CALIFORNIA DEPARTMENT OF JUSTICE

TITLE 11. LAW
DIVISION 1. ATTORNEY GENERAL
CHAPTER 19. RACIAL AND IDENTITY PROFILING ACT OF 2015

Article 3. Data Elements To Be Reported

§ 999.226

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

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

(2) "Type of Stop" requires an officer to differentiate the nature of the officer's stop based on the stopped person's activities, and primarily on their mode of transit during the stop. A "Vehicular Stop" is any interaction that involves stopping an individual in a Vehicle, as defined in these regulations. A "Bicycle Stop" is any interaction that involves stopping an individual on a bicycle. Any other stop constitutes a "Pedestrian Stop," including stopping passengers on a bus or train.

1. Example: Officer A stops a person on a skateboard for a Vehicle Code violation. Because the stop involved neither a person in a Vehicle, as defined in the regulations, nor on a bicycle, Officer A must select "Pedestrian Stop" under Type of Stop.

2. Example: Officer B stops a person on a scooter powered by an electric motor for a Vehicle Code violation. When recording this stop, Officer B must select "Vehicle Stop" under Type of Stop because the stopped person rode a "motorized scooter" as defined in Vehicle Code Section 407.5, which qualifies as a "Vehicle."

(3) Date, Time, and Duration of Stop

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

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

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

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

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

> 3. Example: At 0900 hours, Officer A stops a person walking on a residential street who matches the description of a burglary suspect. Officer A places the person in handcuffs at 0925 hours and has the person sit on the curb. Officer A takes multiple other actions towards the handcuffed person and then, at 0945 hours, Officer A places the person in a patrol vehicle for fifteen minutes and then starts driving the person to the jail at 1030 hours. The "Duration of Stop" is 1 hour and 30 minutes, measured from the time Officer A stops the person at 0900 until the time the person is driven away by the officer from the scene of the stop at 1030 hours.

> 4. Example: At 1100 hours, Officer A stops a person because the person's vehicle matched the vehicle of a suspect involved in a recent armed robbery. Officer A pats down the person's outer clothing for weapons and then questions the person. Officer A realizes that the person is not the armed robbery suspect. Officer A tells the stopped person that the person is free to leave at 1115 hours and the person drives off. The "Duration of Stop" is 15 minutes, measured from the time Officer A stops the person at 1100 until the time the person drives away at 1115 hours.

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

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

> 1. Geographic coordinates;

> 2. Block number and street name;

> 3. Closest intersection;

4. Highway and closest highway exit; or

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

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

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

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

1. Asian

2. Black/African American

3. Hispanic/Latine(x)

4. Middle Eastern or South Asian

5. Native American

6. Pacific Islander

7. White

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

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

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

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

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

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

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

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

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

(A) When reporting this data element, the officer shall select at least one of the following data values.

1. Cisgender man/boy

2. Cisgender woman/girl

3. Transgender man/boy

4. Transgender woman/girl

5. Nonbinary person

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

1. "Cisgender" means a person whose gender identity and gender expression align with the person's assigned sex at birth.

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

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

4. "Nonbinary" means a person with a gender identity that falls somewhere outside of the traditional conceptions of strictly either female or male. People with nonbinary gender identities may or may not identify as transgender, may or may not have been born with intersex traits, may or may not use gender-neutral pronouns, and may or may not use more specific terms to describe their genders, such as agender, genderqueer, gender fluid, Two Spirit, bigender, pangender, gender nonconforming, or gender variant.

(7) "Perceived Sexual Orientation of the Person Stopped" refers to the officer's perception of the stopped person's sexual orientation. The officer shall not ask the stopped person to provide their sexual orientation. When reporting this data element, the officer shall select one of the following data values.

1. LGB+. "LGB+" is an acronym that refers to lesbian, gay, bisexual and all other

sexual orientations other than heterosexual.

2. Straight/Heterosexual. "Straight/Heterosexual" refers to a person who is only attracted to a person of a gender other than their own.

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

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

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

(A) Deafness or difficulty hearing

(B) Speech impairment or limited use of language

(C) Blind or limited vision

(D) Mental health condition

(E) Intellectual or developmental disability, including dementia

(F) Other disability

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

(11) "Person Stopped Perceived to be Unhoused" refers to the officer's perception that the person stopped is unhoused. When reporting this data element, the officer shall make their determination based on personal observation only, recognizing that the officer's observation may not reflect the actual housing status of the stopped person.

(12) "Stop Made During the Course of Responding to a Call for Service." The officer shall only select this data element if the stop was made during the course of responding to a call for service, radio call, or dispatch. An interaction that occurs when an officer responds to a call for service is only reportable if the interaction meets the definition of "stop," as specified

in section 999.224, subdivision (a)(19). A call for service is not a reason for a stop.

This data element is not mutually exclusive with the data element "Stop Made During the Course of a Welfare or Wellness Check or an Officer's Community Caretaking Function." If a stop was made during the course of conducting a welfare or wellness check or the officer's community caretaking function as well as during the course of responding to a call for service, an officer must select both data elements.

(13) "Stop Made During the Course of Performing a Welfare or Wellness Check or an Officer's Community Caretaking Function." The officer shall only select this data element if the stop was made during the course of performing a welfare or wellness check or the officer's community caretaking function. A welfare or wellness check or an officer's community caretaking function cannot be selected as a reason for a stop.

This data element is not mutually exclusive with the data element "Stop Made During the Course of Responding to a Call for Service." If a stop was made during the course of responding to a call for service as well as during the course of conducting a welfare or wellness check or the officer's community caretaking function, an officer must select both data elements.

(A) If an officer selects this data element, the officer shall include the facts that formed the basis for conducting the welfare or wellness check or the community caretaking function as part of their brief explanation in the "Reason for Stop" narrative field.

