the Commission finds that these sections impose state mandates for the district attorney to submit the reports as specified.

The Commission also finds that sections 12025, subdivision (h)(1) and 12031, subdivision (m)(1) constitute a program within the meaning of article XIII B, section 6 because they carry out the governmental function of providing a service to the public[21] by collecting concealed and loaded firearm information for DOJ to report criminal statistics, and because reporting the data is an activity that is unique to local government.

These reports were not required before enactment of the test claim legislation, so the Commission also finds that they are a new program or higher level of service.

And the Commission also finds that the reporting requirements in sections 12025 and 12031 impose costs on district attorneys that are mandated by the state within the meaning of Government Code section 17514, and that no exceptions in Government Code section 17556 apply.

Therefore, the Commission finds that it is a reimbursable state-mandated program for district attorneys to report annually on or before June 30, to the Attorney General, on profiles by race, age, gender, and ethnicity any person charged with a felony or misdemeanor under section 12025 (carrying a concealed firearm) or section 12031 of the Penal Code (carrying a loaded firearm in a

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[21] *County of Los Angeles, supra,* 43 Cal.3d 46, 56.

public place), and any other offense charged in the same complaint, indictment, or information. The Commission finds that this is a reimbursable mandate from July 1, 2001 (the beginning of the reimbursement period) until January 1, 2005, the statutory sunset date. (Pen. Code, §§ 12025 subd. (h)(1) & (h)(3) & 12031 subd. (m)(1) & (m)(3).)

Domestic Violence Reports – Penal Code Section 13730

Claimants pled section 13730 and its various amendments since enactment (Stats. 1984, ch. 1609, Stats, 1993, ch. 1230, Stats. 1995, ch. 965, and Stats. 2001, ch. 483). As indicated above in the background under the descriptions of prior Commission decisions, the Commission has made determinations on all these versions of section 13730 except for Statutes 1993, chapter 1230.

Based on these prior determinations, the Commission finds that it does not have jurisdiction over the other amended versions (i.e., the 1984, 1995 & 2001 amendments) of section 13730. An administrative agency does not have jurisdiction to rehear a decision that has become final.[22]

Statutes 1993, chapter 1230 added the following to subdivision (a) of section 13730: "All domestic violence related calls for assistance shall be supported with a written incident report, as described in subdivision (c), identifying the domestic violence incident."

In its comments on the test claim, Finance states:

> Chapter 483, Statutes of 2001 [amending Pen. Code, § 13730] would add an additional requirement to the existing mandate. However, since the mandate is suspended, implementation would be at the option of local government. This interpretation is consistent with a decision adopted by the Commission … on January 29, 1998, [*Domestic violence Training and Incident Reporting,* CSM 96-362-01] regarding earlier changes to the same code section. Therefore it does not seem appropriate to include references to these chapters as apart of this claim.

The Commission disagrees. In order to be suspended by the Legislature, a statute must have "been determined by the Legislature, the Commission, or any court to mandate a new program or higher level of service requiring reimbursement of local agencies…" (Gov. Code, § 17581.)

This 1993 amendment to section 13730 has never been determined by the Legislature, the Commission, or any court to mandate a new program or higher level of service requiring local agency reimbursement, as required by Government Code section 17581. Therefore, the 1993 amendment is not eligible for suspension by the Legislature.

Thus, based on the mandatory language in the statute, the Commission finds that section 13730, as amended by Statutes 1993, chapter 1230, imposes a state mandate on local law enforcement agencies to support domestic violence related calls for assistance with a written incident report. The Commission also finds that this section, as amended by Statutes 1993, chapter 1230, constitutes a program within the meaning of article XIII B, section 6 because it carries out the governmental function of providing a service to the public[23] by requiring written reports for

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[22] *Heap v. City of Los Angeles* (1936) 6 Cal.2d 405, 407. *Save Oxnard Shores v. California Coastal Commission* (1986) 179 Cal.App.3d 140, 143.

[23] *County of Los Angeles, supra,* 43 Cal.3d 46, 56.

domestic violence-related calls for assistance, and because making the reports is an activity that is unique to local government.

The next issue is whether the mandate is a new program or higher level of service. Preexisting law, before the 1993 amendment, had been suspended (pursuant to Gov. Code, § 17581) and made voluntary every year beginning fiscal year 1992-1993 as indicated above, making the amendment a newly required activity.

Moreover, preexisting law states:

> Each law enforcement agency shall develop an incident report form that includes a domestic violence identification code by January 1, 1986. In all incidents of domestic violence, a report shall be written and shall be identified on the face of the report as a domestic violence incident (Pen. Code, § 13730, subd. (c)).

Preexisting law only requires incident reports for "incidents of domestic violence" whereas the 1993 amendment requires written incident reports for "calls for assistance." Therefore, the Commission finds that the 1993 amendment to section 13730 is a new program or higher level of service.

The Commission also finds that there are costs mandated by the state, as defined by Government Code section 17514, for this mandate, and that no exceptions to reimbursement in Government Code section 17556 apply.

Therefore, the Commission finds that it is a reimbursable state-mandated program for local law enforcement agencies to support all domestic-violence related calls for assistance with a written incident report, beginning July 1, 2001 (Pen. Code, § 13730, subd. (a), Stats. 1993, ch. 1230).

Crime reports for Persons 60 or Older - Senate Resolution No. 64 (Stats. 1982, ch. 147)

Senate Resolution No. 64 (Stats. 1982, ch. 147) states in relevant part:

> Resolved by the Senate of the State of California, the Assembly thereof concurring,
> That local law enforcement officials are requested to make every attempt to modify their data gathering procedures and computer storage systems to provide information as to the number of victims of violent crimes who are 60 years of age or older; and be it further Resolved,
> That the Department of Justice is requested to solicit and collect information from local law enforcement agencies concerning the ages and victims of crime and to incorporate that information in its crime statistic reporting system…

The Commission finds that this resolution is not a state mandate within the meaning of article XIII B, section 6 of the California Constitution. First, it "requests" but does not mandate that the victim information be provided to DOJ, a fact pointed out by DOJ in its comments submitted on the test claim (and the form it promulgates to local agencies also "requests" the information). Second, the California Supreme Court has held that legislative resolutions do not have the force of law.[24]

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[24] *American Federation of Labor v. Eu* (1984) 36 Cal.3d 687, 709.

Therefore, the Commission finds that Senate Resolution No. 64 (Stats. 1982, ch. 147) is not a state mandate within the meaning of article XIII B, section 6 of the California Constitution.

