

**OAL Register Z-2016-1129-03:  
Revisions to Proposed Regulations Submitted on December 9, 2016**

The original proposal is in single underline. Changes are illustrated in **bold red text** for proposed additions and by ~~strikeout~~ for proposed deletions.

**CALIFORNIA CODE OF REGULATIONS**  
**TITLE 11. LAW**  
**DIVISION 1. ENFORCEMENT**  
**CHAPTER 19**  
**PROPOSED TEXT OF REGULATION**

Article 1. Definitions

Article 2. Law Enforcement Agencies Subject to Regulations

Article 3. Data Elements to Be Reported

Article 4. Reporting Requirements

Article 5. Technical Specifications and Uniform Reporting Practices

Article 6. Audits and Oversight

**Article 1. Definitions**

**§ 999.224**

(a) For purposes of Government Code section 12525.5 and this chapter only, the following definitions shall apply:

(1) “Act” means the provisions of the Racial and Identity Profiling Act of 2015, also known as “AB 953,” which are contained in Government Code section 12525.5, Penal Code section ~~13519.4~~ **13012**, and Penal Code section ~~13020~~ **13519.4**.

(2) “Consensual search” is a search that occurs when a person gives a peace officer consent or permission to search the person or the person’s property. Consent can be given in writing or verbally, or may be implied by conduct.

(3) “Custodial setting” means correctional institutions, juvenile detention facilities, and jails, **and including parking lots and grounds within the perimeter of these enumerated facilities.** “Custodial setting” does not include home detention or any circumstances where persons are under house arrest outside of correctional institutions, juvenile detention facilities, or jails.

(4) “Data element” refers to a category of information the ~~reporting~~ peace officer must report regarding a stop. For example, “perceived gender **of person stopped**” is a data element that must be collected under Government Code section 12525.5.

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(5) “Data value” is a component or characteristic of a data element to be used in reporting each data element. For example, “female, male, transgender man/boy, transgender woman/girl, gender nonconforming” are each data values to use in reporting the data element “perceived gender of person stopped.” Reporting agencies shall ensure that the technical specifications for data values are consistent with these regulations and in doing so shall follow the data dictionary prepared by the Department.

(6) “Department” refers to the California Department of Justice ~~or~~ and the California Attorney General.

(7) “Detention,” unless otherwise provided in these regulations, means a seizure of a person’s body person by an officer that results from physical restraint, unequivocal verbal commands, or words or conduct by an officer that would result in a reasonable person believing that he or she is not free to leave or otherwise disregard the officer.

(8) “Firearm” means a weapon that fires a shot by the force of an explosion, and includes all handguns, rifles, shotguns, and other such devices commonly referred to as firearms.

(9) “K-12 Public School-Setting” means “California state educational institution,” as defined in this chapter.

(10) “Probation officer” means an adult probation officer authorized by Penal Code section 1203.5, or a juvenile probation officer authorized by Welfare and Institutions Code section 270, whose duties are defined in Penal Code section 830.5 or Welfare and Institutions Code sections 280 and 283, respectively.

(11) “Reporting agency” means:

(A) Any city or county law enforcement agency that employs peace officers.

1. “Reporting agency” includes any city or county law enforcement agencies that employ peace officers, including officers who are contracted to work at other government agencies or private entities. ~~including~~ This includes, but is not limited to, peace officers assigned to work in cities or other jurisdictions that are not within the original jurisdiction of the city or county law enforcement agency; peace officers of city or county law enforcement agencies assigned to or contracted to work at housing or transit agencies; and school resource officers assigned to work in California state educational institutions.

(B) The California Highway Patrol.

(C) The law enforcement agencies of any California state or university educational institutions.

1. “California state educational institution” means any public elementary or secondary school; the governing board of a school district; or any combination of school districts or counties recognized as the administrative agency for public elementary or secondary schools.

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a. “The law enforcement agencies of California state educational institutions” refers to any police department established by a public school district pursuant to Education Code section 38000, **subdivision (b)**. ~~that employs peace officers, as defined in California Penal Code section 830.~~

2. “California university educational institution” means the University of California, **the** California State University, and any college of the California Community Colleges.