1. Example: Officer A responded to a call for service that a person was behaving erratically on a public street. Officer A interacts with the person and determines that he has a knife and then threatens to stab the officer. Officer A arrests the person. Officer A completes a stop data entry for this interaction and selects the data element "Stop Made During the Course of Performing a Welfare or Wellness Check or an Officer's Community Caretaking Function." Under "Reason for Stop," Officer A selects "Probable Cause to Arrest or Search." In the narrative field under "Reason for Stop," Officer A states that while performing a welfare check on a person acting erratically on the street in response to a call for service, the subject displayed a knife and threatened to stab the officer. The individual was then arrested.

2. Example: Officer B is in their patrol vehicle and observes a person lying down on the side of the street. Officer B interacts with the person and determines the person is having a seizure. Officer B requests an ambulance to transport the person to the hospital. Officer B does not need to report this interaction.

3. Example: Officer C responds to a call for service where a car has driven off the highway into a ditch. Officer C arrives on scene and evacuates two children. After contacting the driver, the officer smells a strong odor of alcohol and conducts field sobriety tests, which the driver fails. Officer C then arrests the driver. Under "Reason for Stop," Officer C selects "Reasonable suspicion that the person was engaged in criminal activity." In the narrative field under "Reason for Stop," Officer C states that while engaging in a call for service at the scene of an automobile accident the officer determined that the driver was driving under the influence of alcohol. The driver was then arrested following failed field sobriety tests.

(14) "Reason for Stop" refers to the primary reason why the officer stopped the person. The primary reason for stop may be the same as, or differ from, the reason communicated by the officer to the stopped person. The reason communicated to the person stopped shall be reported in the "Reason Given to the Stopped Person" data element.

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

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

a. Moving violation (e.g., a violation of traffic laws regulating driver behavior while operating a vehicle, such as speeding or reckless driving)

b. Equipment violation (e.g., a violation of the duties outlined in traffic laws related to the proper maintenance of a vehicle, such as a broken taillight or missing license plate)

c. Non-moving violation, including registration violation (e.g., a violation of traffic laws unrelated to vehicle maintenance or operation and aimed at regulating other traffic laws, such as expired registration tabs, or regulating behavior of pedestrians on or around roadways)

2. Reasonable suspicion that the person was engaged in criminal activity.

This data value should not be selected if "Traffic violation" is the reason for the stop or if the officer had probable cause to arrest or search at the time the officer initiated the stop. When selecting this data value, the officer shall select all applicable circumstances that gave rise to the officer's reasonable suspicion from the list provided below. In addition, using the Department's standard CJIS Offense Table, the officer shall identify the primary code section and subdivision of the suspected violation of law that formed the basis for the stop.

a. Officer witnessed commission of a crime

b. Matched suspect description

c. Matched description of suspect's vehicle or vehicle observed at the scene of a crime

d. Witness or victim identified stopped person as a suspect of a crime.

e. Carrying suspicious object

f. Actions indicative of casing a victim or location

g. Suspected of acting as a lookout

h. Actions indicative of a drug transaction

i. Actions indicative of engaging in a violent crime

j. Other reasonable suspicion or probable cause that a crime has occurred

3. Probable cause to arrest or search. This data value should only be selected if the officer already established probable cause at the time the officer initiated the stop.

This data value should not be selected if "Traffic violation" is the reason for the stop or if the officer only had reasonable suspicion that the stopped person was engaged in criminal activity at the time the officer initiated the stop. When selecting this data value, the officer shall select all applicable circumstances that gave rise to the officer's probable cause from the list provided in section 999.226, subdivision (a)(14)(A)2. In addition, using the Department's standard CJIS Offense Table, the officer shall identify the primary code section and subdivision of the suspected violation of law that formed the basis for the stop.

4. Probable cause to take into custody under Welfare and Institutions Code section 5150.

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

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

7. Investigation to determine whether the person is truant.

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

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

(B) When reporting the "Reason for Stop," the officer shall also provide a brief explanation (250-character maximum) regarding the reason for the stop. This explanation shall include additional detail beyond the general data values selected for the "Reason for Stop." If the officer selects "Stop Made During the Course of Performing a Welfare or Wellness Check or an Officer's Community Caretaking Function," this explanation shall include detail regarding the nature of that welfare check or the community caretaking function. If the primary reason for the stop differs from the reason(s) for the stop communicated to the stopped person, this explanation shall include detail regarding the reason why the officer communicated to the stopped person a different reason for the stop

than was the actual, primary reason for the stop. If the officer did not communicate to the stopped person a reason for the stop, the officer must explain the facts and circumstances that gave rise to a reasonable belief that withholding the reason for the stop was necessary to protect life or property from imminent threat, as part of their brief explanation in the "Reason for Stop" narrative field. Officers shall not include any personal identifying information of the persons stopped or Unique Identifying Information of any officer in this explanation.

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

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

(C) When reporting the "Reason for Stop," the officer shall select any of the data values if relevant:

> 1. The stopped person is a passenger in a vehicle.

> 2. The stopped person is inside a residence, where an officer was executing a search or arrest warrant naming or identifying another person, conducting a search pursuant to a condition of another person's parole, probation, PRCS, or mandatory supervision, or conducting a compliance check on another person under home detention or house arrest.

(15) "Reason Given to the Stopped Person" refers to the reason for the stop the officer communicated to the stopped person at the time of the stop, as required under Vehicle Code section 2806.5. The reason communicated to the stopped person may be different from, or the same as, the actual primary reason why the officer made the stop, as selected among the data values under the Reason for Stop data element.

(A) When reporting this data element, the officer shall identify the reason communicated to the stopped person, by selecting all of the following data values that apply. The officer should select the data values that best describes the reason communicated to the stopped person.