CONCLUSION

For the reasons discussed above, the Commission finds that, beginning July 1, 2001, the test claim statutes cited below impose a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514 for the following:

- A local government entity responsible for the investigation and prosecution of a homicide case to provide DOJ with demographic information about the victim and the person or persons charged with the crime, including the victim's and person's age, gender, race, and ethnic background (Pen. Code, §13014).
- Local law enforcement agencies to report, in a manner to be prescribed by the Attorney General, any information that may be required relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, or physical or mental disability, or gender or national origin (Pen. Code, §13023).
- For district attorneys to report annually on or before June 30, to the Attorney General, on profiles by race, age, gender, and ethnicity any person charged with a felony or misdemeanor under section 12025 (carrying a concealed firearm) or section 12031 of the Penal Code (carrying a loaded firearm in a public place), and any other offense charged in the same complaint, indictment, or information. The Commission finds that this is a reimbursable mandate from July 1, 2001 (the beginning of the reimbursement period for this test claim) until January 1, 2005 (Pen. Code, §§ 12025 subd. (h)(1) & (h)(3) & 12031 subd. (m)(1) & (m)(3)).
- For local law enforcement agencies to support all domestic-violence related calls for assistance with a written incident report (Pen. Code, § 13730, subd. (a), Stats. 1993, ch. 1230).

The Commission also finds that all other test claim statutes and alleged executive order do not constitute a reimbursable state-mandated program. Neither Penal Code section 13012, nor the "Criminal Statistics Reporting Requirements" and "Requirements Spreadsheet" (March 2000), impose state-mandated requirements on local agencies or school districts.

BEFORE THE

COMMISSION ON STATE MANDATES

STATE OF CALIFORNIA

IN RE TEST CLAIM ON: Penal Code Sections 12025, 12031, 13012, 13014, 13020, 13021, 13023 and 13730 Statutes 1955, Chapter 1128; Statutes 1965, Chapters 238 and 1965; Statutes 1967, Chapter 1157; Statutes 1971, Chapter 1203; Statutes 1972, Chapter 1377; Statutes 1979, Chapter 255 and 860; Statutes 1980, Chapter 1340 (SB 1447); Statutes 1982, Resolution Chapter 147 (SCR 64); Statutes 1984, Chapter 1609 (SB 1472); Statutes 1989, Chapter 1172 (SB 202); Statutes 1992, Chapter 1338 (SB 1184); Statutes 1993, Chapter 1230 (AB 2250); Statutes 1995, Chapters 803 and 965 (AB 488 and SB 132); Statutes 1996, Chapter 872 (AB 3472); Statutes 1998, Chapter 933 (AB 1999); Statutes 1999, Chapter 571 (AB 491); Statutes 2000, Chapter 626 (AB 715); Statutes 2001, Chapters 468 and 483 (SB 314 and AB 469); Statutes 2004, Chapters 405 and 700 (SB 1796 and SB 1234) and California Department of Justice, Criminal Justice Statistics Center, Criminal Statistics Reporting Requirements and Requirements Spreadsheet, March 2000 Amendment filed on March 27, 2008 by City of Newport Beach and County of Sacramento, Co-claimants	Case Nos.: 07-TC-10 *Crime Statistics Reports for the Department of Justice* STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; TITLE 2, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 2.5, ARTICLE 7. (*Adopted on July 31, 2009*)

STATEMENT OF DECISION

The Commission on State Mandates ("Commission") heard and decided this test claim during a regularly scheduled hearing on July 31, 2009. Juliana Gmur appeared on behalf of claimants City of Newport Beach and County of Sacramento. Hortensia Mato appeared on behalf of claimant City of Newport Beach. Carla Castaneda and Susan Geanacou appeared on behalf of the Department of Finance.

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., and related case law.

The Commission adopted the staff analysis to partially approve the test claim at the hearing by a vote of 6-0.

Summary of Findings

This test claim alleges crime statistics reporting activities of local law enforcement agencies. The claim was originally filed as an amendment to, and severed from, test claims 02-TC-04 and 02-TC-11, *Crime Statistics Reports for the Department of Justice,* by the same co-claimants, which the Commission determined impose a reimbursable program on June 26, 2008.

For the reasons discussed below, the Commission finds that Penal Code section 13023 (Stats. 2004, ch. 700) imposes a reimbursable state-mandated program, within the meaning of article XIII B, section 6 of the California Constitution, on local law enforcement agencies beginning January 1, 2004, to report the following in a manner to be prescribed by the Attorney General:

- Any information that may be required relative to hate crimes, as defined in Penal Code section 422.55 as criminal acts committed, in whole or in part, because of one or more of the following *perceived* characteristics of the victim: (1) disability, (2) gender, (3) nationality, (4) race or ethnicity, (5) religion, (6) sexual orientation.
- Any information that may be required relative to hate crimes, defined in Penal Code section 422.55 as criminal acts committed, in whole or in part, because of *association with a person or group with one or more of the following actual or perceived characteristics:* (1) disability, (2) gender, (3) nationality, (4) race or ethnicity, (5) religion, (6) sexual orientation.

The Commission further finds that Penal Code sections 13020 and 13021 (Statutes 1955, chapter 1128, Statutes 1965, chapter 238, Statutes 1965, chapter 1916, Statutes 1967, chapter 1157, Statutes 1972, chapter 1377, Statutes 1973, chapter 142, Statutes 1973, chapter 1212, Statutes 1979, chapter 255, Statutes 1979, chapter 860, Statutes 1996, chapter 872) are not reimbursable state mandates within the meaning of article XIII B, section 6 of the California constitution because they existed before 1975, and impose no new activities on local agencies.

As to Statutes 1971, chapter 1203, the Commission finds that, because it amended only Penal Code section 13010, which is not part of this test claim, the Commission does not have jurisdiction over it.

The Commission finds that Statutes 2004, chapters 405 (amending Pen. Code, § 13014, homicide reports) is not a state mandate because it does not require a local agency activity.

The Commission also finds that it does not have jurisdiction over the remaining statutes, chapters and executive orders in this claim because the Commission already made a determination on them in test claims 02-TC-04 and 02-TC-11, *Crime Statistics Reports for the Department of Justice*.