~~a. 3.~~ “The law enforcement agencies of California university educational institutions” refers to the following:

~~a. (1) **Police departments** Law enforcement agencies of all campuses of the California State University; established pursuant to Education Code section 89560;~~

~~b. (2) **Police departments** Law enforcement agencies of all campuses of the University of California; established pursuant to Education Code section 92600; and~~

~~e. (3) **Police departments** Law enforcement agencies of all California community colleges; established pursuant to Education Code section 72330.~~

(12) “School resource officer” includes, but is not limited to, “school resource officer” as defined by 42 U.S.C. § 3796dd-8**(4)**.

(13) “Search,” unless otherwise provided, means a search of a person’s body or property in the person’s possession or **under his or her** control, and includes a pat-down search of a person’s outer clothing as well as a consensual search, **as defined in these regulations.**

(14) “Stop” for purposes of these regulations means (1) any detention, as ~~that term is defined~~ in these regulations, by a peace officer of a person; or (2) any peace officer interaction with a person in which the officer conducts a search, **as defined in these regulations.**

**(15) “Stop data” refers collectively to the data elements and data values that must be reported to the Department.**

~~(15)-(16) “Student” means any person who is enrolled in a **K-12 Public School, or** Kindergarten through 12<sup>th</sup> grade public school (“K-12 public school”), including any person **who is** subject to California’s compulsory education law as **provided** defined in Education Code section 48200. ~~As provided in section 48200, A~~ “student” includes persons between ages 6 and 18 years of age who are not otherwise exempt or excluded from the compulsory education laws **as provided in Education Code section 48200. “Student” also refers to persons up to 22 years of age who are being provided special education and services, as provided under Education Code section 56026. The reporting requirements of this chapter regarding “students” apply only to interactions between officers and students that take place in a K-12 Public School.**~~

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(A) Example: A person between the ages of 6 and 18 who is not enrolled in a K-12 ~~Public School~~ because he or she has been expelled **or is temporarily suspended** from school is a student for purposes of these regulations.

(B) Example: A person between the ages of 6 and 18 who is enrolled as a student at one K-12 ~~Public School~~ but who is stopped by an officer at another school is a student for purposes of these regulations.

~~(C) Example: A person between the ages of 6 and 18 who has received his or her G.E.D. and who is stopped by an officer at a public K-12 school is a student for purposes of these regulations.~~

~~(C) (D) Example: A 19-year old person who is enrolled at ~~in a K-12 Public School~~ public school is a student for purposes of these regulations.~~

**(D) Example: A 21-year old special education student enrolled in a K-12 Public School is a student for purposes of these regulations.**

**(E) Example: An interaction between an officer and a student that takes place at a mall must be reported pursuant to the general reporting requirements set forth in section 999.227, subdivision (a) of these regulations, and not the reporting requirements set forth at section 999.227, subdivision (e)(3) – (4) for interactions that take place between a student and an officer in a K-12 Public School.**

**(17) “Unique Identifying Information” means personally identifying information, the release of which, either alone or in combination with other data reported is reasonably likely to reveal the identity of the individual officer who collected the stop data information. It does not include the minimum information that is specified in Government Code section 12525.5, subdivision (b).**

**(18) “Vehicle” means motor vehicles as defined in Vehicle Code section 670; mopeds; motorcycles; motorized scooters as defined in Vehicle Code section 407.5; and any motorized vehicles, including boats.**

~~(17) “Weapon” means a firearm, Taser or other electronic control device, stun gun, BB gun, pellet gun, air gun, gas powered gun, device that discharges rubber bullets or bean bags, baton, pepper spray, or mace.~~

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

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**Article 2. Law Enforcement Agencies Subject to Government Code Section 12525.5**

**§ 999.225**

(a) The data collection requirements of this chapter apply only to peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who are employed by “reporting agencies,” subject to the exceptions set forth below.

(b) ~~Peace officers who work in a custodial setting and p~~ Probation officers are not subject to this chapter, ~~even when employed by a reporting agency.~~

**(c) Peace officers shall not report stops that occur in a custodial setting.** Peace officers who work in ~~both custodial and non-custodial~~ settings are subject to this chapter for stops that occur in non-custodial settings.

(1) Example: A sheriff’s department that employs peace officers in both custodial and non-custodial settings shall report stops by an officer who is assigned to a non-custodial duty post.