> 1. Traffic violation- Moving violation

> 2. Traffic violation- Equipment violation

> 3. Traffic violation- Non-moving violation

> 4. Officer witnessed commission of a crime

> 5. Matched suspect description

6. Matched description of suspect's vehicle or vehicle observed at the scene of a crime

7. Witness or victim identified stopped person as a suspect of a crime

8. Carrying suspicious object

9. Actions indicative of casing a victim or location

10. Suspected of acting as a lookout

11. Actions indicative of a drug transaction

12. Actions indicative of engaging in a violent crime

13. Other reasonable suspicion or probable cause that a crime has occurred

14. Probable cause to arrest or search

15. Probable cause to take into custody under Welfare and Institutions Code section 5150

16. Known to be on parole/probation/PRCS/mandatory supervision

17. Knowledge of outstanding arrest warrant/wanted person

18. Investigation to determine whether the person is truant

19. Consensual encounter resulting in a search

20. Possible conduct warranting discipline under Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7

21. Determine whether the student violated school policy

22. Reason not communicated to the stopped person because the officer reasonably believed that withholding the reason for the stop was necessary to protect life or property from imminent threat

(B) If the data value(s) selected under this data element differ from the data value selected under "Reason for Stop," the officer must explain why the officer communicated a different reason for the stop than was the actual, primary reason for the stop, as part of their brief explanation in the "Reason for Stop" narrative field.

(C) If the officer did not communicate to the stopped person a reason for the stop, the officer must explain the facts and circumstances that gave rise to a reasonable belief that withholding the reason for the stop was necessary to protect life or property from imminent threat, as part of their brief explanation in the "Reason for Stop" narrative field.

1. Example: Officer A stopped a person who matched the description of a suspected child abductor. Officer A did not provide the person with the reason for the stop at the time of the stop because Officer A was aware of an Amber Alert that gave rise to the reasonable belief that withholding the reason for the stop was necessary to protect life of the missing child from imminent threat. Under the Reason Given to Person Stopped data element, Officer A selected the data value, entitled "Reason not provided to the stopped person because the officer reasonably believed that withholding the reason for the stop was necessary to protect life or property from imminent threat." Under the Reason for

(16)(15) "Non-Force-Related Actions Taken by Officer During Stop" refers to an officer's actions toward the person stopped that do not relate to the use of force. All non-force related actions taken throughout the entire duration of the stop must be reported. All force-related actions must be reported in the data element, "Force-related Actions Taken by Officer During Stop". If the officer does not take any non-force-related actions, the officer must select "None."

(A) Example: At 0900 hours, Officer A stops a person walking on a residential street who matches the description of a burglary suspect. Officer A places the person in handcuffs and has the person sit on the curb. Officer A takes both force-related and non-force-related actions towards the stopped person, even after Officer A handcuffs the person. Officer A then places the stopped person in a patrol vehicle at 0945 hours and transports the person to the jail for booking. Officer A must report all non-force related actions taken from the time the person is stopped until the time the person is removed from the scene of the stop. Non-force-related actions must be reported in the "Non-Force-Related Actions Taken by Officer During Stop" data element. Force-related actions must be reported in the "Force-Related Actions Taken by Officer During Stop" data element.

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

1. Person removed from vehicle by order

2. Field sobriety test conducted

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

4. Patrol car detention

5. Peace officer's canine used to search for, locate, and/or detect contraband

6. Person photographed

7. Asked whether the person is on parole, probation, PRCS, or some other form of mandatory supervision

8. Asked for consent to search person

a. Consent given

b. Consent not given

9. *Terry v. Ohio* frisk/pat search of the person's outer clothing was conducted. For any other search of person, the officer must select "Search of person was conducted." This data value should not be selected when an officer only conducts a search of the stopped person that is more intrusive than patting down the outer clothing and/or for a reason other than determining whether the person is armed and dangerous for purposes of officer safety. In that scenario, the officer must select "Search of person

was conducted."

a. Example: Officer A stopped an individual that matched the description of someone suspected of armed robbery and conducted a search of a stopped person's outer clothing for weapons. Officer A did not conduct any other search of the person. Officer A should select "*Terry v. Ohio* frisk/pat search of the person's outer clothing was conducted" when reporting the actions Officer A took during this stop.

b. Example: Officer B stopped a person and patted the outer clothing of the stopped person for weapons based on specific facts that the person was armed and dangerous. Officer B did not find any weapon and continued the interaction with the stopped person. During their discussion, the stopped person indicated that they had just purchased illegal drugs that were in their pocket. Based upon reasonable suspicion, Officer B then reached inside the stopped person's pocket and retrieved contraband. When reporting the actions Officer B took during this stop, Officer B should select both "*Terry v. Ohio* frisk/pat search of the person's outer clothing was conducted" to capture Officer B's initial pat search of the stopped person's outer clothing and "Search of person was conducted" to capture Officer B's search of stopped person's pocket.

10. Search of person was conducted. This data value should be selected if a search of the person was conducted, regardless of whether the officer asked for or received consent to search the person. This data value should not be selected when an officer only conducts a *Terry v. Ohio* frisk/pat search of the person's outer clothing to determine whether the person is armed and dangerous for purposes of officer safety. In that scenario, the officer must select "*Terry v. Ohio* frisk/pat search of the person's outer clothing was conducted."

a. Example: Officer A conducted a search of a person for contraband, by searching their pockets and the inside of their shoes. Officer A should select "Search of person was conducted" when reporting the actions taken related to the search.

11. Asked for consent to search property

a. Consent given

b. Consent not given

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

13. Property was seized

14. Vehicle impounded

15. Ran name of stopped person's passenger (e.g., using patrol car computer or through a request to dispatch). This data value should be selected only in the stop data entry for a stopped driver in order to capture the act of running the name of a passenger in a vehicle.

16. Asked for identification of stopped person's passenger. This data value should be selected only in the stop data entry for a stopped driver in order to capture the act of requesting the identification of a passenger in a vehicle.