BACKGROUND

This test claim was originally filed as an amendment to, and severed from, test claims 02-TC-04 and 02-TC-11, *Crime Statistics Reports for the Department of Justice,* by the same co-claimants. Test claims 02-TC-04 and 02-TC-11 were decided by the Commission on June 26, 2008, determining that the following activities are reimbursable mandates:

- A local government entity responsible for the investigation and prosecution of a homicide case to provide the DOJ with demographic information about the victim and the person or persons charged with the crime, including the victim's and person's age, gender, race, and ethnic background (Pen. Code, §13014).
- Local law enforcement agencies to report, in a manner to be prescribed by the Attorney General, any information that may be required relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, or physical or mental disability, or gender or national origin (Pen. Code, §13023).
- For district attorneys to report annually on or before June 30, to the Attorney General, on profiles by race, age, gender, and ethnicity any person charged with a felony or misdemeanor under section 12025 (carrying a concealed firearm) or section 12031 of the Penal Code (carrying a loaded firearm in a public place), and any other offense charged in the same complaint, indictment, or information. This is a reimbursable mandate from July 1, 2001 (the beginning of the reimbursement period for this test claim) until January 1, 2005 (Pen. Code, §§ 12025 subd. (h)(1) & (h)(3) & 12031 subd. (m)(1) & (m)(3)).
- For local law enforcement agencies to support all domestic-violence related calls for assistance with a written incident report (Pen. Code, § 13730, subd. (a), Stats. 1993, ch. 1230).

The Commission also found that neither Penal Code section 13012, nor the "Criminal Statistics Reporting Requirements" and "Requirements Spreadsheet" (March 2000), impose state-mandated requirements on local agencies or school districts. Penal Code section 13012 concerns only the DOJ's annual report to the Governor and did not require a local government activity.

Although it includes other statutes and executive orders, this amendment was filed because Penal Code sections 13020 and 13021 were not included in the earlier test claims. Co-claimants asserted that section 13020 (the duty on local law enforcement to report crime) was expanded to create the program in test claims 02-TC-04 and 02-TC-11 (see Statement of Decision, p. 11).

Uniform Crime Reporting: The Uniform Crime Reporting (UCR) Program is a city, county and state law enforcement program that provides a nationwide view of crime based on the submission of statistics by law enforcement agencies throughout the country. The crime data are submitted either to a state UCR Program or directly to the national UCR Program, administered by the Federal Bureau of Investigation (FBI). The International Association of Chiefs of Police (IACP) envisioned the need for statistics on crime in the 1920s. The IACP's Committee on Uniform Crime Records is a voluntary national data collection effort begun in 1930. Crime data are, for the most part, collected monthly by the UCR Program. The FBI provides report forms, tally sheets, and self-addressed envelopes to agencies that complete the forms and return them directly to the FBI.

In 1955, California enacted laws requiring the state's participation in the UCR Program. At the same time, it authorized and directed the California DOJ to collect, maintain and analyze criminal statistics beyond the scope of the UCR Program.

Penal Code section 13010 requires DOJ to collect from state and local entities, on forms developed by DOJ, data necessary for the "work of the department." (Department is used in the statutes to mean DOJ.) Penal Code section 13010 also provides that DOJ shall: (1) recommend the form and content of records to be maintained by the state and local entities; (2) instruct them in the installation, maintenance and use of such records; (3) process, tabulate, analyze and interpret the data collected; (4) supply data to the FBI and others engaged in the collection of national criminal statistics; (5) present to the Governor an annual report containing the criminal statistics of the preceding calendar year; and (6) present at such other times as the Attorney General may approve reports on special aspects of criminal statistics (Pen. Code, § 13010, subds. (c) – (g)).

Since 1955, Penal Code section 13020 has imposed a duty on city marshals, chiefs of police, district attorneys, city attorneys, city prosecutors having criminal jurisdiction, probation officers and others, including "every other person or agency dealing with crimes or criminals or with delinquency or delinquents, when requested by the Attorney General" to collect and report statistical data.

Since 1955, cities and counties have had the obligation to provide DOJ with criminal statistics used in the UCR Program, as well as those needed for the annual report to the Governor and other reports on special aspects of criminal statistics.

Test Claim Statutes

Crime reporting: As enacted in 1955, Penal Code section 13020 imposes the following duty on local law enforcement "when requested by the Attorney General:"

> (a) To install and maintain records needed for the correct reporting of statistical data required by the bureau [FBI]; (b) To report statistical data to the bureau at such times and in such manner as the Attorney General prescribes; (c) To give to the Attorney General, or his accredited agent, access to the statistical data…

In 1972, subdivisions (a) and (b) were amended to make the Attorney General rather than the "bureau" the entity to whom local law enforcement reports.[1]

Reporting child pornography crimes: Section 13021 was added in 1967 (Stats. 1967, ch. 1157) as follows:

> Local law enforcement agencies shall report to the bureau such information as the Attorney General may by regulation require relative to misdemeanor violations of Chapter 7.5 (commencing with Section 311) of Title 9 of Part 1 of this code.

[1] Statutes 1972, chapter 1377, amended subdivisions (a) and (b) as follows: "(a) To install and maintain records needed for the correct reporting of statistical data required by him [the Attorney General]. (b) To report statistical data to the department at such times and in such manner as the Attorney General prescribes." No change was made to subdivision (c).

Chapter 7.5 of Title 9 of Part 1 of the Penal Code is called "Obscene Matter" although the content of the statutes focus on child pornography.

Statutes 1972, chapter 1377, amended this statute to require the report to the Attorney General rather than the "bureau." This statute has not been amended since 1972.

Annual DOJ report to the Governor: Penal Code section 13012 requires DOJ's annual report to the Governor to contain specified data. It was amended in 1980 to require inclusion of "the number of citizens' complaints received by law enforcement agencies under Section 832.5…" (Stats. 1980, ch. 1340, eff. Sept. 30, 1980.)

Subdivision (c) of section 13012 was amended in 1995 to add the following underlined provision: "The administrative actions taken by law enforcement, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with criminals or delinquents." It was amended again by Statutes 2001, chapter 486 to add the following subdivision (e):

> (e) The administrative actions taken by law enforcement, prosecutorial, judicial, penal, and correctional agencies, including those in the juvenile justice system, in dealing with minors who are the subject to a petition or hearing in the juvenile court to transfer their case to the jurisdiction of an adult criminal court or whose cases are directly filed or otherwise initiated in an adult criminal court.

In its June 26, 2008 determination of 02-TC-04 and 02-TC-11, the *Crime Statistics Reports for the Department of Justice* test claim, the Commission found that section 13012 (Stats. 1980, ch. 1340, Stats. 1995, ch. 803 & Stats. 2001, ch. 486), by itself, does not impose a state-mandated activity on a local government because it only specifies the contents of a DOJ report, and imposes no requirements on a local agency.

Homicide reports: Penal Code section 13014 requires DOJ to collect information on all homicide victims and persons charged with homicides, to adopt and distribute homicide reporting forms and to compile the reported homicide information and annually publish a report about it. Subdivision (b) states: "Every state or local governmental entity responsible for the investigation and prosecution of a homicide case shall provide the department with demographic information about the victim and the person or persons charged with the crime." (Stats. 1992, ch. 1338.)

