



CITY OF CLAREMONT

RECEIVED

December 10, 2021

**Commission on
State Mandates**

Administrative Services Department

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December 10, 2021

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

**Request to Amend Claiming Instructions and Parameters and Guidelines:
Racial and Identity Profiling claim, 18-TC-02**

Dear Ms. Halsey,

On September 25, 2020, the Commission on State Mandates approved the Statement of Decision and Parameters and Guidelines for the Racial and Identity Profiling (RIPA) mandate program. Sections 999.226(a) and 999.227 dates (Gov. Code, § 12525.5(a)(2), Stats. 2017, ch. 328) of this mandate's regulations require the collection and electronic reporting to the Attorney General data on all "stops" made by law enforcement agencies.

The original test claimant had not incurred hardware costs related to implementing the mandate and therefore did not allege this activity should be included in the parameters. At the time, the city had no data or information regarding how the mandate would impact them and therefore could not comment during the development of the parameters and guidelines. (The City of Claremont employs less than 334 peace officers and statutes did not require implementation of the program until January, 2022 for agencies of this size).

Now that the city has begun exploring how to most efficiently implement this program, it has been determined that the Department will have to purchase equipment (cellular telephones loaded with RIPA data collection software) in order to implement the mandate. This is because the city's motor and bicycle units cannot be equipped with the existing in-car mobile data computers (MDCs).

The city believes that this expenditure on equipment purchase is a reasonably necessary expense necessary to comply with the mandated program and therefore requests that the Commission's Parameters and Guidelines be amended to add in "On-Going Activity B: Cost of hardware purchase necessary to implement the mandated program."

The attached declaration and supporting documentation from Lieutenant Michael Ciszek show the costs that the city will have to incur to allow their motor and bicycle units to input and submit the mandated RIPA data.

We respectfully request the inclusion of "Fixed Assets – Cost of hardware purchases" as an allowable reimbursable component for this mandated program.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 10th day of December, at Claremont, California.

A handwritten signature in blue ink, appearing to read "Adam Pirrie", with a long horizontal flourish extending to the right.

Adam Pirrie
City Manager and Acting Finance Director
City of Claremont

DECLARATION OF MICHAEL CISZEK

I, Michael Ciszek, make the following declaration under oath and under penalty of perjury under the laws of the State of California that the following statements are true and correct of my own personal knowledge:

- 1) I am a Lieutenant for the City of Claremont Police Department (CPD). I have been employed by the City in this capacity since 2009 and have been a law enforcement officer since 1996. As part of my duties, I am, and have been directly involved and have personal knowledge of the procedures the Department is implementing in order to comply with the new requirements mandated by Government Code Section 12525.5, as added and 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: referred to as the Racial and Identity Profiling (RIPA) program.
- 2) The CPD has contracted with a software provider to develop our RIPA reporting requirements, which will be conducted through our existing in-car mobile data computers (MDCs).
- 3) However, the CPD has motor officers and bicycle officers which cannot be equipped with an MDC. Since these officers are also mandated to input and submit RIPA data from their contacts, the Department has determined that the most efficient manner of implementing this program for those employees is to purchase several cellular telephones and upload the RIPA reporting software to the cellphones so that the data can be collected to comply with the state mandate.
- 4) The CPD has never provided nor paid for cellular equipment or service for any of its sworn patrol employees in the past and would be incurring these costs specifically and only to comply with this new State mandate RIPA program.
- 5) At the time the parameters and guidelines were being considered and approved for this program, the CPD did not know what measures would be necessary to implement the mandated program as the legislation did not require us to implement the program until FY 2021-22. Therefore, we would request that parameters and guidelines and claiming instructions be amended to include provisions to allow the inclusion of equipment (cellphone/hardware) purchases.
- 6) In addition, because ongoing costs for the monthly cellular service would be required as long as the State mandated program is in effect, we also request that these costs be included as a part of the allowable scope of the reimbursable costs of this mandate program.
- 7) CPD administrative staff believe the costs and activities presented are directly related to implementing the subject law, and believes these expenditures are reasonably necessary costs to comply with the mandated program. Government Code, Section 17514 states:

“ ‘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.”