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

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

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

a. Consent given. The officer shall report the form of consent given by the stopped person from the following data values:

i. Verbal

ii. Written

iii. Implied by conduct.

b. Officer safety/safety of others

c. Search warrant

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

e. Suspected weapons

f. Visible contraband

g. Odor of contraband

h. Canine detection

i. Evidence of crime

j. Incident to arrest

k. Exigent circumstances/emergency

l. Vehicle inventory (for search of property only)

2. When reporting the "Basis for Search," the officer shall also provide a brief explanation (250-character maximum) regarding the basis for the search. This explanation shall include additional detail beyond the general data values selected for "Basis for Search." If a consent search is conducted, officers shall include a description of the specific conduct of the stopped person (i.e. the specific verbal statements, physical movements, or other behavior) that was reasonably interpreted by the officer as consent. Officers shall not include any personal identifying information of the persons stopped or Unique Identifying Information of any officer in this explanation. If the basis for the search is "Condition of parole/probation/PRCS/mandatory supervision," officers shall describe how they learned of the search condition. For example, if the officer learned of the parole/probation/PRCS/mandatory supervision status after checking with dispatch, the officer would indicate that.

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

b. Example: If the officer selected "Consent given" and then "Implied by conduct," the officer must use this field to explain the specific conduct of the stopped person (i.e., the specific verbal statements, physical movements, or other behavior) that was reasonably interpreted by the officer as consent to search.

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

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

2. Firearm(s)

3. Ammunition

4. Weapon(s) other than a firearm

5. Drugs/narcotics

6. Alcohol

7. Money

8. Drug paraphernalia

9. Suspected stolen property

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

11. Other contraband or evidence

(E) Additional Data Regarding Type of Property Seized.

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

a. Safekeeping as allowed by law/statute

b. Contraband

c. Evidence

d. Impound of vehicle

e. Abandoned Property

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

a. Firearm(s)

b. Ammunition

c. Weapon(s) other than a firearm

d. Drugs/narcotics

e. Alcohol

f. Money

g. Drug paraphernalia

h. Suspected stolen property

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

j. Vehicle

k. Other contraband or evidence

(17)(16) "Force-Related Actions Taken by Officer During Stop" refers to an officer's actions toward the person stopped that relate to the use of force. All force-related actions taken throughout the entire duration of the stop must be reported. All non-force-related actions must be reported in the data element, "Non-Force-Related Actions Taken by Officer During Stop." If the officer does not take any force-related actions, the officer must select "None."

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

1. Handcuffed or flex cuffed

2. Physical compliance tactics and techniques. This refers to the use of any part of the officer's body to make contact with the stopped person, when the purpose of such contact is to restrict movement or control a person's resistance and includes: any physical strike by the officer; or the use of significant physical contact by the officer. Examples of such contacts include, but are not limited to, hard hand controls, the forcible taking of a subject to the ground, and hitting or kicking the individual.

3. Peace officer's canine removed from patrol vehicle to gain compliance and/or for purposes of stopped person-apprehending

4. Peace officer's canine bit or held person

5. Firearm pointed at person

6. Firearm discharged

7. Firearm unholstered

8. Electronic control device pointed at person or sparked

9. Electronic control device used in dart-mode

10. Electronic control device used in drive-stun mode

11. Impact projectile weapon pointed at person

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

13. Baton or other impact weapon drawn

14. Baton or other impact weapon used, or other object (including a firearm) to strike

or prod

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

16. Person removed from vehicle by physical contact

17. Use of vehicle in apprehension of stopped person. This refers to the use of a vehicle to restrict movement or control a person's resistance.

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

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

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

(B) Verbal Warning

(C) Written Warning

(D) Citation for infraction

(E) In-field cite and release

(F) Custodial arrest pursuant to outstanding warrant

(G) Custodial arrest without warrant

(H) Field interview card completed

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

(J) Contacted parent/legal guardian or other person legally responsible for the person.

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

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

(19)(18) "Officer's Identification (I.D.) Number" refers to a permanent identification number assigned by the reporting agency to the reporting officer, which shall be used for all reporting to the Department required under this chapter. The reporting agency shall not assign the

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officer a new Officer's I.D. Number under any circumstances. If an officer leaves the reporting agency, the reporting agency shall not reassign that Officer I.D. Number to any other officer employed by the agency. For purposes of these regulations, an Officer's I.D. Number shall be considered Unique Identifying Information.

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

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

(A) Patrol, traffic enforcement, field operations

(B) Gang enforcement

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

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

(E) Roadblock or DUI sobriety checkpoint

(F) Narcotics/vice

(G) Task force

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

(I) Investigative/detective

(J) Off duty and/or working private event

(K) Contracted by another law enforcement agency. If this data value is selected, the officer shall specify the type of assignment.

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

(22)(21) "Race or Ethnicity of Officer" refers to the officer's identified race. When reporting this data element, the officer shall select all applicable data values set forth in section 999.226, subdivision (a)(5)(A), and described in 999.226, subdivision (a)(5).

(23)(22) "Gender of Officer" refers to the officer's identified gender. When reporting this data element, the officer shall select all applicable data values set forth in section 999.226, subdivision (a)(6)(A).

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

Article 4. Reporting Requirements

§ 999.227

(a) General Reporting Requirements.

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

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

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

(4) When two or more reporting agencies are involved in a stop, only the primary agency shall submit a report. The primary agency is the agency with investigative jurisdiction based on local, county, or state law or applicable interagency agreement or memoranda of understanding. If there is uncertainty as to the primary agency, the agencies shall agree on which agency is the primary agency for reporting purposes. If a stop is done in conjunction with a reporting agency and an agency that is not subject to the reporting requirements of this chapter, the reporting agency is required to submit data on the stop, even if it is not the primary agency responsible for the stop. An officer must indicate, where relevant, if they work with the non-primary agency.

