

## ITEM 4

### PROPOSED DECISION AND PARAMETERS AND GUIDELINES

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<sup>1</sup>

#### *Racial and Identity Profiling*

18-TC-02

The period of reimbursement begins November 7, 2017.

City of San Diego, Claimant

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<sup>1</sup> Note that Register 2016, 50-2 was incorrectly cited in the test claim filing. The correct register is Register 2017, No. 46.

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May 22, 2020

**Exhibit A**

Captain 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, 10th Floor  
Sacramento, CA 95814

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

**Re: Decision**

*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

Dear Captain Jordon and Ms. Li:

On May 22, 2020, the Commission on State Mandates adopted the Decision partially approving the Test Claim on the above-captioned matter.

Sincerely,

Heather Halsey  
Executive Director

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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.

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<sup>1</sup>

Filed on June 14, 2019

City of San Diego, Claimant

Case No.: 18-TC-02

*Racial and Identity Profiling*

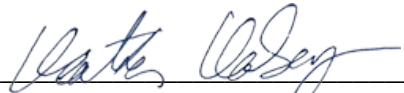
DECISION PURSUANT TO  
GOVERNMENT CODE SECTION 17500 ET  
SEQ.; CALIFORNIA CODE OF  
REGULATIONS, TITLE 2, DIVISION 2,  
CHAPTER 2.5, ARTICLE 7.

*(Adopted May 22, 2020)*

*(Served May 22, 2020)*

**TEST CLAIM**

The Commission on State Mandates adopted the attached Decision on May 22, 2020.

  
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Heather Halsey, Executive Director

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<sup>1</sup> Note that Register 2016, 50-2 was incorrectly cited in the test claim filing. The correct register is Register 2017, No. 46.



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<sup>1</sup>

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 May 22, 2020)*

*(Served May 22, 2020)*

**DECISION**

The Commission in State Mandates (Commission) heard and decided this Test Claim during a regularly scheduled hearing on May 22, 2020. Captain Jeffrey Jordon appeared on behalf of the claimant, City of San Diego. Donna Ferebee 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 sections 17500 et seq., and related case law.

The Commission adopted the Proposed Decision to partially approve the Test Claim by a vote of 7-0, as follows:

<b>Member</b>	<b>Vote</b>
Lee Adams, County Supervisor	Yes
Mark Hariri, Representative of the State Treasurer, Vice Chairperson	Yes
Jeannie Lee, Representative of the Director of the Office of Planning and Research	Yes
Gayle Miller, Representative of the Director of the Department of Finance, Chairperson	Yes
Sarah Olsen, Public Member	Yes
Carmen Ramirez, City Council Member	Yes
Jacqueline Wong-Hernandez, Representative of the State Controller	Yes

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<sup>1</sup> 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 and the 2017 amendments thereto (Stats. 2015, ch. 466; Stat. 2017, ch. 46), which added and amended 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 following: 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,<sup>2</sup> 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:

- 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."<sup>3</sup>
- Stops made during public safety mass evacuations,<sup>4</sup> and
- Stops during an active shooter incident.<sup>5</sup>

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<sup>2</sup> 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."

<sup>3</sup> California Code of Regulations, title 11, section 999.227(b), Register 2017, No. 46.

<sup>4</sup> California Code of Regulations, title 11, section 999.227(c)(1), Register 2017, No. 46.

<sup>5</sup> California Code of Regulations, title 11, section 999.227(c)(2), Register 2017, No. 46.

- 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.<sup>6</sup>
  - The following interactions are **not** reportable unless 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)(A)(1)-(22): Interactions during traffic control of vehicles due to a traffic accident or emergency situation that requires that vehicles are stopped for public safety purposes; 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; interactions during which persons are detained at a residence so that the officer may check for proof of age for purposes of investigating underage drinking; and checkpoints and 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.<sup>7</sup>
  - Interactions that take place with a person in his or her residence who is the subject of a warrant or search condition.<sup>8</sup>
  - 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.<sup>9</sup>
  - Stops in a custodial setting.<sup>10</sup>
  - Stops that occur while the officer is off-duty.<sup>11</sup>
- 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.

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<sup>6</sup> California Code of Regulations, title 11, section 999.227(c)(3), Register 2017, No. 46.

<sup>7</sup> California Code of Regulations, title 11, section 999.227(d)(1).

<sup>8</sup> California Code of Regulations, title 11, section 999.227(d)(2), Register 2017, No. 46.

<sup>9</sup> California Code of Regulations, title 11, section 999.227(d)(3), Register 2017, No. 46.

<sup>10</sup> California Code of Regulations, title 11, section 999.225(c), Register 2017, No. 46.

<sup>11</sup> Exhibit I, 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 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].)

The test claim statutes and 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.<sup>12</sup>

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. 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.<sup>13</sup> There is no requirement in law that a city or 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. <sup>14</sup>
06/14/2019	The claimant filed the Test Claim. <sup>15</sup>

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<sup>12</sup> *Department of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, 1357-1367.

<sup>13</sup> *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.

<sup>14</sup> Exhibit A, Test Claim, page 20 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

<sup>15</sup> Exhibit A, Test Claim.

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. <sup>16</sup>
09/19/2019	The San Bernardino County Sheriff's Department filed comments on the Test Claim. <sup>17</sup>
09/19/2019	The Riverside County Sheriff's Department filed comments on the Test Claim. <sup>18</sup>
09/20/2019	The Peace Officers' Research Association of California (PORAC) filed late comments on the Test Claim. <sup>19</sup>
09/27/2019	The San Diego County Sheriff's Department filed late comments on the Test Claim. <sup>20</sup>
10/16/2019	The claimant filed rebuttal comments. <sup>21</sup>
12/31/2019	Commission staff issued the Draft Proposed Decision. <sup>22</sup>
03/12/2020	Commission staff issued the Proposed Decision, setting the matter for the March 27, 2020 Commission meeting. <sup>23</sup>

## II. Background

This Test Claim addresses the Racial and Identity Profiling Act of 2015 and the 2017 amendments thereto (Stats. 2015, ch. 466; Stats. 2017, ch. 328), which added and amended 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.<sup>24</sup> The data required to

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<sup>16</sup> Exhibit B, Finance's Comments on the Test Claim.

<sup>17</sup> Exhibit C, San Bernardino County Sheriff's Department's Comments on the Test Claim.

<sup>18</sup> Exhibit D, Riverside County Sheriff's Department's Comments on the Test Claim.

<sup>19</sup> Exhibit E, PORAC's Comments on the Test Claim.

<sup>20</sup> Exhibit F, San Diego County Sheriff's Department's Late Comments on the Test Claim.

<sup>21</sup> Exhibit G, Claimant's Rebuttal Comments.

<sup>22</sup> Exhibit H, Draft Proposed Decision.

<sup>23</sup> The March 27, 2020 Commission meeting was postponed to May 22, 2020 due to scheduling conflicts.

<sup>24</sup> 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



be reported includes the following: 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.<sup>25</sup> 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.<sup>26</sup> 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.<sup>27</sup> In addition, the Legislature has required local law enforcement agencies to report to the Attorney General certain specified information, including demographic information (age, gender, race, and ethnic background) about the victim and the person charged with homicide;<sup>28</sup> information that may be required relative to hate crimes;<sup>29</sup> 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.<sup>30</sup>

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.<sup>31</sup>

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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), Register 2017, No. 46.) Special districts are not included.

<sup>25</sup> Statutes 1955, chapter 1128.

<sup>26</sup> As last amended by Statutes 2001, chapter 468.

<sup>27</sup> Penal Code section 13020, as last amended by Statutes 1996, chapter 872.

<sup>28</sup> Penal Code section 13014, as last amended by Statutes 2004, chapter 405.

<sup>29</sup> Penal Code section 13023, as last amended by Statutes 2004, chapter 700.

<sup>30</sup> Penal Code sections 12025 and 12031, as amended by Statutes 1999, chapter 571.

<sup>31</sup> Exhibit I, 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](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).

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.<sup>32</sup> “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.”<sup>33</sup> 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.<sup>34</sup> 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.<sup>35</sup> 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.<sup>36</sup>

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.<sup>37</sup> 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.<sup>38</sup>

The Legislative Analyst shall conduct a study of the data being voluntarily collected by those jurisdictions that have instituted a program of data collection

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<sup>32</sup> Penal Code section 13519.4(e), (f), and (h) (Stats. 2000, ch. 684).

<sup>33</sup> Penal Code section 13519.4(d) (Stats. 2000, ch. 684).

<sup>34</sup> Penal Code section 13519.4(c)(1) (Stats. 2000, ch. 684).

<sup>35</sup> Penal Code section 13519.4(c)(2) (Stats. 2000, ch. 684).

<sup>36</sup> Penal Code section 13519.4(i) (Stats. 2000, ch. 684).

<sup>37</sup> 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 I, 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](https://lao.ca.gov/2002/racial_profiling/8-02_racial_profiling.html) (accessed on October 22, 2019)).

<sup>38</sup> Penal Code section 13519.4(j) (Stats. 2000, ch. 684).

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.<sup>39</sup>

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.”<sup>40</sup> 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.
- For any future program, select a state department better equipped to collect and analyze the data in a standardized manner.<sup>41</sup>

## **B. Prior Test Claims**

Several test claims 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 by Statutes 2000 chapter 684, imposed a 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.<sup>42</sup>

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:

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<sup>39</sup> Penal Code section 13519.4(j) (Stats. 2000, ch. 684).

<sup>40</sup> Exhibit I, 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](https://lao.ca.gov/2002/racial_profiling/8-02_racial_profiling.html) (accessed on October 22, 2019).

<sup>41</sup> Exhibit I, 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](https://lao.ca.gov/2002/racial_profiling/8-02_racial_profiling.html) (accessed on October 22, 2019).

<sup>42</sup> Exhibit I, Commission on State Mandates, Test Claim Decision, *Racial Profiling: Law Enforcement Training*, 01-TC-01, <https://csm.ca.gov/decisions/01tc01sod.pdf>.

- 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.)
- 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).<sup>43</sup>

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

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<sup>43</sup> Exhibit I, 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>.

perceived characteristics: (1) disability, (2) gender, (3) nationality, (4) race or ethnicity, (5) religion, (6) sexual orientation.<sup>44</sup>

### **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).”<sup>45</sup>

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 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.<sup>46</sup>

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

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<sup>44</sup> Exhibit I, 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 I, 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>.)

<sup>45</sup> Exhibit I, Senate Committee on Public Safety Analysis of AB 953 (2015-2016 Reg. Sess.) as amended June 30, 2015, page 2.

<sup>46</sup> Exhibit I, 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.

an advisory board that investigates profiling patterns and practices and provides recommendations on how to curb its harmful impact.<sup>47</sup>

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.
- (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.<sup>48</sup>

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

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<sup>47</sup> Exhibit I, Senate Committee on Public Safety Analysis of AB 953 (2015-2016 Reg. Sess.), as amended June 30, 2015, page 7.

<sup>48</sup> Penal Code section 13519.4(d) (Stats. 2015, ch. 466).

any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.<sup>49</sup>

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.<sup>50</sup> 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 identity 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.<sup>51</sup>

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 identity profiling.<sup>52</sup>

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 prevent racial and identity profiling, and directed POST to consult with RIPA in developing that training.<sup>53</sup>

## **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.<sup>54</sup> In addition, section 13012(c) was added to require RIPA to analyze the statistics reported by DOJ.<sup>55</sup>

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

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<sup>49</sup> Penal Code section 13519.4(e) (Stats. 2015, ch. 466).

<sup>50</sup> Penal Code section 13519.4(j) (Stats. 2015, ch. 466).

<sup>51</sup> Penal Code section 13519.4(j)(2) (Stats. 2015, ch. 466).

<sup>52</sup> Penal Code section 13519.4(j)(3) (Stats. 2015, ch. 466).

<sup>53</sup> Penal Code section 13519.4(h) (Stats. 2015, ch. 466).

<sup>54</sup> Penal Code section 13012(a)(5)(iii) (Stats. 2015, ch. 466).

<sup>55</sup> Penal Code section 13012(c) (Stats. 2015, ch. 466).



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.<sup>56</sup> 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.<sup>57</sup>

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."<sup>58</sup> Peace officers subject to these requirements include "members of the California Highway Patrol, 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."<sup>59</sup>

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

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<sup>56</sup> Government Code section 12525.5(a)(1), (g)(1) (Stats. 2015, ch. 466).

<sup>57</sup> Government Code section 12525.5(a)(2) (Stats. 2015, ch. 466).

<sup>58</sup> Government Code section 12525.5(g)(2) (Stats. 2015, ch. 466).

<sup>59</sup> Government Code section 12525.5(g)(1) (Stats. 2015, ch. 466).



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.<sup>60</sup>

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.<sup>61</sup>

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.<sup>62</sup>

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 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.

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~~

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<sup>60</sup> Government Code section 12525.5(b) (Stats. 2015, ch. 466).

<sup>61</sup> Government Code section 12525.5(d)(f) (Stats. 2015, ch. 466).

<sup>62</sup> Government Code section 12525.5(e) (Stats. 2015, ch. 466).

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.<sup>63</sup>

#### **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 November 7, 2017.<sup>64</sup> 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

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<sup>63</sup> Exhibit I, Senate Rules Committee, Office of Senate Floor Analyses, Third Reading Analysis of AB 953, (2015-2016), as amended August 31, 2015, page 5.

<sup>64</sup> California Code of Regulations, title 11, sections 999.224 through 999.229 (Register 2017, No. 46).

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.<sup>65</sup>

### **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.”<sup>66</sup> 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:<sup>67</sup>

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.<sup>68</sup>
2. Data Collection. Law enforcement personnel are now required to document and submit information on every stop they make.<sup>69</sup>
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

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<sup>65</sup> Exhibit I, 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).

<sup>66</sup> Exhibit A, Test Claim, page 7.

<sup>67</sup> Exhibit A, Test Claim, pages 7-9.

<sup>68</sup> Exhibit A, Test Claim, page 8.

<sup>69</sup> Exhibit A, Test Claim, page 8.

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.<sup>70</sup>

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.<sup>71</sup>
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 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.<sup>72</sup>

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.<sup>73</sup> 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."<sup>74</sup>

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.<sup>75</sup> Lieutenant Jordan's declaration further states that total costs for the

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<sup>70</sup> Exhibit A, Test Claim, page 9.

<sup>71</sup> Exhibit A, Test Claim, page 9.

<sup>72</sup> Exhibit A, Test Claim, page 9.

<sup>73</sup> Exhibit A, Test Claim, pages 2, 20 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

<sup>74</sup> Exhibit A, Test Claim, page 12.

<sup>75</sup> 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).

2018-2019 fiscal year amounted to \$871,675.56, including the costs for training, compliance, reporting, management, and collection of stop data.<sup>76</sup> The majority of the fiscal year 2018-2019 costs (\$744,005.98) were for officers collecting stop data.<sup>77</sup> 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.”<sup>78</sup>

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.”<sup>79</sup> 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 expected practice for law enforcement agencies. It should also be considered a very reasonable method of implementing this alleged mandate.<sup>80</sup>

The claimant did not file comments on the Draft Proposed Decision.

#### **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.<sup>81</sup> 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.”<sup>82</sup> According to Finance, the law enforcement agencies made a discretionary decision to provide training, and should therefore absorb the associated costs.<sup>83</sup>

Finance did not file comments on the Draft Proposed Decision.

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<sup>76</sup> 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).

<sup>77</sup> Exhibit A, Test Claim, page 20 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

<sup>78</sup> Exhibit A, Test Claim, page 17.

<sup>79</sup> Exhibit G, Claimant’s Rebuttal Comments, page 2.

<sup>80</sup> Exhibit G, Claimant’s Rebuttal Comments, page 2.

<sup>81</sup> Exhibit B, Finance’s Comments on the Test Claim, page 1.

<sup>82</sup> Exhibit B, Finance’s Comments on the Test Claim, page 2.

<sup>83</sup> Exhibit B, Finance’s Comments on the Test Claim, page 2.

### **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."<sup>84</sup> 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.<sup>85</sup>

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.<sup>86</sup> 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.<sup>87</sup> In addition, the Department estimates that it incurred "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.<sup>88</sup> 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."<sup>89</sup>

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<sup>84</sup> Exhibit C, San Bernardino County Sheriff's Department's Comments on the Test Claim, page 1.

<sup>85</sup> Exhibit C, San Bernardino County Sheriff's Department's Comments on the Test Claim, page 1.

<sup>86</sup> Exhibit D, Riverside County Sheriff's Department's Comments on the Test Claim, page 1.

<sup>87</sup> Exhibit D, Riverside County Sheriff's Department's Comments on the Test Claim, page 1.

<sup>88</sup> Exhibit D, Riverside County Sheriff's Department's Comments on the Test Claim, pages 3-8.

<sup>89</sup> 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).

The San Diego County Sheriff's Department expresses support for the Test Claim and requests that the Commission approve the claim.<sup>90</sup> 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.<sup>91</sup>

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.<sup>92</sup>

No comments have been filed by any of the interested persons on the Draft Proposed Decision.

#### **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

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<sup>90</sup> Exhibit F, San Diego County Sheriff's Department's Late Comments on the Test Claim, page 1.

<sup>91</sup> Exhibit F, San Diego County Sheriff's Department's Late Comments on the Test Claim, page 1.

<sup>92</sup> Exhibit E, PORAC's Late Comments on the Test Claim, page 1.

articles XIII A and XIII B impose.”<sup>93</sup> Thus, the subvention requirement of section 6 is “directed to state-mandated increases in the services provided by [local government] ...”<sup>94</sup>

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.<sup>95</sup>
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.<sup>96</sup>
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.<sup>97</sup>
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.<sup>98</sup>

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 Constitution.<sup>99</sup> The determination whether a statute or executive order imposes a reimbursable state-mandated program is a question of law.<sup>100</sup> 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.”<sup>101</sup>

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<sup>93</sup> *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.

<sup>94</sup> *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.

<sup>95</sup> *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874.

<sup>96</sup> *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).

<sup>97</sup> *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.

<sup>98</sup> *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.

<sup>99</sup> *Kinlaw v. State of California* (1991) 53 Cal.3d 482, 487.

<sup>100</sup> *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 109.

<sup>101</sup> *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].



**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.”<sup>102</sup> Section 1183.1(c) of the Commission’s regulations defines “12 months” as 365 days.<sup>103</sup>

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.<sup>104</sup> Pursuant to Government Code section 12525.5(a)(2), as amended by Statutes 2017, chapter 328, the claimant, as an agency that employs 1,000 or more peace officers, was required to begin collecting data on or before July 1, 2018.<sup>105</sup> 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, 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.

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<sup>102</sup> Government Code section 17551(c) (Stats. 2007, ch. 329).

<sup>103</sup> California Code of Regulations, title 2, section 1183.1(c), Register 2018, No. 18 (eff. April 1, 2018).

<sup>104</sup> Exhibit A, Test Claim, page 20 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

<sup>105</sup> Exhibit A, Test Claim, page 7.

**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.”<sup>106</sup>

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).<sup>107</sup> 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.<sup>108</sup> In addition, Statutes 2015, chapter 466 added subdivision (c) to section 13012 to require RIPA to analyze the statistics reported by DOJ.<sup>109</sup> 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”;<sup>110</sup> 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;<sup>111</sup> 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 recommendations for eliminating racial and identify profiling;<sup>112</sup> and require POST to consult

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<sup>106</sup> Exhibit A, Test Claim, page 7.

<sup>107</sup> Penal Code section 13519.4(j)(2) (Stats. 2015, ch. 466).

<sup>108</sup> Penal Code section 13012(a)(5)(iii) (Stats. 2015, ch. 466).

<sup>109</sup> Penal Code section 13012(c) (Stats. 2015, ch. 466).

<sup>110</sup> Penal Code section 13519.4(e) (Stats. 2015, ch. 466).

<sup>111</sup> Penal Code section 13519.4(j) (Stats. 2015, ch. 466).

<sup>112</sup> Penal Code section 13519.4(j)(3) (Stats. 2015, ch. 466).

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.<sup>113</sup>

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), as added and amended by the test claim statutes, 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 . . ." <sup>114</sup> "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 considered Unique Identifying Information." <sup>115</sup> The stop reports submitted to DOJ "shall"

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<sup>113</sup> Penal Code section 13519.4(h) (Stats. 2015, ch. 466).

<sup>114</sup> California Code of Regulations, title 11, section 999.227(a)(11).

<sup>115</sup> 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

include the Officer's I.D. Number, but shall not include the officer's name or badge number.<sup>116</sup> However, each reporting agency "shall maintain a system to match an individual officer to his or her Officer's I.D. Number."<sup>117</sup>

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."<sup>118</sup>

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.<sup>119</sup>

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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)."

<sup>116</sup> California Code of Regulations, title 11, section 999.227(a)(11).

<sup>117</sup> California Code of Regulations, title 11, section 999.227(a)(11).

<sup>118</sup> Government Code section 12525.5(g)(2) (Stats.2015, ch.466); see also, California Code of Regulations, title 11, section 999.224(a)(14).

<sup>119</sup> Government Code section 12525.5(a)(2) (Stats. 2017, ch. 328).

The minimum “data elements”<sup>120</sup> 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:<sup>121</sup>

- (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.”<sup>122</sup>
- (2) “Date, Time, and Duration of Stop.”<sup>123</sup>
- (3) “Location of Stop”<sup>124</sup>
- (4) “Perceived Race or Ethnicity of Person Stopped”<sup>125</sup>
- (5) “Perceived Gender of Person Stopped”<sup>126</sup>
- (6) “Person Stopped Perceived to be LGBT”<sup>127</sup>
- (7) “Perceived Age of Person Stopped”<sup>128</sup>
- (8) “Person Stopped Has Limited or No English Fluency”<sup>129</sup>
- (9) “Perceived or Known Disability of Person Stopped”<sup>130</sup>

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<sup>120</sup> “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).)

<sup>121</sup> 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.”

<sup>122</sup> California Code of Regulations, title 11, section 999.226(a)(1).

<sup>123</sup> Government Code section 12525.5(b)(1) (Stats. 2015, ch. 466); California Code of Regulations, title 11, section 999.226(a)(2).

<sup>124</sup> Government Code section 12525.5(b)(1) (Stats. 2015, ch. 466); California Code of Regulations, title 11, section 999.226(a)(3).

<sup>125</sup> Government Code section 12525.5(b)(6) (Stats. 2015, ch. 466); California Code of Regulations, title 11, section 999.226(a)(4).

<sup>126</sup> Government Code section 12525.5(b)(6) (Stats. 2015, ch. 466); California Code of Regulations, title 11, section 999.226(a)(5).

<sup>127</sup> California Code of Regulations, title 11, section 999.226(a)(6).

<sup>128</sup> Government Code section 12525.5(b)(6) (Stats. 2015, ch. 466); California Code of Regulations, title 11, section 999.226(a)(7).

<sup>129</sup> California Code of Regulations, title 11, section 999.226(a)(8).

<sup>130</sup> California Code of Regulations, title 11, section 999.226(a)(9).

- (10) “Reason for Stop”<sup>131</sup>
- (11) “Stop Made in Response to a Call for Service.”<sup>132</sup>
- (12) “Actions Taken by Officer During Stop”<sup>133</sup>
- (13) “Result of Stop”<sup>134</sup>
- (14) “Officer's Identification (I.D.) Number”<sup>135</sup>
- (15) “Officer's Years of Experience”<sup>136</sup>
- (16) “Type of Assignment of Officer”<sup>137</sup>

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.<sup>138</sup> 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.”<sup>139</sup>

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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<sup>131</sup> Government Code section 12525.5(b)(2) (Stats. 2015, ch. 466); California Code of Regulations, title 11, section 999.226(a)(10).

<sup>132</sup> California Code of Regulations, title 11, section 999.226(a)(11).

<sup>133</sup> Government Code section 12525.5(b)(7) (Stats. 2015, ch. 466); California Code of Regulations, title 11, section 999.226(a)(12).

<sup>134</sup> Government Code section 12525.5(b)(3) (Stats. 2015, ch. 466); California Code of Regulations, title 11, section 999.226(a)(13).

<sup>135</sup> California Code of Regulations, title 11, section 999.226(a)(14).

<sup>136</sup> California Code of Regulations, title 11, section 999.226(a)(15).

<sup>137</sup> California Code of Regulations, title 11, section 999.226(a)(16).

<sup>138</sup> “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).)

<sup>139</sup> 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*”;<sup>140</sup>
- b. Select all applicable circumstances that gave rise to the officer's reasonable suspicion from the list provided;<sup>141</sup>
- 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”;<sup>142</sup> 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.’”<sup>143</sup>

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.<sup>144</sup> 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.*”<sup>145</sup> 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.’”<sup>146</sup>

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.*”<sup>147</sup>

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

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<sup>140</sup> California Code of Regulations, title 11, section 999.226(a)(10)(A).

<sup>141</sup> California Code of Regulations, title 11, section 999.226(a)(10)(A)(2).

<sup>142</sup> California Code of Regulations, title 11, section 999.226(a)(10)(A)(2).

<sup>143</sup> California Code of Regulations, title 11, section 999.226(a)(10)(B).

<sup>144</sup> California Code of Regulations, title 11, section 999.226(a)(12).

<sup>145</sup> California Code of Regulations, title 11, section 999.226(a)(12)(A).

<sup>146</sup> California Code of Regulations, title 11, section 999.226(a)(12)(B).

<sup>147</sup> 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).<sup>148</sup>

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.

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<sup>148</sup> 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.”<sup>149</sup>
- (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.<sup>150</sup>

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 that take place during the following circumstances shall only be reported if the 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)(A)(1)-(22): Interactions during: traffic control of vehicles due to a traffic accident or emergency situation that requires that vehicles are stopped for public safety purposes; 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; interactions during which persons are detained at a residence so that the officers may check for proof of age for purposes of investigating underage drinking; and checkpoints and 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.<sup>151</sup>
- (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

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<sup>149</sup> California Code of Regulations, title 11, section 999.227(b).

<sup>150</sup> California Code of Regulations, title 11, section 999.227(c).

<sup>151</sup> California Code of Regulations, title 11, section 999.227(d)(1).

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.<sup>152</sup>

- (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 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.<sup>153</sup>

Finally, section 999.225(d) states that peace officers shall not report stops that occur in a custodial setting.<sup>154</sup>

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—

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<sup>152</sup> California Code of Regulations, title 11, section 999.227(d)(2).

<sup>153</sup> California Code of Regulations, title 11, section 999.227(d)(3).

<sup>154</sup> 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)).

including secure file transfer of spreadsheets or other common file formats—to comply with the reporting requirements.<sup>155</sup>

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 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.<sup>156</sup>

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.”<sup>157</sup> 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.<sup>158</sup>

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.

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<sup>155</sup> Exhibit I, 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).

<sup>156</sup> California Code of Regulations, title 11, section 999.228(b).

<sup>157</sup> Exhibit I, 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).

<sup>158</sup> California Code of Regulations, title 11, section 999.228(f).

- **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.<sup>159</sup>

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.<sup>160</sup> The

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<sup>159</sup> Exhibit A, Test Claim, page 105 (AB 953 Stop Data Reporting Regulations, Addendum to Form 399).

<sup>160</sup> Exhibit I, 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).

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.<sup>161</sup> In the alternative, “*at the agency's election*” the DOJ will transfer this data back to the agency.<sup>162</sup> 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 for storage and retention are triggered by the agency’s own discretion.<sup>163</sup> 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

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<sup>161</sup> Exhibit I, 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).

<sup>162</sup> California Code of Regulations, title 11, section 999.228(h).

<sup>163</sup> *Department of Finance v. Commission on State Mandates (Kern High School District)* (2003) 30 Cal.4th 727, 743.

resolve and resubmit the corrected data as required by AB 953 and its implementing regulations.<sup>164</sup>

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, subs. (a)(4)-(5). *"Data element" and "Data Value."*

[¶] . . . [¶]

. . . [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.<sup>165</sup>

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

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<sup>164</sup> Exhibit I, 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).

<sup>165</sup> Exhibit I, 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).

“the badge number or other unique identifying information of the peace officer involved.”<sup>166</sup> 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 to the person stopped and officer, except for the Officer's Unique Identifier, prior to transmission of stop data.”<sup>167</sup>

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].)

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<sup>166</sup> 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).”

<sup>167</sup> Exhibit I, 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).

2. Collection and reporting data on all stops, as defined,<sup>168</sup> 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:

- 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).<sup>169</sup>
- Stops made during public safety mass evacuations.<sup>170</sup>
- Stops during an active shooter incident.<sup>171</sup>
- 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

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<sup>168</sup> 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.

<sup>169</sup> California Code of Regulations, title 11, section 999.227(b), Register 2017, No. 46.

<sup>170</sup> California Code of Regulations, title 11, section 999.227(c)(1), Register 2017, No. 46.

<sup>171</sup> California Code of Regulations, title 11, section 999.227(c)(2), Register 2017, No. 46.



detector screenings, including any secondary searches that result from the screening.<sup>172</sup>

- The following interactions are **not** reportable unless 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)(A)(1)-(22): Interactions during traffic control of vehicles due to a traffic accident or emergency situation that requires that vehicles are stopped for public safety purposes; 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; interactions during which persons are detained at a residence so that the officer may check for proof of age for purposes of investigating underage drinking; and checkpoints and 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.<sup>173</sup>
  - Interactions that take place with a person in his or her residence who is the subject of a warrant or search condition.<sup>174</sup>
  - 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.<sup>175</sup>
  - Stops in a custodial setting.<sup>176</sup>
  - Stops that occur while the officer is off-duty.<sup>177</sup>
- 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].)

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<sup>172</sup> California Code of Regulations, title 11, section 999.227(c)(3), Register 2017, No. 46.

<sup>173</sup> California Code of Regulations, title 11, section 999.227(d)(1).

<sup>174</sup> California Code of Regulations, title 11, section 999.227(d)(2), Register 2017, No. 46.

<sup>175</sup> California Code of Regulations, title 11, section 999.227(d)(3), Register 2017, No. 46.

<sup>176</sup> California Code of Regulations, title 11, section 999.225(c), Register 2017, No. 46.

<sup>177</sup> Exhibit I, 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).