In its June 26, 2008 determination of 02-TC-04 and 02-TC-11, the *Crime Statistics Reports for the Department of Justice* test claim, the Commission found that Penal Code section 13014 is a reimbursable mandate for a local government entity responsible for the investigation and prosecution of a homicide case to provide DOJ with demographic information about the victim and the person or persons charged with the crime, including the victim's and person's age, gender, race, and ethnic background.

The Legislature amended subdivision (a) of section 13014 in 2004 (Stats. 2004, ch. 405) to authorize DOJ to distribute reporting forms in writing or by electronic means.

Hate crime reports: Penal Code section 13023, as originally enacted in 1989, provided:

> Commencing July 1, 1990, subject to the availability of adequate funding, the Attorney General shall direct local law enforcement agencies to report to the

> Department of Justice, in a manner to be prescribed by the Attorney General, any information that may be required relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, or physical or mental disability. (Stats. 1989, ch. 1172.)

Section 13023 also requires DOJ to file annual reports on the hate crime data. Statutes 1998, chapter 933 added the requirement to include 'gender' to the victim characteristics, and Statutes 2000, chapter 626 added 'national origin' to the victim characteristics.

In its June 26, 2008 determination of 02-TC-04 and 02-TC-11, the *Crime Statistics Reports for the Department of Justice* test claim, the Commission found that Penal Code section 13023 is a reimbursable state-mandated program for local law enforcement agencies to report, in a manner to be prescribed by the Attorney General, any information that may be required relative to any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, or physical or mental disability, or gender or national origin.

The Legislature amended section 13023 in 2004 (Stats. 2004, ch. 700). This 2004 amendment, which was not pled or determined in test claims 02-TC-04 or 02-TC-11, slightly changed the definition of a hate crime and incorporated the definition by reference into section 13023, which affected the reporting requirement.

Concealed and loaded firearms reports: Penal Code section 12025 defines when a person is guilty of carrying a concealed firearm, defines the punishments for doing so, states a minimum sentence with exceptions, and defines lawful possession of the firearm. It was amended by Statutes 1999, chapter 571 to add a reporting provision in subdivision (h) as follows:

> (1) The district attorney of each county shall submit annually a report on or before June 30, to the Attorney General consisting of profiles by race, age, gender, and ethnicity of any person charged with a felony or a misdemeanor under this section and any other offense charged in the same complaint, indictment, or information.
> (2) The Attorney General shall submit annually a report on or before December 31, to the Legislature compiling all of the reports submitted pursuant to paragraph (1).
> (3) This subdivision shall remain operative until January 1, 2005, and as of that date shall be repealed.

Similarly, section 12031 defines when a person is guilty of carrying a loaded firearm in a public place, and when a person is not guilty of doing so. It was amended by Statutes 1999, chapter 571 to add a reporting provision in subdivision (m) as follows:

> (1) The district attorney of each county shall submit annually a report on or before June 30, to the Attorney General consisting of profiles by race, age, gender, and ethnicity of any person charged with a felony or a misdemeanor under this section and any other offense charged in the same complaint, indictment, or information.
> (2) The Attorney General shall submit annually, a report on or before December 31, to the Legislature compiling all of the reports submitted pursuant to paragraph (1).
> (3) This subdivision shall remain operative only until January 1, 2005.

In its June 26, 2008 determination of 02-TC-04 and 02-TC-11, the *Crime Statistics Reports for the Department of Justice* test claim, the Commission found that it is a reimbursable mandate for district attorneys to report annually on or before June 30, to the Attorney General, on profiles by race, age, gender, and ethnicity any person charged with a felony or misdemeanor under section 12025 (carrying a concealed firearm) or section 12031 of the Penal Code (carrying a loaded firearm in a public place), and any other offense charged in the same complaint, indictment, or information. This is a reimbursable mandate from July 1, 2001 until January 1, 2005, the statutory sunset date. (Pen. Code, §§ 12025 subd. (h)(1) & (h)(3) & 12031 subd. (m)(1) & (m)(3).)

Domestic violence reports: Penal Code section 13730 requires local law enforcement agencies to develop a system for recording all domestic violence-related calls for assistance. Enacted by Statutes 1984, chapter 1609, subdivision (a) requires each law enforcement agency to develop a system for recording all domestic violence-related calls for assistance, including whether weapons are involved. Subdivision (b) requires the Attorney General to report annually to the Governor and Legislature on the total number of domestic violence-related calls received by California law enforcement agencies. Subdivision (c) requires law enforcement agencies to develop a domestic violence incident report form for the domestic violence calls, with specified content. It also requires written reports for domestic-violence related calls for assistance.

The Legislature amended subdivision (a) (Stats. 1993, ch. 1230) to state that "all domestic violence-related calls for assistance shall be supported with a written incident report, as described in subdivision (c), identifying the domestic violence incident."

In its June 26, 2008 determination of 02-TC-04 and 02-TC-11, the *Crime Statistics Reports for the Department of Justice* test claim, the Commission found that it is a reimbursable state-mandated program for local law enforcement agencies to support all domestic-violence related calls for assistance with a written incident report, beginning July 1, 2001 (Pen. Code, § 13730, subd. (a), Stats. 1993, ch. 1230).

Reports for crime victims age 60 or older: Senate Resolution No. 64 (Stats. 1982, ch. 147) states in relevant part:

> Resolved by the Senate of the State of California, the Assembly thereof concurring,
> That local law enforcement officials are requested to make every attempt to modify their data gathering procedures and computer storage systems to provide information as to the number of victims of violent crimes who are 60 years of age or older; and be it further Resolved,
> That the Department of Justice is requested to solicit and collect information from local law enforcement agencies concerning the ages and victims of crime and to incorporate that information in its crime statistic reporting system…

In its June 26, 2008 determination of 02-TC-04 and 02-TC-11, the *Crime Statistics Reports for the Department of Justice* test claim, the Commission found that Senate Resolution No. 64 (Stats. 1982, ch. 147) is not a state mandate within the meaning of article XIII B, section 6, of the California Constitution because it "requests" but does not mandate that the victim information be provided to DOJ, and because legislative resolutions do not have the force of law.

Criminal Justice Statistics Center documents: Also included in the claim is the "Criminal Justice Reporting Requirements" (March 2000) and the "Criminal Statistics Reporting Requirements Spreadsheet" both promulgated by the Department of Justice, Criminal Justice Statistics Center. The introduction to the Reporting Requirements (former) document states:

> This document provides general guidelines to law enforcement agencies, District Attorneys, Public Defenders, and Probation Departments regarding their reporting requirements to the Department of Justice's Criminal Justice Statistics Center (CJSC). For each reporting requirement there is a brief description of what data is collected (introduction), which agencies are required to report the data (who), the code sections(s) that require reporting (why), the due date of the report (when), and the form or alternative method required to be used to report the data (how).