(A) Example: Deputy A works at a Sheriff's Office as part of a joint task force with the federal Drug Enforcement Administration (DEA). As part of the joint task force, DEA officers and Deputy A stopped, searched, and arrested one person outside of a residence. Although the DEA was the primary agency for this stop, Deputy A is required to report the stop and their perceptions of the stopped person's race, gender, sexual orientation, among other data elements in Section 999.226, at the time Deputy A formed those perceptions.

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

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

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

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

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

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

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

(11) Reporting agencies shall create the Officer's I.D. Number defined at section 999.226, subdivision (a)(19)(17) for each officer required to report stops under these regulations. Stop reports submitted to the Department shall include the Officer's I.D. Number, but shall not include the officer's name or badge number. However, each reporting agency shall maintain a system to match an individual officer to their Officer's I.D. Number.

(b) Reporting Requirements for Passengers in Vehicle Stops.

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

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

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

(B) The passenger is subjected to any of the actions identified as data values in section 999.226, subdivision (a)(16)(15)(B), excluding "Vehicle impounded" and "None." as well as actions identified as data values in section 999.226, subdivision (a)(17)(16)(A), excluding "None."

1. Example: An officer stops a speeding SUV containing an adult and their two small children. During the stop, the officer learns that the adult's license has been revoked. The officer then orders the family to exit the vehicle and sit on the curb

while they question the adult. The officer shall submit stop data for each person, because ordering persons to sit on the curb is a data value in section 999.226, subdivision (a)(16)(15)(B).

2. Example: An officer stops a speeding truck containing an adult and their two teenage children. During the stop, the officer learns that the vehicle is stolen, and must impound the vehicle. The officer arrests the adult, and then asks the teenage children to exit the car so that the officer can impound the vehicle. The officer shall not submit stop data for the two children because "Vehicle impounded" is excluded from the data values under section 999.226, subdivision (a)(16)(15)(B) that trigger the reporting of stop data regarding passengers.

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

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

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

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

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

(1) Interactions that take place during the following circumstances shall be reported if the person is detained based upon individualized suspicion or personal characteristics and/or the officer engages in any of the actions described in the data values set forth in section 999.226, subdivision (a)(16)(15)(B), excluding "None." and as well as actions identified as data values in section 999.226, subdivision (a)(17)(16)(A), excluding "None.":

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

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

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

1. Example: An officer is dispatched to a residence to investigate a noise complaint. Upon arrival, the officer suspects that some of the persons at the house party are

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engaged in underage drinking and they detain the persons to request identification to verify proof of age. Because the only action the officer takes is to detain the persons for the sole purpose of verifying proof of age, these interactions are not reportable.

2. Example: At that same party, the officer, in addition to detaining a person to question them, also asks to search the person. Regardless of whether the person consents to the search or is actually searched, that interaction is reportable because asking for consent to search and/or conducting a search are data values under section 999.226, subdivision (a)(16)(15)(B) that trigger reporting of stop data in these settings.

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

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

(E) Any type of transit sweep where all transit passengers are detained for the purpose of determining whether they have paid transit fare.

1. Example: An officer orders all passengers in a Los Angeles County Metro Rail car to stay in place until the officer had the opportunity to check that all passengers have valid tickets. Because the officer checked all passengers and took no other actions, these interactions are not subject to the reporting requirements of this chapter.

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

1. Example: Officer A goes to a residence to execute a search warrant, which includes language to detain all occupants suspected or believed to have participated in the illegal activity cited in the warrant. At the residence, Officer A encounters a person named in the warrant and three other people not named in the warrant. Officer A handcuffs all four people in the residence. Officer A must complete stop data entries for the three people not named in the warrant.

2. Example: Officer B drives to a residence to conduct a search pursuant to a person's post-release community supervision (PRCS). Officer B spots the person on PRCS on the sidewalk outside his house. At some point during their interaction, Officer B

handcuffs the person. Officer B must complete a stop data entry for this interaction.

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

1. Example: Officer A goes to a residence to conduct a compliance check on a person on home detention. Officer A arrives at the residence and encounters four relatives of the person on home detention. At some point during the compliance check, Office A points his firearm at one of the relatives. Officer A must complete stop data entry for the person at whom they pointed their firearm.

2. Example: Officer B goes to a residence to conduct a compliance check on a person on home detention. At the residence, Officer B encounters two other people and asks them to step outside the house. Officer B takes no other action towards the two other people. Officer B need not complete a stop data entry for this interaction.

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

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

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

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

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

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

(C) Any interaction in which an officer engages in one or more of the data values set forth in section 999.226, subdivision (a)(16)(15)(B), excluding "None," as well as

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actions identified as data values in section 999.226, subdivision (a)(17)(16)(A), excluding "None." This does not include a detention or search that is conducted of all persons as part of a neutrally applied formula that is not based upon personal characteristics. This includes searches conducted at the entries and exits of school facilities by screening devices, and secondary screenings that result from that initial screening.

> 1. Example: All students entering a school are required to pass through a metal detector. A school police officer searches a student's person or belongings because a metal detector is activated. The interaction shall not be reported.
> 2. Example: An officer searches a student's backpack because they suspect the backpack contains narcotics. The interaction is reportable.

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

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

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

> 1. Disability related to hyperactivity or impulsive behavior

(C) "Reason for Stop." When reporting this data element, the officer shall select the primary reason for the stop from among the data values in section 999.226, subdivision (a)(14) as well as the additional data values provided below. "Student violated school policy" should only be selected if other options related to violations of law (e.g., Penal Code or Education Code) do not apply.