- (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].)

In addition, the claimant requests reimbursement for the costs of training, updating policies and procedures, supervisory review, and for installation and testing of software.<sup>178</sup> Although the legislative history of the test claim statute<sup>179</sup> and rulemaking materials<sup>180</sup> acknowledge that the mandate would result in local agencies incurring costs for training and technology, and the claimant has filed evidence supporting such costs,<sup>181</sup> 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 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.”<sup>182</sup> 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

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<sup>178</sup> Exhibit A, Test Claim, pages 8-9.

<sup>179</sup> Exhibit I, 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.

<sup>180</sup> Exhibit I, 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).

<sup>181</sup> Exhibit A, Test Claim, pages 20-21 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

<sup>182</sup> 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 I, 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).)

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.<sup>183</sup>

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 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).

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<sup>183</sup> 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.)

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.<sup>184</sup>

California Code of Regulations, title 11, section 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.
- (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 may not have access to mobile or

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<sup>184</sup> California Code of Regulations, title 11, section 999.224(a)(11), Register 2017, No. 46.

electronic devices, or other means of reporting the data electronically, as he or she would if on-duty.”<sup>185</sup>

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. The test claim statutes and 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.<sup>186</sup> 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 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.<sup>187</sup> The court reasoned that unlike cities and counties,<sup>188</sup> school districts and community college districts do

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<sup>185</sup> Exhibit I, 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).

<sup>186</sup> *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.

<sup>187</sup> *Department of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, 1357-1367.

<sup>188</sup> 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.”

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 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.<sup>189</sup>

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.”

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<sup>189</sup> *Department of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, 1367-1368.



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 the test claim statutes and 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. 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 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 the test claim statutes and 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, as added or amended by the test claim statutes, and California Code of Regulations, title 11, sections 999.224- 999.229 (Reg. 2017, No. 46) 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*.<sup>190</sup> 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, do not result in a state-mandated program within the meaning of article XIII B, section 6 of the California Constitution.<sup>191</sup>

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*

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<sup>190</sup> *Department of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, 1367, emphasis added.

<sup>191</sup> 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.

*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.<sup>192</sup> 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,<sup>193</sup> 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.<sup>194</sup> Similarly, city or county law enforcement agencies that employ 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

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<sup>192</sup> *Department of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, 1367-1368.

<sup>193</sup> 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.”

<sup>194</sup> See Exhibit I, 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, <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 I, 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 I, 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)).

need these supplemental services from time to time.<sup>195</sup> 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.<sup>196</sup> 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:

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

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<sup>195</sup> 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.”

<sup>196</sup> *Department of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, 1367, emphasis added.

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.<sup>197</sup>

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 and 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.

**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

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<sup>197</sup> *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 888.

policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state.<sup>198</sup>

Here, the activities mandated by the state are new. Prior law prohibited peace officers from engaging in racial profiling;<sup>199</sup> required every law enforcement officer in the state to participate in racial profiling training approved by POST;<sup>200</sup> required submission of certain criminal statistics requested by the Attorney General, including in some cases, the person's age, gender, race, and ethnic background;<sup>201</sup> 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. However, prior law 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.<sup>202</sup> 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 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.<sup>203</sup>

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

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<sup>198</sup> *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56, emphasis added.

<sup>199</sup> Penal Code section 13519.4(e) (Stats. 2000, ch. 684).

<sup>200</sup> Penal Code section 13519.4(f)(h) (Stats. 2000, ch. 684).

<sup>201</sup> Penal Code sections 13014 (Stats., ch. 1992, ch. 1338), 13023 (Stats. 1989, ch. 1172).

<sup>202</sup> Penal Code section 13519.4(j) (Stats. 2000, ch. 684).

<sup>203</sup> Exhibit A, Test Claim, page 10.

basic functions of local government.<sup>204</sup> 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”<sup>205</sup> 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.”<sup>206</sup>

Accordingly, Government Code section 12525.5, as added and amended by the test claim statutes, and California Code of Regulations, title 11, sections 999.224- 999.229 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 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.<sup>207</sup> 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.<sup>208</sup> The claimant supports these assertions with a declaration from Jeffrey Jordon, Lieutenant for the City of San Diego Police Department.<sup>209</sup> The claimant identifies the following actual costs incurred in fiscal year 2017-2018 with respect to stop data collection and reporting:<sup>210</sup>

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<sup>204</sup> *Carmel Valley Fire Protection Dist. v. State of California* (1987) 190 Cal.App.3d 521, 537.

<sup>205</sup> Exhibit A, Test Claim, page 56 (Senate Committee on Appropriations Analysis of AB 953 (2015-2016 Reg. Sess.), as amended August 27, 2015).

<sup>206</sup> Exhibit I, Senate Committee on Public Safety Analysis of AB 953, (2015-2016 Reg. Sess.), as amended June 30, 2015, page 7.

<sup>207</sup> Exhibit A, Test Claim, page 14.

<sup>208</sup> Exhibit A, Test Claim, pages 11-14.

<sup>209</sup> Exhibit A, Test Claim, pages 20-21 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

<sup>210</sup> Exhibit A, Test Claim, page 20 (Declaration of Jeffrey Jordon, Lieutenant for the City of San Diego Police Department, July 30, 2019).

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.<sup>211</sup>

The claimant also estimated the statewide cost to implement the mandated activities at \$18,000,000 for fiscal year 2018-2019.<sup>212</sup>

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 the associated costs are therefore not reimbursable."<sup>213</sup> According to Finance, the police department made a discretionary decision to provide training, and should therefore absorb the associated costs.<sup>214</sup> 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.<sup>215</sup> 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

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<sup>211</sup> 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).

<sup>212</sup> Exhibit A, Test Claim, pages 3, 16-17.

<sup>213</sup> Exhibit B, Finance's Comments on the Test Claim, page 2.

<sup>214</sup> Exhibit B, Finance's Comments on the Test Claim, page 2.

<sup>215</sup> See Government Code section 17556(d-e).



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.”<sup>216</sup>

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:

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].)

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<sup>216</sup> Exhibit A, Test Claim, page 17, emphasis added.

2. Collection and reporting data on all stops, as defined,<sup>217</sup> 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:

- 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".<sup>218</sup>
- Stops made during public safety mass evacuations.<sup>219</sup>
- Stops during an active shooter incident.<sup>220</sup>
- 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

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<sup>217</sup> 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.

<sup>218</sup> California Code of Regulations, title 11, section 999.227(b) (Register 2017, No. 46).

<sup>219</sup> California Code of Regulations, title 11, section 999.227(c)(1) (Register 2017, No. 46).

<sup>220</sup> California Code of Regulations, title 11, section 999.227(c)(2) (Register 2017, No. 46).

detector screenings, including any secondary searches that result from the screening.<sup>221</sup>

- The following interactions are **not** reportable unless 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)(A)(1)-(22): Interactions during: traffic control of vehicles due to a traffic accident or emergency situation that requires that vehicles are stopped for public safety purposes; 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; interactions during which persons are detained at a residence so that the officer may check for proof of age for purposes of investigating underage drinking; and checkpoints and 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.<sup>222</sup>
  - Interactions that take place with a person in his or her residence who is the subject of a warrant or search condition.<sup>223</sup>
  - 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.<sup>224</sup>
  - Stops in a custodial setting.<sup>225</sup>
  - Stops that occur while the officer is off-duty.<sup>226</sup>
- 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].)

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<sup>221</sup> California Code of Regulations, title 11, section 999.227(c)(3) (Register 2017, No. 46).

<sup>222</sup> California Code of Regulations, title 11, section 999.227(d)(1).

<sup>223</sup> California Code of Regulations, title 11, section 999.227(d)(2) (Register 2017, No. 46).

<sup>224</sup> California Code of Regulations, title 11, section 999.227(d)(3) (Register 2017, No. 46).

<sup>225</sup> California Code of Regulations, title 11, section 999.225(c) (Register 2017, No. 46).

<sup>226</sup> Exhibit I, 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).

- (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 or 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, and must be supported with evidence, 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 May 22, 2020, I served the:

- **Draft Expedited Parameters and Guidelines, Schedule for Comments, and Notice of Hearing issued May 22, 2020**
- **Decision adopted May 22, 2020**

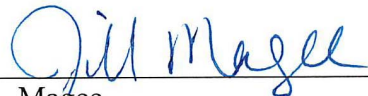
*Racial and Identity Profiling*, 18-TC-02

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 May 22, 2020 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

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

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 5/22/20

**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 Sheriff's Department*  
Information / Technical Services Division, 655 East Third Street, San Bernardino, CA 92415  
Phone: (909) 884-0156  
jades@sbcasd.org

**Manny Alvarez Jr.**, Executive Director, *Commission on Peace Officer Standards and Training*  
860 Stillwater Road, Suite 100, West Sacramento, CA 95605  
Phone: (916) 227-3909  
Manny.Alvarez@post.ca.gov

**Socorro Aquino**, *State Controller's Office*  
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 322-7522  
SAquino@sco.ca.gov

**Matthew Aveling**, Chief Deputy, *Riverside County Sheriff's Department*  
Sheriff's Administration, 4905 Lemon Street, Riverside, CA 92501  
Phone: (951) 955-2416  
maveling@riversidesheriff.org

**Cindy Black**, City Clerk, *City of St. Helena*  
1480 Main Street, St. Helena, CA 94574  
Phone: (707) 968-2742  
ctzafopoulos@cityofstheleena.org



**Allan Burdick,**

7525 Myrtle Vista Avenue, Sacramento, CA 95831

Phone: (916) 203-3608

allanburdick@gmail.com

**J. Bradley Burgess, MGT of America**

895 La Sierra Drive, Sacramento, CA 95864

Phone: (916) 595-2646

Bburgess@mgtamer.com

**Evelyn Calderon-Yee, Bureau Chief, State Controller's Office**

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: (916) 324-5919

ECalderonYee@sco.ca.gov

**Gwendolyn Carlos, State Controller's Office**

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: (916) 323-0706

gcarlos@sco.ca.gov

**Michele Cervone, Legislative Assistant, Aaron Read & Associates**

1415 L Street, Suite 1100, Sacramento, CA 95814

Phone: (916) 448-3444

mcervone@aaronread.com

**Rolando Charvel, Chief Financial Officer, City of San Diego****Claimant Contact**

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

Phone: (619) 236-5941

RCharvel@sandiego.gov

**Annette Chinn, Cost Recovery Systems, Inc.**

705-2 East Bidwell Street, #294, Folsom, CA 95630

Phone: (916) 939-7901

achinnrcs@aol.com

**Carolyn Chu, Senior Fiscal and Policy Analyst, Legislative Analyst's Office**

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8326

Carolyn.Chu@lao.ca.gov

**Michael Coleman, Coleman Advisory Services**

2217 Isle Royale Lane, Davis, CA 95616

Phone: (530) 758-3952

coleman@muni1.com

**Phill Dupper, Lieutenant, San Bernardino County Sheriff's Department**

Information / Technical Services Division, 655 East Third Street, San Bernardino, CA 92415

Phone: (909) 884-0156

pdupper@sbcscd.org

**Patrick Dyer**, Director, *MGT Consulting*  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 443-3411  
pdyer@mgtconsulting.com

**Donna Ferebee**, *Department of Finance*  
915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
donna.ferebee@dof.ca.gov

**Susan Geanacou**, *Department of Finance*  
915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
susan.geanacou@dof.ca.gov

**Dillon Gibbons**, Legislative Representative, *California Special Districts Association*  
1112 I Street Bridge, Suite 200, Sacramento, CA 95814  
Phone: (916) 442-7887  
dillong@cstda.net

**Jim Grottkau**, Bureau Chief, *Commission on Peace Officer Standards and Training*  
Basic Training, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605  
Phone: (916) 227-3909  
Jim.Grottkau@post.ca.gov

**Zachary Hall**, Sheriff's Captain, *Riverside County Sheriff's Department*  
4905 Lemon Street, Riverside, CA 92501  
Phone: (951) 955-2400  
zhall@riversidesheriff.org

**Heather Halsey**, Executive Director, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
heather.halsey@csm.ca.gov

**Sunny Han**, Project Manager, *City of Huntington Beach*  
2000 Main Street, Huntington Beach, CA 92648  
Phone: (714) 536-5907  
Sunny.han@surfcity-hb.org

**Chris Hill**, Principal Program Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Chris.Hill@dof.ca.gov

**Jason Jennings**, Director, *Maximus Consulting*  
Financial Services, 808 Moorefield Park Drive, Suite 205, Richmond, VA 23236  
Phone: (804) 323-3535  
SB90@maximus.com

**Edward Jewik**, *County of Los Angeles*  
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012  
Phone: (213) 974-8564  
ejewik@auditor.lacounty.gov

**Jeffrey Jordon**, Captain, *San Diego Police Department*

**Claimant Representative**

1401 Broadway, San Diego, CA 92101

Phone: (619) 756-5264

[jjjordon@pd.sandiego.gov](mailto:jjjordon@pd.sandiego.gov)

**Anita Kerezi**, *AK & Company*

2425 Golden Hill Road, Suite 106, Paso Robles, CA 93446

Phone: (805) 239-7994

[akcompanysb90@gmail.com](mailto:akcompanysb90@gmail.com)

**Joanne Kessler**, Fiscal Specialist, *City of Newport Beach*

Revenue Division, 100 Civic Center Drive, Newport Beach, CA 90266

Phone: (949) 644-3199

[jkessler@newportbeachca.gov](mailto:jkessler@newportbeachca.gov)

**Lisa Kurokawa**, Bureau Chief for Audits, *State Controller's Office*

Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 327-3138

[lkurokawa@sco.ca.gov](mailto:lkurokawa@sco.ca.gov)

**Alison Leary**, Deputy General Counsel, *League of California Cities*

1400 K Street, Suite 400, Sacramento, CA 95814

Phone: (916) 658-8200

[aleary@cacities.org](mailto:aleary@cacities.org)

**Erika Li**, Program Budget Manager, *Department of Finance*

915 L Street, 10th Floor, Sacramento, CA 95814

Phone: (916) 445-3274

[erika.li@dof.ca.gov](mailto:erika.li@dof.ca.gov)

**Jill Magee**, Program Analyst, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

[Jill.Magee@csm.ca.gov](mailto:Jill.Magee@csm.ca.gov)

**Corrie Manning**, Assistant General Counsel, *League of California Cities*

1400 K Street, Suite 400, Sacramento, CA 95814

Phone: (916) 658-8200

[cmanning@cacities.org](mailto:cmanning@cacities.org)

**Brian Marvel**, President, *Peace Officers Research Association of California (PORAC)*

4010 Truxel Road, Sacramento, CA 95834

Phone: (916) 928-3777

[president@porac.org](mailto: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](mailto:JmcPherson@oceansideca.org)

**Michelle Mendoza**, *MAXIMUS*

17310 Red Hill Avenue, Suite 340, Irvine, CA 95403

Phone: (949) 440-0845  
michellemendoza@maximus.com

**Lourdes Morales**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8320  
Lourdes.Morales@LAO.CA.GOV

**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  
Phone: (916) 324-0256  
DMorton@sco.ca.gov

**Andy Nichols**, *Nichols Consulting*  
1857 44th Street, Sacramento, CA 95819  
Phone: (916) 455-3939  
andy@nichols-consulting.com

**Arthur Palkowitz**, *Artiano Shinoff*  
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106  
Phone: (619) 232-3122  
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  
Phone: (909) 386-8854  
jai.prasad@atc.sbcounty.gov

**Aaron Read**, Legislative Advocate, *Aaron Read & Associates*  
1415 L Street, Suite 1100 , Sacramento, CA 95814  
Phone: (916) 448-3444  
aread@aaronread.com

**Theresa Schweitzer**, *City of Newport Beach*  
100 Civic Center Drive, Newport Beach, CA 92660  
Phone: (949) 644-3140  
tschweitzer@newportbeachca.gov

**Camille Shelton**, Chief Legal Counsel, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
camille.shelton@csm.ca.gov

**Carla Shelton**, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
carla.shelton@csm.ca.gov

**Natalie Sidarous**, Chief, *State Controller's Office*  
Local Government Programs and Services Division, 3301 C Street, Suite 740, Sacramento,  
CA 95816  
Phone: 916-445-8717  
NSidarous@sco.ca.gov

**Michelle Skaggs Lawrence**, City Manager, *City of Oceanside*  
300 North Coast Highway, Oceanside, CA 92054  
Phone: (760) 435-3055  
citymanager@oceansideca.org

**Jim Spano**, Chief, Mandated Cost Audits Bureau, *State Controller's Office*  
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 323-5849  
jspano@sco.ca.gov

**Dennis Speciale**, *State Controller's Office*  
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 324-0254  
DSpeciale@sco.ca.gov

**Joe Stephenshaw**, Director, *Senate Budget & Fiscal Review Committee*  
California State Senate, State Capitol Room 5019, Sacramento, CA 95814  
Phone: (916) 651-4103  
Joe.Stephenshaw@sen.ca.gov

**Brittany Thompson**, Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Brittany.Thompson@dof.ca.gov

**Jolene Tollenaar**, *MGT of America*  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 243-8913  
jolenetollenaar@gmail.com

**Robert Trostle**, Lieutenant, *San Bernardino County Sheriff's Department*  
Information / Technical Services Division, 655 East Third Street, San Bernardino, CA  
92415  
Phone: (909) 884-0156  
rtrostle@sbcasd.org

**Evelyn Tseng**, *City of Newport Beach*  
100 Civic Center Drive, Newport Beach, CA 92660  
Phone: (949) 644-3127  
etseng@newportbeachca.gov

**Brian Uhler**, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8328  
Brian.Uhler@LAO.CA.GOV

**Dennis Vrooman**, Assistant Sheriff, *Riverside County Sheriff's Department*  
Sheriff's Administration, 4905 Lemon Street, Riverside, CA 92501

Phone: (951) 955-8792  
dvrooman@riversidesheriff.org

**Renee Wellhouse**, *David Wellhouse & Associates, Inc.*  
3609 Bradshaw Road, H-382, Sacramento, CA 95927  
Phone: (916) 797-4883  
dwa-renee@surewest.net

**Hasmik Yaghobyan**, *County of Los Angeles*  
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012  
Phone: (213) 974-9653  
hyaghobyan@auditor.lacounty.gov

May 22, 2020

## Exhibit B

Captain Jeffrey Jordon  
City of San Diego  
San Diego Police Department  
1401 Broadway  
San Diego, CA 92101

Ms. Natalie Sidarous  
State Controller's Office  
Local Government Programs and  
Services Division  
3301 C Street, Suite 740  
Sacramento, CA 95816

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

Re: **Draft Expedited Parameters and Guidelines, Schedule for Comments, and Notice of Hearing**  
*Racial and Identity Profiling*, 18-TC-02  
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<sup>1</sup>  
City of San Diego, Claimant

Dear Captain Jordon and Ms. Sidarous:

On May 22, 2020, the Commission on State Mandates (Commission) adopted the Decision partially approving the Test Claim on the above-entitled matter.

State law provides that reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the mandated program, approval of a statewide cost estimate, a specific legislative appropriation for such purpose, a timely-filed claim for reimbursement, and subsequent review of the reimbursement claim by the State Controller's Office.

Following is a description of the responsibilities of all parties and of the Commission during the parameters and guidelines phase.

### **Draft Expedited Parameters and Guidelines**

Pursuant to California Code of Regulations, title 2, section 1183.9, Commission staff has expedited the parameters and guidelines process by preparing Draft Expedited Parameters and Guidelines to assist the claimant. The proposed reimbursable activities have been limited to those approved in the Decision by the Commission. Reasonably necessary activities to perform the mandated activities may be proposed by the parties. (Cal. Code Regs., tit. 2, §1183.7(d).) "Reasonably necessary activities" are those activities necessary to comply with the statutes, regulations and other executive orders found to impose a state-mandated program (Cal. Code Regs., tit. 2, §1183.7(d).) Whether an activity is reasonably necessary is a mixed question of law and fact. All representations of fact to support any proposed reasonably necessary activities shall be supported by documentary evidence submitted in accordance with section 1187.5 of the Commission's regulations.

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<sup>1</sup> Note that Register 2016, 50-2 was incorrectly cited in the test claim filing. The correct register is Register 2017, No. 46.

#### Review of Draft Expedited Parameters and Guidelines

Proposed modifications and comments may be filed on the Draft Expedited Parameters and Guidelines by **June 12, 2020**. (Cal. Code Regs., tit. 2, §1183.9(b).) 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.<sup>2</sup>

#### Rebuttals

Written rebuttals may be filed within 15 days of service of comments. (Cal. Code Regs., tit. 2, § 1183.9(c).)

#### **Draft Proposed Decision and Parameters and Guidelines**

After review of the Draft Expedited Parameters and Guidelines, and any comments and rebuttals, Commission staff will prepare a Draft Proposed Decision and Parameters and Guidelines which will be issued for comment. If there are no substantive comments filed by the comment deadline, then no Draft Proposed Decision will be prepared or issued for comment and the matter will be set for the next regularly scheduled hearing, pursuant to section 1183.9(d) of the Commission's regulations.

#### **Alternative Process: Joint Reasonable Reimbursement Methodology and Statewide Estimate of Costs**

##### Test Claimant and Department of Finance Submission of Letter of Intent

Within 30 days of the Commission's adoption of a decision on a test claim, the test claimant and the Department of Finance may notify the executive director of the Commission in writing of their intent to follow the process described in Government Code sections 17557.1–17557.2 and section 1183.11 of the Commission's regulations to develop a *joint reasonable reimbursement methodology* and *statewide estimate of costs* for the initial claiming period and budget year for reimbursement of costs mandated by the state. The written notification shall provide all information and filing dates as specified in Government Code section 17557.1(a).

##### Test Claimant and Department of Finance Submission of Draft Reasonable Reimbursement Methodology and Statewide Estimate of Costs

Pursuant to the plan, the test claimant and the Department of Finance shall submit the *Draft Reasonable Reimbursement Methodology and Statewide Estimate of Costs* to the Commission. See Government Code section 17557.1 for guidance in preparing and filing a timely submission.

##### Review of Proposed Reasonable Reimbursement Methodology and Statewide Estimate of Costs

Upon receipt of the jointly developed proposals, Commission staff shall notify all recipients that they shall have the opportunity to review and provide written comments concerning the draft

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<sup>2</sup> 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.



reasonable reimbursement methodology and proposed statewide estimate of costs within 15 days of service. The test claimant and Department of Finance may submit written rebuttals to Commission staff.

Adoption of Reasonable Reimbursement Methodology and Statewide Estimate of Costs

At least 10 days prior to the next hearing, Commission staff shall review comments and rebuttals and issue a staff recommendation on whether the Commission should approve the draft reasonable reimbursement methodology and adopt the proposed statewide estimate of costs pursuant to Government Code section 17557.2.

**Alternative Process: Reasonable Reimbursement Methodology Proposed for Inclusion in Parameters and Guidelines**

Government Code section 17518.5 provides a process for a reasonable reimbursement methodology to be proposed by the Department of Finance, the State Controller, an affected state agency, the claimant, or an interested party for inclusion in the parameters and guidelines of an amendment to parameters and guidelines. In this context, Government Code section 17518.5 defines “reasonable reimbursement methodology” as a formula for reimbursing local agencies and school districts for costs mandated by the state, as defined in Section 17514 which shall:

- Be based on cost information from a representative sample of eligible claimants, information provided by associations of local agencies and school districts, or other projections of local costs.
- Consider the variation in costs among local agencies and school districts to implement the mandate in a cost-efficient manner, and
- Whenever possible, be based on general allocation formulas, uniform cost allowances, and other approximations of local costs mandated by the state, rather than detailed documentation of actual local costs. In cases when local agencies and school districts are projected to incur costs to implement a mandate over a period of more than one fiscal year, the determination of a reasonable reimbursement methodology may consider local costs and state reimbursements over a period of greater than one fiscal year, but not exceeding 10 years.

You are advised that comments filed with the 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. Please see <https://www.csm.ca.gov/dropbox.php> 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.

Captain Jordon and Ms. Sidarous  
May 22, 2020  
Page 4

**Hearing**

The Proposed Decision and Parameters and Guidelines for this matter are tentatively set for hearing on **Friday, July 24, 2020** at 10:00 a.m.

Sincerely,

A handwritten signature in blue ink, appearing to read "Heather Halsey", with a stylized flourish extending to the right.

Heather Halsey  
Executive Director

## **DRAFT EXPEDITED PARAMETERS AND GUIDELINES**

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<sup>1</sup>

### *Racial and Identity Profiling*

18-TC-02

Reimbursement for this program begins November 7, 2017.

#### **I. SUMMARY OF THE MANDATE**

On May 22, 2020, the Commission on State Mandates (Commission) adopted the Test Claim Decision finding 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, beginning November 7, 2017, on city and county law enforcement agencies that employ peace officers (other than probation officers and officers in a custodial setting) to electronically report to the Attorney General, on an annual basis, data on all “stops” within their own jurisdiction, conducted by the agency’s peace officers; and on those city and county law enforcement agencies that contract for peace officers from other cities or counties in order to carry out their basic and essential function of providing police protection services in their jurisdictions.

#### **II. ELIGIBLE CLAIMANTS**

Any city, county, city and county is eligible to claim reimbursement for increased costs incurred as a result of this mandate for the city or county’s law enforcement agencies that meet the following criteria:

- 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; *or*
- Contract for peace officers from other cities or counties in order to carry out their basic and essential function of providing police protection services in their jurisdictions.

***K-12 school districts and community college districts are not eligible to claim for this program. Cities and counties may not claim the costs of their peace officer employees that are incurred while they are assigned out to work for other government or private entities based on a contract or memorandum of understanding.***

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<sup>1</sup> Note that Register 2016, 50-2 was incorrectly cited in the test claim filing. The correct register is Register 2017, No. 46.

### **III. PERIOD OF REIMBURSEMENT**

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The claimant filed the Test Claim on June 14, 2019, establishing eligibility for reimbursement for the 2017-2018 fiscal year, beginning July 1, 2017. However, the regulations adopted by DOJ to implement section 12525.5 (Cal. Code Regs., tit. 11, §§ 999.224 through 999.229, Register 2017, No. 46) became operative and effective on November 7, 2017,<sup>2</sup> establishing the period of reimbursement beginning November 7, 2017.

Reimbursement for state-mandated costs may be claimed as follows:

1. Actual costs for one fiscal year shall be included in each claim.
2. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller (Controller) within 120 days of the issuance date for the claiming instructions.
3. Pursuant to Government Code section 17560(a), a local agency may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a local agency filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Gov. Code §17560(b).)
5. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).
6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

### **IV. REIMBURSABLE ACTIVITIES**

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event, or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, and declarations. Declarations must include a certification or declaration stating, “I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct,” and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable

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<sup>2</sup> 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.

activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant that incurs increased costs, the following activities are reimbursable:

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,<sup>3</sup> 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 (Gov. Code, § 12525.5(a)(2), Stats. 2017, ch. 328):
    - (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.

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<sup>3</sup> See Government Code section 12525.5(g)(2) (Stats.2015, ch.466) and California Code of Regulations, title 11, section 999.224(a)(14) (Register 2017, No. 46), which define 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.

- (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.

The following are **not** reportable:

- 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."<sup>4</sup>
- Stops made during public safety mass evacuations.<sup>5</sup>
- Stops during an active shooter incident.<sup>6</sup>
- 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.<sup>7</sup>
- The following interactions are **not** reportable unless 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)(A)(1)-(22): Interactions during: traffic control of vehicles due to a traffic accident or emergency situation that requires that vehicles are stopped for public safety purposes; 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; interactions during which persons are detained at a residence so that the officer may check for proof of age for purposes of investigating underage drinking; and checkpoints and 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.<sup>8</sup>
- Interactions that take place with a person in his or her residence who is the subject of a warrant or search condition.<sup>9</sup>
- 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.<sup>10</sup>

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<sup>4</sup> California Code of Regulations, title 11, section 999.227(b) (Register 2017, No. 46).

<sup>5</sup> California Code of Regulations, title 11, section 999.227(c)(1) (Register 2017, No. 46).

<sup>6</sup> California Code of Regulations, title 11, section 999.227(c)(2) (Register 2017, No. 46).

<sup>7</sup> California Code of Regulations, title 11, section 999.227(c)(3) (Register 2017, No. 46).

<sup>8</sup> California Code of Regulations, title 11, section 999.227(d)(1).

<sup>9</sup> California Code of Regulations, title 11, section 999.227(d)(2) (Register 2017, No. 46).

<sup>10</sup> California Code of Regulations, title 11, section 999.227(d)(3) (Register 2017, No. 46).

- Stops in a custodial setting.<sup>11</sup>
  - Stops that occur while the officer is off-duty.<sup>12</sup>
- 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].)
  - (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].)

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<sup>11</sup> California Code of Regulations, title 11, section 999.225(c) (Register 2017, No. 46).

<sup>12</sup> 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).

- (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].)

### **V. CLAIM PREPARATION AND SUBMISSION**

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV., Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

#### A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

##### 1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

##### 2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

##### 3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report the number of hours spent

on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and attorney invoices with the claim and a description of the contract scope of services.

#### 4. Fixed Assets

Report the purchase price paid for fixed assets necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

### B. Indirect Cost Rates

Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both: (1) overhead costs of the unit performing the mandate; and (2) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in 2 Code of Federal Regulations (CFR) part 225 (Office of Management and Budget (OMB) Circular A-87). Claimants have the option of using 10 percent of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds 10 percent.

If the claimant chooses to prepare an ICRP, both the direct costs (as defined and described in 2 CFR part 225, appendices A and B (OMB Circular A-87 attachments A & B) and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in 2 CFR part 225, appendices A and B (OMB Circular A-87 attachments A & B)). However, unallowable costs must be included in the direct costs if they represent activities to which indirect costs are properly allocable.

The distribution base may be: (1) total direct costs (excluding capital expenditures and other distorting items, such as pass-through funds, major subcontracts, etc.); (2) direct salaries and wages; or (3) another base which results in an equitable distribution.

