

DEPARTMENT OF JUSTICE
Title 11. Law
Division 1. Attorney General
Chapter 19

August 1, 2017

**NOTICE OF AVAILABILITY OF MODIFIED TEXT OF PROPOSED REGULATIONS
AND RELATED MATERIALS [OAL File No. Z-2016-1129-03]**

Pursuant to the requirements of Government Code section 11346.8, subdivision (c) and section 44 of Title 1 of the California Code of Regulations, the California Department of Justice is providing notice of changes made to the proposed regulations regarding California's Racial and Identity Profiling Act of 2015, which were published and noticed for public comment on December 9, 2016. These changes are being made in response to comments received regarding the proposed regulations and/or to clarify and conform the proposed regulations to existing law. The originally proposed regulations, this Notice, the text of the proposed regulations as modified, and a comparison of the text as originally proposed with the proposed modifications, are available at <https://oag.ca.gov/AB953/regulations>.

The Department of Justice is also providing notice of additional materials added to the rulemaking file, including an Addendum to the Initial Statement of Reasons (ISOR) and a revised Economic and Fiscal Impact Statement (STD 399) and Addendum. A full list of new materials is attached. The entire rulemaking file, which includes the documents referenced above, is available for inspection and copying throughout the rulemaking process during business hours at the locations listed below. In addition, the Addendum to the ISOR and revised STD 399 and Addendum are available at <https://oag.ca.gov/AB953/regulations>.

The Department of Justice will accept written comments regarding the proposed changes or materials added to the rulemaking file between Tuesday, August 1, 2017 and Wednesday, August 16, 2017. All written comments must be submitted to the Department of Justice contact persons listed below no later than 5:00 p.m. on August 16, 2017. Comments may also be submitted via facsimile (FAX) at (213) 897-7605, by e-mail to AB953@doj.ca.gov, or online on the [AB 953 Regulations webpage](https://oag.ca.gov/AB953/regulations) at <https://oag.ca.gov/AB953/regulations>.

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Department of Justice staff will review and respond to all written comments received by 5:00 p.m. on or before August 16, 2017 that pertain to the changes to the proposed regulations and the new materials added. Please limit your comments to those items. Any questions regarding this proposed regulatory action may be directed to ab953@doj.ca.gov or the AB 953 voicemail box at (213) 897-2039.

AB 953 Stop Data Reporting Regulations
Materials Added to the Rulemaking File as of August 1, 2017
(OAL File No. Z-2016-1129-03)

On December 9, 2016, the California Department of Justice (Department of Justice) published a Notice of Proposed Rulemaking Activity regarding regulations with respect to California's Racial and Identity Profiling Act of 2015. The following document was included in the rulemaking file at the time the Notice was published, but was inadvertently omitted from the list of materials relied upon that was provided in the Initial Statement of Reasons:

24. California Police Chiefs Association, *AB 953: CPCA Concerns and Cost Estimates* (Aug. 4, 2015).

A copy of this document can be found at pages Z-2016-1129-03-00161 through -00179 of the rulemaking file.

The following documents have been added to the rulemaking file pursuant to Government Code section 11347.1:

25. ACLU, Letter to Department of Justice (Apr. 19, 2017).
26. ACLU of North Carolina, Road Work Ahead (May 2014), available at http://acluofnorthcarolina.org/files/Road_Work_Ahead_-_Data_collection_report_2014.pdf.
27. Department of Justice, Field Test Results (May 2017).
28. Department of Justice, Letter to Department of Finance (Jan. 25, 2017).
29. Department of Justice, Survey to Law Enforcement Agencies: Summary of Responses (June 2016).
30. Department of Justice, Use of Force Incident Reporting (Dec. 21, 2016).
31. Emily Owens (University of California, Irvine), Letter to Department of Justice (Apr. 28, 2017).
32. *Floyd v. City of New York* (S.D.N.Y. 2013) 959 F. Supp. 2d 668.
33. New York Civil Liberties Union, Stop-and-Frisk Data, at <http://www.nyclu.org/content/stop-and-frisk-data>.
34. Peace Officers Research Association of California, Letter to the RIPA Board (Jan. 26, 2017).
35. Phillip Reese, *See What California Cities Pay Police, Firefighters*, Sacramento Bee (Feb. 27, 2016), at <http://www.sacbee.com/site-services/databases/article2573210.html>.
36. The President's Task Force on 21st Century Policing, *Final Report* (May 2015), at https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.
37. Racial and Identity Profiling Advisory Board, Meeting Minutes (Oct. 24, 2016).
38. Racial and Identity Profiling Advisory Board, Meeting Minutes (Jan. 26, 2017).
39. Sharad Goel (Stanford University), Letter to Department of Justice (June 10, 2017).
40. Sunlight Foundation, The Benefits of data in Criminal Justice: Improving Police-Community Relations (Apr. 30, 2015), at <https://sunlightfoundation.com/2015/04/30/the-benefits-of-data-in-criminal-justice-improving-police-community-relations/>.
41. Sunlight Foundation, The Benefits of data in Criminal Justice: Beyond Policing (May 1, 2015), at <https://sunlightfoundation.com/2015/05/01/the-benefits-of-criminal-justice-data-beyond-policing/>.

42. Susanna Capelouto, CNN.com, *Racial profiling costs Arizona county \$22 million* (Jan. 3, 2014), at <http://www.cnn.com/2014/01/03/us/racial-profiling-payments/index.html>.
43. U.S. Census Bureau, *The Asian Population: 2010* (Mar. 2012), at <https://www.census.gov/prod/cen2010/briefs/c2010br-11.pdf>.
44. U.S. Census Bureau, *The Native Hawaiian and Other Pacific Islander Population: 2010* (May 2012), at <https://www.census.gov/prod/cen2010/briefs/c2010br-12.pdf>.

In addition, the Department of Justice has added copies of the following rulemaking documents to the rulemaking file:

- Addendum to the Initial Statement of Reasons (August 1, 2017).
- Revised STD 399 and Addendum (July 27, 2017).

Copies of the Addendum to the Initial Statement of Reasons, the Revised STD 399 and Addendum, and all comments received during the prior public comment period are available for inspection at the addresses noted in the Notice of Availability of Modified Text of Proposed Regulations and Related Materials, provided on August 1, 2017. They are also available at <https://oag.ca.gov/ab953/regulations>.