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

> 2. Determine whether the student violated school policy

(D) "Non-Force-Related Actions Taken by Officer During Stop" and "Force-Related Actions Taken by Officer During Stop." When reporting these data elements, in addition to selecting the applicable data values in section 999.226, subdivision (a)(16)(15)(B) and (17)(16)(A) above, the officer shall also select the following data value if applicable:

> 1. Admission or written statement obtained from student

(E) "Basis for Search." When reporting this data element, in addition to selecting the applicable data values in section 999.226, subdivision (a)(16)(15)(C) above, the officer shall also select the following data value if applicable:

    1. Suspected violation of school policy

(F) "Basis for Property Seizure." When reporting this data element, in addition to selecting the applicable data values in section 999.226, subdivision (a)(16)(15)(E)1.(1) above, the officer shall also select the following data value if applicable:

    1. Suspected violation of school policy

(G) "Result of Stop." When reporting this data element, in addition to selecting the applicable data values in section 999.226, subdivision (a)(18)(17) above, the officer shall also select the following data values if applicable:

    1. Referral to school administrator

    2. Referral to school counselor or other support staff

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

Article 5. Technical Specifications and Uniform Reporting Practices

§ 999.228

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

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

(c) If a reporting agency's officers have not conducted any stops in the preceding calendar year, the reporting agency shall report to the Department that no stops were conducted, consistent with their reporting obligations under Government Code section 12525.5, subdivision (a).

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

(e) Reporting Responsibilities. Law enforcement agencies are solely responsible to ensure that neither personally identifiable information of the person stopped, nor any other information that is exempt from disclosure pursuant to Government Code section 12525.5, subdivision (d), is transmitted to the Department in the data element entitled "Location of Stop" required by section 999.226, subdivision (a)(4) and the explanatory fields required by section 999.226, subdivisions (a)(14)(B) and (16)(15)(C)(2). By transmitting a stop data report to the Department, the law enforcement agency is attesting that it ensured that neither personally identifiable information nor any other information that is exempt from disclosure, as described above, is included in the stop data report. Unless otherwise provided, all information submitted in the stop data report, including the information entered into the data element entitled "Location of Stop" required by section 999.226, subdivision (a)(4) and the explanatory fields required by section 999.226, subdivisions (a)(14)(B) and (16)(15)(C)(2), is subject to public disclosure consistent with Government Code section 12525.5, subdivision (d).

(f) 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.

(g) 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.

(h) Data Publication. Data submitted to the Department will be published, at the discretion of the Attorney General and consistent with Government Code section 12525.5, on the Department's Open Justice website. The data published shall include disaggregated statistical data for each reporting agency. The Department shall not release to the public personally Unique iIdentifying iInformation or the Officer's I.D. Number, as defined in these regulations. Nothing in this section prohibits the Department from confidentially disclosing all stop data reported to the Department to a Confidential Stop Data Requestor to advance public policy and/or for scientific study, provided that any material identifying stopped persons or officers is used for Research Purposes and not transferred to an unauthorized third party, duplicated, revealed, or used for any other purposes and that reports or publications derived therefrom do not identify specific individuals. Any release of Confidential Stop Data containing personally identifying information or an Officer's I.D. Number will be done pursuant to the Department's data security protocols, which will ensure that the publication of any data, analyses, or research will not result in the disclosure of an individual officer's or stopped person's identity.

> (1) "Research Purposes," when used in this section, means analysis of data to conduct a systematic investigation, including research development, testing, or evaluation, which is designed to develop or contribute to (A) generalizable knowledge or (B) education on racial and identity profiling in law enforcement, as defined in subdivision (e) of Section 13519.4.

> (2) "Confidential Stop Data," when used in this section, is defined as personally

identifying information or an Officer's I.D**. Number**, as defined in these regulations.

(3) A "Confidential Stop Data Requestor," when used in this section, means an individual or entity:

> (A) requesting disclosure of Confidential Stop Data for Research Purposes; and

> (B) that has, and can maintain, security measures to prevent the unauthorized access of hard copies or electronic files containing Confidential Stop Data, as listed in subdivision (10)(R)-(T).

(4) A "Team Member," when used in this section, means any individual who shares the same employer as the Confidential Stop Data Requestor or is employed by the Confidential Stop Data Requestor.

(5) "Data Request Application," when used in this section, means the application developed by the Department's Research Center for an individual or entity to obtain approval to receive Confidential Stop Data.

(6) A Confidential Stop Data Requestor must only use the requested Confidential Stop Data to support Research Purposes, as defined in this section and as specified in the Data Request Application.

(7) A Confidential Stop Data Requestor must sign a form, acknowledging that the Confidential Stop Data Requestor will adhere to the following conditions, consistent with these regulations:

> (A) Requests for Confidential Stop Data must be in writing and a Confidential Stop Data Requestor is strictly prohibited from using the Confidential Stop Data for any purpose other than the purpose for which the Confidential Stop Data was provided.

> (B) The Confidential Stop Data Requestor shall not duplicate these data or disseminate it to a third party.

> (C) The Confidential Stop Data Requestor must identify each Team Member who is expected to access the Confidential Stop Data.

> (D) The Confidential Stop Data Requestor must notify the Department when a Team Member is removed from the project.

> (E) The Confidential Stop Data Requestor and each Team Member must take precautions to protect Confidential Stop Data from unauthorized access for so long as the Confidential Stop Data Requestor maintains the data.

> (F) The indicated location of where the Confidential Stop Data Requestor and each Team Member will access the requested data must be accurate and neither the Confidential Stop Data Requestor nor any Team Member will access the requested data outside of the provided location.

(G) The Confidential Stop Data Requestor must attest that they are in compliance with the Department's security protocols by signing the Non-Criminal Justice Information Security Requirements, which is described below in subdivision (h)(9)(R).

(H) The Confidential Stop Data Requestor must report all security incidents and breaches within 24 hours.

> 1. As used in these regulations, security incidents are defined as those incidents that actually or potentially jeopardized the confidentiality, integrity, or availability of an information system or network or the information the system processes, stores, or transmits, or that constitutes a violation or imminent threat of violation of the security requirements, policies, procedures, or information.