In calculating an ICRP, the claimant shall have the choice of one of the following methodologies:

1. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 attachments A & B) shall be accomplished by: (1) classifying a department's total costs for the base period as either direct or indirect; and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate which is used to distribute indirect costs to mandates. The rate should be expressed as a percentage that the total amount of allowable indirect costs bears to the base selected; or

2. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 attachments A & B) shall be accomplished by: (1) separating a department into groups, such as divisions or sections, and then classifying the division's or section's total costs for the base period as either direct or indirect; and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate that is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount of allowable indirect costs bears to the base selected.

## **VI. RECORD RETENTION**

Pursuant to Government Code section 17558.5(a), a reimbursement claim for actual costs filed pursuant to this chapter<sup>13</sup> is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV., must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

## **VII. OFFSETTING REVENUES AND REIMBURSEMENTS**

Any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, service fees collected, federal funds, and other applicable state funds, shall be identified and deducted from any claim submitted for reimbursement.

## **VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS**

Pursuant to Government Code section 17558(b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 90 days after receiving the adopted parameters and guidelines from the Commission, to assist local governments in claiming costs to be reimbursed. The claiming instructions shall be derived from these parameters and guidelines and the decisions on the test claim and parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561(d)(1), issuance of the claiming instructions shall constitute a notice of the right of the eligible claimants to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

## **IX. REMEDIES BEFORE THE COMMISSION**

Upon request of an eligible claimant, the Commission shall review the claiming instructions issued by the Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the

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<sup>13</sup> This refers to title 2, division 4, part 7, chapter 4 of the Government Code.

claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557(d), and California Code of Regulations, title 2, section 1183.17.

#### **X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES**

The decisions adopted for the test claim and parameters and guidelines are legally binding on all parties and interested parties and provide the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record. The administrative record is on file with the Commission.

## **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 May 22, 2020, I served the:

- **Draft Expedited Parameters and Guidelines, Schedule for Comments, and Notice of Hearing issued May 22, 2020**
- **Decision adopted May 22, 2020**

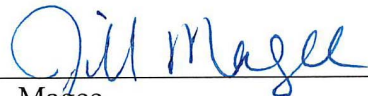
*Racial and Identity Profiling*, 18-TC-02

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 May 22, 2020 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

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

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 5/22/20

**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 Sheriff's Department*  
Information / Technical Services Division, 655 East Third Street, San Bernardino, CA 92415  
Phone: (909) 884-0156  
jades@sbcasd.org

**Manny Alvarez Jr.**, Executive Director, *Commission on Peace Officer Standards and Training*  
860 Stillwater Road, Suite 100, West Sacramento, CA 95605  
Phone: (916) 227-3909  
Manny.Alvarez@post.ca.gov

**Socorro Aquino**, *State Controller's Office*  
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 322-7522  
SAquino@sco.ca.gov

**Matthew Aveling**, Chief Deputy, *Riverside County Sheriff's Department*  
Sheriff's Administration, 4905 Lemon Street, Riverside, CA 92501  
Phone: (951) 955-2416  
maveling@riversidesheriff.org

**Cindy Black**, City Clerk, *City of St. Helena*  
1480 Main Street, St. Helena, CA 94574  
Phone: (707) 968-2742  
ctzafopoulos@cityofstheleena.org

**Allan Burdick,**

7525 Myrtle Vista Avenue, Sacramento, CA 95831

Phone: (916) 203-3608

allanburdick@gmail.com

**J. Bradley Burgess, MGT of America**

895 La Sierra Drive, Sacramento, CA 95864

Phone: (916) 595-2646

Bburgess@mgtamer.com

**Evelyn Calderon-Yee, Bureau Chief, State Controller's Office**

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: (916) 324-5919

ECalderonYee@sco.ca.gov

**Gwendolyn Carlos, State Controller's Office**

Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: (916) 323-0706

gcarlos@sco.ca.gov

**Michele Cervone, Legislative Assistant, Aaron Read & Associates**

1415 L Street, Suite 1100, Sacramento, CA 95814

Phone: (916) 448-3444

mcervone@aaronread.com

**Rolando Charvel, Chief Financial Officer, City of San Diego****Claimant Contact**

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

Phone: (619) 236-5941

RCharvel@sandiego.gov

**Annette Chinn, Cost Recovery Systems, Inc.**

705-2 East Bidwell Street, #294, Folsom, CA 95630

Phone: (916) 939-7901

achinnrcs@aol.com

**Carolyn Chu, Senior Fiscal and Policy Analyst, Legislative Analyst's Office**

925 L Street, Suite 1000, Sacramento, CA 95814

Phone: (916) 319-8326

Carolyn.Chu@lao.ca.gov

**Michael Coleman, Coleman Advisory Services**

2217 Isle Royale Lane, Davis, CA 95616

Phone: (530) 758-3952

coleman@muni1.com

**Phill Dupper, Lieutenant, San Bernardino County Sheriff's Department**

Information / Technical Services Division, 655 East Third Street, San Bernardino, CA 92415

Phone: (909) 884-0156

pdupper@sbcscd.org

**Patrick Dyer**, Director, *MGT Consulting*  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 443-3411  
pdyer@mgtconsulting.com

**Donna Ferebee**, *Department of Finance*  
915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
donna.ferebee@dof.ca.gov

**Susan Geanacou**, *Department of Finance*  
915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
susan.geanacou@dof.ca.gov

**Dillon Gibbons**, Legislative Representative, *California Special Districts Association*  
1112 I Street Bridge, Suite 200, Sacramento, CA 95814  
Phone: (916) 442-7887  
dillong@csda.net

**Jim Grottkau**, Bureau Chief, *Commission on Peace Officer Standards and Training*  
Basic Training, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605  
Phone: (916) 227-3909  
Jim.Grottkau@post.ca.gov

**Zachary Hall**, Sheriff's Captain, *Riverside County Sheriff's Department*  
4905 Lemon Street, Riverside, CA 92501  
Phone: (951) 955-2400  
zhall@riversidesheriff.org

**Heather Halsey**, Executive Director, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
heather.halsey@csm.ca.gov

**Sunny Han**, Project Manager, *City of Huntington Beach*  
2000 Main Street, Huntington Beach, CA 92648  
Phone: (714) 536-5907  
Sunny.han@surfcity-hb.org

**Chris Hill**, Principal Program Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Chris.Hill@dof.ca.gov

**Jason Jennings**, Director, *Maximus Consulting*  
Financial Services, 808 Moorefield Park Drive, Suite 205, Richmond, VA 23236  
Phone: (804) 323-3535  
SB90@maximus.com

**Edward Jewik**, *County of Los Angeles*  
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012  
Phone: (213) 974-8564  
ejewik@auditor.lacounty.gov



**Jeffrey Jordon**, Captain, *San Diego Police Department*

**Claimant Representative**

1401 Broadway, San Diego, CA 92101

Phone: (619) 756-5264

[jjjordon@pd.sandiego.gov](mailto:jjjordon@pd.sandiego.gov)

**Anita Kerezi**, *AK & Company*

2425 Golden Hill Road, Suite 106, Paso Robles, CA 93446

Phone: (805) 239-7994

[akcompanysb90@gmail.com](mailto:akcompanysb90@gmail.com)

**Joanne Kessler**, Fiscal Specialist, *City of Newport Beach*

Revenue Division, 100 Civic Center Drive, Newport Beach, CA 90266

Phone: (949) 644-3199

[jkessler@newportbeachca.gov](mailto:jkessler@newportbeachca.gov)

**Lisa Kurokawa**, Bureau Chief for Audits, *State Controller's Office*

Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 327-3138

[lkurokawa@sco.ca.gov](mailto:lkurokawa@sco.ca.gov)

**Alison Leary**, Deputy General Counsel, *League of California Cities*

1400 K Street, Suite 400, Sacramento, CA 95814

Phone: (916) 658-8200

[aleary@cacities.org](mailto:aleary@cacities.org)

**Erika Li**, Program Budget Manager, *Department of Finance*

915 L Street, 10th Floor, Sacramento, CA 95814

Phone: (916) 445-3274

[erika.li@dof.ca.gov](mailto:erika.li@dof.ca.gov)

**Jill Magee**, Program Analyst, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

[Jill.Magee@csm.ca.gov](mailto:Jill.Magee@csm.ca.gov)

**Corrie Manning**, Assistant General Counsel, *League of California Cities*

1400 K Street, Suite 400, Sacramento, CA 95814

Phone: (916) 658-8200

[cmanning@cacities.org](mailto:cmanning@cacities.org)

**Brian Marvel**, President, *Peace Officers Research Association of California (PORAC)*

4010 Truxel Road, Sacramento, CA 95834

Phone: (916) 928-3777

[president@porac.org](mailto: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](mailto:JmcPherson@oceansideca.org)

**Michelle Mendoza**, *MAXIMUS*

17310 Red Hill Avenue, Suite 340, Irvine, CA 95403

Phone: (949) 440-0845  
michellemendoza@maximus.com

**Lourdes Morales**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8320  
Lourdes.Morales@LAO.CA.GOV

**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  
Phone: (916) 324-0256  
DMorton@sco.ca.gov

**Andy Nichols**, *Nichols Consulting*  
1857 44th Street, Sacramento, CA 95819  
Phone: (916) 455-3939  
andy@nichols-consulting.com

**Arthur Palkowitz**, *Artiano Shinoff*  
2488 Historic Decatur Road, Suite 200, San Diego, CA 92106  
Phone: (619) 232-3122  
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  
Phone: (909) 386-8854  
jai.prasad@atc.sbcounty.gov

**Aaron Read**, Legislative Advocate, *Aaron Read & Associates*  
1415 L Street, Suite 1100 , Sacramento, CA 95814  
Phone: (916) 448-3444  
aread@aaronread.com

**Theresa Schweitzer**, *City of Newport Beach*  
100 Civic Center Drive, Newport Beach, CA 92660  
Phone: (949) 644-3140  
tschweitzer@newportbeachca.gov

**Camille Shelton**, Chief Legal Counsel, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
camille.shelton@csm.ca.gov

**Carla Shelton**, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
carla.shelton@csm.ca.gov

**Natalie Sidarous**, Chief, *State Controller's Office*  
Local Government Programs and Services Division, 3301 C Street, Suite 740, Sacramento,  
CA 95816  
Phone: 916-445-8717  
NSidarous@sco.ca.gov

**Michelle Skaggs Lawrence**, City Manager, *City of Oceanside*  
300 North Coast Highway, Oceanside, CA 92054  
Phone: (760) 435-3055  
citymanager@oceansideca.org

**Jim Spano**, Chief, Mandated Cost Audits Bureau, *State Controller's Office*  
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 323-5849  
jspano@sco.ca.gov

**Dennis Speciale**, *State Controller's Office*  
Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 324-0254  
DSpeciale@sco.ca.gov

**Joe Stephenshaw**, Director, *Senate Budget & Fiscal Review Committee*  
California State Senate, State Capitol Room 5019, Sacramento, CA 95814  
Phone: (916) 651-4103  
Joe.Stephenshaw@sen.ca.gov

**Brittany Thompson**, Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Brittany.Thompson@dof.ca.gov

**Jolene Tollenaar**, *MGT of America*  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 243-8913  
jolenetollenaar@gmail.com

**Robert Trostle**, Lieutenant, *San Bernardino County Sheriff's Department*  
Information / Technical Services Division, 655 East Third Street, San Bernardino, CA  
92415  
Phone: (909) 884-0156  
rtrostle@sbcasd.org

**Evelyn Tseng**, *City of Newport Beach*  
100 Civic Center Drive, Newport Beach, CA 92660  
Phone: (949) 644-3127  
etseng@newportbeachca.gov

**Brian Uhler**, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8328  
Brian.Uhler@LAO.CA.GOV

**Dennis Vrooman**, Assistant Sheriff, *Riverside County Sheriff's Department*  
Sheriff's Administration, 4905 Lemon Street, Riverside, CA 92501

Phone: (951) 955-8792  
dvrooman@riversidesheriff.org

**Renee Wellhouse**, *David Wellhouse & Associates, Inc.*  
3609 Bradshaw Road, H-382, Sacramento, CA 95927  
Phone: (916) 797-4883  
dwa-renee@surewest.net

**Hasmik Yaghobyan**, *County of Los Angeles*  
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012  
Phone: (213) 974-9653  
hyaghobyan@auditor.lacounty.gov



THE CITY OF SAN DIEGO

Exhibit C

June 12, 2020

**RECEIVED**  
June 12, 2020  
**Commission on  
State Mandates**

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

Reference: Comments on Draft Expedited Parameters and Guidelines, Test Claim 18-TC-02, Racial and Identity Profiling Act of 2015 (RIPA).

Dear Ms. Halsey,

Please accept the City of San Diego's comments and recommended changes to the Commission's Draft Proposed Decision and Parameters and Guidelines.

First, as claimant, the City of San Diego concurs with most of the Draft Expedited Parameters and Guidelines, particularly the Reimbursement Activities described in section IV. Those activities are generally described as follows:

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.
2. Collection and reporting data on all stops, as defined, 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.
3. Electronic submission of data to DOJ and retention of stop data collected.
4. Audits and validation of data collected.
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 unique identifying of the peace officer involved, is not transmitted to the Attorney General in an open text field.

It is clear, the Commission took a substantial amount of time, and described in great detail the data elements that are not reportable, and explained those "data elements," "data values," and "narrative explanatory fields" that are legislatively mandated activities for peace officers to collect and report. In fact, nearly three pages of the Draft Expedited Parameters and Guidelines, specifically pages 4 through 6, are dedicated to explaining reimbursable costs are limited to activities that the claimant is required to incur "as a result of the mandate."

**However, while the Commission fulfilled its duty to explain in detail the reimbursable activities in its Draft Expedited Parameters and Guidelines for this state-mandated legislation, it did not address the reasonable necessary activities for local agencies to provide this same level of explanation to its peace officers that must perform these functions. Specifically, the City of San Diego is requesting the Commission to consider the costs of training, updating policies and procedures, and supervisory oversight required for local agencies to inform and hold its peace officers accountable to collect and report the stop data at the heart of this state-mandated program. The City of San Diego also believes updating information technology, specifically adopting and testing software, which allows local agencies to comply with state-mandated activities is reasonable and necessary.**

Claimant suggest the following be added to the Draft Expedited Parameters and Guidelines for Reimbursement Activities described in section IV.

6. One-time activities:

- a. Update policies and procedures to incorporate the requirements of the Test Claim Statute.
- b. Train staff (peace officers) assigned to perform the reimbursable activities listed in section IV of these Parameters and Guidelines (one-time for each employee).
- c. Installation and testing of software necessary to comply with the state-mandated requirements for the collection and reporting of data on all applicable stops.

7. Ongoing activities:

- a. As modifications are made to the Test Claim Statute provide for updated training to meet any new requirements made by the legislature or the Racial and Identity Profiling Act Board.
- b. Update software, as necessary, to comply with the state-mandated requirements for the collection and reporting of data on all applicable stops.

Based upon the attached declaration, the City of San Diego believes sufficient evidence exists within the history of this legislation, and the documents filed in the Test Claim to justify these activities as being reasonable and necessary.

Respectfully submitted,



Jeffrey Jordon

Captain – San Diego Police Department  
City of San Diego

## **Declaration of Captain Jeffrey Jordon, San Diego Police Department (SDPD)**

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.

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 sworn 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. I am familiar with the reasonable and necessary activities required by local agencies to comply with this state-mandated program documented in Test Claim 18-TC-02, Racial and Identity Profiling Act of 2015.

**Based on my knowledge and experience with this legislative mandate, the City of San Diego is requesting the Commission to consider the costs of training, updating policies and procedures, and supervisory oversight so local agencies can inform and hold its peace officers accountable to collect and report the stop data at the heart of this state-mandated program. Claimant also believes updating technology, specifically adopting and testing software, which enables compliance to state-mandated activities is reasonably necessary.**

The City of San Diego believes sufficient evidence exists within the history of this legislation, and the documents filed in this Test Claim to justify these activities as being reasonably necessary for the performance of the state-mandated program.

Claimant is highlighting these activities again and proposing them for inclusion in the Parameters and Guidelines, in accordance with Government Code section 17557(a), and the California Code of Regulations, title 2, sections 1183.7(d) and 1187.5.

On May 22, 2020, the Commission on State Mandates (Commission) made a decision on this Test Claim, Racial and Identity Profiling, 18-TC-02. On page 18 of this decision, the Commission cited the Senate Floor Analysis and noted 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.*

**Also within its May 22<sup>nd</sup> decision, on pages 19 through 20, the Commission noted the City of San Diego's assertion and Test Claim 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:"**

*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.*

*2. Data Collection. Law enforcement personnel are now required to document and submit information on every stop they make.*

*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.*

*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.*

*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 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.*

**Additionally, within its May 22<sup>nd</sup> decision, on pages 20 through 21, the Commission took note of the following:**

*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. 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."*

*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. Lieutenant Jordon'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. The majority of the fiscal year 2018-2019 costs (\$744,005.98) were for officers collecting stop data. 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 cost 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."*

These increased costs cited into the record by the Commission on State Mandates, which are being submitted here again as reasonably necessary activities for inclusion in the Parameters and Guidelines, were first described in detail under claimant's original Test Claim and accompanying Declaration (page 20) and supported by the following exhibits (11 through 15) as evidence in the Test Claim:

- 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

These exhibits were the foundation for which the costs for the reasonably necessary activities described in this declaration were determined.

Furthermore, 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 meeting agenda, but particularly relevant to determining whether **costs of training, updating policies and procedures, supervisory oversight, adopting applicable technology are reasonably necessary activities**, was 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 topics like technology that followed, is significant because it highlighted the absolute necessity for agencies to train peace officers and adopt technology in their respective local agencies to comply with this very complex piece of mandated legislation.

Again, 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 the state-mandated program.

The agendas from both these meeting were submitted into the record in this Test Claim, as part of the Claimant's Rebuttal Comments filed on October 16, 2019, and are offered as further evidence in support of training and adopting applicable technology as a reasonably necessary activity.

Finally, I, along with City of San Diego and the San Diego Police Department (SDPD), believe training members of SDPD on the 22 pages of regulations developed by the DOJ to implement this state-mandated program, along with updating its orders, procedures and training materials to reflect them, is a standard and expected practice for law enforcement agencies that should also be considered as reasonably necessary for the performance of this state-mandated program.

These regulations adopted through the Test Claim Statute were marked as exhibit 7 in the Test Claim as follows:

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

The City of San Diego, along with the San Diego Police Department, assert they have satisfied the requirements for inclusion of the items referenced in this declaration in the Parameters and Guidelines, and supported their addition by evidence in the record showing they are reasonably necessary for the performance of the state-mandated program.

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.

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

Executed the 12<sup>th</sup> day of June, 2020 in San Diego, California



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

## **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 June 12, 2020, I served the:

- **Claimant's Comments on the Draft Expedited Parameters and Guidelines filed June 12, 2020**

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

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<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 June 12, 2020 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

---

<sup>1</sup> 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:** 5/26/20

**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 Sheriff's Department*

Information / Technical Services Division, 655 East Third Street, San Bernardino, CA 92415

Phone: (909) 884-0156

jades@sbcscd.org

**Manny Alvarez Jr.**, Executive Director, *Commission on Peace Officer Standards and Training*

860 Stillwater Road, Suite 100, West Sacramento, CA 95605

Phone: (916) 227-3909

Manny.Alvarez@post.ca.gov

**Socorro Aquino**, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

**Matthew Aveling**, Chief Deputy, *Riverside County Sheriff's Department*

Sheriff's Administration, 4905 Lemon Street, Riverside, CA 92501

Phone: (951) 955-2416

maveling@riversidesheriff.org

**Christopher Becker**, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

Christopher.Becker@csm.ca.gov

**Cindy Black**, City Clerk, *City of St. Helena*

1480 Main Street, St. Helena, CA 94574

Phone: (707) 968-2742

ctzafoopoulos@cityofstheleena.org

**Allan Burdick**,

7525 Myrtle Vista Avenue, Sacramento, CA 95831  
Phone: (916) 203-3608  
allanburdick@gmail.com

**J. Bradley Burgess**, *MGT of America*  
895 La Sierra Drive, Sacramento, CA 95864  
Phone: (916) 595-2646  
Bburgess@mgtamer.com

**Evelyn Calderon-Yee**, Bureau Chief, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 324-5919  
ECalderonYee@sco.ca.gov

**Gwendolyn Carlos**, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 323-0706  
gcarlos@sco.ca.gov

**Michele Cervone**, Legislative Assistant, *Aaron Read & Associates*  
1415 L Street, Suite 1100, Sacramento, CA 95814  
Phone: (916) 448-3444  
mcervone@aaronread.com

**Rolando Charvel**, Chief Financial Officer, *City of San Diego*  
**Claimant Contact**  
202 C Street, 9th Floor, San Diego, CA 92101  
Phone: (619) 236-5941  
RCharvel@sandiego.gov

**Annette Chinn**, *Cost Recovery Systems, Inc.*  
705-2 East Bidwell Street, #294, Folsom, CA 95630  
Phone: (916) 939-7901  
achinnrcrs@aol.com

**Carolyn Chu**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8326  
Carolyn.Chu@lao.ca.gov

**Michael Coleman**, *Coleman Advisory Services*  
2217 Isle Royale Lane, Davis, CA 95616  
Phone: (530) 758-3952  
coleman@munil.com

**Phill Dupper**, Lieutenant, *San Bernardino County Sheriff's Department*  
Information / Technical Services Division, 655 East Third Street, San Bernardino, CA 92415  
Phone: (909) 884-0156  
pdupper@sbcisd.org

**Patrick Dyer**, Director, *MGT Consulting*  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 443-3411  
pdyer@mgtconsulting.com

**Donna Ferebee**, *Department of Finance*

915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
donna.ferebee@dof.ca.gov

**Susan Geanacou**, *Department of Finance*  
915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
susan.geanacou@dof.ca.gov

**Dillon Gibbons**, Legislative Representative, *California Special Districts Association*  
1112 I Street Bridge, Suite 200, Sacramento, CA 95814  
Phone: (916) 442-7887  
dillong@csda.net

**Jim Grottkau**, Bureau Chief, *Commission on Peace Officer Standards and Training*  
Basic Training, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605  
Phone: (916) 227-3909  
Jim.Grottkau@post.ca.gov

**Zachary Hall**, Sheriff's Captain, *Riverside County Sheriff's Department*  
4905 Lemon Street, Riverside, CA 92501  
Phone: (951) 955-2400  
zhall@riversidesheriff.org

**Heather Halsey**, Executive Director, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
heather.halsey@csm.ca.gov

**Sunny Han**, Project Manager, *City of Huntington Beach*  
2000 Main Street, Huntington Beach, CA 92648  
Phone: (714) 536-5907  
Sunny.han@surfcity-hb.org

**Chris Hill**, Principal Program Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Chris.Hill@dof.ca.gov

**Jason Jennings**, Director, *Maximus Consulting*  
Financial Services, 808 Moorefield Park Drive, Suite 205, Richmond, VA 23236  
Phone: (804) 323-3535  
SB90@maximus.com

**Edward Jewik**, *County of Los Angeles*  
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012  
Phone: (213) 974-8564  
ejewik@auditor.lacounty.gov

**Jeffrey Jordon**, Captain, *San Diego Police Department*  
**Claimant Representative**  
1401 Broadway, San Diego, CA 92101  
Phone: (619) 756-5264  
jjjordon@pd.sandiego.gov

**Anita Kerezsi**, *AK & Company*  
2425 Golden Hill Road, Suite 106, Paso Robles, CA 93446

Phone: (805) 239-7994  
akcompanysb90@gmail.com

**Joanne Kessler**, Fiscal Specialist, *City of Newport Beach*  
Revenue Division, 100 Civic Center Drive , Newport Beach, CA 90266  
Phone: (949) 644-3199  
jkessler@newportbeachca.gov

**Lisa Kurokawa**, Bureau Chief for Audits, *State Controller's Office*  
Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 327-3138  
lkurokawa@sco.ca.gov

**Alison Leary**, Deputy General Counsel, *League of California Cities*  
1400 K Street, Suite 400, Sacramento, CA 95814  
Phone: (916) 658-8200  
aleary@cacities.org

**Erika Li**, Program Budget Manager, *Department of Finance*  
915 L Street, 10th Floor, Sacramento, CA 95814  
Phone: (916) 445-3274  
erika.li@dof.ca.gov

**Jill Magee**, Program Analyst, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
Jill.Magee@csm.ca.gov

**Corrie Manning**, Assistant General Counsel, *League of California Cities*  
1400 K Street, Suite 400, Sacramento, CA 95814  
Phone: (916) 658-8200  
cmanning@cacities.org

**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.gov

**Michelle Mendoza**, *MAXIMUS*  
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403  
Phone: (949) 440-0845  
michellemendoza@maximus.com

**Lourdes Morales**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8320  
Lourdes.Morales@LAO.CA.GOV

**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  
Phone: (916) 324-0256  
DMorton@sco.ca.gov

**Andy Nichols, Nichols Consulting**

1857 44th Street, Sacramento, CA 95819

Phone: (916) 455-3939

andy@nichols-consulting.com

**Arthur Palkowitz, Artiano Shinoff**

2488 Historic Decatur Road, Suite 200, San Diego, CA 92106

Phone: (619) 232-3122

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

Phone: (909) 386-8854

jai.prasad@atc.sbcounty.gov

**Aaron Read, Legislative Advocate, Aaron Read & Associates**

1415 L Street, Suite 1100, Sacramento, CA 95814

Phone: (916) 448-3444

aread@aaronread.com

**Theresa Schweitzer, City of Newport Beach**

100 Civic Center Drive, Newport Beach, CA 92660

Phone: (949) 644-3140

tschweitzer@newportbeachca.gov

**Carla Shelton, Commission on State Mandates**

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

carla.shelton@csm.ca.gov

**Camille Shelton, Chief Legal Counsel, Commission on State Mandates**

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

camille.shelton@csm.ca.gov

**Natalie Sidarous, Chief, State Controller's Office**

Local Government Programs and Services Division, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: 916-445-8717

NSidarous@sco.ca.gov

**Michelle Skaggs Lawrence, City Manager, City of Oceanside**

300 North Coast Highway, Oceanside, CA 92054

Phone: (760) 435-3055

citymanager@oceansideca.org

**Jim Spano, Chief, Mandated Cost Audits Bureau, State Controller's Office**

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 323-5849

jspano@sco.ca.gov

**Dennis Speciale, State Controller's Office**

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816



Phone: (916) 324-0254  
DSpeciale@sco.ca.gov

**Joe Stephenshaw**, Director, *Senate Budget & Fiscal Review Committee*  
California State Senate, State Capitol Room 5019, Sacramento, CA 95814  
Phone: (916) 651-4103  
Joe.Stephenshaw@sen.ca.gov

**Brittany Thompson**, Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Brittany.Thompson@dof.ca.gov

**Jolene Tollenaar**, *MGT of America*  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 243-8913  
jolenetollenaar@gmail.com

**Robert Trostle**, Lieutenant, *San Bernardino County Sheriff's Department*  
Information / Technical Services Division, 655 East Third Street, San Bernardino, CA 92415  
Phone: (909) 884-0156  
rtrostle@sbcscd.org

**Evelyn Tseng**, *City of Newport Beach*  
100 Civic Center Drive, Newport Beach, CA 92660  
Phone: (949) 644-3127  
etseng@newportbeachca.gov

**Brian Uhler**, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8328  
Brian.Uhler@LAO.CA.GOV

**Dennis Vrooman**, Assistant Sheriff, *Riverside County Sheriff's Department*  
Sheriff's Administration, 4905 Lemon Street, Riverside, CA 92501  
Phone: (951) 955-8792  
dvrooman@riversidesheriff.org

**Renee Wellhouse**, *David Wellhouse & Associates, Inc.*  
3609 Bradshaw Road, H-382, Sacramento, CA 95927  
Phone: (916) 797-4883  
dwa-renee@surewest.net

**Hasmik Yaghobyan**, *County of Los Angeles*  
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012  
Phone: (213) 974-9653  
hyaghobyan@auditor.lacounty.gov



July 6, 2020

## Exhibit D

Captain Jeffrey Jordon  
City of San Diego  
San Diego Police Department  
1401 Broadway  
San Diego, CA 92101

Ms. Natalie Sidarous  
State Controller's Office  
Local Government Programs and  
Services Division  
3301 C Street, Suite 740  
Sacramento, CA 95816

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

**Re: Draft Proposed Decision and Parameters and Guidelines, Schedule for Comments, and Notice of Hearing**

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

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<sup>1</sup>

City of San Diego, Claimant

Dear Captain Jordon and Ms. Sidarous:

The Draft Proposed Decision and Proposed Parameters and Guidelines for the above-captioned matter is enclosed for your review and comment.

### Written Comments

Written comments may be filed on the Draft Proposed Decision and Proposed Parameters and Guidelines by **July 27, 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.<sup>2</sup>

You are advised that comments filed with the Commission on State Mandates (Commission) are required to be electronically filed (e-filed) in an unlocked legible and searchable PDF file, using the Commission's Dropbox. (Cal. Code Regs., tit. 2, § 1181.3(c)(1).) Refer to [http://www.csm.ca.gov/dropbox\\_procedures.php](http://www.csm.ca.gov/dropbox_procedures.php) on the Commission's website for electronic filing instructions. If e-filing would cause the filer undue hardship or significant prejudice, filing

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<sup>1</sup> Note that Register 2016, 50-2 was incorrectly cited in the test claim filing. The correct register is Register 2017, No. 46.

<sup>2</sup> 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.

may occur by first class mail, overnight delivery or personal service only upon approval of a written request to the executive director. (Cal. Code Regs., tit. 2, § 1181.3(c)(2).)

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, September 25, 2020** at 10:00 a.m., via Zoom. The Proposed Decision will be issued on or about September 11, 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 and so that detailed instructions regarding how to participate as a witness in this meeting on Zoom can be provided to them. When calling or emailing, please identify the item you want to testify on and the entity you represent. The Commission Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda.

If you would like to request postponement of the hearing, please refer to section 1187.9(b) of the Commission's regulations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Heather Halsey", written in a cursive style.

Heather Halsey  
Executive Director

## ITEM\_\_

### **DRAFT PROPOSED DECISION AND PARAMETERS AND GUIDELINES**

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<sup>1</sup>

#### *Racial and Identity Profiling*

18-TC-02

The period of reimbursement begins November 7, 2017.