I am personally conversant with the foregoing facts and information presented in declaration and if so required, I could and would testify to the statements made herein.


I declare under penalty of perjury under the laws of the State of California that the foregoing statement, as well as the information in the attached Appendix A, are true and correct based upon my own personal knowledge.

Executed this 14 day of October, 2021 in Claremont, California.



Michael Cizek
Lieutenant
Claremont Police Department

(WCSA 7-10-70-16) Quote-

DATE:	10.14.21	Sales Rep	Michael.mckinnon@verizonwireless.com			E-CODE:	E0PCP						
CUSTOMER INFORMATION													
ACCOUNT NAME:	City of Claremont			SHIP TO Account Name:									
BILLING ADDRESS:				SHIP TO Address :				ATTN:	Andrew Erickson				
BILLING ADDRESS:				SHIP TO Address :									
CITY / ST / ZIP				CITY / ST / ZIP			CA						
ACCOUNT # / CUSTOMER ID:	660015204						Acct Type:						
TRANSACTION REQUEST INFO													
TRANSACTION TYPE	Cell Ph. # / NPA-	User Name	Rate Plan	MONTHLY RATE	Accessory	Phone Model	PAYMENT TYPE	*Taxable Price ea.	Actual Price ea.	Tax	# UNITS	Total	
1	NEW ACTIVATION	TBD		Public Safety Unlimited \$39.99	\$39.99		iPhone 13 128GB		\$799.99	\$349.99	\$456.00	6	\$2,555.94
2													
3													
4													
5													
6													
7													
8													
9													
10													
CA State Sales & Use Regulation 1585 requires Verizon Wireless to assess sales tax on the retail price of cellular phones, aircards and modems.								Shipping Charge		\$0.00			
								Total		\$2,555.94			
COMMENTS/SPECIAL INSTRUCTIONS													
<p>In CA, sales tax is based on full retail price of phone(s). This information is for estimating purposes only. Additional charges, taxes, fees, and surcharges apply. This pricing quote is based on pricing and equipment offers available under the existing contract between Verizon Wireless and the State of California Agreement No. 7-10-70-16 ("State Contract"). In the event of any ambiguities or inconsistencies between the information contained in the completed pricing quote and the State Contract pricing and equipment, the information contained in the State Contract shall prevail. Please refer to the State Contract for details.</p>													



Client: Claremont Police Department

Work Order For: Enhancement to SafetyNet Mobile Client to capture data required by Assembly Bill 953 Updates

Description of Work:

Claremont Police Department (CPD) utilizes SafetyNet Computer Aided Dispatch (CAD), SafetyNet Mobile, SafetyNet Records Management System (RMS), and SafetyNet eReporting.

CPD has requested Pulsiam to enhance SafetyNet CAD and SafetyNet Mobile to allow the officer of the primary unit on a call to complete the profiling information upon the unit clearing the call.

Pulsiam will perform the enhancement based on the following documents attached hereto:

- *California Department of Justice AB 953: Racial and Identity Profiling Act of 2015 System Interface Diagrams and Specifications* dated 12/6/2017
- *State of California CJIS 2000 Department of Justice Stop Data Collection Form Racial & Identity Profiling Act - Penal Code Sections 13012 and 13519.4, and Gov. Code 12525.5*
- *AB 953 Stop Data Regulations California Department of Justice*
- attachment-b-ab953-interface.json.zip

The reporting of the Stop Data to the Department of Justice will be performed via Web Service interface as described in the *California Department of Justice AB 953: Racial and Identity Profiling Act of 2015 System Interface Diagrams and Specifications*.