> 2. As used in these regulations, breach is defined as the loss of control, compromise, unauthorized disclosure, unauthorized acquisition, or any similar occurrence where an unauthorized user accesses or potentially accesses the Confidential Stop Data, or an authorized user accesses the Confidential Stop Data other than for an authorized purpose.

(I) Within 90 days of concluding the research project or report identified in the Data Request Application, the Confidential Stop Data Requestor must destroy the requested data. Within 30 days of the data destruction, the Confidential Stop Data Requestor must notify the Department of the research project or report's completion and must submit a signed and dated certification, made under penalty of perjury, of data destruction.

(J) The Confidential Stop Data Requestor must take precautions to prevent re-identification of officers and stopped persons whose personally identifying information may be contained in these data, consistent with subdivision (h)(12).

(K) The Confidential Stop Data Requestor must further acknowledge that the failure to comply with the conditions identified in subdivision (h)(7)(A)-(J) may result in the loss of access to the Department's data for this and/or future research projects. In exercising its discretion to limit or end access to the Department's data for a current or future research project, the Department may consider the following, including but not limited to, the severity of the violation, whether personally identifying information or Confidential Stop Data was involved, any previous violations, the type of data disclosed or requested, and the violator's culpability.

(8) A Confidential Stop Data Requestor must electronically submit a completed Data Request Application to the Department's Research Center. The Department may deny a Data Request Application for failure to provide any of the required information listed in subdivision (h)(9). In exercising its discretion to deny a Data Request Application, the Department may consider the following factors, including but not limited to, whether the

purposes do not meet the definition of Research Purposes under subdivision (h)(1), whether the missing information relates to the security measures required by these regulations, whether the missing information threatens disclosure of the Confidential Stop Data, and whether the missing information is a technicality, such as a missing zip code, that can be readily provided by the Confidential Stop Data Requestor.

(9) To complete the Data Request Application, a Confidential Stop Data Requestor must provide all of the following information and documentation in the Data Request Application:

> (A) Designation as a new request or a modified request.
>
> (B) Date of request.
>
> (C) Name, phone number, and email address of the Confidential Stop Data Requestor.
>
> (D) Address, city, state, and postal code of the Confidential Stop Data Requestor.
>
> (E) Name, phone number, and email address of the Confidential Stop Data Requestor's information security officer or IT manager, if applicable.
>
> (F) Project title.
>
> (G) The name of the public agency or research body, if applicable.
>
> (H) Date of anticipated completion of the project or the report.
>
> (I) List of information for each Team Member that includes all of the following:
>
>> 1. Name of Team Member.
>>
>> 2. The physical location from which the Team Member will access the requested data.
>>
>> 3. A signature acknowledging that the indicated location of where each team member will access the requested data is accurate; that no member will access the requested data outside the provided location; and that failure to comply with these terms may result in the loss of access to the Department's data for this and/or future research projects, consistent with subdivision (h)(7)(K).
>>
>> 4. Whether the Team Member is part of a data analysis team.
>>
>> 5. Whether the Team Member is part of an information technology team.
>
> (J) The purposes and objectives of the project or report, including how the project or report serves its Research Purposes.
>
> (K) How the requested data will be used to support the Research Purposes of the

project or report.

(L) The expected benefits of the project or report.

(M) If applicable, the funding source of the project or report, including all of the following:

1. Whether the funding source is a public or private grant.

2. The grant period.

3. The grant expiration date.

(N) Proposed project design and methodology, including, but not limited to:

1. Where the data analysis will be conducted.

2. A detailed description of the requested data.

(O) If applicable, any information pertaining to other formal proposals, grants, or project approvals, including institutional review board approvals for the academic community. If the entity has an institutional review board, a copy of the institutional review board approval and all documentation submitted as part of that review and approval process, including the application number and expiration date. This approval must demonstrate that the institutional review board is aware of, and has considered, relevant federal and State laws and regulations regarding the general use of human subjects, and specifically the use of human subjects who are incarcerated, minors, or otherwise vulnerable populations.

(P) Curriculum vitae of the Confidential Stop Data Requestor.

(Q) A description of all security measures, compliant with NIST 800-171, that the Confidential Stop Data Requestor has in place to prevent the unauthorized access of hard copies or electronic files containing Confidential Stop Data, including at a minimum:

1. Encryption methods.

2. Anti-virus software.

3. Network security.

4. Physical storage location of the data.

5. Risks or confidentiality issues related to the storage location.
6. Whether the data is stored on a device with an internet connection.

7. Any software protection on the device on which the data is stored.

8. Whether hard copies of the data will be stored.

9. How the network attached storage is secured.

10. How the Confidential Stop Data Requestor will ensure the elimination of individual identifiers from subject records or publications when the project is completed.

(R) The Confidential Stop Data Requestor's signature and date of signature on the Department's Non-Criminal Justice Information Security Requirements, attesting that they are in compliance with the Department's security protocols. This document must include the following provisions and attachments:

1. The name, position title, signature, and date of signature, of the Confidential Stop Data Requestor's information security officer or IT manager, if applicable. If the Confidential Stop Data Requestor does not have an information security officer or IT manager, the name, position title, signature, and date of signature of the Confidential Stop Data Requestor.

2. A certification that the security controls are in place to meet the requirements of United States Department of Commerce, National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171, Revision 2, dated February 21, 2020, which is incorporated by reference.

3. Detailed description demonstrating compliance to the NIST 800-171 requirements, as described in these regulations.

4. If the data storage will be in a data server maintained by a cloud provider and/or or a third-party data center, the Confidential Stop Data Requestor must submit one of the following: (a) a Systems and Organization Control (SOC) 2 type I or type II audit or (b) a Federal Risk and Authorization Management Program (FedRAMP) Authorization assessed at the moderate or high security baseline.