The Table of Contents of this document has sections on arrests, crimes and clearances, arson offenses, homicides, hate crimes, law enforcement officers killed or assaulted, domestic violence related calls for assistance, violent crimes committed against senior citizens, death in custody, adult probation, juvenile court and probation statistical system, concealable weapons statistical system, hate crime prosecution survey, law enforcement and criminal justice personnel survey, and citizens' complaints against peace officers survey.

The spreadsheet has rows for each of the categories in the Table of Contents above, and columns indicating the reporting agency, reporting frequency, statutory authority, reporting form, and whether electronic reporting is available for each crime or category.

In its June 26, 2008 determination of 02-TC-04 and 02-TC-11, the *Crime Statistics Reports for the Department of Justice* test claim, the Commission found that these CJSC documents are not executive orders within the meaning of Government Code section 17516, and that they do not impose state-mandated activities on local agencies to report citizen complaints against peace officers and juvenile justice data to the DOJ.

Co-Claimants' Position

Co-claimants City of Newport Beach and County of Sacramento filed this test claim to seek reimbursement based on article XIII B, section 6 of the California Constitution for criminal statistics reporting duties. The test claims do not contain specific activities beyond quoting the language of the test claim statutes. The co-claimants estimate that the costs of complying with the test claim statutes will substantially exceed $1000.00 per year.

On May 29, 2009, co-claimants submitted comments supporting the draft staff analysis.

State Agency Positions

The Department of Finance, in comments submitted August 15, 2008, asserts that the test claim should not be reimbursable. According to Finance:

> Sections 13020 and 13021 of the Penal Code were enacted in 1955 and 1967 respectively. Further, the amendments to Sections 13020 and 13021 (Chapters 233 and 860, Statutes of 1979 and Chapter 872, Statutes of 1996) made only technical and clarifying changes which do not mandate a new program or higher level of service within the meaning of Section 6 of Article XIII B ....

Finance also states that the additional statutes pled (beyond those in the original test claims 02-TC-04 and 02-TC-11) "make only technical and clarifying changes to the items already approved by the Commission" and concludes that the Commission should deny the test claim amendment.

Finance submitted a letter concurring with the draft staff analysis on June 3, 2009.

The Department of Justice, in comments submitted September 5, 2008, declines to comment on whether the specified costs incurred represent state mandated reimbursable costs. DOJ did, however, point out the higher costs claimed by City of Newport Beach than by the County of Sacramento, even though the county has a higher population and more crimes.

COMMISSION FINDINGS

The courts have found that article XIII B, section 6 of the California Constitution[2] recognizes the state constitutional restrictions on the powers of local government to tax and spend.[3] "Its purpose is to preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are 'ill equipped' to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose."[4] A test claim statute or executive order may impose a reimbursable state-mandated program if it orders or commands a local agency or school district to engage in an activity or task.[5]

In addition, the required activity or task must be new, constituting a "new program," or it must create a "higher level of service" over the previously required level of service.[6]

The courts have defined a "program" subject to article XIII B, section 6, of the California Constitution, as one that carries out the governmental function of providing public services, or a

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[2] Article XIII B, section 6, subdivision (a), (as amended in Nov. 2004) provides:

> (a) Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service, except that the Legislature may, but need not, provide a subvention of funds for the following mandates: (1) Legislative mandates requested by the local agency affected. (2) Legislation defining a new crime or changing an existing definition of a crime. (3) Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975.

[3] *Department of Finance v. Commission on State Mandates (Kern High School Dist.)* (2003) 30 Cal.4th 727, 735.

[4] *County of San Diego v. State of California (County of San Diego)*(1997) 15 Cal.4th 68, 81.

[5] *Long Beach Unified School Dist. v. State of California* (1990) 225 Cal.App.3d 155, 174.

[6] *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 878 (*San Diego Unified School Dist.)*; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835-836 (*Lucia Mar*).

law that imposes unique requirements on local agencies or school districts to implement a state policy, but does not apply generally to all residents and entities in the state.[7] To determine if the program is new or imposes a higher level of service, the test claim legislation must be compared with the legal requirements in effect immediately before the enactment of the test claim legislation.[8] A "higher level of service" occurs when the new "requirements were intended to provide an enhanced service to the public."[9]

Finally, the newly required activity or increased level of service must impose costs mandated by the state.[10]

The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6.[11] In making its decisions, the Commission must strictly construe article XIII B, section 6 and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities."[12]

Because of the overlap in statutes, chapters and executive orders in this test claim and test claims 02-TC-04 and 02-TC-11, *Crime Statistics Reports for the Department of Justice,* the first issue is the Commission's jurisdiction.

I. Over which statutes or executive orders does the Commission have jurisdiction?

In this test claim, co-claimants pled the following statutes and chapters:

> Penal Code Sections 12025, 12031, 13012, 13014, 13020, 13021, 13023 and 13730; Statutes 1955, chapter 1128, Statutes 1965, chapter 238, Statutes 1965, chapter 1916, Statutes 1967, chapter 1157, Statutes 1971, chapter 1203, Statutes 1972, chapter 1377, Statutes 1973, chapter 142, Statutes 1973, chapter 1212, Statutes 1979, chapter 255, Statutes 1979, chapter 860, Statutes 1980, chapter 1340, Statutes 1982, Resolution Chapter 147 (SCR 64); Statutes 1984, chapter 1609, Statutes 1989, chapter 1172, Statutes 1992, chapter 1338, Statutes 1993, chapter 1230, Statutes 1995, chapters 803 and 965, Statutes 1996, chapter 872,

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[7] *San Diego Unified School Dist., supra,* 33 Cal.4th 859, 874, (reaffirming the test set out in *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56; *Lucia Mar, supra,* 44 Cal.3d 830, 835.)

[8] *San Diego Unified School Dist., supra,* 33 Cal.4th 859, 878; *Lucia Mar, supra*, 44 Cal.3d 830, 835.

[9] *San Diego Unified School Dist., supra,* 33 Cal.4th 859, 878.

[10] *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1284 (*County of Sonoma*); Government Code sections 17514 and 17556.

[11] *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code sections 17551, 17552.

[12] *County of Sonoma, supra,* 84 Cal.App.4th 1265, 1280, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

> Statutes 1998, chapter 933, Statutes 1999, chapter 571, Statutes 2000, chapter 626, Statutes 2001, chapters 468 and 483, Statutes 2004, chapters 405, 700, Statutes 1982, Resolution Chapter 147 (SCR 64), and California Department of Justice, Criminal Justice Statistics Center, Criminal Statistics Reporting Requirements and Requirements Spreadsheet, March 2000.