(2) Example: ~~Peace officers of a reporting agency who are assigned to home detention visits or any other circumstance where persons are under house arrest outside of correctional institutions, juvenile detention facilities, or jails are subject to this chapter when stopping a person, including a probationer or parolee. The specific reporting requirements for stops conducted by peace officers assigned to home detention visits or house arrest are set forth in 11 CCR § 999.227, subdivision (c)(3).~~

**(d) (e) Except as provided in subdivision (b), a peace officer All peace officers** employed by a reporting agency, **except for probation officers, are** ~~is~~ subject to this chapter even if the officer makes a stop while assigned or contracted to work for another governmental agency or a private entity **pursuant to a contract or memorandum of understanding between the reporting agency and the governmental agency or private entity.** ~~, or is off-duty but identifies himself or herself as a peace officer, or acts in his or her official capacity.~~

(1) Example: A peace officer of a reporting agency who is also a member of a federal task force is subject to this chapter when stopping a person while the officer is performing duties as part of the task force, regardless of whether the officer must also comply with federal data collection policies, if any.

(2) Example: A peace officer of a reporting agency assigned to work as a school resource officer in a K-12 **Public School** ~~public school setting~~ pursuant to a memorandum of understanding or other contractual relationship is subject to this chapter when stopping a person while on that assignment.

(3) Example: A peace officer of a reporting agency hired pursuant to a memorandum of understanding or ~~otherwise contracted~~ **other contractual relationship between the reporting agency and a private entity** to work at a private **university** ~~ies~~ or colleges, or sporting events, is subject to this chapter when stopping a person while working on that assignment.

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- (4) ~~Example: A peace officer of a reporting agency who, while off duty, is hired by a private organization and who conducts his or her private duties while in the uniform of his or her reporting agency is subject to this chapter when stopping a person while working in his or her private capacity.~~
- (5) ~~Example: A peace officer of a reporting agency who is off duty and not in uniform is subject to this chapter when stopping a person after identifying themselves as a peace officer or while acting in their official capacity.~~

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

**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) 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 “**D**ate of **S**top 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 taken into physical custody. In reporting this data element, the officer shall **enter** select the **approximate length** closest approximation of the duration of stop **in minutes**. from the following options:

1. 0-10 minutes
2. 11-20 minutes
3. 21-30 minutes
4. 31-60 minutes
5. Over 60 minutes

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~~a. Example: Officer A stops an individual's car at 1300 hours. Officer B arrives at a later time and searches the individual's car at 1330 hours. The individual is arrested and taken into custody by Officer C at 1430 hours. "Duration of stop" is measured from the time the individual was first detained, in this example, by Officer A at 1300 hours, until the time that the individual is placed into custody, in this example, by Officer C at 1430 hours. In this instance, the duration of stop would be over 60 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 at 1345. "Duration of Stop" would be reported as 45 minutes.**

~~b. Example: Officer A interviews an individual about a robbery down the street. During the course of the interview, Officer A observes what looks like a knife protruding from the individual's waistband, and subsequently searches the individual. "Duration of stop" is measured from the time the person is searched, not the time during which the officer was interviewing the individual as a witness to the robbery.~~

**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) "Location and Type of Stop" refers to the physical location where the stop took place and the type of stop, and shall be reported as follows:

~~(A) The officer shall report the geographic coordinates, defined as either of the two lines of latitude and longitude whose intersection determines the geographical point of a place, of the location, if they are available, unless the location is a residence or home, which is defined to mean apartments including public housing, condominiums, townhouses, nursing homes, residences including residential driveways and residential yards, and extended or continuous care facilities.~~

~~(B) If the location is a residence or home, the officer shall not report the geographic coordinates or street address. Rather, the officer shall report only one of the most descriptive options of the following that are available to the officer: cross streets, closest intersection, block number, road marker, or landmark. The officer shall also report the zip code, if available to the officer.~~

~~(C) If geographic coordinates are not available, the officer shall report only one of the most descriptive options of the following that are available to the officer: street address.~~

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~~closest intersection, cross street, block number, highway exit, road marker, landmark, or other description if none of those are available. The officer shall also report the zip code, if available to the officer.~~

~~(D) If the stop takes place in a K-12 public school setting, the officer shall provide the name of the school where the stop took place, or if that is not available the geographic coordinates. If neither the name of the school nor geographic coordinates are available, the officer shall provide the information in subdivision (3)(C). The officer shall also indicate whether the stop is of a student.~~

~~(E) In reporting the type of a stop, the officer shall indicate whether the stop was (1) a vehicle stop and, if so, whether the person stopped was a driver or passenger; (2) a non-vehicle stop, including that of a pedestrian, as defined by Vehicle Code section 467; or (3) a stop of a person on a bicycle.~~