Implementation Plan:

Pulsiam will perform the following steps to accomplish the work described above:

- Designate a project manager to work with the CPD project manager and staff during the duration of the project
- Enhance SafetyNet CAD, SafetyNet Mobile, and SafetyNet Mobile Insight to provide for the collection of the following data:
 - Information Regarding Stop:
 - Date, Time, and Duration of Stop
 - Location of Stop
 - Reason for Stop
 - Stop in Response to Call for Service
 - Actions Taken During Stop
 - Basis for Search (if done)
 - Contraband or Evidence Discovered
 - Property Seized (Type and Basis for Seizure)
 - Result of Stop



Information Regarding Person Stopped:

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

Information Regarding Officer:

- Years of Experience
- Type of Assignment
- Officer's Identification (ID) Number
- Install the enhancement on the CPD SafetyNet Application server in the test environment
- Provide enhanced versions of SafetyNet Mobile and SafetyNet Mobile Insight
- Work with CPD to test the enhancement on the CPD SafetyNet application server in the test environment using SafetyNet Mobile Client and SafetyNet Mobile Insight
- Upon successful completion of CPD testing, install the enhancement in the CPD SafetyNet Application server in the production environment

CPD will have the following responsibilities:

- Designate a project manager to work with Pulsiam for the duration of the project
- Provide resources to perform testing of the enhancements
- Install the enhanced versions of SafetyNet Mobile Client and SafetyNet Mobile Insight on one or more devices
- Configure one or more devices using SafetyNet Mobile Client and SafetyNet Mobile Insight to access the test environment on the CPD SafetyNet application server
- Test the enhancement on the SafetyNet Mobile Client and SafetyNet Mobile Insight devices on the CPD SafetyNet application server in the test environment
- Install the enhanced versions of SafetyNet Mobile Client and SafetyNet Mobile Insight on all client devices
- Document all issues on <https://support.pulsiam.com>

Documentation:

Pulsiam will provide documentation in the form of updated wiki pages on the Pulsiam Support Portal SafetyNet Wiki.

Training:

No training is required.



Testing:

Upon notification by Pulsiam that the enhancement is ready for testing in the test environment, CPD will have ten (10) business days to perform said testing prior to moving the enhancement to the live environment. During CPD's testing, any identified issues will be reported in the form of an Incident Report (IR) on <https://support.pulsiam.com> for resolution.

Acceptance:

Demonstration of the proper operation for a period of five (5) calendar days will constitute acceptance.

Terms:

CPD will pay Hitech the sum of \$7,500.00 plus non-labor expenses, if any, for the following:

Qty	Product Description	Unit Price	Total
Services			
1	Development, Installation, Configuration, Testing, Documentation, and Project Management	\$7,500.00	\$7,500.00
Grand Total			\$7,500.00

CPD shall make payments as follows:

- A payment in the sum of \$1,500.00 upon the execution of this work order
- A payment in the sum of \$4,500.00 upon installation in the test environment on the CPD SafetyNet application server
- A payment in the sum of \$1,500.00 upon the acceptance

This work order is subject to the terms and conditions of the SafetyNet Software Agreement and the SafetyNet Maintenance and Support Services Agreement previously executed by the parties.

Pulsiam will not be held responsible for changes in specifications. CPD will pay Pulsiam on a time and materials basis for any costs associated with changes in specifications. Additional time will be billed at \$337 per hour. Pulsiam will not be liable for errors and/or omissions within the specifications provided by California Department of Justice. This offer is valid until May 1, 2021.



Hitech Systems Inc. dba Pulsiam
Work Order #65603

Acknowledgment and Authorization:

Hitech Systems, Inc. dba Pulsiam

Claremont Police Department

Henry P. Unger
President

Date: 2021-04-13

Shelly Vander Veen
Police Chief

Date: 4/13/21

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 16, 2021, I served the:

- **Notice of Complete Request for Parameters and Guidelines Amendment, Schedule for Comments, and Notice of Tentative Hearing Date issued December 16, 2021**
- **Request for Parameters and Guidelines Amendment filed by the City of Claremont on December 10, 2021**

Racial and Identity Profiling, 21-PGA-01

Government Code Section 12525.5, as added and 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. 46¹

City of Claremont, Requester

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 16, 2021 at Sacramento, California.



Jill L. Magee
Commission on State Mandates
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¹ Note that Register 2016, 50-2 was incorrectly cited in the test claim filing. The correct register is Register 2017, No. 46.

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 12/13/21

Claim Number: 21-PGA-01

Matter: Racial and Identity Profiling

Requester: City of Claremont

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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