Statutes 1971, chapter 1203 amended only section 13010, which recites the duties of the Bureau of Criminal Statistics at DOJ. Penal Code section 13010, however, was not pled in this claim. Therefore, the Commission finds that it does not have jurisdiction over Statutes 1971, chapter 1203.

As to the remaining statutes, an administrative agency does not have jurisdiction to rehear a decision that has become final.[13] On June 26, 2008, the Commission made a determination on the following statutes and chapters in test claims 02-TC-04 and 02-TC-11, *Crime Statistics Reports for the Department of Justice*, which became final upon mailing to the parties:[14]

> Penal Code Sections 12025, 12031, 13012, 13014, 13023 and 13730; Statutes 1980, chapter 1340, Statutes 1982, Resolution Chapter 147 (SCR 64); Statutes 1984, chapter 1609, Statutes 1989, chapter 1172, Statutes 1992, chapter 1338, Statutes 1993, chapter 1230, Statutes 1995, chapters 803 and 965, Statutes 1998, chapter 933, Statutes 1999, chapter 571, Statutes 2000, chapter 626, Statutes 2001, chapters 468 and 483, and California Department of Justice, Criminal Justice Statistics Center, Criminal Statistics Reporting Requirements and Requirements Spreadsheet, March 2000.

There is substantial overlap between what was claimed and what the Commission decided at the June 26, 2008 hearing. Because the Commission's prior decision on test claims 02-TC-04 and 02-TC-11 has become final, the Commission has jurisdiction over only those statutes on which no determination was made in the Statement of Decision for those test claims, as follows:

> Penal Code sections 13020 and 13021; Statutes 1955, chapter 1128, Statutes 1965, chapter 238, Statutes 1965, chapter 1916, Statutes 1967, chapter 1157, Statutes 1972, chapter 1377, Statutes 1973, chapter 142, Statutes 1973, chapter 1212, Statutes 1979, chapter 255, Statutes 1979, chapter 860, Statutes 1996, chapter 872, Statutes 2004, chapter 405 (amending § 13014), Statutes 2004, chapter 700 (amending § 13023).

These statutes are discussed below.

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[13] *Heap v. City of Los Angeles* (1936) 6 Cal.2d 405, 407. *Save Oxnard Shores v. California Coastal Commission* (1986) 179 Cal.App.3d 140, 143.

[14] California Code of Regulations, title 2, section 1188.2. The only exception would be for a reconsideration within 30 days of the decision (see Gov. Code, § 17559 & Cal. Code Regs., tit. 2, § 1188.4), but no reconsideration request was filed.

II. Is reimbursement required for Penal Code sections 13020 and 13021 if the required activities were enacted before 1975?

Article XIII B, section 6 of the California Constitution does not require reimbursement for statutes or executive orders that were enacted before 1975. Therefore, if the law imposed a requirement on local government before 1975, the Legislature may, but need not, reimburse local agencies for those activities.

Penal Code section 13020 imposes the following duty on local law enforcement "when requested by the Attorney General:"

> (a) To install and maintain records needed for the correct reporting of statistical data required by him or her; (b) To report statistical data to the department [of Justice] at such times and in such manner as the Attorney General prescribes; (c) To give to the Attorney General, or his accredited agent, access to the statistical data for the purpose of carrying out this title.

The Commission finds that this same activity was required before 1975. Statutes 1973, chapter 1212 enacted this same requirement "when requested by the Attorney General":

> (a) To install and maintain records needed for the correct reporting of statistical data required by the him; (b) To report statistical data to the Department of Justice at such times and in such manner as the Attorney General prescribes; (c) To give to the Attorney General, or his accredited agent, access to the statistical data for the purpose of carrying out the purposes of this title.

Because local law enforcement was subject to the same reporting requirement before 1975, and based on the absence of any right to reimbursement in article XIII B, section 6, for statutes enacted before 1975, the Commission finds that there is no state reimbursement required for this reporting in Penal Code section 13020 (Stats. 1955, ch. 1128, Stats. 1965, ch. 238, Statutes 1965, chapter 1916, Statutes 1972, chapter 1377, Statutes 1973, chapter 142, Statutes 1973, chapter 1212, Statutes 1979, chapter 255, Statutes 1979, chapter 860, Statutes 1996, chapter 872).

Section 13021 of the Penal Code also requires local law enforcement reporting:

> Local law enforcement agencies shall report to the Department of Justice such information as the Attorney General may by regulation require relative to misdemeanor violations of Chapter 7.5 (commencing with Section 311) of Title 9 of Part 1 of this code [child pornography].

Section 13021 has not been amended since 1972 (Stats. 1972, ch. 1377). Therefore, for the same reason as section 13020 above, the Commission finds that state reimbursement is not required for the activities in Penal Code section 13021 (Stats. 1967, ch. 1157, Stats. 1972, ch. 1377).

Sections 13023 (Stats. 2004, ch. 700, hate crime reports) and 13014 (Stats. 2004, ch. 405, homicide reports) are discussed below.

III. Do Penal Code sections 13014 (Stats. 2004, ch. 405) and 13023 (Stats. 2004, ch. 700) mandate a new program or higher level of service?

As stated above, the Commission determined that section 13014, as added in Statutes 1992, chapter 1338, is a reimbursable mandate. This section was amended in 2004 as follows:

(a) The Department of Justice shall perform the following duties concerning the investigation and prosecution of homicide cases: (1) Collection information, as specified, in subdivision (b), on all persons who are the victims of, and all persons who are charged with, homicide. (2) Adopt and distribute as a written form or by electronic means to all state and governmental entities that are responsible for the investigation and prosecution of homicide cases forms that will include information to be provided to the department pursuant to subdivision (b).

No other changes were made by Statues 2004, chapter 405. The local government reporting requirement is in subdivision (b). This amendment is not a mandated activity on a local agency. It authorizes the DOJ to distribute forms in writing or electronically, but does not require an activity of a local agency. Therefore, the Commission finds that section 13014, as amended by Statutes 2004, chapter 700, is not a state-mandated new program or higher level of service.

Although the Commission determined that section 13023, as amended by Statutes 2000, chapter 626, is a reimbursable mandate, the section was amended in 2004 as follows:

(a) Subject to the availability of adequate funding, the Attorney General shall direct local law enforcement agencies to report to the Department of Justice, in a manner to be prescribed by the Attorney General, any information that may be required relative to ~~any criminal acts or attempted criminal acts to cause physical injury, emotional suffering, or property damage where there is a reasonable cause to believe that the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, or physical or mental disability, or gender or national origin~~ hate crimes. This information may include any general orders or formal policies on hate crimes and the hate crime pamphlet required pursuant to Section 422.92.