City of San Diego, Claimant

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### **EXECUTIVE SUMMARY**

#### **I. Summary of the Mandate**

On May 22, 2020, the Commission on State Mandates (Commission) adopted the Test Claim Decision finding 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), constitutes a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution, beginning November 7, 2017, on city and county law enforcement agencies that employ peace officers (other than probation officers and officers in a custodial setting) to electronically report to the Attorney General, on an annual basis, data on all “stops” within their own jurisdiction, conducted by the agency’s peace officers; and on those city and county law enforcement agencies that contract for peace officers from other cities or counties in order to carry out their basic and essential function of providing police protection services in their jurisdictions.

#### **II. Procedural History**

On May 22, 2020, the Commission adopted the Test Claim Decision.<sup>2</sup> On May 22, 2020, Commission staff issued the Draft Expedited Parameters and Guidelines.<sup>3</sup> On June 12, 2020, the claimant filed comments on the Draft Expedited Parameters and Guidelines.<sup>4</sup> On July 6, 2020, Commission staff issued the Draft Proposed Decision and Parameters and Guidelines.

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<sup>1</sup> Note that Register 2016, 50-2 was incorrectly cited in the test claim filing. The correct register is Register 2017, No. 46.

<sup>2</sup> Exhibit A, Test Claim Decision.

<sup>3</sup> Exhibit B, Draft Expedited Parameters and Guidelines.

<sup>4</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines.

### **III. Discussion**

#### **A. Eligible Claimants (Section II. of Parameters and Guidelines)**

Consistent with the Test Claim Decision, Section II. of the Proposed Parameters and Guidelines states the following:

Any city, county, city and county is eligible to claim reimbursement for increased costs incurred as a result of this mandate for the city or county's law enforcement agencies that meet the following criteria:

- 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; *or*
- Contract for peace officers from other cities or counties in order to carry out their basic and essential function of providing police protection services in their jurisdictions.

***K-12 school districts and community college districts are not eligible to claim for this program. Cities and counties may not claim the costs of their peace officer employees that are incurred while they are assigned out to work for other government or private entities based on a contract or memorandum of understanding.***

#### **B. Period of Reimbursement (Section III. of Parameters and Guidelines)**

As determined in the Test Claim Decision, the period of reimbursement begins November 7, 2017.

#### **C. Reimbursable Activities (Section IV. of the Draft Expedited Parameters and Guidelines)**

The Proposed Parameters and Guidelines include all the activities approved by the Commission as reimbursable state-mandated activities in the Test Claim Decision.

The claimant also requests reimbursement for the following activities:

One-time activities:

- a. Update policies and procedures to incorporate the requirements of the Test Claim Statute.
- b. Train staff (peace officers) assigned to perform the reimbursable activities listed in section IV of these Parameters and Guidelines (one-time for each employee).
- c. Installation and testing of software necessary to comply with the state-mandated requirements for the collection and reporting of data on all applicable stops.

Ongoing activities:

- a. As modifications are made to the Test Claim Statute, provide for updated training to meet any new requirements made by the legislature or the Racial and Identity Profiling Act Board.
- b. Update software, as necessary, to comply with the state-mandated requirements for the collection and reporting of data on all applicable stops.<sup>5</sup>

Each of these is discussed in turn.

1. The proposed one-time activity to update policies and procedures is not supported by substantial evidence in the record explaining why this activity is reasonably necessary to comply with the mandate.

The claimant requests reimbursement to update policies and procedures. Any proposed reasonably necessary activity must be supported by substantial evidence in the record explaining why the proposed activity is necessary for the performance of the state-mandated activity in accordance with Government Code sections 17557(a), 17559, and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5.

The claimant's comments and the Test Claim record are silent as to the specific need for updating local agency policies and procedures, however. Neither Captain Jeffrey Jordon's declaration filed with the comments on the Draft Expedited Parameters and Guidelines, nor Captain Jordon's declaration filed with the Test Claim explain how or why updating policies and procedures is reasonably necessary in complying with the test claim statute. The only reference to this allegedly necessary activity is claimant's assertion 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."<sup>6</sup>

2. The proposed activity to provide one-time training for each peace officer employee and supervisor assigned to perform the reimbursable activities is supported by evidence in the record and is, therefore, reasonably necessary to comply with the mandate.

The claimant requests reimbursement to provide one-time training for peace officer employees and supervisors. Staff finds that this request is supported by the law and evidence in the record.

Captain Jordon declares under the penalty of perjury that it would not be possible for local agencies employing peace officers to collect stop data and report it to the Attorney General without being familiar with how a stop is defined and when it must be reported.<sup>7</sup> The Declaration further states that supervisors were trained to determine if their officers are

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<sup>5</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, page 2.

<sup>6</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines (Declaration of Captain Jeffrey Jordon), page 3.

<sup>7</sup> Exhibit X, Excerpt from the Test Claim (Declaration of Captain Jeffrey Jordon), page 2.

collecting and submitting the required stop data.<sup>8</sup> The claimant attached training logs to the Test Claim evidencing peace officer and supervisor training on the requirements of the mandate.<sup>9</sup> Furthermore, the legislative history of the test claim statute and regulations demonstrates that training costs were anticipated. In the Economic and Fiscal Impact Statement supporting the Department of Justice (DOJ) regulations, DOJ stated that AB 953 would likely result in increased demand for training.<sup>10</sup> Also, the Senate Committee on Appropriations – in its bill analysis of AB 953 – noted that “[a]dditional costs for training on the process would likely be required.”<sup>11</sup>

Thus, Section IV.A. of the Parameters and Guidelines includes the following reimbursable activity:

One-time training per peace officer employee and supervisor assigned to perform the reimbursable activities listed in Section IV.B. of these Parameters and Guidelines.

3. The proposed one-time activity to install and test software to comply with the mandated requirements to collect and report stop data is supported by evidence in the record and is, therefore, reasonably necessary to comply with the mandate.

The claimant requests one-time reimbursement to install and test software to comply with the mandated requirements to collect and report stop data. Staff finds that this request is consistent with the law and supported by evidence in the record.

The test claim regulations require claimants to submit all required stop data to the system developed by DOJ in an electronic format that complies with the DOJ interface specifications, and that the system is secure from unauthorized access, alteration, deletion or release.<sup>12</sup> In implementing its own reporting system, the claimant was provided with a custom data collection application and submission tool by the San Diego Sheriff’s Office, which the claimant installed and tested before going “live” on June 27, 2018.<sup>13</sup>

Accordingly, Section IV.A. of the Parameters and Guidelines includes the following reimbursable activity:

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<sup>8</sup> Exhibit X, Excerpt from the Test Claim (Declaration of Captain Jeffrey Jordon), page 2.

<sup>9</sup> Exhibit X, Excerpt from the Test Claim (Exhibit 12, Command Training Logs).

<sup>10</sup> Exhibit X, Excerpt from the Test Claim (California Department of Justice, Economic and Fiscal Impact Statement, AB 953 Stop Data Reporting Regulations to Implement Gov. Code Section 12525.5), page 1.

<sup>11</sup> Exhibit X, Excerpt from the Test Claim (Senate Committee on Appropriations, Analysis of AB 953 [2015-2016 Reg. Sess.], August 17, 2015), page 1.

<sup>12</sup> California Code of Regulations, title 11, section 999.228(a), (b), (e) [Register 2017, No. 46].

<sup>13</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines (Declaration of Captain Jeffrey Jordon), page 3.

One-time installation and testing of software necessary to comply with the state-mandated requirements for the collection and reporting requirements of data on all applicable stops.

4. The proposed ongoing activity of providing training to meet new requirements imposed by the Legislature or the Racial and Identity Profiling Act (RIPA) Board is not consistent with the law and is therefore denied.

The claimant requests reimbursement for the ongoing activity of providing training to meet any new requirements made by the Legislature or the RIPA Board. This proposed activity is not consistent with the law. In the event the Legislature or DOJ change the law and increase the responsibilities of local government under this program, then new a test claim would have to be filed pursuant to Government Code sections 17551 and 17553. If the Legislature or DOJ repeals one of the activities mandated by the state, or otherwise changes the future liability of the State under article XIII B, section 6, then the State can request that the Parameters and Guidelines be amended under Government Code section 17557(d), or the State can file a request to adopt a new test claim decision under Government Code section 17570. Thus, these Parameters and Guidelines cannot account for future changes in law.

In addition, the RIPA Board is not tasked with, nor have they been given authority to revise or amend the requirements under the test claim statute. Rather, the RIPA Board is tasked with reviewing and analyzing reported data, working with law enforcement to review and analyze racial and identity profiling practices and procedures, issuing a report of their findings, and holding at least three annual public meetings.<sup>14</sup>

5. The proposed ongoing activity of updating software, as necessary, to comply with the requirements of collecting and reporting data, is not supported by substantial evidence in the record explaining why this activity is reasonably necessary to comply with the mandate.

The claimant has also requested ongoing reimbursement for updating software, as necessary, to comply with the state-mandated requirements for the collection and reporting of data on all applicable stops.<sup>15</sup> There is nothing in the record demonstrating that this is a reasonably necessary activity. The claimant has not provided or pointed to any evidence in the record demonstrating that the software used to perform the requirements under the Government Code needs consistent updating. Notably, the DOJ Economic and Fiscal Impact Statement does not mention that agencies would likely be subject to ongoing costs related to updating software.<sup>16</sup>

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<sup>14</sup> Exhibit X, Excerpt from the Test Claim (Senate Committee on Appropriations, Analysis of AB 953 [2015-2016 Reg. Sess.], August 17, 2015), page 4.

<sup>15</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, page 2.

<sup>16</sup> Exhibit X, Excerpt from the Test Claim (California Department of Justice, Economic and Fiscal Impact Statement, AB 953 Stop Data Reporting Regulations to Implement Gov. Code Section 12525.5).



#### **D. Claim Preparation and Submission (Section V. of the Draft Expedited Parameters and Guidelines)**

In light of the analysis in the preceding section, the Proposed Parameters and Guidelines add training to Section IV.A. of the Parameters and Guidelines. This section would allow reimbursement for one-time training per each employee and supervisor performing the mandate. Staff also proposes allowing reimbursement for installation and testing of the software necessary to comply with the state-mandated requirements for the collection and reporting of data on all applicable stops.

#### **IV. Staff Recommendation**

Staff recommends that the Commission adopt the Proposed Decision and Parameters and Guidelines in accordance to article XIII B, section 6(a) of California Constitution and Government Code section 17514 to provide for reimbursement beginning November 7, 2017.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical changes to the Proposed Decision following the hearing.

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE PARAMETERS AND GUIDELINES  
FOR:

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<sup>17</sup>

The period of reimbursement begins  
November 7, 2017.

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 September 25, 2020)*

**DECISION**

The Commission on State Mandates (Commission) heard and decided the Decision and Parameters and Guidelines during a regularly scheduled hearing on September 25, 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/rejected] the Decision and Parameters and Guidelines by a vote of [vote count will be in the adopted Decision], as follows:

<b>Member</b>	<b>Vote</b>
Lee Adams, County Supervisor	
Mark Hariri, Representative of the State Treasurer, Vice Chairperson	
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	

<sup>17</sup> Note that Register 2016, 50-2 was incorrectly cited in the test claim filing. The correct register is Register 2017, No. 46.

## **I. Summary of the Mandate**

On May 22, 2020, the Commission on State Mandates (Commission) adopted the Test Claim Decision finding 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, beginning November 7, 2017. Specifically, the Commission found that the mandate was imposed on city and county law enforcement agencies that employ peace officers (other than probation officers and officers in a custodial setting) to electronically report to the Attorney General, on an annual basis, data on all “stops” within their own jurisdiction, conducted by the agency’s peace officers; and on those city and county law enforcement agencies that contract for peace officers from other cities or counties in order to carry out their basic and essential function of providing police protection services in their jurisdictions.

## **II. Procedural History**

On May 22, 2020, the Commission adopted the Test Claim Decision.<sup>18</sup> On May 22, 2020, Commission staff issued the Draft Expedited Parameters and Guidelines.<sup>19</sup> On June 12, 2020, the claimant filed comments on the Draft Expedited Parameters and Guidelines.<sup>20</sup> On July 6, 2020, Commission staff issued the Draft Proposed Decision and Parameters and Guidelines.

## **III. Positions of the Parties**

### **A. City of San Diego**

The claimant has requested that the Commission add several activities, which it asserts are reasonably necessary to comply with the mandated program. Claimant asserts that it is necessary that local agencies update their policies and procedures to provide a sufficient level of explanation to its peace officers that must perform the functions of Government Code section 12525.5.<sup>21</sup> The claimant also states that updating information technology, specifically adopting and testing software, which allows local agencies to comply with state-mandated activities is reasonable and necessary.<sup>22</sup> To that end, the claimant requests that Section IV. of the Draft Expedited Parameters and Guidelines be amended to provide for reimbursement of one-time activities to include: update policies and procedures to incorporate the requirements of the test claim statute; train staff (peace officers) assigned to perform the reimbursable activities listed in Section IV. of the Parameters and Guidelines; and install and test the software necessary to comply with the state-mandated requirements for the collection and reporting of data on all applicable stops. The claimant also requests that Section IV. of the Draft Expedited Parameters and Guidelines authorize ongoing reimbursement for updated training to meet any new

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<sup>18</sup> Exhibit A, Test Claim Decision.

<sup>19</sup> Exhibit B, Draft Expedited Parameters and Guidelines.

<sup>20</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines.

<sup>21</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, page 2.

<sup>22</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines, page 2.

requirements made by the Legislature or the Racial and Identity Profiling Act (RIPA) Board; and update software, as necessary, to comply with the state-mandated requirements for the collection and reporting of data on all applicable stops.<sup>23</sup> Specifically, the claimant requests that the following activities be added to the Parameters and Guidelines:

One-time activities:

- a. Update policies and procedures to incorporate the requirements of the Test Claim Statute.
- b. Train staff (peace officers) assigned to perform the reimbursable activities listed in section IV of these Parameters and Guidelines (one-time for each employee).
- c. Installation and testing of software necessary to comply with the state-mandated requirements for the collection and reporting of data on all applicable stops.

Ongoing activities:

- a. As modifications are made to the Test Claim Statute provide for updated training to meet any new requirements made by the legislature or the Racial and Identity Profiling Act Board.
- b. Update software, as necessary, to comply with the state-mandated requirements for the collection and reporting of data on all applicable stops.<sup>24</sup>

The claimant has also filed a Declaration of Captain Jeffrey Jordon, San Diego Police Department, to support these requests.<sup>25</sup>

**B. Department of Finance**

The Department of Finance (Finance) has not filed any comments on the Draft Expedited Parameters and Guidelines.

**IV. Discussion**

**A. Eligible Claimants (Section II. of Parameters and Guidelines)**

In the Test Claim Decision, the Commission found 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), constitutes a state-mandated new program or higher level of service, and imposes 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 of the test claim statute and regulations for stops within their own jurisdictions, and cities and counties that

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<sup>23</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, page 2.

<sup>24</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, page 2.

<sup>25</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines (Declaration of Captain Jeffrey Jordon), pages 3-6.

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.<sup>26</sup> The Commission also found that the test claim statutes did not impose a state-mandated program on K-12 school districts and community college districts; and on cities and counties when they assign their peace officers out to work for other government or private entities based on a contract or memorandum of understanding.<sup>27</sup>

Section II. of the Proposed Parameters and Guidelines therefore states the following:

Any city, county, city and county is eligible to claim reimbursement for increased costs incurred as a result of this mandate for the city or county's law enforcement agencies that meet the following criteria:

- 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; *or*
- Contract for peace officers from other cities or counties in order to carry out their basic and essential function of providing police protection services in their jurisdictions.

***K-12 school districts and community college districts are not eligible to claim for this program. Cities and counties may not claim the costs of their peace officer employees that are incurred while they are assigned out to work for other government or private entities based on a contract or memorandum of understanding.***

#### **B. Period of Reimbursement (Section III. of Parameters and Guidelines)**

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.<sup>28</sup> However, as indicated in the Commission’s Test Claim Decision, the Commission partially approved the 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, Register 2017, No. 46).<sup>29</sup> These regulations became operative and effective on November 7, 2017.<sup>30</sup> 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.

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<sup>26</sup> Exhibit A, Test Claim Decision, pages 4, 53.

<sup>27</sup> Exhibit A, Test Claim Decision, page 9.

<sup>28</sup> Exhibit A, Test Claim Decision, page 25.

<sup>29</sup> Exhibit A, Test Claim Decision, page 25.

<sup>30</sup> Exhibit A, Test Claim Decision, page 25.

Accordingly, Section III. of the Parameters and Guidelines states that the period of reimbursement begins November 7, 2017.<sup>31</sup>

### **C. Reimbursable Activities (Section IV. of the Parameters and Guidelines)**

Pursuant to Government Code section 17557(a) and section 1183.7 of the Commission's regulations, the Parameters and Guidelines must identify the activities mandated by the state and "may include proposed reimbursable activities that are reasonably necessary for the performance of the state-mandated program." "Reasonably necessary activities" are defined in the Commission's regulations as follows:

"Reasonably necessary activities" are those activities necessary to comply with the statutes, regulations and other executive orders found to impose a state-mandated program. Activities required by statutes, regulations and other executive orders that were not pled in the test claim may only be used to define reasonably necessary activities to the extent that compliance with the approved state-mandated activities would not otherwise be possible. Whether an activity is reasonably necessary is a mixed question of law and fact. All representations of fact to support any proposed reasonably necessary activities shall be supported by documentary evidence submitted in accordance with section 1187.5 of these regulations.<sup>32</sup>

Any proposed reasonably necessary activity must be supported by substantial evidence in the record explaining why the proposed activity is necessary for the performance of the state-mandated activity in accordance with Government Code sections 17557(a), 17559, and California Code of Regulations, title 2, sections 1183.7(d) and 1187.5.

Here, Section IV. of the Parameters and Guidelines lists the activities that the Commission approved as reimbursable state-mandated activities. The claimant has filed comments on the Draft Expedited Parameters and Guidelines identifying additional activities alleged to be reasonably necessary to comply with the mandate. Specifically, the claimant requests reimbursement for the following one-time activities: update policies and procedures to incorporate the requirements of the Test Claim statute; train staff (peace officers) assigned to perform the reimbursable activities listed in section IV. of the Parameters and Guidelines; and install and test the software necessary to comply with the state-mandated requirements for the collection and reporting of data on all applicable stops.<sup>33</sup>

The claimant also requests that Section IV. of the Parameters and Guidelines provide reimbursement for the following ongoing activities alleged to be reasonably necessary to comply with the mandate: updated training to meet any new requirements made by the Legislature or RIPA; and update software, as necessary, to comply with the state-mandated requirements for

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<sup>31</sup> Exhibit B, Draft Expedited Parameters and Guidelines, page 6.

<sup>32</sup> California Code of Regulations, title 2, section 1183.7(d).

<sup>33</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, page 2.

the collection and reporting of data on all applicable stops.<sup>34</sup> Each of these requests will be discussed in turn.

1. The proposed one-time activity to update policies and procedures is not supported by substantial evidence in the record explaining why this activity is reasonably necessary to comply with the mandate.

The claimant requests reimbursement for the one-time activity of updating policies and procedures to incorporate the requirements of the test claim statute.<sup>35</sup> While the claimant's comments focus on costs associated with training and information technology, the comments are silent as to the specific need for updating local agency policies and procedures. Neither Captain Jordon's declaration filed with the comments, nor Captain Jordon's declaration and exhibits filed with the Test Claim demonstrate why updating policies and procedures is reasonably necessary to comply with the mandate. The only reference to this allegedly necessary activity is the claimant's assertion 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."<sup>36</sup> There is no follow-up to this statement in the comments regarding why updating or adopting policies and procedures is necessary, nor does the record contain any specificity regarding costs incurred or the steps taken in regard to updating agency policy and procedure.

For this activity to be approved as reasonably necessary to comply with the mandate pursuant to Government Code sections 17557 and 17559, and section 1183.7 of the Commission's regulations, the claimant must explain and support, with substantial evidence in the record and in accordance with the Commission's regulations, why updating policies and procedures is reasonably necessary to comply with the mandate. Section 1187.5 of the Commission's regulations requires that oral or written representations of fact shall be under oath or affirmation; that all written representations of fact must be signed under penalty of perjury by persons who are authorized and competent to do so; and that hearsay evidence may only be used to supplement or explain other evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

Accordingly, the Commission denies this request.

2. The proposed activity to provide one-time training for each peace officer employee and supervisor assigned to perform the reimbursable activities is supported by evidence in the record and is, therefore, reasonably necessary to comply with the mandate.

The claimant requests reimbursement to provide one-time training to employees and supervisors assigned to perform the reimbursable activities listed in Section IV. of these Parameters and Guidelines.<sup>37</sup> In support of this request, the claimant contends that the mandate requires law

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<sup>34</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, page 2.

<sup>35</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, page 2.

<sup>36</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines (Declaration of Captain Jeffrey Jordon), page 3.

<sup>37</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, page 2.

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.<sup>38 39</sup>

The Commission finds there is substantial evidence in the record to support the finding that one-time training per employee performing the mandate is reasonably necessary to comply with the mandate. Captain Jordon's declaration, signed under the penalty of perjury, and filed with the Test Claim, declares that it would not be possible for local agencies employing peace officers to collect stop data and report it to the Attorney General without being familiar with how a stop is defined and when it must be reported.<sup>40</sup> Captain Jordon notes that prior to the enactment of Government Code 12525.5, no law enforcement agency in California was mandated to collect and report stop data as is now required.<sup>41</sup> As a result, local law enforcement agencies that employ peace officers must be trained and supervised to perform these activities correctly, and the collection and reporting of this data requires specialized expertise in information technologies.<sup>42</sup> As for supervisory training, Captain Jordon declares that supervisors must be trained to determine if their officers are collecting and submitting the required stop data.<sup>43</sup> Captain Jordon attached training logs to his declaration outlining leadership training in 2018, where peace officer managers were trained on AB 953 and RIPA.<sup>44</sup> And he attached a log showing the peace officer staff who were trained on the RIPA requirements.<sup>45</sup> All sworn members of the San Diego Police Department (SDPD) 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.<sup>46</sup> There is no evidence rebutting these declarations.

In addition, the reporting requirements for this program, and the exceptions to reporting, are detailed and specific, and require that the reports be audited and validated pursuant to the Department of Justice (DOJ) specifications. The legislative history of Government Code section 12525.5 and the test claim regulations demonstrate that training costs were anticipated by the Legislature and DOJ. In their Economic and Fiscal Impact Statement, DOJ stated that AB 953

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<sup>38</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines (Declaration of Captain Jeffrey Jordon), page 3.

<sup>39</sup> Exhibit X, Excerpt from the Test Claim (Declaration of Captain Jeffrey Jordon), page 2.

<sup>40</sup> Exhibit X, Excerpt from the Test Claim (Declaration of Captain Jeffrey Jordon), page 2.

<sup>41</sup> Exhibit X, Excerpt from the Test Claim (Declaration of Captain Jeffrey Jordon), page 2.

<sup>42</sup> Exhibit X, Excerpt from the Test Claim (Declaration of Captain Jeffrey Jordon), page 2.

<sup>43</sup> Exhibit X, Excerpt from the Test Claim (Declaration of Captain Jeffrey Jordon), page 2.

<sup>44</sup> Exhibit X, Excerpt from the Test Claim (Exhibit 12, Command Training Logs), pages 2, 3.

<sup>45</sup> Exhibit X, Excerpt from the Test Claim (Exhibit 12, Command Training Logs), pages 27-97.

<sup>46</sup> Exhibit X, Excerpt from the Test Claim (Exhibit 12, Command Training Logs), pages 27-97, 2018 command training logs pages 1-208; Exhibit X, Excerpt from the Test Claim (Narrative), pages 2, 8.



would likely result in increased demand for training professionals and support staff to help law enforcement agencies implement the reporting requirements.<sup>47</sup> Also, the Senate Committee on Appropriations – in its report regarding AB 953 – noted that “Additional costs for training on the process would likely be required.”<sup>48</sup>

Accordingly, the Commission finds that the evidence in the record supports the finding that one-time training per employee is reasonably necessary to comply with the mandate. This activity is included in Section IV.A. Reimbursable Activities (One-Time Activities) as follows:

- One-time training per peace officer employee and supervisor assigned to perform the reimbursable activities listed in section IV.B. of these Parameters and Guidelines.
- 3. The proposed one-time activity to install and test software to comply with the mandated requirements to collect and report stop data is supported by evidence in the record and is, therefore, reasonably necessary to comply with the mandate.

The test claim regulations require claimants to:

- 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].)
- 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].)

The claimant contends that the one-time activity to install and test software is necessary to comply with the state-mandated requirements for the collection and reporting of data on all applicable stops.<sup>49</sup> In support of this, the claimant states that it has incurred costs to obtain, test, process and validate the collected data through hardware and software applications.<sup>50, 51</sup> The claimant noted that its Information Technology costs were relatively minor because the San Diego Sheriff’s Department provided a custom data collection application and submission tools

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<sup>47</sup> Exhibit X, Excerpt from the Test Claim (California Department of Justice, Economic and Fiscal Impact Statement, AB 953 Stop Data Reporting Regulations to Implement Gov. Code Section 12525.5), page 1.

<sup>48</sup> Exhibit X, Excerpt from the Test Claim (Senate Committee on Appropriations, Analysis of AB 953 [2015-2016 Reg. Sess.], August 17, 2015), page 1.

<sup>49</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines (Declaration of Captain Jeffrey Jordon), page 2.

<sup>50</sup> Exhibit C, Claimant’s Comments on the Draft Expedited Parameters and Guidelines (Declaration of Captain Jeffrey Jordon), page 3.

<sup>51</sup> Exhibit X, Excerpt from the Test Claim (Declaration of Captain Jeffrey Jordon), page 1.

free of charge.<sup>52</sup> The application was loaded by Data Systems members on to SDPD's desktop and mobile computers so officers could use the software to submit data.<sup>53</sup> Additional testing was done, however, to make sure the software worked properly and all of these activities were needed to comply with the mandate before going "live" on June 27, 2018.<sup>54</sup> Notably, the Economic and Fiscal Impact Statement for the DOJ regulations indicates that the DOJ was developing a web-based application to provide to the local agencies to assist with submission of data collected pursuant to Government Code section 12525.5.<sup>55</sup>

Accordingly, the Commission finds that the evidence in the record supports the finding that one-time installation and testing of software is reasonably necessary to comply with the mandate. This activity is included in Section IV.A. Reimbursable Activities (One-Time Activities) as follows:

- One-time installation and testing of software necessary to comply with the state-mandated requirements for the collection and reporting requirements of data on all applicable stops.
- 4. The proposed ongoing activity of providing training to meet new requirements imposed by the Legislature or RIPA is not consistent with the law and is therefore denied.

The claimant requests reimbursement for the ongoing activity of providing training to meet any new requirements made by the Legislature or the RIPA Board. This proposed activity is not consistent with the law. In the event the Legislature or DOJ change the law and increase the responsibilities of local government under this program, then new a test claim would have to be filed pursuant to Government Code sections 17551 and 17553. If the Legislature or DOJ repeals one of the activities mandated by the state, or otherwise changes the future liability of the State under article XIII B, section 6, then the State can request that the Parameters and Guidelines be amended under Government Code section 17557(d), or the State can file a request to adopt a new test claim decision under Government Code section 17570. Thus, these Parameters and Guidelines cannot account for future changes in law.

And the RIPA Board is not tasked with, nor have they been given authority to revise or amend the requirements under the test claim statute. Rather, the RIPA Board is tasked with reviewing and analyzing reported data, working with law enforcement to review and analyze racial and

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<sup>52</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines (Declaration of Captain Jeffrey Jordon), page 4.

<sup>53</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines (Declaration of Captain Jeffrey Jordon), page 4.

<sup>54</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines (Declaration of Captain Jeffrey Jordon), page 3.

<sup>55</sup> Exhibit X, Excerpt from the Test Claim (California Department of Justice, Economic and Fiscal Impact Statement, AB 953 Stop Data Reporting Regulations to Implement Gov. Code Section 12525.5), page 11.

identity profiling practices and procedures, issuing a report of their findings, and holding at least three annual public meetings.<sup>56</sup>

The Commission therefore denies the request for ongoing training on the basis of future changes in the law.

5. The proposed ongoing activity of updating software, as necessary, to comply with the requirements of collecting and reporting data is not supported by substantial evidence in the record explaining why this activity is reasonably necessary to comply with the mandate.

The claimant has also requested ongoing reimbursement for updating software, as necessary, to comply with the state-mandated requirements for the collection and reporting of data on all applicable stops.<sup>57</sup> There is nothing in the record demonstrating that this is a reasonably necessary activity. The claimant has not provided or pointed to any evidence in the record demonstrating that the software used to perform the requirements under the mandate needs updating. Notably, the DOJ Economic and Fiscal Impact Statement does not mention that agencies would likely be subject to ongoing costs related to updating software.<sup>58</sup>

Accordingly, the Commission denies this request.

#### **D. Claim Preparation and Submission (Section V of the Parameters and Guidelines)**

Consistent with the approval of one-time training, Section V. of the Parameters and Guidelines (Claim Preparation and Submission) includes the boilerplate language for claiming the costs of training as follows:

##### 5. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV. of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element A.1., Salaries and Benefits, and A.2., Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element A.3., Contracted Services.

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<sup>56</sup> Exhibit X, Excerpt from the Test Claim (Senate Committee on Appropriations, Analysis of AB 953 [2015-2016 Reg. Sess.], August 17, 2015), page 4.

<sup>57</sup> Exhibit C, Claimant's Comments on the Draft Expedited Parameters and Guidelines, page 2.

<sup>58</sup> Exhibit X, Excerpt from the Test Claim (California Department of Justice, Economic and Fiscal Impact Statement, AB 953 Stop Data Reporting Regulations to Implement Gov. Code Section 12525.5).

## **V. Conclusion**

Based on the foregoing, the Commission hereby adopts the Decision and Parameters and Guidelines.