(S) Whether the Confidential Stop Data Requestor is capable of receiving data over a secure file transfer protocol.

(10) If the Data Request Application is approved, the Confidential Stop Data Requestor and all Team Members must complete and submit a notarized identification verification. After the notarized identification verification is received, the Department's Research Center will securely transfer the requested data to the Confidential Stop Data Requestor.

(11) Ninety (90) days before the expiration date of the approved Data Request Application, the Research Center shall notify the Confidential Stop Data Requestor to submit a renewal request. The Confidential Stop Data Requestor shall complete the renewal process before the expiration date of the approved Data Request Application. A project renewal must be submitted in writing, on the Stop Data Requestor's official

letterhead, to the Department's Research Center, and include all of the following information:

> 1. Any personnel changes and updated contact information, including removal or addition of the Confidential Stop Data Requestor or other Team Members.
>
> 2. Any technology changes to the location or procedures around where the stop data is stored or accessed.
>
> 3. Any environmental changes to the location or procedures around where the stop data is stored or accessed.
>
> 4. The name and contact information of the Confidential Stop Data Requestor information security officer or IT manager, if applicable.

(12) The Confidential Stop Data Requestor and Team Member(s) shall protect the confidentiality and take precautions to prevent the re-identification of officers and stopped persons whose unique identifying information or personally identifying information may be contained in the Confidential Stop Data. Examples of precautions include:

> 1. Not reporting any nonzero counts less than 10 for a category;
>
> 2. Not publishing counts and relying on percentages;
>
> 3. Collapsing across categories and displaying the results only as a percentage distribution;
>
> 4. Rounding and recoding; and
>
> 5. Separating information in charts, for instance, reporting demographic and location information separately from actions taken.

(13) The Confidential Stop Data Requestor and Team Member(s) shall protect the security of stop data, and shall ensure that the system or network containing the stop data is secure and segmented from other applications, shall limit access to the system or network to authorized persons identified in the Data Request Application, and shall take the following actions in the event of a security incident or breach:

> 1. Notify the Research Center of a security incident or breach within 24 hours.
>
> 2. Submit a notification letter to the Department for publication on the Department's public website of any breach affecting the Confidential Stop Data of 500 individuals or more.
>
> 3. The Confidential Stop Data Requestor shall reimburse the Department for any losses or expenses resulting from the security incident or breach, such as expenses related to credit monitoring for individuals whose data was exposed by the security incident or breach.

4. The information security officer or information technology manager identified in the Confidential Stop Data Requestor's Data Request Application will be the Department's primary point of contact in case there is a security incident or breach. If no information security officer or information technology officer is identified in the Data Request Application, the Confidential Stop Data Requestor shall be the Department's primary point of contact.

(14) If the Confidential Stop Data Requestor requests remote access authorization, the Confidential Stop Data Requestor and each applicable Team Member must complete and submit a Researcher Confidentiality and Non-Disclosure Agreement (DOJRC 0003) (Orig. 07/2021), incorporated by reference in this chapter, and a Researcher Data Access User Agreement (DOJRC 0002) (Orig. 07/2021), incorporated by reference in this chapter. If the Confidential Stop Data Requestor or any Team Member is unable to meet the security requirements of the Researcher Data Access User Agreement, that Confidential Stop Data Requestor or Team Member may submit a Security Variance Form for Data Access Non-Compliance of Security Requirements (DOJRC 0001) (Orig. 07/2021), incorporated by reference in this chapter, for consideration by the Department's Research Center.

(15) When the Confidential Stop Data Requestor has concluded a research project or report, in accordance with the restrictions on use or disclosure of stop data, as specified in this section, the Confidential Stop Data Requestor must notify the Department's Research Center that the research project or report has concluded and submit to the Department's Research Center, in writing, a signed and dated certification, made under penalty of perjury, of data destruction confirming all of the following:

    1. The project name and project number.

    2. The type of data destroyed.

    3. The name of the Confidential Stop Data Requester.

    4. All confidential information received from the Department's Research Center has been sanitized using one or more of the approved destruction methods listed in National Institute of Standards and Technology (NIST) Special Publication 800-88, Revision 1, Guidelines for Media Sanitation (December 2014), which is incorporated by reference.

    5. The date that all electronic files containing stop data were destroyed.

    6. The name of the witness or witnesses of the data destruction.

    7. The position of the witness or witnesses of the data destruction.

    8. Acknowledgement by the Confidential Stop Data Requestor that failure to comply with the data destruction protocols required by this section may result in an audit of the project associated with requested data. In exercising its discretion to audit a project for failure to comply with the data destruction protocols, the

Department may consider the following, including but not limited to, the severity of the violation, whether Confidential Stop Data was involved, any previous violations, and the violator's culpability.

9. A description of the items disposed of or destroyed.

10. An explanation of the method of destruction used.

The destruction of data must take place within 90 days of the conclusion of the research project or report. The notification of the research project and conclusion and the dated certification, made under penalty of perjury, of data destruction must be submitted within 30 days of the data destruction.

(i) Nothing in this section prohibits a reporting agency from confidentially disclosing all of its stop data to advance public policy, for scientific study, or for analysis of the data for use by the agency itself. The reporting agency is responsible for establishing its own data security protocol to ensure that the publication of any data, analyses, or research will not result in the disclosure of Confidential Stop Data or an individual officer's identity.

(j) Retention Period. The Department shall retain the stop data collected indefinitely. Each reporting agency shall keep a record of its source data for a minimum of three years, and shall make this data available for inspection by the Department should any issues arise regarding the transfer of data to the Department. Each reporting agency is responsible for responding to requests made to the agency for its stop data, consistent with their obligations under the California Public Records Act, and shall not refer requestors to the Department to request information required to be retained by the reporting agency.

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