(b) On or before July 1~~, 1992, and every July 1, thereafter,~~ of each year, the Department of Justice shall submit a report to the Legislature analyzing the results of the information obtained from local law enforcement agencies pursuant to this section.

(c) For purposes of this section, "hate crime" has the same meaning as in Section 422.55.

Section 422.55 of the Penal Code, now incorporated into section 13023, was also added by Statutes 2004, chapter 700, as follows:

For purposes of this title, and for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

(a) "Hate crime" means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(1) Disability.
(2) Gender.
(3) Nationality.
(4) Race or ethnicity.
(5) Religion.
(6) Sexual orientation.

(7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) "Hate crime" includes, but is not limited to, a violation of Section 422.6.

This amendment, incorporating the new definition of hate crime in section 422.55, expands the definition somewhat. For example, instead of the crime being motivated by the victim's characteristics, the new definition allows for actual or "perceived characteristics" of the victim. The amendment also adds a victim characteristic: "Association with a person or group with one or more of these actual or perceived characteristics."

As determined in the Statement of Decision for *Crime Statistics Reports for the Department of Justice* (02-TC-04 and 02-TC-11) the plain language of this statute requires the Attorney General to "direct local law enforcement agencies to report to the Department of Justice, in a manner to be prescribed by the Attorney General, any information …" Therefore, the Commission finds that section 13023 (Stats. 2004, ch. 700) imposes a state-mandated new program or higher level of service on local law enforcement agencies beginning January 1, 2004, to report the following in a manner to be prescribed by the Attorney General:

- Any information that may be required relative to hate crimes, as defined in Penal Code section 422.55 as criminal acts committed, in whole or in part, because of one or more of the following *perceived* characteristics of the victim: (1) disability, (2) gender, (3) nationality, (4) race or ethnicity, (5) religion, (6) sexual orientation.
- Any information that may be required relative to hate crimes, defined in Penal Code section 422.55 as criminal acts committed, in whole or in part, because of *association with a person or group with one or more of the following actual or perceived characteristics:* (1) disability, (2) gender, (3) nationality, (4) race or ethnicity, (5) religion, (6) sexual orientation.

The Commission also finds that section 13023 constitutes a program within the meaning of article XIII B, section 6 because it carries out the governmental function of providing a service to the public[15] by collecting hate crime information for DOJ to report criminal statistics, and because reporting the data is an activity that is unique to local government.

Subdivision (a) of section 13023, as amended by Statutes 2004, chapter 700, also states that the reported "information may include any general orders or formal policies on hate crimes and the hate crime pamphlet required pursuant to Section 422.92."[16] There is no evidence or pleading in the record, however, indicating that DOJ has required this information from local law enforcement, such as a letter to law enforcement agencies from DOJ requiring this information to

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[15] *County of Los Angeles, supra,* 43 Cal.3d 46, 56.

[16] Penal Code section 422.92 states: (a) Every state and local law enforcement agency in this state shall make available a brochure on hate crimes to victims of these crimes and the public. (b) The Department of Fair Employment and Housing shall provide existing brochures, making revisions as needed, to local law enforcement agencies upon request for reproduction and distribution to victims of hate crimes and other interested parties. In carrying out these responsibilities, the department shall consult the Fair Employment and Housing Commission, the Department of Justice, and the Victim Compensation and Government Claims Board.

be reported. Since the statute merely authorizes DOJ to request the information but does not require an activity of a local agency, the Commission finds that this amendment to subdivision (a) is not a state-mandated new program or higher level of service.

IV. Does Penal Code section 13023 (Stats. 2004, ch. 700) impose costs mandated by the state within the meaning of Government Code sections 17514 and 17556?

The final issue is whether Penal Code section 13023 (Stats. 2004, ch. 700) imposes costs mandated by the state,[17] and whether any statutory exceptions listed in Government Code section 17556 apply to the test claim. Government Code section 17514 defines "cost mandated by the state" as follows:

> [A]ny increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.

Government Code section 17564 requires reimbursement claims to exceed $1000 to be eligible for reimbursement.

The co-claimants submitted declarations in support of their test claim. The City of Newport Beach (p. 11) estimated the cost of filing to comply with Penal Code section 13023 at $10,570 per month. The County of Sacramento (p. 10) estimated the cost of filing to comply with this statute at $244 per year. Therefore, co-claimants have met the $1000 threshold in Government Code section 17564.

The plain language of Penal Code section 13023 requires the Attorney General to "direct local law enforcement agencies to report to the Department of Justice, in a manner to be prescribed by the Attorney General, any information …"

However, the requirement is contingent on funding, as it reads "subject to the availability of adequate funding, the Attorney General shall direct…" The funding in the statute is allocated to the Attorney General, not local entities. In its comments on test claims 02-TC-04 and 02-TC-11, the Attorney General's Office stated that "[a]lthough the hate crime legislation passed in 1989, because of a lack of funding, the DOJ did not begin collecting data until 1994." (Statement of Decision, 02-TC-04 & 02-TC-11, *Crime Statistics Reports for the Department of Justice*, p. 15.) This indicates that the funding was allocated to the Attorney General's office to collect the data, not on the local agencies to report it.

And the Commission finds no exceptions to reimbursement in Government Code section 17556 apply to this test claim.

Therefore, the Commission finds that Penal Code section 13023 (Stats. 2004, ch. 700) imposes costs mandated by the state on local law enforcement agencies within the meaning of Government Code section 17514.

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[17] *Lucia Mar, supra*, 44 Cal.3d 830, 835; Government Code section 17514.

CONCLUSION

Based on the foregoing analysis, the Commission finds that Penal Code section 13023 (Stats. 2004, ch. 700) imposes a reimbursable state-mandated program, within the meaning of article XIII B, section 6 of the California Constitution for the following activities, on local law enforcement agencies beginning January 1, 2004, to report the following in a manner to be prescribed by the Attorney General:

- Any information that may be required relative to hate crimes, as defined in Penal Code section 422.55 as criminal acts committed, in whole or in part, because of one or more of the following *perceived* characteristics of the victim: (1) disability, (2) gender, (3) nationality, (4) race or ethnicity, (5) religion, (6) sexual orientation.
- Any information that may be required relative to hate crimes, defined in Penal Code section 422.55 as criminal acts committed, in whole or in part, because of *association with a person or group with one or more of the following actual or perceived characteristics:* (1) disability, (2) gender, (3) nationality, (4) race or ethnicity, (5) religion, (6) sexual orientation.