### **PARAMETERS AND GUIDELINES<sup>59</sup>**

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<sup>60</sup>

#### *Racial and Identity Profiling*

18-TC-02

Reimbursement for this program begins November 7, 2017.

## **I. SUMMARY OF THE MANDATE**

On May 22, 2020, the Commission on State Mandates (Commission) adopted the Test Claim Decision finding 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, beginning November 7, 2017, on city and county law enforcement agencies that employ peace officers (other than probation officers and officers in a custodial setting) to electronically report to the Attorney General, on an annual basis, data on all “stops” within their own jurisdiction, conducted by the agency’s peace officers; and on those city and county law enforcement agencies that contract for peace officers from other cities or counties in order to carry out their basic and essential function of providing police protection services in their jurisdictions.

## **II. ELIGIBLE CLAIMANTS**

Any city, county, city and county is eligible to claim reimbursement for increased costs incurred as a result of this mandate for the city or county’s law enforcement agencies that meet the following criteria:

- 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; *or*
- Contract for peace officers from other cities or counties in order to carry out their basic and essential function of providing police protection services in their jurisdictions.

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<sup>59</sup> Please note that the Decision and Parameters and Guidelines is a single document and must be read as a whole. It is not intended to be separated and should be posted in its entirety.

<sup>60</sup> Note that Register 2016, 50-2 was incorrectly cited in the test claim filing. The correct register is Register 2017, No. 46.

***K-12 school districts and community college districts are not eligible to claim for this program. Cities and counties may not claim the costs of their peace officer employees that are incurred while they are assigned out to work for other government or private entities based on a contract or memorandum of understanding.***

## **PERIOD OF REIMBURSEMENT**

Government Code section 17557(e) states that a test claim shall be submitted on or before June 30 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The claimant filed the Test Claim on June 14, 2019, establishing eligibility for reimbursement for the 2017-2018 fiscal year, beginning July 1, 2017. However, the regulations adopted by DOJ to implement section 12525.5 (Cal. Code Regs., tit. 11, §§ 999.224 through 999.229, Register 2017, No. 46) became operative and effective on November 7, 2017,<sup>61</sup> establishing the period of reimbursement beginning November 7, 2017.

Reimbursement for state-mandated costs may be claimed as follows:

1. Actual costs for one fiscal year shall be included in each claim.
2. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller (Controller) within 120 days of the issuance date for the claiming instructions.
3. Pursuant to Government Code section 17560(a), a local agency may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a local agency filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Gov. Code §17560(b).)
5. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).
6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

## **IV. REIMBURSABLE ACTIVITIES**

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event, or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

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<sup>61</sup> 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.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, and declarations. Declarations must include a certification or declaration stating, “I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct,” and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant that incurs increased costs, the following activities are reimbursable:

A. One-Time Activities

1. One-time training per peace officer employee and supervisor assigned to perform the reimbursable activities listed in Section IV.B. of these Parameters and Guidelines.
2. One-time installation and testing of software necessary to comply with the state-mandated requirements for the collection and reporting of data on all applicable stops.

B. Ongoing 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,<sup>62</sup> 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.

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<sup>62</sup> See Government Code section 12525.5(g)(2) (Stats.2015, ch.466) and California Code of Regulations, title 11, section 999.224(a)(14) (Register 2017, No. 46), which define 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

- a. Begin collecting and reporting data on all stops on or before the following dates (Gov. Code, § 12525.5(a)(2), Stats. 2017, ch. 328):
- (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.

The following are **not** reportable:

- 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."<sup>63</sup>
- Stops made during public safety mass evacuations.<sup>64</sup>
- Stops during an active shooter incident.<sup>65</sup>
- 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.<sup>66</sup>
- The following interactions are **not** reportable unless 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)(A)(1)-(22): Interactions during: traffic control of vehicles due to a traffic accident or emergency situation that requires that vehicles are stopped for public safety purposes; 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; interactions during which persons are detained at a residence so that the officer may check for

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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.

<sup>63</sup> California Code of Regulations, title 11, section 999.227(b) (Register 2017, No. 46).

<sup>64</sup> California Code of Regulations, title 11, section 999.227(c)(1) (Register 2017, No. 46).

<sup>65</sup> California Code of Regulations, title 11, section 999.227(c)(2) (Register 2017, No. 46).

<sup>66</sup> California Code of Regulations, title 11, section 999.227(c)(3) (Register 2017, No. 46).

proof of age for purposes of investigating underage drinking; and checkpoints and 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.<sup>67</sup>

- Interactions that take place with a person in his or her residence who is the subject of a warrant or search condition.<sup>68</sup>
  - 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.<sup>69</sup>
  - Stops in a custodial setting.<sup>70</sup>
  - Stops that occur while the officer is off-duty.<sup>71</sup>
- 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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<sup>67</sup> California Code of Regulations, title 11, section 999.227(d)(1).

<sup>68</sup> California Code of Regulations, title 11, section 999.227(d)(2) (Register 2017, No. 46).

<sup>69</sup> California Code of Regulations, title 11, section 999.227(d)(3) (Register 2017, No. 46).

<sup>70</sup> California Code of Regulations, title 11, section 999.225(c) (Register 2017, No. 46).

<sup>71</sup> Exhibit A, Test Claim Decision, page 6; 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 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].)

## **V. CLAIM PREPARATION AND SUBMISSION**

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV., Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

### **A. Direct Cost Reporting**

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

#### **1. Salaries and Benefits**

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by

productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

## 2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

## 3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and attorney invoices with the claim and a description of the contract scope of services.

## 4. Fixed Assets

Report the purchase price paid for fixed assets necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

## 5. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element A.1., Salaries and Benefits, and A.2., Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element A.3., Contracted Services.

## B. Indirect Cost Rates

Indirect costs are costs that are incurred for a common or joint purpose, benefiting more than one program, and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both: (1) overhead costs of the unit performing the mandate; and (2) the costs of the central government services distributed to the other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in 2 Code of Federal Regulations (CFR) part 225 (Office of Management and Budget (OMB) Circular A-87). Claimants have the option of using 10 percent of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) if the indirect cost rate claimed exceeds 10 percent.

If the claimant chooses to prepare an ICRP, both the direct costs (as defined and described in 2 CFR part 225, appendices A and B (OMB Circular A-87 attachments A & B) and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in 2 CFR part 225, appendices A and B (OMB Circular A-87 attachments A & B)). However, unallowable costs must be included in the direct costs if they represent activities to which indirect costs are properly allocable.

The distribution base may be: (1) total direct costs (excluding capital expenditures and other distorting items, such as pass-through funds, major subcontracts, etc.); (2) direct salaries and wages; or (3) another base which results in an equitable distribution.

In calculating an ICRP, the claimant shall have the choice of one of the following methodologies:

1. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 attachments A & B) shall be accomplished by: (1) classifying a department's total costs for the base period as either direct or indirect; and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate which is used to distribute indirect costs to mandates. The rate should be expressed as a percentage that the total amount of allowable indirect costs bears to the base selected; or
2. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 attachments A & B) shall be accomplished by: (1) separating a department into groups, such as divisions or sections, and then classifying the division's or section's total costs for the base period as either direct or indirect; and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate that is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount of allowable indirect costs bears to the base selected.

## **VI. RECORD RETENTION**

Pursuant to Government Code section 17558.5(a), a reimbursement claim for actual costs filed pursuant to this chapter<sup>72</sup> is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV., must be

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<sup>72</sup> This refers to title 2, division 4, part 7, chapter 4 of the Government Code.

retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

## **VII. OFFSETTING REVENUES AND REIMBURSEMENTS**

Any offsetting revenue the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including but not limited to, service fees collected, federal funds, and other applicable state funds, shall be identified and deducted from any claim submitted for reimbursement.

## **VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS**

Pursuant to Government Code section 17558(b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 90 days after receiving the adopted parameters and guidelines from the Commission, to assist local governments in claiming costs to be reimbursed. The claiming instructions shall be derived from these parameters and guidelines and the decisions on the test claim and parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561(d)(1), issuance of the claiming instructions shall constitute a notice of the right of the eligible claimants to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

## **IX. REMEDIES BEFORE THE COMMISSION**

Upon request of an eligible claimant, the Commission shall review the claiming instructions issued by the Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557(d), and California Code of Regulations, title 2, section 1183.17.

## **X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES**

The decisions adopted for the test claim and parameters and guidelines are legally binding on all parties and interested parties and provide the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record. The administrative record is on file with the Commission.

## **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 July 6, 2020, I served the:

- **Draft Proposed Decision and Parameters and Guidelines, Schedule for Comments, and Notice of Hearing issued July 6, 2020**

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

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<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 July 6, 2020 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

---

<sup>1</sup> 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:** 7/6/20

**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 Sheriff's Department*

Information / Technical Services Division, 655 East Third Street, San Bernardino, CA 92415

Phone: (909) 884-0156

jades@sbcscd.org

**Manny Alvarez Jr.**, Executive Director, *Commission on Peace Officer Standards and Training*

860 Stillwater Road, Suite 100, West Sacramento, CA 95605

Phone: (916) 227-3909

Manny.Alvarez@post.ca.gov

**Socorro Aquino**, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

**Matthew Aveling**, Chief Deputy, *Riverside County Sheriff's Department*

Sheriff's Administration, 4905 Lemon Street, Riverside, CA 92501

Phone: (951) 955-2416

maveling@riversidesheriff.org

**Christopher Becker**, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

Christopher.Becker@csn.ca.gov

**Cindy Black**, City Clerk, *City of St. Helena*

1480 Main Street, St. Helena, CA 94574

Phone: (707) 968-2742

ctzafoopoulos@cityofstheleena.org

**Allan Burdick**,

7525 Myrtle Vista Avenue, Sacramento, CA 95831  
Phone: (916) 203-3608  
allanburdick@gmail.com

**J. Bradley Burgess**, *MGT of America*  
895 La Sierra Drive, Sacramento, CA 95864  
Phone: (916) 595-2646  
Bburgess@mgtamer.com

**Evelyn Calderon-Yee**, Bureau Chief, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 324-5919  
ECalderonYee@sco.ca.gov

**Gwendolyn Carlos**, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 323-0706  
gcarlos@sco.ca.gov

**Michele Cervone**, Legislative Assistant, *Aaron Read & Associates*  
1415 L Street, Suite 1100, Sacramento, CA 95814  
Phone: (916) 448-3444  
mcervone@aaronread.com

**Rolando Charvel**, Chief Financial Officer, *City of San Diego*  
**Claimant Contact**  
202 C Street, 9th Floor, San Diego, CA 92101  
Phone: (619) 236-5941  
RCharvel@sandiego.gov

**Annette Chinn**, *Cost Recovery Systems, Inc.*  
705-2 East Bidwell Street, #294, Folsom, CA 95630  
Phone: (916) 939-7901  
achinnrcs@aol.com

**Carolyn Chu**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8326  
Carolyn.Chu@lao.ca.gov

**Michael Coleman**, *Coleman Advisory Services*  
2217 Isle Royale Lane, Davis, CA 95616  
Phone: (530) 758-3952  
coleman@munil.com

**Phill Dupper**, Lieutenant, *San Bernardino County Sheriff's Department*  
Information / Technical Services Division, 655 East Third Street, San Bernardino, CA 92415  
Phone: (909) 884-0156  
pdupper@sbcisd.org

**Patrick Dyer**, Director, *MGT Consulting*  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 443-3411  
pdyer@mgtconsulting.com

**Donna Ferebee**, *Department of Finance*



915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
donna.ferebee@dof.ca.gov

**Susan Geanacou**, *Department of Finance*  
915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
susan.geanacou@dof.ca.gov

**Dillon Gibbons**, Legislative Representative, *California Special Districts Association*  
1112 I Street Bridge, Suite 200, Sacramento, CA 95814  
Phone: (916) 442-7887  
dillong@csda.net

**Jim Grottkau**, Bureau Chief, *Commission on Peace Officer Standards and Training*  
Basic Training, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605  
Phone: (916) 227-3909  
Jim.Grottkau@post.ca.gov

**Zachary Hall**, Sheriff's Captain, *Riverside County Sheriff's Department*  
4905 Lemon Street, Riverside, CA 92501  
Phone: (951) 955-2400  
zhall@riversidesheriff.org

**Heather Halsey**, Executive Director, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
heather.halsey@csm.ca.gov

**Sunny Han**, Project Manager, *City of Huntington Beach*  
2000 Main Street, Huntington Beach, CA 92648  
Phone: (714) 536-5907  
Sunny.han@surfcity-hb.org

**Chris Hill**, Principal Program Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Chris.Hill@dof.ca.gov

**Jason Jennings**, Director, *Maximus Consulting*  
Financial Services, 808 Moorefield Park Drive, Suite 205, Richmond, VA 23236  
Phone: (804) 323-3535  
SB90@maximus.com

**Edward Jewik**, *County of Los Angeles*  
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012  
Phone: (213) 974-8564  
ejewik@auditor.lacounty.gov

**Jeffrey Jordon**, Captain, *City of San Diego*

**Claimant Representative**  
San Diego Police Department, 1401 Broadway, San Diego, CA 92101  
Phone: (619) 756-5264  
jjordon@pd.sandiego.gov

**Anita Kerezsi**, *AK & Company*  
2425 Golden Hill Road, Suite 106, Paso Robles, CA 93446

Phone: (805) 239-7994  
akcompanysb90@gmail.com

**Joanne Kessler**, Fiscal Specialist, *City of Newport Beach*  
Revenue Division, 100 Civic Center Drive , Newport Beach, CA 90266  
Phone: (949) 644-3199  
jkessler@newportbeachca.gov

**Lisa Kurokawa**, Bureau Chief for Audits, *State Controller's Office*  
Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 327-3138  
lkurokawa@sco.ca.gov

**Alison Leary**, Deputy General Counsel, *League of California Cities*  
1400 K Street, Suite 400, Sacramento, CA 95814  
Phone: (916) 658-8200  
aleary@cacities.org

**Erika Li**, Program Budget Manager, *Department of Finance*  
915 L Street, 10th Floor, Sacramento, CA 95814  
Phone: (916) 445-3274  
erika.li@dof.ca.gov

**Jill Magee**, Program Analyst, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
Jill.Magee@csm.ca.gov

**Corrie Manning**, Assistant General Counsel, *League of California Cities*  
1400 K Street, Suite 400, Sacramento, CA 95814  
Phone: (916) 658-8200  
cmanning@cacities.org

**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*  
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403  
Phone: (949) 440-0845  
michellemendoza@maximus.com

**Lourdes Morales**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8320  
Lourdes.Morales@LAO.CA.GOV

**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  
Phone: (916) 324-0256  
DMorton@sco.ca.gov

**Andy Nichols**, *Nichols Consulting*

1857 44th Street, Sacramento, CA 95819

Phone: (916) 455-3939

andy@nichols-consulting.com

**Arthur Palkowitz**, *Artiano Shinoff*

2488 Historic Decatur Road, Suite 200, San Diego, CA 92106

Phone: (619) 232-3122

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

Phone: (909) 386-8854

jai.prasad@atc.sbcounty.gov

**Aaron Read**, Legislative Advocate, *Aaron Read & Associates*

1415 L Street, Suite 1100, Sacramento, CA 95814

Phone: (916) 448-3444

aread@aaronread.com

**Theresa Schweitzer**, *City of Newport Beach*

100 Civic Center Drive, Newport Beach, CA 92660

Phone: (949) 644-3140

tschweitzer@newportbeachca.gov

**Camille Shelton**, Chief Legal Counsel, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

camille.shelton@csm.ca.gov

**Carla Shelton**, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

carla.shelton@csm.ca.gov

**Natalie Sidarous**, Chief, *State Controller's Office*

Local Government Programs and Services Division, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: 916-445-8717

NSidarous@sco.ca.gov

**Michelle Skaggs Lawrence**, City Manager, *City of Oceanside*

300 North Coast Highway, Oceanside, CA 92054

Phone: (760) 435-3055

citymanager@oceansideca.org

**Jim Spano**, Chief, Mandated Cost Audits Bureau, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 323-5849

jspano@sco.ca.gov

**Dennis Speciale**, *State Controller's Office*

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254  
DSpeciale@sco.ca.gov

**Joe Stephenshaw**, Director, *Senate Budget & Fiscal Review Committee*  
California State Senate, State Capitol Room 5019, Sacramento, CA 95814  
Phone: (916) 651-4103  
Joe.Stephenshaw@sen.ca.gov

**Brittany Thompson**, Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Brittany.Thompson@dof.ca.gov

**Jolene Tollenaar**, *MGT of America*  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 243-8913  
jolenetollenaar@gmail.com

**Robert Trostle**, Lieutenant, *San Bernardino County Sheriff's Department*  
Information / Technical Services Division, 655 East Third Street, San Bernardino, CA 92415  
Phone: (909) 884-0156  
rtrostle@sbcscd.org

**Evelyn Tseng**, *City of Newport Beach*  
100 Civic Center Drive, Newport Beach, CA 92660  
Phone: (949) 644-3127  
etseng@newportbeachca.gov

**Brian Uhler**, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8328  
Brian.Uhler@LAO.CA.GOV

**Dennis Vrooman**, Assistant Sheriff, *Riverside County Sheriff's Department*  
Sheriff's Administration, 4905 Lemon Street, Riverside, CA 92501  
Phone: (951) 955-8792  
dvrooman@riversidesheriff.org

**Renee Wellhouse**, *David Wellhouse & Associates, Inc.*  
3609 Bradshaw Road, H-382, Sacramento, CA 95927  
Phone: (916) 797-4883  
dwa-renee@surewest.net

**Hasmik Yaghobyan**, *County of Los Angeles*  
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012  
Phone: (213) 974-9653  
hyaghobyan@auditor.lacounty.gov



THE CITY OF SAN DIEGO

Exhibit E

RECEIVED  
July 23, 2020  
Commission on  
State Mandates

July 23, 2020

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

Reference: Draft Proposed Decision and Parameters and Guidelines, Test Claim  
18TC-02, Racial and Identity Profiling Act of 2015 (RIPA).

Dear Ms. Halsey,

I have reviewed the Draft Proposed Decision and Parameters and Guidelines, issued by  
the Commission on July 6, 2020, and have no additional comments to offer.

As always, the Commission's consideration in this matter is greatly appreciated.

Respectfully submitted,

Jeffrey Jordon  
Captain, San Diego Police Department  
City of San Diego



## **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 July 23, 2020, I served the:

- **Claimant's Comments on the Draft Proposed Decision and Parameters and Guidelines, filed July 23, 2020**

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

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<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 July 23, 2020 at Sacramento, California.



Jill L. Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

---

<sup>1</sup> 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:** 7/22/20

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

**Matter:** Racial and Identity Profiling

**Claimant:** City of San Diego

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**John Ades**, Captain, *San Bernardino County Sheriff's Department*

Information / Technical Services Division, 655 East Third Street, San Bernardino, CA 92415

Phone: (909) 884-0156

jades@sbcscd.org

**Manny Alvarez Jr.**, Executive Director, *Commission on Peace Officer Standards and Training*

860 Stillwater Road, Suite 100, West Sacramento, CA 95605

Phone: (916) 227-3909

Manny.Alvarez@post.ca.gov

**Socorro Aquino**, *State Controller's Office*

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 322-7522

SAquino@sco.ca.gov

**Matthew Aveling**, Chief Deputy, *Riverside County Sheriff's Department*

Sheriff's Administration, 4905 Lemon Street, Riverside, CA 92501

Phone: (951) 955-2416

maveling@riversidesheriff.org

**Christopher Becker**, *Commission on State Mandates*

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

Christopher.Becker@csn.ca.gov

**Cindy Black**, City Clerk, *City of St. Helena*

1480 Main Street, St. Helena, CA 94574

Phone: (707) 968-2742

ctzafoopoulos@cityofsthehena.org

**Allan Burdick**,

7525 Myrtle Vista Avenue, Sacramento, CA 95831  
Phone: (916) 203-3608  
allanburdick@gmail.com

**J. Bradley Burgess**, *MGT of America*  
895 La Sierra Drive, Sacramento, CA 95864  
Phone: (916) 595-2646  
Bburgess@mgtamer.com

**Evelyn Calderon-Yee**, Bureau Chief, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 324-5919  
ECalderonYee@sco.ca.gov

**Gwendolyn Carlos**, *State Controller's Office*  
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,  
Sacramento, CA 95816  
Phone: (916) 323-0706  
gcarlos@sco.ca.gov

**Michele Cervone**, Legislative Assistant, *Aaron Read & Associates*  
1415 L Street, Suite 1100, Sacramento, CA 95814  
Phone: (916) 448-3444  
mcervone@aaronread.com

**Rolando Charvel**, Chief Financial Officer, *City of San Diego*  
**Claimant Contact**  
202 C Street, 9th Floor, San Diego, CA 92101  
Phone: (619) 236-5941  
RCharvel@sandiego.gov

**Annette Chinn**, *Cost Recovery Systems, Inc.*  
705-2 East Bidwell Street, #294, Folsom, CA 95630  
Phone: (916) 939-7901  
achinnrcrs@aol.com

**Carolyn Chu**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8326  
Carolyn.Chu@lao.ca.gov

**Michael Coleman**, *Coleman Advisory Services*  
2217 Isle Royale Lane, Davis, CA 95616  
Phone: (530) 758-3952  
coleman@munil.com

**Phill Dupper**, Lieutenant, *San Bernardino County Sheriff's Department*  
Information / Technical Services Division, 655 East Third Street, San Bernardino, CA 92415  
Phone: (909) 884-0156  
pdupper@sbcisd.org

**Patrick Dyer**, Director, *MGT Consulting*  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 443-3411  
pdyer@mgtconsulting.com

**Donna Ferebee**, *Department of Finance*



915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
donna.ferebee@dof.ca.gov

**Susan Geanacou**, *Department of Finance*  
915 L Street, Suite 1280, Sacramento, CA 95814  
Phone: (916) 445-3274  
susan.geanacou@dof.ca.gov

**Dillon Gibbons**, Legislative Representative, *California Special Districts Association*  
1112 I Street Bridge, Suite 200, Sacramento, CA 95814  
Phone: (916) 442-7887  
dillong@csda.net

**Jim Grottkau**, Bureau Chief, *Commission on Peace Officer Standards and Training*  
Basic Training, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605  
Phone: (916) 227-3909  
Jim.Grottkau@post.ca.gov

**Zachary Hall**, Sheriff's Captain, *Riverside County Sheriff's Department*  
4905 Lemon Street, Riverside, CA 92501  
Phone: (951) 955-2400  
zhall@riversidesheriff.org

**Heather Halsey**, Executive Director, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
heather.halsey@csm.ca.gov

**Sunny Han**, Project Manager, *City of Huntington Beach*  
2000 Main Street, Huntington Beach, CA 92648  
Phone: (714) 536-5907  
Sunny.han@surfcity-hb.org

**Chris Hill**, Principal Program Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Chris.Hill@dof.ca.gov

**Jason Jennings**, Director, *Maximus Consulting*  
Financial Services, 808 Moorefield Park Drive, Suite 205, Richmond, VA 23236  
Phone: (804) 323-3535  
SB90@maximus.com

**Jeffrey Jordon**, Captain, *City of San Diego*  
**Claimant Representative**  
San Diego Police Department, 1401 Broadway, San Diego, CA 92101  
Phone: (619) 756-5264  
jjjordon@pd.sandiego.gov

**Anita Kerezsi**, *AK & Company*  
2425 Golden Hill Road, Suite 106, Paso Robles, CA 93446  
Phone: (805) 239-7994  
akcompanysb90@gmail.com

**Joanne Kessler**, Fiscal Specialist, *City of Newport Beach*  
Revenue Division, 100 Civic Center Drive, Newport Beach, CA 90266

Phone: (949) 644-3199  
jkessler@newportbeachca.gov

**Lisa Kurokawa**, Bureau Chief for Audits, *State Controller's Office*  
Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816  
Phone: (916) 327-3138  
lkurokawa@sco.ca.gov

**Alison Leary**, Deputy General Counsel, *League of California Cities*  
1400 K Street, Suite 400, Sacramento, CA 95814  
Phone: (916) 658-8200  
aleary@cacities.org

**Fernando Lemus**, *County of Los Angeles*  
Auditor-Controller's Office, 500 W. Temple Street, Los Angeles, CA 90012  
Phone: (213) 974-0324  
flemus@auditor.lacounty.gov

**Erika Li**, Program Budget Manager, *Department of Finance*  
915 L Street, 10th Floor, Sacramento, CA 95814  
Phone: (916) 445-3274  
erika.li@dof.ca.gov

**Jill Magee**, Program Analyst, *Commission on State Mandates*  
980 9th Street, Suite 300, Sacramento, CA 95814  
Phone: (916) 323-3562  
Jill.Magee@csm.ca.gov

**Corrie Manning**, Assistant General Counsel, *League of California Cities*  
1400 K Street, Suite 400, Sacramento, CA 95814  
Phone: (916) 658-8200  
cmanning@cacities.org

**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*  
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403  
Phone: (949) 440-0845  
michellemendoza@maximus.com

**Lourdes Morales**, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8320  
Lourdes.Morales@LAO.CA.GOV

**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  
Phone: (916) 324-0256  
DMorton@sco.ca.gov

**Andy Nichols, Nichols Consulting**

1857 44th Street, Sacramento, CA 95819

Phone: (916) 455-3939

andy@nichols-consulting.com

**Arthur Palkowitz, Artiano Shinoff**

2488 Historic Decatur Road, Suite 200, San Diego, CA 92106

Phone: (619) 232-3122

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

Phone: (909) 386-8854

jai.prasad@atc.sbcounty.gov

**Aaron Read, Legislative Advocate, Aaron Read & Associates**

1415 L Street, Suite 1100, Sacramento, CA 95814

Phone: (916) 448-3444

aread@aaronread.com

**Theresa Schweitzer, City of Newport Beach**

100 Civic Center Drive, Newport Beach, CA 92660

Phone: (949) 644-3140

tschweitzer@newportbeachca.gov

**Camille Shelton, Chief Legal Counsel, Commission on State Mandates**

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

camille.shelton@csm.ca.gov

**Carla Shelton, Commission on State Mandates**

980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562

carla.shelton@csm.ca.gov

**Natalie Sidarous, Chief, State Controller's Office**

Local Government Programs and Services Division, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: 916-445-8717

NSidarous@sco.ca.gov

**Michelle Skaggs Lawrence, City Manager, City of Oceanside**

300 North Coast Highway, Oceanside, CA 92054

Phone: (760) 435-3055

citymanager@oceansideca.org

**Jim Spano, Chief, Mandated Cost Audits Bureau, State Controller's Office**

Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 323-5849

jspano@sco.ca.gov

**Dennis Speciale, State Controller's Office**

Division of Accounting and Reporting, 3301 C Street, Suite 700, Sacramento, CA 95816

Phone: (916) 324-0254  
DSpeciale@sco.ca.gov

**Joe Stephenshaw**, Director, *Senate Budget & Fiscal Review Committee*  
California State Senate, State Capitol Room 5019, Sacramento, CA 95814  
Phone: (916) 651-4103  
Joe.Stephenshaw@sen.ca.gov

**Brittany Thompson**, Budget Analyst, *Department of Finance*  
Local Government Unit, 915 L Street, Sacramento, CA 95814  
Phone: (916) 445-3274  
Brittany.Thompson@dof.ca.gov

**Jolene Tollenaar**, *MGT of America*  
2251 Harvard Street, Suite 134, Sacramento, CA 95815  
Phone: (916) 243-8913  
jolenetollenaar@gmail.com

**Robert Trostle**, Lieutenant, *San Bernardino County Sheriff's Department*  
Information / Technical Services Division, 655 East Third Street, San Bernardino, CA 92415  
Phone: (909) 884-0156  
rtrostle@sbcscd.org

**Evelyn Tseng**, *City of Newport Beach*  
100 Civic Center Drive, Newport Beach, CA 92660  
Phone: (949) 644-3127  
etseng@newportbeachca.gov

**Brian Uhler**, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*  
925 L Street, Suite 1000, Sacramento, CA 95814  
Phone: (916) 319-8328  
Brian.Uhler@LAO.CA.GOV

**Dennis Vrooman**, Assistant Sheriff, *Riverside County Sheriff's Department*  
Sheriff's Administration, 4905 Lemon Street, Riverside, CA 92501  
Phone: (951) 955-8792  
dvrooman@riversidesheriff.org

**Renee Wellhouse**, *David Wellhouse & Associates, Inc.*  
3609 Bradshaw Road, H-382, Sacramento, CA 95927  
Phone: (916) 797-4883  
dwa-renee@surewest.net

**Hasmik Yaghobyan**, *County of Los Angeles*  
Auditor-Controller's Office, 500 W. Temple Street, Room 603, Los Angeles, CA 90012  
Phone: (213) 974-9653  
hyaghobyan@auditor.lacounty.gov

## 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).

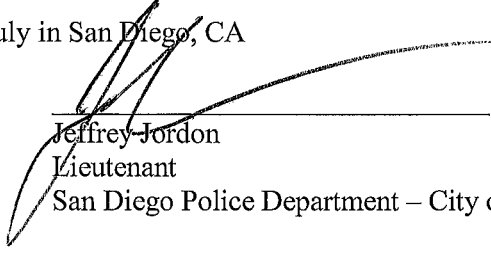
9. In recent conversations with the City of San Diego's Department of Finance Director and City Comptroller and San Diego Police Department's Administrative Services Manager, I gained information and knowledge that "average fully loaded rates" include the average of all direct and indirect labor cost 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 30<sup>th</sup> day of July in San Diego, CA

  
Jeffrey Jordon  
Lieutenant

San Diego Police Department – City of San Diego

# 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 #8889 (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)**

<b>TIME</b>	<b>UNIT</b>	<b>TOPIC</b>
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)**

<b>TIME</b>	<b>UNIT</b>	<b>TOPIC</b>
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

