



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.



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 16<sup>th</sup> 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

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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	<b>BREAK</b>
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**

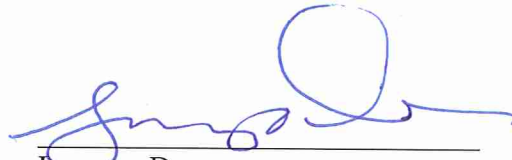
*Racial and Identity Profiling*, 18-TC-02

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<sup>1</sup>

City of San Diego, Claimant

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on October 17, 2019 at Sacramento, California.



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

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 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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