The Commission further finds that Penal Code sections 13020 and 13021 (Statutes 1955, chapter 1128, Statutes 1965, chapter 238, Statutes 1965, chapter 1916, Statutes 1967, chapter 1157, Statutes 1972, chapter 1377, Statutes 1973, chapter 142, Statutes 1973, chapter 1212, Statutes 1979, chapter 255, Statutes 1979, chapter 860, Statutes 1996, chapter 872) are not reimbursable state mandates within the meaning of article XIII B, section 6 of the California constitution because they existed before 1975, and impose no new activities on local agencies.

As to Statutes 1971, chapter 1203, the Commission finds that, because it amended only Penal Code section 13010, which is not part of this test claim, the Commission does not have jurisdiction over it.

The Commission finds that Statutes 2004, chapters 405 (amending Pen. Code, § 13014, homicide reports) is not a state mandate because it does not require a local agency activity.

The Commission also finds that it does not have jurisdiction over the remaining statutes, chapters and executive orders in this claim because the Commission already made a determination on them in test claims 02-TC-04 and 02-TC-11, *Crime Statistics Reports for the Department of Justice*.

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, *Governor*

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April 12, 2010

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And Affected State Agencies and Interested Parties (See Enclosed Mailing List)

RE: Corrected Statement of Decision
Crime Statistics Reports for the Department of Justice (Amendment to 02-TC-04 and 02-TC-11), 07-TC-10
Penal Code Sections 12025, 12031, 13012, 13014, 13020, 13021, 13023, 13730
Statutes 1955, Chapter 1128; Statutes 1965, Chapters 238 and 1965; Statutes 1967, Chapter 1157; Statutes 1971, Chapter 1203; Statutes 1972, Chapter 1377; Statutes 1979, Chapter 255 and 860; Statutes 1996, Chapter 872 (AB 3472); Statutes 2004, Chapters 405 and 700 (SB 1796 and SB 1234)

Dear Mr. Burdick, Mr. Everroad, and Ms. Gust:

Pursuant to California Code of Regulations, title 2, section 1188.2, subdivision (b), a Corrected Statement of Decision is hereby issued and enclosed to correct the operative and effective date of Statutes 2004, chapter 700 from January 1, 2004, to January 1, 2005.

Please contact Camille Shelton at (916) 323-8215 if you have any questions.

Sincerely,

PAULA HIGASHI
Executive Director

Enclosure
J:mandates/2007/tc/07tc10/correctedsodadopttrans

Police Quarterly

Municipal Contracting With County Sheriffs for Police Services in California: Comparison of Cost and Effectiveness

Peter J. Nelligan PhD, William Bourns, PhD

First Published February 11, 2011 | Research Article
https://doi.org/10.1177/1098611110393133

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Abstract

Rather than having a traditional, municipal police department nearly 30%of the 478 cities in California contract with their county sheriff for police services. The usual rationale is that contracting with the sheriff costs less than establishing and operating a city police department. This research investigates this issue by analyzing expenditure, crime, and other relevant data covering the 5-year period 2001-2005. It poses and answers the following questions: (1) Are the cities that contract (contract cities) similar to the cities that have their own police departments (department cities) on a range of characteristics that may affect the cost of policing? (2) Do statewide data show the claimed cost differential? (3) Are there differences in comparative costs between or within regions and counties in the state? and (4) Does contracting cost less because of less effective policing as measured by percentages of violent and property crimes cleared? Contract cities are newer, less populous, less dense, wealthier, have less business activity, have lower numbers and rates of reported crime, and have fewer arrests. It is suggested that there is less police work in the contract cities, and that may affect cost. Mean annual per capita police expenditures are much lower in the contract cities statewide, in both the northern and southern regions, and in three of the four southern California counties where contracting is most prevalent. Finally, contract cities have on average significantly higher clearance rates for violent crimes than department cities (especially in Los Angeles County) and the same clearance rates for property crimes. It does not appear that

contract cities are paying less because they are getting lower quality police service, at least as measured by crime clearances. Suggestions are made for further research on the contracting phenomenon.

Keywords

police, sheriffs, contracting, police consolidation

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Contract Cities

Contract Cities

The Sheriff provides contractual law enforcement services for the cities of Riverbank, Patterson, Waterford and Hughson. The contract funds police services and all general law enforcement services as specified in the respective contract with each city. Each city government, in partnership with the Sheriff's Department, establishes the level of service to be provided. Law enforcement services are based upon a philosophy of community-oriented policing which is the foundation to ensure and maintain a safe community for the residents of and visitors to Stanislaus County.

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Contract Law Enforcement Services

Los Angeles County
Sheriff's Department
Leroy D. Baca, Sheriff

Revised January 2009

Table of Contents

Introduction	2
Core Values and Mission Statement	3
History of the Los Angeles County Sheriff's Department	4
Birth of Contract Law Enforcement	5
Municipal Police Services	6
Municipal Police Services - Cities	7
Transit Policing Services	8
Community Colleges Policing Services	9
Court Services	10
Custody Services	11
Other Contract Police Services	12
For further information	13

Introduction

Sheriff Leroy D. Baca

The Los Angeles County Sheriff's Department is one of the largest providers of contract law enforcement services in the world. The use of intergovernmental contract services in Los Angeles County dates back to 1954 when the City of Lakewood and the Sheriff's Department entered into the very first agreement for one government entity to provide services to another independent government entity. Known as the "Lakewood Plan", it has become a model for incorporation that has been adopted by 30% of California's cities and dozens more throughout the nation. The concept of contracting has proven so successful that forty (40) of the eighty-eight (88) cities in Los Angeles County contract with the Sheriff's Department for their complete municipal law enforcement services.

Since 1954, all but one of the cities incorporated in Los Angeles County have adopted the Lakewood Plan, and eighty percent of all new cities incorporating in California also now adopt the Lakewood Plan. Intergovernmental contracting in Los Angeles County has expanded to include other areas of law enforcement services as well, including transit policing, school policing, court security, and custody services.

As a national leader in law enforcement, the Sheriff's Department provides a wide and comprehensive range of services that are unsurpassed. The Sheriff's Department is regularly called upon to provide training and assistance to law enforcement agencies throughout Los Angeles County, the nation, and the world. This expertise is available to each and every one of our contract clients on a daily basis.

On behalf of the professional men and women of the Los Angeles County Sheriff's Department, welcome to Contract Law Enforcement.

Contract Law Enforcement Services

Los Angeles County
Sheriff's Department
Leroy D. Baca, Sheriff

Revised January 2009

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