000137

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	SP	SP
TOWELL, SHANE	4598	MC	SH	Lth.
PETERSON, VERONICA	5605	MC	<del>SP</del>	SP
POTTIN, LIANNE	6357	MC	LP	LP
CHAMBERS, NATHAN	7021	MC	MC	MC
DAVIS, ROBERT	6781	MC	RD	RD
BROOKS, ERIC	6211	MC	EB	EB
KETCHUM, NICK	5955	MC	NK	NK
SHAW, STEVEN	4375	MC	SH	SH
VERIZ, SYLVIA	4986	MC	SV	SV
NOBLE, GABRIEL	5319	MC	GN	GN
MORALES, SAM	6858	MC	SM	SM
SEITER, ERIC	5461	INV II	SE	SE
MASCHMEYER, M	4465	MC	MM	MM
POWER, MICHAEL	6180	MC	MP	MP
LACO, PATRICK	5804	MC	PL	PL
DEVORE, BRENT	6742	MC	BN	BN
LAURENDEAU, EDWARD	6542	SE-2	TL	TL
LOWERY, ROBERT	6195	MC 2	RM	RM
AMBITO, ALBERT	6190	MC	AM	
FORD, M. JIMMY	5582	MC	FL	FL
COLLINS, TED	5800	MC	TC	TC
VALENTUELA, KEVIN	6102	NW-1	KV	KV
WILLIAMS, DON	5383	MC	SW	SW

24

000138

Quintos, Ysmael	5635	MC	ML	72
MOSTALEN JAKE	5412	MC	SAM	5021
MARCELO POPCOW	5126	K9	WD	
OMAR SINCALIN	5185	MC	OTM	OTM
JUD CAMDELL	6367	MC	JA	JR
LARRY ADAR	4716	K9	<del>K</del>	<del>L</del>
Adrian Lee	5244	MC	<del>any</del>	<del>any</del>
SHUMAKER, BEN	5983	MC	<del>the</del>	<del>the</del>
Barnes, Scott	5101	CIU	<del>the</del>	<del>the</del>
NORRIS PAT	5017	MC	<del>the</del>	<del>the</del>
MORALES SAM	6858	M	<del>the</del>	<del>the</del>
	35			

# Western

7/25/18 - 7/26/18

22  
Total

## COMMAND TRAINING 2018

NAME (LAST, FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
SERIDANO, MICHAEL	6186	W-3	MKS	T/KS
KELLY, PATRICK	6540	W-1	PK	PK
SIMMONS, MICHAEL	5092	W-INV	MS	MS
POTUS, BILL	5382	W-INV	WP	WP
CLENDENEN, TAMMY	6236	JUV ADMIN	TLC	TLC
BELZ, BRIGITTA	4996	W-2	BAB	BAB
HAYS, ERIC	3907	W Admin	EA	EA
WILLIAMS, KEN	4287	W-INV	KE	KE
Grubbs, Dan	4776	W-Admin	GG	GG
GROSS, Ron	4930	W-1	RG	RG
HALL, PATRICK	5585	W-2	PH	PH
LAVE, BART	5977	W-3	BX	BX
WAGNER, MICHAEL	7147	W2	WW	WW
TURNER, CODY	6518	W-1	CT	CT
COLON LUIS	5918	W-2	LC	
SMYTH, DAN	4500	CEN	SD	SD
ZIMMERMAN, HANS	5474	W-3	HB	HB
MYERS, ANDREA	6201	W-C	Am	Am
STELMIT, KELLY	6558	W-3	KL	KS
TAI, RUDY	4709	W	RT	RT
Zimmerman, Hans	5474	W-		HB
POPULIN, MARCELLO	5126	K9		MD

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	TB	TD	TD
JOHNSON, Buddy	4934	T-2 CIB	B&T	B&T
Commersanti, Raphael	4525	SPECIAL EVTS	<del>SC</del>	<del>SC</del>
Mcnean, Laura	5119	Traffic	hm	hm
Wong, Kevin	5136	SPECIAL EVTS	kw	kw
FLAKE, LEONNARD	4135	TRAFFIC	LF	LF
KARSH, ALAN	5176	T-1	ABK	ABK
SAROT, CHRIS	4689	1ST/PAGE	CMS	CMS
STEPHENS, MARC	5865	CIB T-3	MS	MS
MCDONALD, ROBERT	4657	CIB T-2	Rm	Rm
HOUSEMAN, VICTORIA	5262	TRAFFIC	VA	VA
SORBY, BRANDY	5926	TRAFFIC	BS	BS
CARTER, WILLIAM	5477	TRAFFIC	W4	W4
LOPEZ, SERGIO	4281	TRAFFIC	L2	L2
KRIES, DAVID K	4222	TRAFFIC	<del>DK</del>	<del>DK</del>
CLARK, JOSEPH	5496	TRAFFIC	SC	SC
BURLISON, BOB	5624	TRAFFIC	FB	FB
ROZSA, DAVID	6097	TRAFFIC	DR	DR
DAWN, ROBERT	4202	OP SUBJECT	RU	RU
COLON, BERNIE	4614	BACKGROUNDS	BT	BT
LEDS, ALBERTO	5060	TRAINING	AL	AL
LEVAN, JOHN	5369	BACKGROUNDS	JD	JD
CASTRO, RICKY	4280	INV. & D.V.U	RC/CA	RC/CA
Cedrun, Misty	5183	TRNG - LCU	(MC)	(MC)

24

000141

[illegible]

000142

FA/PSU/NPD 4/1/18 + 4/2/18

34  
Total

# COMMAND TRAINING 2018

NAME (LAST, FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
HARBERTH, JOHN	5169	NPD	JH	JH
WALL, SCOTT	5467	NPD	SW	SW
PHILLIPS, PAUL	4882	IA	PP	PP
MORRIS, J. WES	5490	EA	OW	OW
HOLT, JESSIE	5002	WESTERN	JAH	JAH
METZ, RICHARD	4671	PSU	Rm	Rm
MANANSALA, ERWIN	6010	PSU	EM	EM
DELGADILLO, RAUL	4978	PSU	<del>RD</del>	<del>RD</del>
CBLOW, LUIS	5915	NDU	LC	LC
GUTIERREZ, RUBEN	5948	IA	Rb.	Rb.
MINTER, GREG	6052	IA	Gm	Gm
BISESTO, MEDIAN	5797	IA	MB	MB
JIMENEZ, COSEY	6593	IA	CJ	CJ
HELLER, PATRICK	5400	NP	PH	PH
RANDOLPH, MATT	6183	DV	MR	MR
RIGHTHOUSE, BRET A.	4173	IA	BAR	BAR
SAYASANG, DAN	5680	CHIEF'S OFFICE	DS	DS
HUYS, JOHN	5097	IA	JH	JH
BENNETT, MARK	4559	IA	MB	MB
GAUSSMAN, ROBERT	4249	IA	RG	RG
SANCHEZ, JUAN	5378	CIU	JS	JS
HUFF, JEREMY	6929	NPD	JH	JH
ROBERTSON, NICOLE	6292	NPD	NR	NR
BOTSFORD, STACEE	5264	NPD	SB	SB



WOODSELL, PHANOMSACK	5491	NPD/HOT	PW	PW
TANGOG, LERRAINE	5132	NPD/C-2	RVZ	LV-3
WILLETT, CHRIS	6888	NPD/W-1	CLW	CLW
EDWARDS, EMER	4875	NPD/HOT	EME	EME
PICH, COITSEA	6727	NPD	(M)	(M)
LARA, CHARLES	5591	NPD/HOT	CL	CL
HINZO, RICH	5547	NPD	RH	RH
HIGDON, DAN	5057	PSU	(DA)	(DA)
MERRIMAN, LEVI	6546	NPD	SL	SL
FOX, RICHARD	5050	IA	RF	RF
<del>RICHARD</del>				
	34			

000144

INV I, Aug 8-9, 2018

33  
Total

# COMMAND TRAINING 2018

NAME (LAST, FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
SAFUAR, JOHN	5193	CHILD ABUSE	<i>[Signature]</i>	<i>[Signature]</i>
WELDEN, SASON	5563	SEX CRIM	<i>[Signature]</i>	<i>[Signature]</i>
CASILLAS, ROBERTO	5391	HTTF	<i>[Signature]</i>	<i>[Signature]</i>
FLAMAND, DAVE	4385	ILAC	<i>[Signature]</i>	<i>[Signature]</i>
BULKOWSKI, JOE	4781	CHILD ABUSE	<i>[Signature]</i>	<i>[Signature]</i>
CASTRO, NYDIA	5440	SEX CRIMES	NMC	NMC
BERSON, CAROLE	5260	VICE	<i>[Signature]</i>	<i>[Signature]</i>
BAILIFF, RON	5100	SCU	<i>[Signature]</i>	<i>[Signature]</i>
DE DONATO, NICK	60076	VICE	NA	ND
PEN, VAN	5924	NORTHERN	<i>[Signature]</i>	<i>[Signature]</i>
STINSON, ROBERT	5527	VICE	<i>[Signature]</i>	<i>[Signature]</i>
MEYER, DANIEL	6072	VICE	<i>[Signature]</i>	<i>[Signature]</i>
MCGILVRAY, BRIAN	6178	VICE	BGM	BGM
MCCURRY, BEN	5781	VICE	AEM	AEM
HILL, ALICIA	6589	INV I/DV	AM	-
JONES, MITCHELL	6595	M/C	<i>[Signature]</i>	<i>[Signature]</i>
BASSETT, TINA	5116	INV I/NST	<i>[Signature]</i>	<i>[Signature]</i>
Alex de Armas	4013	INV I/NTF	<i>[Signature]</i>	<i>[Signature]</i>
WILLIAMS, DAVID	3994	INV I/NTF	<i>[Signature]</i>	<i>[Signature]</i>
CHAVEZ, JOSE	5575	INV I/NARC	<i>[Signature]</i>	<i>[Signature]</i>
AGUILAR, RICK	5386	INV I/NARC	<i>[Signature]</i>	<i>[Signature]</i>
BASSETT, TOD	4451	INV I/NTF	<i>[Signature]</i>	<i>[Signature]</i>
NOJAK, MATT	5098	INV I/NST	<i>[Signature]</i>	<i>[Signature]</i>
BROWN, BILL	5379	INV I/NTF	UB	UB

000145

STIASNY, ELLIOTT	4187	INV I / NST	CS	CS
TIVANIAN, CHRIS	5871	INV I / NST	CT	CT
WINKER, DEREK	5600	INV I / NST	DW	DW
ZWIBEL, EDWARD	5475	WATCH COMMAND	EG	BT
DOLAN, DAVID	4332	CIU	HA	HA
GRIFFIN, LINDA	4357	INV I - 290	SG	SG
FREEDMAN, RICHARD	4910	INV I	KT	KT
NGUYEN, TU	4664	INV - I	TN	TN
BALZIFF, /				
<del>CATLETT, ROBERT</del>	<del>4341</del>	<del>II</del>		
	33			

000146

INV II

Aug 6-7, 2018

32  
TotalCOMMAND TRAINING 2018

NAME (LAST, FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
WHITE, MARSHALL	4100	INV II GANGS	MLW	MLW
ROWE, RAY	5251	INV II GANGS	DR	DR
FORTIER, KEN	3721	INV II GANGS	KF	KF
Behrendt, Steve	4528	INV II ECU	SB	SB
ALBRIGHT, DANIEL	3923	INV II ECU	OD	OD
TURNER, TODD	5093	INV II GST	TNT	TNT
Mathew E. Sinz	4907	INV II	MS	MS
DISHNO, TRACY	4927	INV II - ECU	2B	2B
CHERSKI, MELISSA	5852	ELDER	mc	mc
LANE, BART	5977	INV II GST	BK	SK
TSUI, JASON	6560	NORTHERN	AL	AL
SPURLOCK, STEVEN	4710	INV II / SIU	SBS	SBS
DAVIS, KELLY	5025	INV II / GSF	KPD	KPD
BUTCHART, ALLAN	5153	INV II / GST	PLB	PLB
VELOVICH, MICHELLE	5353	INV II / HOM	ML	ML
CONLEY, PAUL	4673	INV II / HOM	PPL	PPL
DUPRES, ANTHONY	5048	INV II / HOM	ALD	ALD
MAGGI, LOUIS	5595	INV II / HOM	UM	UM
DOBBS, MATT	5228	INV II / HOM	MD	MD
DELTORQ, MANUEL	4754	CIU	MDA	MDA
Johnson, LUKE	5954	INV II / HOM	FG	FG
MACINOWSKI, DUANE	4941	INV II / HOM	MM	MM
DECESARI, GEOFFREY	6026	INV II / HOM	MSL	MSL
UNDERWOOD, TOM	5001	INV II	TM	TM

000147

[illegible]

26  
total

# Central Division

8/13/18 - 8/14/18

## COMMAND TRAINING 2018

NAME (LAST, FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
WALLACE, MICHAEL	6404	CENTRAL - BROOK	MW	MW
OH, TAERANCE	5963	WESTERN - 2ND	TO	TO
BRINKERHOFF, DAN	5717	CENTRAL INV	RB	RB
MATTELY, JUSTIN	6143	CENTRAL - SEV	JM	JM
BACUS, VINCE	5873	CENTRAL	U	U
SHUMAKER, BEN	5903	CENTRAL	BS	BS
DUNGAN, JONATHAN	6137	CENTRAL	JMO	JMO
SPURLOCK, DESIREE	4856	"	dl	dl
MCCANNALLY, JASON	4553	CENTRAL	DM	DM
MCCLAIR, DANIEL	6013	CENTRAL	DM	DM
KORENKOV, ANDREW	6276	CENTRAL	AK	AK
TIEN, JOEL	6128	F. A.	JT	JT
NGUMEN, NICK	6179	CENTRAL	NN	NN
KELLINGTON, MICHAEL	6384	CENTRAL	MX	MX
GREEN, BRAD	6820	CENTRAL	RB	RB
ESPERSON, JULIE	5111	CENTRAL	JRS	JRS
THOMAS, DEAN	5425	CENTRAL	DRB	DRB
BISHOP, DEAN	5937	CENTRAL	DRB	DRB
M'ANDREW, KRISTOPHER	6099	CENTRAL	KM	KM
HOLDEN, MIKE	4997	CENTRAL	NOT	NOT
SCOTT, ARTHUR	6029	CENTRAL	AS	AS
FORSEY, RICH	5172	CENTRAL	R.F.	R.F.
BOTKIN, MATTHEW	5875	CENTRAL	MB	MB
MCCANNALLY, JASON	4553	CENTRAL	DM	DM

000149

[illegible]

# 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	DC	DC
EMILIO RAMIREZ	6086	E-1	ER	ER
DAN HAG	5398	E-INV	DE	
Salinas, Jeffrey	5069	MAU	JS	JS
MORA, ROBERT	5671	E-1	JR	JR
RUVIDO, JOSEPH	SS09	E-3	JR	JR
FRENCH, BRIAN	070514	E-2	BR	BR
THOMAS, JOE	5861	E-3	OT	OT
RADTKE, TIM	6554	W-1	R	R
NEWQUIST, ROB	5015	E-INV	LN	
MOYNO, KEVIN	5506	INTERNAL AFFAIRS	KE	KE
ESTRADA, ELIAS	5771	INTERNAL AFFAIRS	EE	E.E.
GOLDREICH, BRIAN	4573	EACI	GR	GR
WINTZ, Michael	5438	E	WD	WD
NEHOLS, JEFFREY	5783	E	JW	W
Brown, Andra	3950	WC-3	ARB	ARB
LAKE, JOHN	6344	E-3	LA	LA
LITTLE, HIGHHORSE	6219	E-3	HL	HL
SAVAGE, ARCEL	6059	E-2	AS	AS
VARLOS, MIKE	5081	TRAINING	W	
LEAHY, CHRISTOPHER	5869	W-2	LC	LC
Hoffman Andrew	4147	E	OH	OH
JORDON, JEFF	5316	ADMIN		
LACANAN, ED	5957	E		

000151



19  
Total

# Northern Division

8/20/18  
8/21/18

## COMMAND TRAINING 2018

NAME (LAST, FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
MAVER, KEVEN	4510	NORTHERN	KM	KM
BURTON, 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	GB	GB
ADAMS, SIMON	5970	NOR	AS	AS
ODOM, JOSH	5981	NOR	JO	JO
BANKS, STEVE	5719	NORTHERN	BS	BS
MCEWEN, MICHAEL	5370	NORTHERN	MM	MM
LAYTON, FARRELL	4877	NORTHERN	FL	FL
JOSE, MAZE	4217	NORTHERN	JS	JS
WILSON, JAMES	6262	NORTHERN	WJ	WJ
GIBSON, ROGER	4171	NORTHERN	GR	GR
WALDHEIM, STEVE	5514	NORTHERN	SW	SW
Shelbloski, STEPHEN	5317	MIDCITY	SS	SS
SWADENER, ARTHUR	5753	CEN	CS	CS
Scott, Jason	5712	Northern	JS	JS
BERNSTEIN, MERYL	4667	NORTHERN	MB	MB

000152

# OPS Support + North Western

Aug 22-23, 2018

(26)

## COMMAND TRAINING 2018

358  
total

(27)

NAME (LAST, FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
LACANGAN, ED	5957	E-2	<del>LA</del>	
SEHMOTZACH, TRISTAN	5682	OPS	TS	TS
LESIA, TONG	4926	K9	LE	LE
PORTNOY, BRIE	6315	NW/1	ENP	ENP
LINK, NICHOLAS	6278	OPS	NL	NL
YANG, PAUL	5257	OPS	Ph	Ph
CATEN, LAWRENCE	4007	OPS	LE	LE
MARTIN, SHANE	4621	ABLE	Sh	Sh
HAWKINS, ROBERT	5029	W/C	B	R
RANSAY, MIKE	8141	W/C	MR	MR
DWENS, JERRY	5602	RAP	DO	DO
SAUNDERS, MANN	4501	NW	MS	MS
RESCH, JACOB	5829	K9	R	R
CARLTON, TOM	5269	K9	TC	TC
SANDERS, BRIAN	6611	N-1	BS	BS
WILKINSON, MARK	4506	CP-Support	MS	MS
JANSEY, MICHAEL	4189	W/C	MS	MS
GIWI, CASEY	5711	K9-3	CS	CS
HOUVER, DARRYL	4720	Comms	DA	DA
Scott Holshw	6156	K9	SH	
JESS, HOVIN	3750	K9-2	JKH	JKH
ED LYNCH	4939	NW-3	EL	EL
JOHN SZAKONA	5530	INV#	JL	JL
Stephanie R	4991	OPS	SR	SR

24

000153

[illegible]

000154

14

[illegible]

21

# Southern & N.E. Divisions

August 27-28, 2018

## COMMAND TRAINING 2018

35  
total

NAME (LAST, FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
<del>AVALOS, GARY</del>	<del>5323</del>	<del>S-1</del>		
AVALOS, GARY	5323	S-1	Su	Su
DE LOS REYES, DEANA	4988	S-INV	DA	DA
SHARR, ADAM	5780	S	AS	AS
ZIEGLER, EVAN	4450	S	E2	E2
CISNEROS, CRYSTAL	5884	S	CC	CC
RODRIGUEZ, VICTOR	6801	S	UR	UR
DEMPSEY, BRYAN	6036	NE	BD	BD
MIRANDA, MIKE	5989	NE	MM	MM
MESSINEO, VITO	5278	NE	VM	VM
<del>KOZ, PHIL</del>	<del>5240</del>	<del>N/E</del>		
LEISE, CLINTON	5778	N/E	C.L.	C.L.
MILLAN, TED	5737	S	T.M.	T.M.
VILLALOBOS, STEVEN	4792	NE	JDV	SDV
KELLY, PEPPER	5309	NE	PK	PK
STONE, NATALIE	4481	NE	N	N
VALENTIN, RAY	4398	NE	R	R
ELLSWORTH, SCOTT	6576	S	SS	SS
ZIMMERMAN, JONATHAN	6323	S	Z	Z
OCHOA, JESSE	6449	S	JO	JO
SULLIVAN, TOM	4676	W.C. OFF.	TS	TS
PEARSON, JACK	5282	INV II/BCU	JP	JP
MARONA, ROBERT	9634	NE	RM	RM
WHITE, TYLER	6286	NE	W	W
STETLEVICH, DANIEL	6670	NE	RC	RC

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29  
Total

South Eastern  
8/29/18 8/30/18

# 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	SDH	SDH
JOHNSON, JAMES	5174	SE	SD	SD
VALENZUELA, LOUIS	4291	SE	LEV	LEV
SERVIN, ERNESTO	4834	SE	<del>SD</del>	<del>SD</del>
HOLLAND, VANESSA	4933	NW	W	W
RODRIGUEZ, RAMIRO	5857	SE	ROL	ROL
MCGUIRE, ED	5736	SE	GM	GM
BURROW, DARN	5268	SE	AB	AB
TEMMER, JON	6258	SE	JST	JST
WILCKEN, CHRISTOPHER	6019	SE	<del>W</del>	<del>W</del>
THOMPSON, JARED	6359	SE	W	W
CZAS, MARIUSZ	5916	SE	W	W
WHITE, FRANK	6187	SE	W	W
PEREZ, MARIO	6312	SE	N.P.	N.P.
OLIVER, HAROLD	5492	SE	W	W
MACON, KEVIN	5117	SG4	W	W
MELHORN, SKIP	4261	S	W	W
JOHNSON, MATTHEW	6080	SE	MJ	MJ
ALEXANDER, ALONZO	4638	SE	AA	AA
REESE, ANTHONY	5517	SE	ARB	ARB
HARA, JERRY	4973	SE	JA	JA
HURTADO, SAL	5448	NW	W	W

000158

[illegible]



# Exhibit 13

000160

# RIPA COUNT - TRAINING VIDEO

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
<b>Grand Total</b>	<b>1712</b>

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Item ID	Last Name	First Name	User Last Activity	User Credit Given	Object	Object Last
SDPD_AB953	Ellsworth	Philip	6/26/2018 03:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Lopez	Sergio	6/19/2018 11:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 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	6/27/2018 Diego
SDPD_AB953	Limon	Ildefonso	6/21/2018 03:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Alvarez	Martin	6/18/2018 08:27 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Caropreso	Daniel	6/20/2018 12:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Fletes	Eduardo	6/18/2018 08:23 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Mercado	Jose	6/26/2018 02:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Impellizeri	Kenneth	7/11/2018 07:19 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/2018 Diego
SDPD_AB953	Hall	Jenny	6/19/2018 04:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Amezcuca	Carlos	6/28/2018 09:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018 Diego
SDPD_AB953	Kilby	Christopher	INDUSTRIAL LV 6/27/2018 12:58 PM America/San Diego	NO	Racial & Identity Profiling Act- AB 953	6/27/2018 Diego
SDPD_AB953	Wahl	Scott	7/15/2018 10:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/15/2018 Diego
SDPD_AB953	Avalos	Gary	7/9/2018 08:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/9/2018 Diego
SDPD_AB953	Albright	Donald	Diego	Yes	Racial & Identity Profiling Act- AB 953	Diego

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	<del>NO</del> 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

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SDPD_AB953	Martinez	Jeffrey	6/27/2018 10:41 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018
SDPD_AB953	Williams	David	6/19/2018 01:52 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Jordon	Jeffrey	7/18/2018 12:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/2018
SDPD_AB953	Kries	David	7/12/2018 07:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/2018
SDPD_AB953	Drilling	Eric	6/18/2018 07:40 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Flood	Gregory	8/14/2018 01:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/14/2018
SDPD_AB953	Yu	Dave	7/5/2018 07:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/5/2018

SDPD_AB953	Delgadillo	Maria	6/28/2018 08:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018 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	6/20/2018 Diego
SDPD_AB953	Tivanian	Christopher	6/19/2018 06:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Real	Carlos	6/20/2018 02:18 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Populin	Marcelo	6/16/2018 10:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018 Diego
SDPD_AB953	Sorbie	Brandy	6/21/2018 06:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Pollock	Erik	6/21/2018 10:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Casillas	Roberto	7/12/2018 02:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/2018 Diego
SDPD_AB953	Davies	Lisa	7/12/2018 11:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/2018 Diego
SDPD_AB953	Jedlicka	Scott	6/21/2018 11:15 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Goldberg	Brian	11/19/2018 03:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/19/2018 Diego
SDPD_AB953	Caropreso	Frank	7/17/2018 06:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/2018 Diego
SDPD_AB953	Castillo	Joseph	6/19/2018 01:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Negron	Adrian	6/19/2018 10:50 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Martinez	Chrissy	6/26/2018 04:45 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Levenberg	Thomas	8/14/2018 01:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/14/2018 Diego

SDPD_AB953	Milloy	John	6/21/2018 11:12 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 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	6/27/2018 Diego
SDPD_AB953	Leek	Gordon	6/15/2018 04:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018 Diego
SDPD_AB953	Lavalle	Edmund	6/18/2018 07:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Anderson	Peggy	6/28/2018 10:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018 Diego
SDPD_AB953	Dierdorff	Daniel	6/21/2018 01:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Sanchez	Juan	6/22/2018 11:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018 Diego
SDPD_AB953	Sandefur	Scott	6/29/2018 08:41 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2018 Diego
SDPD_AB953	Roman	Luis	8/16/2018 02:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/16/2018 Diego
SDPD_AB953	Almos	Karen	7/19/2018 09:47 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/19/2018 Diego
SDPD_AB953	Dunnigan	Charles	7/13/2018 08:47 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/13/2018 Diego
SDPD_AB953	Fellows	Andrew	6/21/2018 09:24 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Miller	Douglas	8/14/2018 01:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/14/2018 Diego
SDPD_AB953	Withers	Robert	6/20/2018 02:38 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Hoover	Dana	6/19/2018 08:19 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Grubbs	Daniel	6/21/2018 08:54 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego

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SDPD_AB953	Flores	Raul	6/21/2018 10:51 AM America/San Diego <b>6/20/18</b>	<del>NO</del> <b>YES</b>	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Saflar	John	6/27/2018 02:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018 Diego
SDPD_AB953	Day	Michael	6/18/2018 09:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Holt	Christopher	6/15/2018 08:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018 Diego
SDPD_AB953	Mendez	Jose	6/27/2018 04:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018 Diego
SDPD_AB953	White	Marshall	6/18/2018 03:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego

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SDPD_AB953	Sweet	Michael	6/20/2018 08:57 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Gain	Mark	6/19/2018 08:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Rodriguez	Victor	6/22/2018 06:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018
SDPD_AB953	Bisesto	Gregory	6/18/2018 01:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Jose	Marc	6/26/18 7/4/2018 09:11 AM America/San Diego	<del>No</del> 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	7/16/2018
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	7/18/2018
SDPD_AB953	Heims	Robert	11/28/2018 08:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/28/2018
SDPD_AB953	Layton	Farrell	6/22/2018 06:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018
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	6/20/2018
SDPD_AB953	Arguelles	Jose	6/20/2018 05:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Weeden	Jason	6/28/2018 09:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018
SDPD_AB953	Jones	James	6/19/2018 07:47 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Resch	Jacob	6/21/2018 07:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Havin	Jess	6/22/2018 03:53 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018

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SDPD_AB953	Villalobos	Steven	6/22/2018 10:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018
SDPD_AB953	Lacangan	Edwin	6/21/2018 01:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Lindstrom	Gregory	6/19/2018 08:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Cameron	Christen	6/15/2018 07:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018
SDPD_AB953	Tangog	Lorraine	6/21/2018 12:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Cimmarrusti	Raphael	6/26/2018 06:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Dishno	Tracy	6/18/2018 09:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Terhaar	Philip	6/20/2018 06:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Bautista	David	7/16/2018 10:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/16/2018
SDPD_AB953	Bernstein	Meryl	6/19/2018 02:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Beamesderfer	Michael	6/20/2018 12:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Troussel	James	6/19/2018 01:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Ford	Mitchell	6/26/2018 02:38 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Swanson	Michael	6/19/2018 09:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Melhorn	Skip	6/19/2018 01:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Castro	Rudy	8/23/2018 11:32 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/23/2018
SDPD_AB953	Servin	Ernesto	8/1/2018 12:52 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/1/2018

SDPD_AB953	Rose	Stephanie	6/28/2018 11:49 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018
SDPD_AB953	Lopez	Mark	7/11/2018 07:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/2018
SDPD_AB953	Durand	Joseph	6/19/2018 08:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Mayer	Kevin	7/12/2018 11:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/2018
SDPD_AB953	Kelly	Pepper	8/15/2018 10:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/2018

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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	6/19/2018 Diego
SDPD_AB953	Holt	Jessie	7/12/2018 12:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/2018 Diego
SDPD_AB953	Lovio	Arturo	10/8/2018 09:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/8/2018 Diego
SDPD_AB953	Westney	Daniel	6/18/2018 02:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Hoyte	Hector	6/19/2018 06:25 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Slater	Thomas	6/20/2018 03:16 PM America/San Diego 6/20/18	<del>NO</del> YES	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Bannan	Sean	7/14/2018 05:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/14/2018 Diego
SDPD_AB953	Witt	Steven	6/19/2018 05:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 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	6/15/2018 Diego
SDPD_AB953	Zaldivar	Jesse	6/21/2018 08:19 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Vancleave	Ron	6/16/2018 02:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018 Diego
SDPD_AB953	Navarro	Carlos	6/26/2018 06:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Dolan	David	6/18/2018 11:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Gasteiger	Mark	7/24/2018 06:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/24/2018 Diego
SDPD_AB953	Carranza	Javier	6/26/2018 05:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Clark	Raymond	6/19/2018 06:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego

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SDPD_AB953	Carlyon	Thomas	6/20/2018 11:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Gutierrez	Ruben	6/28/2018 06:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018
SDPD_AB953	Flamand	Dale	7/10/2018 10:43 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/10/2018
SDPD_AB953	Morales	Miguel	7/26/2018 05:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/26/2018
SDPD_AB953	Lucchesi	Brian	6/26/2018 06:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Lucchesi	Mark	6/16/2018 02:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018

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SDPD_AB953	Lewak	Kazimierz	6/21/2018 08:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Ruckle	Jeffrey	6/19/2018 09:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	McKean	Lisa	6/20/2018 01:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Cleavinger	Jeffrey	10/5/2018 08:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/5/2018 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	7/12/2018 Diego
SDPD_AB953	Winker	Derek	6/18/2018 07:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Kellner	William	6/21/2018 08:16 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Stewart	Jeffrey	7/14/2018 07:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/14/2018 Diego
SDPD_AB953	Delgadillo	Roberto	7/24/2018 02:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/24/2018 Diego
SDPD_AB953	Pen	Vanthoeun	6/21/2018 04:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Rowe	Raymond	6/18/2018 08:49 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Eckard	Wende	6/21/2018 08:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Phillips	Paul	6/19/2018 08:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Peregrina	Efren	6/18/2018 12:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Szakara	John	6/18/2018 03:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Sainz	Martha	10/29/2018 11:49 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/29/2018 Diego

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SDPD_AB953	Robertson	Larry	6/26/2018 06:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Malinowski	Duane	6/26/2018 07:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Flake	Leonard	8/15/2018 11:00 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/2018
SDPD_AB953	Cruz	Vedasto	7/18/2018 10:19 AM America/San Diego 7/18/18	<del>No</del> YES	Racial & Identity Profiling Act- AB 953	7/18/2018
SDPD_AB953	Flores	Riter	6/26/2018 10:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	James	Scott	6/20/2018 02:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Richmond	Brenda	6/28/2018 02:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018
SDPD_AB953	Barnes	Scott	6/26/2018 06:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Saunders	Mark	6/21/2018 06:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Delgadillo	Raul	6/20/2018 12:26 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Miller	Derek	6/27/2018 08:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018
SDPD_AB953	Williams	Tina	6/20/2018 02:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
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	6/20/2018
SDPD_AB953	Stonier	Roger	6/15/2018 06:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018
SDPD_AB953	Moyna	Kevin	6/28/2018 11:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018
SDPD_AB953	Macawili	Albert	6/19/2018 01:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018

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SDPD_AB953	Estrada	Elias	7/17/2018 03:09 PM America/San Diego <del>7/17/18</del>	<del>No</del> YES	Racial & Identity Profiling Act- AB 953	7/17/2018
SDPD_AB953	Graves	James	7/14/2018 01:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/14/2018
SDPD_AB953	Odom	Scotty	6/22/2018 02:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018
SDPD_AB953	Medina	Llanina	6/18/2018 12:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Kulbeck	Jeff	6/18/2018 08:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018

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SDPD_AB953	Laco	Patrick	6/17/2018 10:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/2018
SDPD_AB953	White	Troy	6/19/2018 06:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Maley	David	6/18/2018 07:43 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Messineo	Vito	6/15/2018 04:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018
SDPD_AB953	Bowen	Gary	6/21/2018 07:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Mackay	James	6/18/2018 04:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Cephas	Juan	6/19/2018 07:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Slater	Charles	6/18/2018 05:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Besker	Kelly	11/6/2018 07:36 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/6/2018
SDPD_AB953	Cherski	Melissa	6/19/2018 07:18 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Shumaker	Benjamin	6/26/2018 11:27 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Clark	Lamont	6/26/2018 07:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Curran	Christopher	7/18/2018 11:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/2018
SDPD_AB953	Romano	Mario	7/25/2018 07:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/25/2018
SDPD_AB953	Nigro	Michael	6/18/2018 12:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Cali	Francis	6/19/2018 09:54 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Haas	Mark	8/16/2018 07:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/16/2018

SDPD_AB953	Filley	Robert	6/21/2018 08:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Brecht	David	11/17/2018 11:36 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/17/2018
SDPD_AB953	Williams	Donald	6/27/2018 01:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018
SDPD_AB953	Lawrence	Kaseylee	6/27/2018 01:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018
SDPD_AB953	Munoz	Juan	6/19/2018 08:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Iversen	Pia	6/21/2018 01:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Ferguson	Blaine	10/16/2018 09:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/16/2018
SDPD_AB953	Davis	John	6/21/2018 08:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Gaines	Brandon	8/14/2018 11:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/14/2018
SDPD_AB953	Hewitt	Bryan	6/21/2018 11:45 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	O'Donnell	Bradley	8/17/2018 06:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/17/2018
SDPD_AB953	Amado	Oscar	7/12/2018 03:24 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/2018
SDPD_AB953	Guaderrama	Tracy	6/28/2018 08:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018
SDPD_AB953	Delimitros	Constandinos				
SDPD_AB953	Buttle	John	6/17/2018 06:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/2018
SDPD_AB953	Tungcab	Roel	6/21/2018 12:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Leiber	Larry	6/20/2018 08:25 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018

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SDPD_AB953	Philhower	Ronnie	6/21/2018 11:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Surwilo	David	6/26/2018 09:21 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Salvador	Jericho	6/19/2018 06:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Morales	Eric	7/17/2018 03:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/2018
SDPD_AB953	Moody	Diann	6/18/2018 06:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Mc Ewen	Michael	6/20/2018 02:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018

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SDPD_AB953	Winans	David	6/22/2018 04:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018 Diego
SDPD_AB953	Hallahan	Ryan	9/18/2018 11:19 AM America/San Diego 9/18/18	<del>No</del> YES	Racial & Identity Profiling Act- AB 953	9/18/2018 Diego
SDPD_AB953	Peterson	Vernon	6/27/2018 01:10 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018 Diego
SDPD_AB953	Jarvis	Philip	6/28/2018 03:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018 Diego
SDPD_AB953	Leos	Alberto	6/26/2018 01:50 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Renwick	James	6/19/2018 07:40 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	De Los Reyes	Romeo	6/15/2018 12:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018 Diego
SDPD_AB953	Pira	Carl	6/17/2018 01:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/2018 Diego
SDPD_AB953	Thorn	Stephen	6/19/2018 07:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Gonzalez	Tristan	6/15/2018 08:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018 Diego
SDPD_AB953	Brown	Jon	6/18/2018 02:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Pettus	William	6/20/2018 08:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Konz	Phillip	6/16/2018 08:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018 Diego
SDPD_AB953	Lara	Charles	7/18/2018 06:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/2018 Diego
SDPD_AB953	Garrette	Edwin	6/26/2018 07:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Van Proyen	Joel	6/16/2018 04:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018 Diego
SDPD_AB953	Bulette	Richard	6/20/2018 06:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego

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SDPD_AB953	Ruvido	Joseph	6/17/2018 11:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/2018
SDPD_AB953	Hernandez	Ruben	6/15/2018 12:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018
SDPD_AB953	Kremer	Laura	10/9/2018 10:43 AM America/San Diego 10/9/18	<del>NO</del> YES	Racial & Identity Profiling Act- AB 953	10/9/2018
SDPD_AB953	Quintos	Yesenia	6/19/2018 08:47 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Amado	Andrea	8/27/2018 06:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/27/2018
SDPD_AB953	Robbins	Kenneth	6/19/2018 02:38 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Kirchhoff	Richard	6/26/2018 12:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Leach	Daniel	6/21/2018 03:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Kosugi	Johni	7/6/2018 06:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/6/2018
SDPD_AB953	Hodges	Diana	6/19/2018 07:05 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Zasueta	Steven	6/20/2018 02:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Weaver	Ross	7/18/2018 09:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/2018
SDPD_AB953	Boerum	Thomas	6/18/2018 09:43 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Speck	David	6/27/2018 08:36 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018
SDPD_AB953	Wiese	Jonathan	6/22/2018 09:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018
SDPD_AB953	Griffin	Linda	6/26/2018 01:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Suarez	Sophia	6/19/2018 03:35 PM America/San Diego 6/19/18	<del>NO</del> YES	Racial & Identity Profiling Act- AB 953	6/19/2018

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SDPD_AB953	Shiraishi	Michael	9/6/2018 07:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/6/2018
SDPD_AB953	Castro	Henry	1/14/2019 09:57 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	1/14/2019
SDPD_AB953	Rapalee		6/26/2018 08:06 AM America/San Diego		Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Albrechtsen	Sandra	6/20/2018 07:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Ramirez	Fernando	7/16/2018 09:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/16/2018
SDPD_AB953	Benavides	Luis	11/20/2018 07:37 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/20/2018
<del>SDPD_AB953</del>	Haley	Christine	6/18/2018 11:12 AM America/San Diego	No	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Vasquez	Kevin	7/12/2018 11:47 AM America/San Diego	YES	Racial & Identity Profiling Act- AB 953	7/12/2018
SDPD_AB953	Reichner	Richard	6/15/2018 12:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018
SDPD_AB953	Lincoln	Steven	6/15/2018 10:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018
SDPD_AB953	Gibson	David	7/17/2018 02:49 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/2018
SDPD_AB953	Santos	Alejandro	7/12/2018 07:12 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/2018
SDPD_AB953	Lowe	Jonathan	6/21/2018 06:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Pich	Corissa	6/15/2018 08:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018
SDPD_AB953	Usrey	Michael	6/26/2018 03:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Yee	Bernadette	6/25/2018 01:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/2018
SDPD_AB953	Vitug	Mitchell		Yes	Racial & Identity Profiling Act- AB 953	
SDPD_AB953	Del Toro	Manuel	7/5/2018 01:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/5/2018

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SDPD_AB953	Meyer	Cindy	8/27/2018 07:18 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/27/2018
SDPD_AB953	Camarena	Bertha	6/26/2018 01:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Gomez	Juan	6/20/2018 05:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Sanchez	Jesus	6/21/2018 10:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Cordero	Noe	6/19/2018 03:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Valenzuela	Louis	11/27/2018 12:07 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/27/2018
SDPD_AB953	Wintz	Michael	6/19/2018 08:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Fortier	Kenneth	6/21/18	<del>NO</del> YES	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Gonzales	Gary	7/3/2018 09:55 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/2018
SDPD_AB953	Sainsanoy	Lem	6/27/2018 10:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018
SDPD_AB953	De La Pena	Susan	7/12/2018 06:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/2018
SDPD_AB953	Groff	Michael	6/29/2018 09:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2018
SDPD_AB953	Garcia	Ivan	7/27/2018 03:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/27/2018
SDPD_AB953	Gapusan	Gerry	6/19/2018 07:18 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Johnson	Janine	6/19/2018 06:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Karsh	Alan	6/18/2018 10:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Clem	Deborah	6/29/2018 04:24 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2018

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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	11/10/20: Diego
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

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SDPD_AB953	Atwood	Jennifer	6/19/2018 09:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Tansey	Michael	6/30/2018 08:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/30/2018
SDPD_AB953	Browder	Neal	6/20/2018 01:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Martinez	Boris	6/21/2018 03:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Day	Colin	7/6/2018 12:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/6/2018
SDPD_AB953	Oh	Taerance	6/19/2018 06:10 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Nisleit	David	7/10/2018 05:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/10/2018
SDPD_AB953	Adams	Julie	6/20/2018 07:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	De La Cruz	Charles	6/22/2018 05:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018
SDPD_AB953	Miles	William				
SDPD_AB953	Mauzy	Kathleen	7/11/2018 03:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/2018
SDPD_AB953	Nugent	Edward	6/18/2018 09:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Cupples	David	8/15/2018 06:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/2018
SDPD_AB953	Miller	Thomas	2/19/2019 11:36 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	2/19/2019
SDPD_AB953	Sadri	Mariam	2/12/2019 07:07 AM America/San Diego	YES	Racial & Identity Profiling Act- AB 953	2/12/2019
SDPD_AB953	Navarro-Moran	Angelica	7/17/2018 03:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/2018
SDPD_AB953	Shore	Daniel	7/3/2018 08:05 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/2018

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SDPD_AB953	Ingram	Henry	6/22/2018 09:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018
SDPD_AB953	Adair	Larry	6/26/2018 09:46 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Cheam	Sopheap	6/17/2018 09:01 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/2018
SDPD_AB953	Smith	George	6/19/2018 11:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Willis	Darryl	6/20/2018 07:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Hara	Jerry	6/19/2018 03:29 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Bauman	Cody	6/22/2018 10:09 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018
SDPD_AB953	Sharp	Christian	6/18/2018 04:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Lujan	Kelvin	6/26/2018 07:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Pschera	Katarina	8/27/2018 11:51 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/27/2018
SDPD_AB953	Frodente	Aaron	6/22/2018 07:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018
SDPD_AB953	Aguilar	Richard	6/19/2018 01:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Rocha	Stephen	6/19/2018 04:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Santos	Christina	6/21/2018 03:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Tai	Rudolph	7/10/2018 04:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/10/2018
SDPD_AB953	Castro	Nydia	6/29/2018 09:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2018
SDPD_AB953	Holland	Vanessa	8/3/2018 08:51 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/3/2018

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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	<del>NO</del> YES	Racial & Identity Profiling Act- AB 953	7/17/20 Diego

SDPD_AB953	Czas	Mariusz	6/19/2018 01:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Thomas	Joseph I	7/3/2018 09:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/2018 Diego
SDPD_AB953	Miller	David	6/18/2018 01:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Herrera	Victor	6/16/2018 02:00 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018 Diego
SDPD_AB953	Forsey	Colin	6/21/2018 05:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Rozsa	Lamar	6/19/2018 03:37 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Walb	Kristopher	6/20/2018 02:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Collins	James	6/27/2018 09:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018 Diego
SDPD_AB953	Butchart	Allan	6/15/2018 08:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018 Diego
SDPD_AB953	Kong	Mari	6/28/2018 02:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018 Diego
SDPD_AB953	Ledezma	Arnoldo	7/11/2018 06:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/2018 Diego
SDPD_AB953	Luce	Christopher	6/28/2018 08:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018 Diego
SDPD_AB953	Johnson	William	6/19/2018 03:56 PM America/San Diego 6/19/18	<del>NO</del> YES	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Resch	Danielle	6/19/2018 07:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Queen	Corinne	6/19/2018 11:49 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Sottile	Carla	7/3/2018 11:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/3/2018 Diego
SDPD_AB953	Kern	Jacob	6/20/2018 02:22 PM America/San Diego 6/20/18	<del>NO</del> YES	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego

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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	<del>NO</del> 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	<del>NO</del> 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

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SDPD_AB953	Herring	Mark	8/9/2018 07:17 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/9/2018
SDPD_AB953	Fernandez	Junar	6/29/2018 08:02 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2018
SDPD_AB953	Hernandez	Humberto	9/18/2018 03:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/18/2018
SDPD_AB953	Adams	Simon	6/16/2018 12:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018
SDPD_AB953	Wallace	Justin	6/19/2018 07:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Koerber	Matthew	6/18/2018 01:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Bock	Ruby	7/11/2018 08:42 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/2018
SDPD_AB953	Miranda	Michael	11/19/2018 10:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/19/2018
SDPD_AB953	Bigbie	Tyler	6/18/2018 04:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Brown	Peter	6/16/2018 01:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018
SDPD_AB953	Wallin	Eddie	6/18/2018 08:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Costanza	Jason	7/11/2018 03:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/2018
SDPD_AB953	Cortez	John	6/16/2018 03:49 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018
SDPD_AB953	Hall	Michael	10/30/2018 01:07 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/30/2018
SDPD_AB953	Hartman	Lisa	6/19/2018 11:40 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Livermore	Jeffrey	6/19/2018 08:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Manansala	Benjerwin	6/26/2018 10:05 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018

SDPD_AB953	McClain	Daniel	7/19/2018 12:00 AM America/San Diego 6/22/18	<del>No</del> 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	<del>No</del> 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	10/10/20 Diego
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



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

SDPD_AB953	Ascencio	Agustin	6/20/2018 03:21 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Lockwood	Scott	7/15/2018 06:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/15/2018
SDPD_AB953	Edwards	Elmer	6/19/2018 12:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Meyer	Daniel	6/26/2018 01:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Davis	Brett	7/12/2018 11:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/2018
SDPD_AB953	Kaiser	Geoffrey	6/18/2018 12:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Tafoya	Andrew	6/27/18	<del>NO</del> YES	Racial & Identity Profiling Act- AB 953	6/27/2018
SDPD_AB953	Rowlett	Pamela	6/20/2018 08:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Dedonato	Nicholas	6/28/2018 04:22 PM America/San Diego 6/26/18	<del>NO</del> YES	Racial & Identity Profiling Act- AB 953	6/28/2018
SDPD_AB953	Weaver	James	6/22/2018 07:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018
SDPD_AB953	Luellen	John	6/20/2018 05:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Johnson	Matthew	6/23/2018 02:38 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/2018
SDPD_AB953	Valenzuela	Kevin	6/19/2018 08:42 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Louret	Cassie	6/19/2018 02:19 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Estepa	Marlon	6/26/2018 04:10 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
SDPD_AB953	Escamilla	Eduardo	6/18/2018 07:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Tien	Joel	6/22/2018 07:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018

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SDPD_AB953	Craft	Daniel	6/19/2018 07:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 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	1/23/2018 Diego
SDPD_AB953	Thomas	Akaan	6/18/2018 02:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Murray	Christopher	6/20/2018 03:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Ruggiero	Matthew	6/19/2018 02:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 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	7/19/2018 Diego
SDPD_AB953	Miller	Eric	6/21/2018 04:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Alvarez	Mario	7/23/2018 01:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/23/2018 Diego
SDPD_AB953	Barrera	James	6/19/2018 08:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Rozsa	David	6/21/2018 10:52 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Reilly	Arden	6/26/2018 02:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Stirk	Michael	6/19/2018 12:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Dungan	Jonathan	6/22/2018 07:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018 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	7/12/2018 Diego
SDPD_AB953	Stanley	Daniel	6/21/2018 08:30 AM America/San Diego 6/21/18	YES		
SDPD_AB953	Dempsey	Bryan	6/17/2018 08:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/2018 Diego
SDPD_AB953	Mattly	Justin	6/21/2018 03:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego

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SDPD_AB953	Kriebel	Jerry	8/16/2018 09:27 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/16/2018
SDPD_AB953	Shadoan	Patrick	6/20/2018 07:41 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Taitague	Geraldine	6/19/2018 06:41 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Weaver	Michael	6/21/2018 07:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Welch	Ryan	6/20/2018 02:18 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Bennett	Erich	6/18/2018 06:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Harbin	Levi	6/21/2018 11:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Cabello	Phillip	6/21/2018 06:32 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018

SDPD_AB953	Zweifach	Richard	6/21/2018 06:45 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Naputi	Tony	6/20/2018 08:59 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Lennier	Aletha	6/21/2018 11:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Power	Michael	6/16/2018 02:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018
SDPD_AB953	Douglas	Benjamin	6/21/2018 09:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Lefler	Robert	6/16/2018 02:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018
SDPD_AB953	Gibson	Kevin	6/20/2018 04:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018
SDPD_AB953	Dayes	Paul	11/27/2018 08:55 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/27/2018
SDPD_AB953	Randolph	Matthew	6/18/2018 07:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Serrano	Michael	6/19/2018 11:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Jackson	Dulani	8/18/2018 12:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/18/2018
SDPD_AB953	Nguyen	Nicholas	6/21/2018 06:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	McGilvray	Brian	6/19/2018 07:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	White	Franklin	6/19/2018 02:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
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	6/18/2018
SDPD_AB953	Dragt	Julie	6/16/2018 07:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018

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SDPD_AB953	Zendejas	Antonette	6/19/2018 01:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Duerr	Crystal	7/25/2018 09:21 AM America/San Diego 7/25/18	<del>No</del> YES	Racial & Identity Profiling Act- AB 953	7/25/2018 Diego
SDPD_AB953	Lutz	Jeremiah C	6/26/2018 06:46 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Ambito	Albert	6/26/2018 10:52 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Edwards	Bret	6/21/2018 11:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Pimienta	Justin	6/18/2018 12:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	McAndrew	Kristopher	6/17/2018 09:35 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/2018 Diego
SDPD_AB953	Wells	Adam	6/28/2018 10:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018 Diego
SDPD_AB953	Ta	Truong	6/22/2018 02:09 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018 Diego
SDPD_AB953	Campbell	Douglas	6/20/2018 09:46 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Brown	Michael	6/24/2018 07:55 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/24/2018 Diego
SDPD_AB953	Peralta	Joseph	6/22/2018 09:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018 Diego
SDPD_AB953	Howard	Robert	6/27/2018 10:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018 Diego
SDPD_AB953	Worthington	Phillip	IND LI	NO		
SDPD_AB953	Conkle	Kevin	6/27/2018 10:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018 Diego
SDPD_AB953	Beason	Carole	6/26/2018 06:49 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Hernandez	Nestor	12/6/2018 06:24 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	12/6/2018 Diego

SDPD_AB953	McDonald	Wesley	6/21/2018 08:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Barnes	Errick	6/27/2018 03:19 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018 Diego
SDPD_AB953	Myers	Andrea	6/28/2018 09:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018 Diego
SDPD_AB953	Thompson	John	6/29/2018 11:53 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2018 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	6/22/2018 Diego
SDPD_AB953	Lenahan	Brian	6/19/2018 08:23 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Reinhold	Martin	6/15/2018 10:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018 Diego
SDPD_AB953	Rhoten	Michael	6/19/2018 06:31 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Parga	Nathan	6/21/2018 06:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Gutierrez	Armando	6/19/2018 02:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Volker	Joseph	6/27/2018 02:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018 Diego
SDPD_AB953	Beal	Justin	6/19/2018 09:51 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Conde	Jose	7/19/2018 07:58 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/19/2018 Diego
SDPD_AB953	Hwang	David	6/19/2018 04:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Ford	Allyson	6/22/2018 01:31 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018 Diego
SDPD_AB953	Euler	Samuel	6/19/2018 08:26 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego

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SDPD_AB953	Ott	Stephanie	6/23/2018 06:41 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/2018 Diego
SDPD_AB953	Thomas	Rodney	6/26/2018 06:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Armentano	Kevin	6/20/2018 09:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Clendenen	Tammy	6/20/2018 03:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Deyling	Tyler	6/18/2018 04:59 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Hernandez	William	7/18/2018 06:22 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/2018 Diego
SDPD_AB953	Montoya	Jason	6/16/2018 02:22 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018 Diego
SDPD_AB953	Temnick	Jonathan	6/17/2018 10:38 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/2018 Diego
SDPD_AB953	Williams	Kyle	6/21/2018 01:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Serrano	Gerardo	10/10/2018 07:37 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/10/2018 Diego
SDPD_AB953	McGruder	Michael	6/17/2018 02:28 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/2018 Diego
SDPD_AB953	Schrom	Adam	6/21/18	<del>NO</del> 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	6/20/2018 Diego
SDPD_AB953	Hone	Natalie	7/11/2018 01:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/2018 Diego
SDPD_AB953	Avera	Brian	6/28/2018 08:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018 Diego
SDPD_AB953	Wolfe	Tyler	6/23/2018 10:03 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/2018 Diego
SDPD_AB953	Gagliardi	Matthew	8/15/2018 08:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/2018 Diego



SDPD_AB953	Dominguez	Manuel	6/21/2018 07:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 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 Diego
SDPD_AB953	Link	Nicholas	6/18/2018 07:20 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Korenkov	Andrew	6/18/2018 10:15 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Novak	Matthew	6/15/2018 03:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018 Diego
SDPD_AB953	Cara	Bismarck	6/26/2018 01:47 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Burris	Brian	6/26/2018 05:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Hilton	Joseph	6/21/2018 07:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Clabough	Joshua	6/30/2018 08:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/30/2018 Diego
SDPD_AB953	Perez	Mario	6/19/2018 07:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Sainte-Agathe	Rodolphe	6/19/2018 06:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Jankowski	Kevin	6/26/2018 06:35 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Felber	Christian	6/19/2018 01:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Robertson	Nicole	10/29/2018 12:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/29/2018 Diego
SDPD_AB953	Brou	Aziz	6/16/2018 09:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018 Diego
SDPD_AB953	Tennebaum	Justin	6/20/2018 02:45 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego

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SDPD_AB953	Portnoy	Eric	7/16/2018 12:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/16/2018 Diego
SDPD_AB953	Zimmerman	Jonathan	6/20/2018 01:15 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Signorino	John	6/27/2018 08:37 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/27/2018 Diego
SDPD_AB953	Hone	Matthew	6/20/2018 12:17 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Gudoy	Stephen	7/12/2018 08:24 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/2018 Diego
SDPD_AB953	Korbecki	Robert	7/17/2018 03:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/2018 Diego
SDPD_AB953	Johnson	Bobby	6/21/2018 12:11 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Miranda	Kristel	6/19/2018 06:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Rojas	Michael	6/23/2018 04:15 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/2018 Diego
SDPD_AB953	Haughey	Christopher	6/18/2018 02:54 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Cockrell	Tyler	6/25/2018 07:48 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/2018 Diego
SDPD_AB953	Martinez	Anthony	6/25/2018 09:05 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/25/2018 Diego
SDPD_AB953	Colglazier	Vernon	6/28/2018 02:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018 Diego
SDPD_AB953	Pottin	Lianne	6/20/2018 07:08 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Harrison	Christopher	6/26/2018 05:15 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Erpelding	John	6/21/2018 02:03 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Pajita	Radford	6/18/2018 06:07 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego

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SDPD_AB953	Kenney	George	6/26/2018 09:27 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Bell	Robert	6/21/2018 03:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Thompson	Jared	6/19/2018 09:39 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Bamba	Jonathan	10/8/2018 08:57 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/8/2018 Diego
SDPD_AB953	Lane	John	6/19/2018 04:55 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Armstrong	James	6/22/2018 12:55 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018 Diego
SDPD_AB953	Tortorella	Matthew	9/19/2018 07:14 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	9/19/2018 Diego
SDPD_AB953	Robinson	Brandon	6/18/2018 02:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Garcia	Christine	7/9/2018 08:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/9/2018 Diego
SDPD_AB953	Valdez	Erick	6/22/2018 05:40 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018 Diego
SDPD_AB953	Campbell	Judson	6/15/2018 12:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018 Diego
SDPD_AB953	Velasquez	Joshua	6/22/2018 05:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018 Diego
SDPD_AB953	Denny	John	6/21/2018 08:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Gallegos	Sergio	10/8/2018 02:44 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	10/8/2018 Diego
SDPD_AB953	Stasch	Corey	6/18/2018 06:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Romano	Dante	6/22/2018 04:25 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/22/2018 Diego
SDPD_AB953	Robinson	Keith	6/19/2018 07:44 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego

000202

SDPD_AB953	Romberger	Timothy	7/18/2018 08:15 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/2018 Diego
SDPD_AB953	Siemer	Ryan	6/19/2018 08:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Wallace	Michael	8/2/2018 07:01 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/2/2018 Diego
SDPD_AB953	Kellington	Michael	6/15/2018 09:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018 Diego
SDPD_AB953	Posada	Oskar	6/21/2018 06:48 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Irwin	Wade	6/16/2018 11:32 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018 Diego
SDPD_AB953	Runyen	Steven	7/12/2018 09:56 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/2018 Diego
SDPD_AB953	Rodriguez	David	7/14/2018 10:20 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/14/2018 Diego
SDPD_AB953	Hesselgesser	Alex	6/23/2018 07:07 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/2018 Diego
SDPD_AB953	Jauregui	Joshua	8/15/2018 06:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	8/15/2018 Diego
SDPD_AB953	Wentz	Nathan	6/15/2018 01:08 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018 Diego
SDPD_AB953	Didelot	John	6/15/18	YES		
SDPD_AB953	Taylor	Andrea	6/21/2018 08:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Quinn	Ryan	11/7/2018 01:33 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	11/7/2018 Diego
SDPD_AB953	Wilson	Melinda	6/21/2018 06:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Barton	Brian	6/15/2018 07:43 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018 Diego
SDPD_AB953	Uzarraga	Gerald	6/28/2018 05:24 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018 Diego

000203

SDPD_AB953	Campbell	Casey	7/12/2018 06:34 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/2018 Diego
SDPD_AB953	Duffy	Kevin	6/16/2018 03:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018 Diego
SDPD_AB953	Do	Michael	6/26/2018 07:06 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Mayer	Justin	6/17/2018 12:14 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/2018 Diego
SDPD_AB953	Vanesler	Micah	6/15/2018 07:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018 Diego
SDPD_AB953	Harrison	Steven	6/16/2018 09:04 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018 Diego
SDPD_AB953	Giddens	Michael	6/23/2018 09:36 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/2018 Diego
SDPD_AB953	Rzucidlo	John	6/26/2018 05:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Valenzuela	Richard	IND. LV	NO		
SDPD_AB953	Jordan	Brandon	6/23/2018 12:55 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/2018 Diego
SDPD_AB953	Sullivan	John	7/18/2018 12:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/18/2018 Diego
SDPD_AB953	Ochoa	Jesse	6/17/2018 02:41 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/17/2018 Diego
SDPD_AB953	Erickson	Mark	6/16/2018 02:13 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/16/2018 Diego
SDPD_AB953	Bundy	Steven	6/21/2018 09:49 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego
SDPD_AB953	Goebel	Jon	6/29/2018 05:27 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2018 Diego
SDPD_AB953	Barton	Richard	6/20/2018 04:06 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Welsh	Dustin	6/21/2018 06:28 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018 Diego

SDPD_AB953	Gonzalez	John	6/21/2018 02:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/21/2018
SDPD_AB953	Hayes	Michael				
SDPD_AB953	Jackson	Kellen	6/28/2018 02:12 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018
SDPD_AB953	Schultz	Ryan	6/19/2018 06:30 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Pavle	Christopher	6/18/2018 06:53 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	Beam	Daniel	6/23/2018 03:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/2018
SDPD_AB953	Herrera	Berenice	6/18/2018 09:02 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018
SDPD_AB953	McPartland	Scott	6/19/2018 02:26 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018
SDPD_AB953	Krupp	Ave	7/12/2018 10:18 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/12/2018
SDPD_AB953	McGowan	David	6/26/2018 05:00 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018
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	6/20/2018
SDPD_AB953	Turner	Cody	7/13/2018 10:23 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/13/2018
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	6/26/2018
SDPD_AB953	Sielken	Jeremy	7/11/2018 05:16 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/11/2018
SDPD_AB953	Crumb	Katherine	6/19/2018 01:16 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018

SDPD_AB953	Hopper	Robert	6/23/2018 11:13 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/23/2018 Diego
SDPD_AB953	Gault	Ryan	6/18/2018 06:39 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Mills	Randall	6/20/2018 02:18 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Montayre	Philippe	6/19/2018 06:58 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Plunkett	Brian	6/19/2018 08:18 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Tannhauser	William	6/26/2018 05:00 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Obregon	Anthony	6/26/2018 01:34 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/26/2018 Diego
SDPD_AB953	Drahosova	Zuzana	6/18/2018 07:33 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Medina	Dionisio	6/18/2018 11:16 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/18/2018 Diego
SDPD_AB953	Dumaplin	Carlo	6/19/2018 06:23 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/19/2018 Diego
SDPD_AB953	Ryan	James	6/15/2018 09:30 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018 Diego
SDPD_AB953	Barrett	Michael	6/20/2018 05:50 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/20/2018 Diego
SDPD_AB953	Demas	Travis	6/28/2018 01:04 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/28/2018 Diego
SDPD_AB953	Flood	Christopher	6/29/2018 07:46 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/29/2018 Diego
SDPD_AB953	Kaiser	Christopher	7/2/2018 06:29 AM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/2/2018 Diego
SDPD_AB953	Nilsen	David	6/15/2018 03:42 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	6/15/2018 Diego
SDPD_AB953	Pfannenstiel	Zachary	7/17/2018 09:19 PM America/San Diego	Yes	Racial & Identity Profiling Act- AB 953	7/17/2018 Diego

# Exhibit 12

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## 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 #8889 (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)**

<b>TIME</b>	<b>UNIT</b>	<b>TOPIC</b>
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)**

<b>TIME</b>	<b>UNIT</b>	<b>TOPIC</b>
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

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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	SP	SP
Towell, Shane	4598	MC	SH	Lth.
PETERSON, VERONICA	5605	MC	<del>SP</del>	SP
POTTIN, LIANNE	6357	MC	LP	LP
CHAMBERS, NATHAN	7021	MC	MC	MC
DAVIS, ROBERT	6781	MC	RD	RD
BROOKS, ERICK	6211	MC	EB	EB
KETCHUM, NICK	5955	MC	NK	NK
SHAW, STEVEN	4375	MC	SH	SH
VERIZ, SYLVIA	4986	MC	SV	SV
NOBLE, GABRIEL	5319	MC	GN	GN
MORALES, SAM	6858	MC	SM	SM
SEITER, ERIC	5461	INV II	SE	SE
MASCHMEYER, M	4465	MC	MM	MM
POWER, MICHAEL	6180	MC	MP	MP
LACO, PATRICK	5804	MC	PL	PL
DEVORE, BRENT	6742	MC	BN	BN
LAURENDEAU, EDWARD	6542	SE-2	TL	TL
LOWERS, ROBERT	6195	MC 2	RM	RM
AMBITO, ALBERT	6190	MC	AM	
TOR, M. J. W.	5582	MC	TC	TC
COLLINS, TED	5800	MC	TC	TC
VALENTUELA, KEVIN	6102	NW-1	KV	KV
WILLIAMS, DON	5383	MC	SW	SW

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Quintos, Ysmael	5635	MC	ML	72
MOSTALEL JAKE	5412	MC	SAM	5041
MARCELO POPOLU	5126	K9	WD	
OMAR SINCALIN	5185	MC	OTM	OTM
JUD CAMDELL	6367	MC	JA	JR
LARRY ADAR	4716	K9	<del>K</del>	<del>L</del>
Adrian Lee	5244	MC	<del>any</del>	<del>any</del>
SHUMAKER, BEN	5983	MC	<del>the</del>	<del>the</del>
Barnes, Scott	5101	CIU	<del>the</del>	<del>the</del>
NORRIS PAT	5017	MC	<del>the</del>	<del>the</del>
MORALES SAM	6858	M	<del>the</del>	<del>the</del>
	35			

# Western

7/25/18 - 7/26/18

22  
Total

## COMMAND TRAINING 2018

NAME (LAST, FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
SERIDANO, MICHAEL	6186	W-3	MKS	T/KS
KELLY, PATRICK	6540	W-1	PK	PK
SIMMONS, MICHAEL	5092	W-INV	MS	MS
POTUS, BILL	5382	W-INV	WP	WP
CLENDENEN, TAMMY	6236	JUV ADMIN	TLC	TLC
BELZ, BRIGITTA	4996	W-2	BAB	BAB
HAYS, ERIC	3907	W Admin	EA	EA
WILLIAMS, KEN	4287	W-INV	KE	KE
Grubbs, Dan	4776	W-Admin	GG	GG
GROSS, Ron	4930	W-1	RG	RG
HALL, PATRICK	5585	W-2	PH	PH
LAVE, BART	5977	W-3	BX	BX
WAGNER, MICHAEL	7147	W2	HW	HW
TURNER, CODY	6518	W-1	CT	CT
COLON LUIS	5918	W-2	LC	
SMYTH, DAN	4500	CEN	SD	SD
ZIMMERMAN, HANS	5474	W-3	HB	HB
MYERS, ANDREA	6201	W-C	Am	Am
STELMIT, KELLY	6558	W-3	KL	KS
TAI, RUDY	4709	W	RT	RT
Zimmerman, Hans	5474	W-		HB
POPULIN, MARCELLO	5126	K9		MD

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	TB	TD	TD
JOHNSON, Buddy	4934	T-2 CIB	B&T	B&T
Cimmerman, Raphael	4525	SPECIAL EVTS	SC	SC
Mcnean, Laura	5119	Traffic	hm	hm
WONG, KVIN	5136	SPECIAL EVTS	WV	WV
FLAKE, LEONNARD	4135	TRAFFIC	ZE	ZE
KARSH, ALAN	5176	T-1	ABK	ABK
SAROT, CHRIS	4689	1ST/PAGE	CMS	CMS
STEPHENS, MARC	5865	CIB T-3	MA	MA
MCDONALD, ROBERT	4657	CIB T-2	Rm	Rm
HOUSEMAN, VICTORIA	5262	TRAFFIC	LA	LA
SORBY, BRANDY	5926	TRAFFIC	BS	BS
CARTER, WILLIAM	5477	TRAFFIC	WV	WV
LOPEZ, SERGIO	4281	TRAFFIC	TL	TL
KRIES, DAVID K	4222	TRAFFIC	TL	TL
CLARK, JOSEPH	5496	TRAFFIC	SC	SC
BURLISON, BOB	5624	TRAFFIC	FB	FB
ROZSA, DAVID	6097	TRAFFIC	DR	DR
DAWN, ROBERT	4202	OP SUBJECT	fu	fu
COLON, BERNIE	4614	BACKGROUNDS	OTC	OTC
LEDS, ALBERTO	5060	TRAINING	AA	AA
LEVAN, JOHN	5369	BACKGROUNDS	OT	OT
CASTRO, RICKY	4280	INV. & D.V.U	TC/CA	TC/CA
Cedrun, Misty	5183	TRNG - LCU	(MC)	(MC)

24

000141

[illegible]

FA/PSU/NPD 4/1/18 + 4/2/18

34  
Total

# COMMAND TRAINING 2018

NAME (LAST, FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
HARBERTH, JOHN	5169	NPD	JH	JH
WALL, SCOTT	5467	NPD	SW	SW
PHILLIPS, PAUL	4882	IA	PP	PP
MORRIS, J. WES	5490	EA	OW	OW
HOLT, JESSIE	5002	WESTERN	JAH	JAH
METZ, RICHARD	4671	PSU	Rm	Rm
MANANSALA, ERWIN	6010	PSU	EM	EM
DELGADILLO, RAUL	4978	PSU	<del>RD</del>	<del>RD</del>
EBLON, LUIS	5915	NDU	RL	RL
GUTIERREZ, RUBEN	5948	IA	RL	RL
MINTER, GREG	6052	IA	GM	GM
BISESTO, MEDIAN	5797	IA	MB	MB
JIMENEZ, COSEY	6593	IA	CJ	CJ
Heller, Patrick	5400	NP	PH	PH
Randolph, Matt	6183	DV	MR	MR
RIGHTHOUSE, BRET A.	4173	IA	BAR	BAR
SAYASANG, DAN	5680	CHEF'S OFFICE	DS	DS
HUYS, JOHN	5097	IA	JH	JH
BENNETT, MARK	4559	IA	MB	MB
GROSSMAN, ROBERT	4249	IA	RG	RG
SANCHEZ, JUAN	5378	CIC	JS	JS
HUFF, JEREMY	6929	NPD	JH	JH
ROBERTSON, NICOLE	6292	NPD	NR	NR
BOTSFORD, STACEE	5264	NPD	SB	SB



[illegible]

INV I, Aug 8-9, 2018

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Total

# COMMAND TRAINING 2018

NAME (LAST, FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
SAFUAN, JOHN	5193	CHILD ABUSE	<i>[Signature]</i>	<i>[Signature]</i>
WELDEN, SASON	5563	SEX CRIM	<i>[Signature]</i>	<i>[Signature]</i>
CASILLAS, ROBERTO	5391	HTTF	<i>[Signature]</i>	<i>[Signature]</i>
FLAMAND, DAVE	4385	ILAC	<i>[Signature]</i>	<i>[Signature]</i>
BULKOWSKI, JOE	4781	CHILD ABUSE	<i>[Signature]</i>	<i>[Signature]</i>
CASTRO, NYDIA	5440	SEX CRIMES	NMC	NMC
BERSON, CAROLE	5260	VICE	<i>[Signature]</i>	<i>[Signature]</i>
BAILIFF, RON	5100	SCU	<i>[Signature]</i>	<i>[Signature]</i>
DE DONATO, NICK	60076	VICE	NA	ND
PEN, VAN	5924	NORTHERN	<i>[Signature]</i>	<i>[Signature]</i>
STINSON, ROBERT	5527	VICE	<i>[Signature]</i>	<i>[Signature]</i>
MEYER, DANIEL	6072	VICE	<i>[Signature]</i>	<i>[Signature]</i>
MCGILVRAY, BRIAN	6178	VICE	BGM	BGM
MCCURRY, BEN	5781	VICE	AEM	AEM
HILL, ALICIA	6589	INV I/DV	AM	-
JONES, MITCHELL	6595	M/C	<i>[Signature]</i>	<i>[Signature]</i>
BASSETT, TINA	5116	INV I/NST	<i>[Signature]</i>	<i>[Signature]</i>
Alex de Armas	4013	INV I/NTF	<i>[Signature]</i>	<i>[Signature]</i>
WILLIAMS, DAVID	3994	INV I/NTF	<i>[Signature]</i>	<i>[Signature]</i>
CHAVEZ, JOSE	5575	INV I/NARC	<i>[Signature]</i>	<i>[Signature]</i>
AGUILAR, RICK	5386	INV I/NARC	<i>[Signature]</i>	<i>[Signature]</i>
BASSETT, TOD	4451	INV I/NTF	<i>[Signature]</i>	<i>[Signature]</i>
NOJAK, MATT	5098	INV I/NST	<i>[Signature]</i>	<i>[Signature]</i>
BROWN, BILL	5379	INV I/NTF	UB	UB

000145

STIASNY, ELLIOTT	4187	INV I / NST	CS	CS
TIVANIAN, CHRIS	5871	INV I / NST	CT	CT
WINKER, DEREK	5600	INV I / NST	DW	DW
ZWIBEL, EDWARD	5475	WATCH COMMAND	EG	BT
DOLAN, DAVID	4332	CIU	HA	HA
GRIFFIN, LINDA	4357	INV I - 290	SG	SG
FREEDMAN, RICHARD	4910	INV I	KT	KT
NGUYEN, TU	4664	INV - I	TN	TN
BALZIFF, /				
<del>CATLETT, ROBERT</del>	<del>4341</del>	<del>II</del>		
	33			

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INV II

Aug 6-7, 2018

32  
TotalCOMMAND TRAINING 2018

NAME (LAST, FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
WHITE, MARSHALL	4100	INV II GANGS	MLW	MLW
ROWE, RAY	5251	INV II GANGS	DR	DR
FORTIER, KEN	3721	INV II GANGS	KF	KF
Behrendt, Steve	4528	INV II ECU	SB	SB
ALBRIGHT, DANIEL	3923	INV II ECU	OD	OD
TURNER, TODD	5093	INV II GST	TNT	TNT
Mathew E. Sinz	4907	INV II	MS	MS
DISHNO, TRACY	4927	INV II - ECU	2B	2B
CHERSKI, MELISSA	5852	ELDER	mc	mc
LANE, BART	5977	INV II GST	BK	SK
TSUI, JASON	6560	NORTHERN	AL	AL
SPURLOCK, STEVEN	4710	INV II / SIU	SBS	SBS
DAVIS, KELLY	5025	INV II / GSF	KPD	KPD
BUTCHART, ALLAN	5153	INV II / GST	PLB	PLB
VELOVICH, MICHELLE	5353	INV II / HOM	ML	ML
CONLEY, PAUL	4673	INV II / HOM	PPL	PPL
DUPRES, ANTHONY	5048	INV II / HOM	ALD	ALD
MAGGI, LOUIS	5595	INV II / HOM	UM	UM
DOBBS, MATT	5228	INV II / HOM	MD	MD
DELTORQ, MANUEL	4754	CIU	MDA	MDA
Johnson, LUKE	5954	INV II / HOM	FG	FG
MACINOWSKI, DUANE	4941	INV II / HOM	AM	AM
DECESARI, GEOFFREY	6026	INV II / HOM	MSL	MSL
UNDERWOOD, TOM	5001	INV II	TM	TM

000147

[illegible]

26  
total

# Central Division

8/13/18 - 8/14/18

## COMMAND TRAINING 2018

NAME (LAST, FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
WALLACE, MICHAEL	6404	CENTRAL - BROOK	MW	MW
OH, TAERANCE	5963	WESTERN - 2ND	TO	TO
BRINKERHOFF, DAN	5717	CENTRAL INV	RB	RB
MATTELY, JUSTIN	6143	CENTRAL - SEV	JM	JM
BACUS, VINCE	5873	CENTRAL	U	U
SHUMAKER, BEN	5903	CENTRAL	BS	BS
DUNGAN, JONATHAN	6137	CENTRAL	JMO	JMO
SPURLOCK, DESIREE	4856	"	dl	dl
MCCANNALLY, JASON	4553	CENTRAL	DM	DM
MCCLAIR, DANIEL	6013	CENTRAL	DM	DM
KORENKOVA, ANDREW	6276	CENTRAL	AK	AK
TEN, JOEL	6128	F. A.	JT	JT
NGUYEN, NICK	6179	CENTRAL	NN	NN
KELLINGTON, MICHAEL	6384	CENTRAL	MX	MX
GREEN, BRAD	6820	CENTRAL	RB	RB
ESPERSON, JULIE	5111	CENTRAL	JRS	JRS
THOMAS, DEAN	5425	CENTRAL	DRB	DRB
BISHOP, DEAN	5937	CENTRAL	DRB	DRB
MCCANDREW, KRISTOPHER	6099	CENTRAL	KM	KM
HOLDEN, MIKE	4997	CENTRAL	NOT	NOT
SCOTT, ARTHUR	6029	CENTRAL	AS	AS
FORSEY, RICH	5172	CENTRAL	R.F.	R.F.
BOTKIN, MATTHEW	5875	CENTRAL	MB	MB
MCCANNALLY, JASON	4553	CENTRAL	DM	DM

000149

[illegible]

# 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	DC	DC
EMILIO RAMIREZ	6086	E-1	ER	ER
DAW HALL	5398	E-INV	DA	DA
Salinas, Jeffrey	5069	MAU	JS	JS
MORA, ROBERT	5671	E-1	RM	RM
RUVIDO, JOSEPH	SS09	E-3	JR	JR
FRENCH, BRIAN	070514	E-2	BF	BF
THOMAS, JOE	5861	E-3	OT	OT
RADTKE, TIM	6554	W-1	R	R
NEWQUIST, ROB	5015	E-INV	NR	NR
MOYNO, KEVIN	5506	INTERNAL AFFAIRS	KM	KM
ESTRADA, ELIAS	5771	INTERNAL AFFAIRS	EE	E.E.
GOLDREICH, BRIAN	4573	EACI	GR	GR
WINTZ, Michael	5438	E	WR	WR
NEHOLS, JEFFREY	5783	E	JW	JW
Brown, Andra	3950	WC-3	AB	AB
LAKE, JOHN	6344	E-3	LA	LA
LITTLE, HIGHHORSE	6219	E-3	HL	HL
SAVAGE, ARCEL	6059	E-2	AS	AS
VARLOS, MIKE	5081	TRAINING	V	V
LEAHY, CHRISTOPHER	5869	W-2	LC	LC
Hoffman Andrew	4147	E	OH	OH
JORDON, JEFF	5316	ADMIN	JJ	JJ
LACANAN, ED	5987	E	EL	EL

000151



19  
Total

# Northern Division

8/20/18  
8/21/18

## COMMAND TRAINING 2018

NAME (LAST, FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
MAVER, KEVEN	4510	NORTHERN	KM	KM
BURTON, 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	GB	GB
ADAMS, SIMON	5970	NOR	AS	AS
ODOM, JOSH	5981	NOR	JO	JO
BANKS, STEVE	5719	NORTHERN	BS	BS
MCEWEN, MICHAEL	5370	NORTHERN	MM	MM
LAYTON, FARRELL	4877	NORTHERN	FL	FL
JOSE, MAZE	4217	NORTHERN	JS	JS
WILSON, JAMES	6262	NORTHERN	WJ	WJ
GIBSON, ROGER	4171	NORTHERN	GR	GR
WALDHEIM, STEVE	5514	NORTHERN	SW	SW
Shebloski, STEPHEN	5317	MIDCITY	SS	SS
SWADENER, ARTHUR	5753	CIA	CS	CS
Scott, Jason	5712	Northern	JS	JS
BERNSTEIN, MERYL	4667	NORTHERN	MB	MB

000152

# OPS Support + North Western

Aug 22-23, 2018

(26)

## COMMAND TRAINING 2018

358  
total

(27)

NAME (LAST, FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
LACANGAN, ED	5957	E-2	<del>LA</del>	
SEHMOTZACH, TRISTAN	5682	OPS	TS	TS
LESCA, Tony	4926	K9	LE	LE
PORTNOY, BRIE	6315	NW/1	ENP	ENP
LINK, NICHOLAS	6278	OPS	NL	NL
YANG, PAUL	5257	OPS	Ph	Ph
CANTEN, LAWRENCE	4007	OPS	LE	LE
MARTIN, SHANE	4621	ABLE	Sh	Sh
HAWKINS, ROBERT	5029	W/C	B	R
RANSAY, MIKE	8141	W/C	MO	MO
DWENS, JERRY	5602	RAP	DO	DO
SAUNDERS, MANN	4501	NW	MS	MS
RESCH, JACOB	5829	K9	R	R
CARLTON, TOM	5269	K9	TC	TC
SANDERS, BRIAN	6611	N-1	BS	BS
WILKINSON, MARK	4506	OP-Support	MS	MS
JANSEY, MICHAEL	4189	W/C	MS	MS
GIWI, CASEY	5711	K9-3	CS	CS
HOUVER, DARRYL	4720	Comms	DA	DA
Scott Holshw	6156	K9	SH	
JESS, HOVIN	3750	K9-2	JK	JK
ED LYNCH	4939	NW-3	EL	EL
JOHN SZAKONA	5530	INV#	JL	JL
Stephanie R	4991	OPS	SR	SR

24

000153



14

[illegible]

93

# Southern & N.E. Divisions

August 27-28, 2018

## COMMAND TRAINING 2018

35  
total

NAME (LAST, FIRST)	ID NUMBER	ASSIGNMENT	DAY #1- INITIAL	DAY #2- INITIAL
<del>AVALOS, GARY</del>	<del>5323</del>	<del>S-1</del>		
AVALOS, GARY	5323	S-1	Gu	Gu
DE LOS REYES, DEANA	4988	S-INV	DA	DA
SHARR, ADAM	5780	S	AS	AS
ZIEGLER, EVAN	4450	S	E2	E2
CISNEROS, CRYSTAL	5884	S	CC	CC
RODRIGUEZ, VICTOR	6801	S	UR	UR
DEMPSEY, BRYAN	6036	NE	BD	BD
MIRANDA, MIKE	5989	NE	MM	MM
MESSINEO, VITO	5278	NE	VM	VM
<del>KOZ, PHIL</del>	<del>5240</del>	<del>N/E</del>		
LEISE, CLINTON	5778	N/E	C.L.	C.L.
MILLAN, TED	5737	S	T.M.	T.M.
VILLALOBOS, STEVEN	4792	NE	JDV	SDV
KELLY, PEPPER	5309	NE	PK	PK
STONE, NATALIE	4481	NE	N	N
VALENTIN, RAY	4398	NE	R	R
ELLSWORTH, SCOTT	6576	S	SS	SS
ZIMMERMAN, JONATHAN	6323	S	Z	Z
OCHOA, JESSE	6449	S	JO	JO
SULLIVAN, TOM	4676	W.C. OFF.	TS	TS
PEARSON, JACK	5282	INV II/BCU	JP	JP
MARONA, ROBERT	9634	NE	RM	RM
WHITE, TYLER	6286	NE	W	W
STETLEVICH, DANIEL	6670	NE	RC	RC

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29  
Total

South Eastern  
8/29/18 8/30/18

# 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	SDH	SDH
JOHNSON, JAMES	5174	SE	SD	SD
VALENZUELA, LOUIS	4291	SE	LEV	LEV
SERVIN, ERNESTO	4884	SE	<del>SD</del>	<del>SD</del>
HOLLAND, VANESSA	4933	NW	W	W
RODRIGUEZ, RAMIRO	5857	SE	ROL	ROL
MCGUIRE, ED	5736	SE	GM	GM
BURROW, DARN	5268	SE	AB	AB
TEMMER, JON	6258	SE	JST	JST
WILCKEN, CHRISTOPHER	6019	SE	<del>W</del>	<del>W</del>
THOMPSON, JARED	6359	SE	W	W
CZAS, MARIUSZ	5916	SE	W	W
WHITE, FRANK	6187	SE	W	W
PEREZ, MARIO	6312	SE	N.P.	N.P.
OLIVER, HAROLD	5492	SE	W	W
MACON, KEVIN	5117	SG4	W	W
MELHORN, SKIP	4261	S	W	W
JOHNSON, MATTHEW	6080	SE	MJ	MJ
ALEXANDER, ALONZO	4638	SE	AA	AA
REESE, ANTHONY	5517	SE	ARB	ARB
HARA, JERRY	4973	SE	JA	JA
HURTADO, SAL	5448	NW	W	W

000158





**ECONOMIC AND FISCAL IMPACT STATEMENT  
(REGULATIONS AND ORDERS)**

STD 399 (REV. 12/2013)

**ECONOMIC IMPACT STATEMENT**

DEPARTMENT NAME California Department of Justice	CONTACT PERSON Melan Noble	EMAIL ADDRESS Melan.Noble@doj.ca.gov	TELEPHONE NUMBER (916) 210-7011
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 AB 953 Stop Data Reporting Regulations to Implement Gov. Code Section 12525.5			NOTICE FILE NUMBER 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:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements                |
| <input checked="" type="checkbox"/> b. Impacts small businesses          | <input type="checkbox"/> f. Imposes prescriptive instead of performance   |
| <input type="checkbox"/> c. Impacts jobs or occupations                  | <input checked="" type="checkbox"/> g. Impacts individuals                |
| <input type="checkbox"/> d. Impacts California competitiveness           | <input checked="" type="checkbox"/> 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 estimates that the economic impact of this regulation (which includes the fiscal impact) is:  
(Agency/Department)

- ☐ Below \$10 million
- ☒ Between \$10 and \$25 million
- ☒ 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 vendor5. Indicate the geographic extent of impacts: ☒ 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 ☒ NO

If YES, explain briefly: \_\_\_\_\_

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**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.

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**ECONOMIC AND FISCAL IMPACT STATEMENT****(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

**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 through 12 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: \_\_\_\_\_

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**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

**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

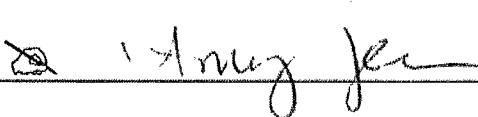


DATE

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.<sup>1</sup> 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

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<sup>1</sup> 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.<sup>2</sup> 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
<b>Total Agencies (449):</b>				<b>415</b>	<b>34</b>

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:

<sup>2</sup> 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 <sup>3</sup>
<b>Local</b>	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
	<b>Local Agencies Subtotal:</b>		<b>415</b>	<b>\$89,931,956</b>
<b>State</b>	CHP	\$1,940,000	1	\$1,940,000
	UC, CSU	\$93,917	33	\$3,099,261
	<b>State Agencies Subtotal:</b>		<b>34</b>	<b>\$5,039,261</b>
	<b>Statewide Total:</b>		<b>449</b>	<b>\$94,971,217</b>

**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.

<sup>3</sup> 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 application 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
<b>Statewide Totals:</b>	<b>65,522</b>	<b>16,736,786</b>	<b>255</b>

### 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:

<b>Cost calculations (statute plus regulations)</b>				
	<b>Type</b>	<b>Cost Item</b>	<b>Description</b>	<b>Per Unit Cost</b>
<b>DOJ Application</b>	<b>One-time</b>	<b>Devices</b>	\$150 per device (one-time)	\$150.00
	<b>Ongoing</b>	<b>Officer time:</b>	150 total seconds per stop; <sup>4</sup> \$111,800 annual salary; <sup>5</sup> 1920 hours of officer time per year	\$2.43
	<b>Ongoing</b>	<b>Device replacement</b>	full replacement cost (\$150) amortized over estimated 3-year lifespan	\$50.00
	<b>Ongoing</b>	<b>Connectivity</b>	\$100/device/year for connectivity (ongoing)	\$100.00
<b>Paper Collection</b>	<b>One-Time</b>	<b>Computers</b>	one computer (terminal, monitor, keyboard and mouse) per data input personnel	\$700.00
	<b>Ongoing</b>	<b>Printing costs:</b>	one additional sheet of paper (\$0.08 per page) per stop	\$0.08
	<b>Ongoing</b>	<b>Officer time:</b>	150 total seconds per stop; \$111,800 annual salary; 1920 hours of officer time per year	\$2.43
	<b>Ongoing</b>	<b>Data input time:</b>	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
	<b>Ongoing</b>	<b>Data storage</b>	1 gigabyte of storage is sufficient to store data for 50,000 stops; \$200 per gigabyte for 3 years storage	\$0.0013
<b>Relay-to-Dispatch</b>	<b>One-Time</b>	<b>Computers</b>	one computer (terminal, monitor, keyboard and mouse) per data input personnel	\$700.00
	<b>Ongoing</b>	<b>Officer time:</b>	300 total seconds per stop (double the field test time); \$111,800 annual salary; 1920 hours of officer time per year	\$4.85
	<b>Ongoing</b>	<b>Data input time:</b>	300 seconds per stop (double field test time); \$60,758.24 annual salary; 1920 hours of time per year	\$3.69
	<b>Ongoing</b>	<b>Data storage</b>	1 gigabyte of storage is sufficient to store data for 50,000 stops; \$200 per gigabyte for 3 years storage	\$0.0013

<sup>4</sup> 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.

<sup>5</sup> "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               | 6. San Bernardino County Sheriff's Office |
| 2. Gardena Police Department               | 7. San Diego County Sheriff's Office      |
| 3. Los Angeles County Sheriff's Department | 8. San Diego Police Department            |
| 4. Los Angeles Police Department           | 9. Ventura City Police Department         |
| 5. Orange County Sheriff's 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.<sup>6</sup> 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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<sup>6</sup> 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 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 growth from 2003 through 2015 was just 0.23%.<sup>7</sup>

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

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<sup>7</sup> 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

State/ Local	Reporting Tier	No. of Agencies	FY2017-2018			FY2018-2019			FY2019-2020		
			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
<b>Local Totals:</b>		<b>415</b>	<b>57,497</b>	<b>14,661,735</b>	<b>\$7,226,403</b>	<b>57,756</b>	<b>14,727,713</b>	<b>\$7,073,673</b>	<b>58,016</b>	<b>14,793,988</b>	<b>\$7,088,277</b>
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
<b>State Totals:</b>		<b>34</b>	<b>8,025</b>	<b>2,046,375</b>	<b>\$2,026,152</b>	<b>8,061</b>	<b>2,055,584</b>	<b>\$1,673,663</b>	<b>8,097</b>	<b>2,064,834</b>	<b>\$1,731,630</b>
<b>Combined Total:</b>		<b>449</b>	<b>65,522</b>	<b>16,708,110</b>	<b>\$9,252,555</b>	<b>65,817</b>	<b>16,783,296</b>	<b>\$8,747,336</b>	<b>66,113</b>	<b>16,858,821</b>	<b>\$8,819,907</b>

State/ Local	Reporting Tier	No. of Agencies	FY2020-2021			FY2021-2022			FY2022-2023		
			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
<b>Local Totals:</b>		<b>415</b>	<b>58,277</b>	<b>14,860,560</b>	<b>\$9,023,610</b>	<b>58,539</b>	<b>14,927,433</b>	<b>\$16,600,153</b>	<b>58,802</b>	<b>14,994,606</b>	<b>\$15,260,328</b>
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
<b>State Totals:</b>		<b>34</b>	<b>8,134</b>	<b>2,074,126</b>	<b>\$1,791,605</b>	<b>8,170</b>	<b>2,083,459</b>	<b>\$2,161,624</b>	<b>8,207</b>	<b>2,092,835</b>	<b>\$2,129,922</b>
<b>Combined Total:</b>		<b>449</b>	<b>66,411</b>	<b>16,934,686</b>	<b>\$10,815,215</b>	<b>66,709</b>	<b>17,010,892</b>	<b>\$18,761,777</b>	<b>67,010</b>	<b>17,087,441</b>	<b>\$17,390,251</b>

## **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 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/RoadWork Ahead - Data collection report May 2014.pdf](http://acluofnc.org/files/RoadWorkAhead-DatacollectionreportMay2014.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](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](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](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.)

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**SENATE COMMITTEE ON APPROPRIATIONS**

Senator Ricardo Lara, Chair  
2015 - 2016 Regular Session

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**AB 953 (Weber) - Law enforcement: racial profiling****Version:** June 30, 2015**Policy Vote:** PUB. S. 5 - 1**Urgency:** No**Mandate:** Yes**Hearing Date:** August 17, 2015**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

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.

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- 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.

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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 --**

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## 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 CLAIMNARRATIVE 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 XIII B 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.