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

**(1) Block number and street name;**

**(2) Closest intersection; or**

**(3) Highway and closest highway exit.**

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

**(B) The officer shall report the city. To ensure uniformity, the Department shall provide a list of cities within the State of California.**

*(The following provisions (999.226, subdivisions (4) [Perceived Race or Ethnicity of Person Stopped], (5) [Perceived Gender of Person Stopped]; (6) [Perceived Age of Person Stopped]; (7) [Person Stopped Has Limited or No English Fluency]; and (8) [Perceived or Known Disability of Person Stopped]) were previously located at 999.226, subdivisions (8)-(12), respectively. They have been moved to immediately follow 999.226, subdivision (3), and have been revised as reflected below.)*

**(4) (8) “Perceived Race or Ethnicity of Person Stopped” captures **refers to the** an officer’s perception of the race or ethnicity of the person stopped. When reporting this data element, **an the** officer shall use his or her judgment to determine **make his or determination of** the person’s race or ethnicity by personal observation only. The officer shall not ask the person stopped his or her 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 as many **all** of the following data values that apply:**

**1. Asian or Pacific Islander**



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2. Black/~~or~~ African American

3. Hispanic/~~or~~ Latino/a(a)

4. Middle Eastern or South Asian

5. Native American

**6. Pacific Islander**

7. ~~6.~~ White

a. Example: If a person appears to be both Black and Latino/a (a), the officer shall select both “Black/~~or~~ African American” and “Hispanic/~~or~~ Latino/a(a).”

(B) “Asian or Pacific Islander” refers to a person of Asian descent or 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” below.

**(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/~~or~~ African American” refers to a person having origins in any of the Black racial groups of Africa.

(D) “Hispanic/~~or~~ Latino(a)/a” 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 does not fall within the definition of “Middle Eastern or South Asian” or “Asian.”**

(H) ~~(G)~~ “White” refers to a person of Caucasian descent having origins in any of the original peoples of Europe and Eastern Europe ~~including but not limited to Ireland, Germany, Great Britain, Italy, Poland, and Russia.~~

(5) ~~(9)~~ “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 his or her determination based on personal observation **only. The officer shall not ask, without asking the person stopped his or her person’s gender or use and without using** the gender specified on the person’s driver license or other identification, recognizing that the officer’s observation may not reflect the gender specified on the person’s identification.

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(A) When reporting this data element, the officer shall select **at least** one of the following data values. **In doing so and when applicable, the officer may select “Gender nonconforming” in addition to one of the four enumerated gender data values of Male, Female, Transgender man/boy, or Transgender woman/girl. If the officer cannot perceive the person stopped to be within the categories of Male, Female, Transgender man/boy, or Transgender woman/girl, the officer must select “Gender nonconforming” as the only data value.**

1. Male
2. Female
3. Transgender man/boy
4. Transgender woman/girl
5. Gender nonconforming

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

1. “Transgender man/boy” means ~~an individual~~ **a person** who was assigned female at birth but who currently identifies as a man, **or boy if they are a minor.**
2. “Transgender woman/girl” means ~~an individual~~ **a person** who was assigned male at birth but who currently identifies as a woman, **or girl if they are a minor.**
3. “Gender nonconforming” means a person whose gender-related appearance, behavior, or both, differ from traditional ~~stereotypes~~ **conceptions** about how ~~men or women~~ **males or females** typically look or behave. **A person of any gender or gender identity may be gender nonconforming. For this reason, an officer may select “Gender nonconforming” in addition to any of the other gender data values, if applicable.**

**(6) “Person Stopped Perceived to be LGBT” refers to the officer’s perception that the person stopped was LGBT. “LGBT” refers to lesbian, gay, bisexual or transgender. When reporting this data element, the officer shall select “Yes” or “No” and shall make his or her determination based on personal observation only, without asking whether the person is LGBT. If an officer selects “Transgender man/boy” or “Transgender woman/girl” in response to the data element for “Perceived Gender of Person Stopped,” he or she must also select “Yes” in response to this data element.**

**(7) (10) “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 his or her determination based on personal observation only. The officer shall not ask the person stopped his or her 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. ~~The officer shall select from one of the following data values:~~**

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~~(H) 0-9~~

~~(I) 10-14~~

~~(J) 15-17~~

~~(K) 18-24~~

~~(L) 25-29~~

~~(M) 30-39~~

~~(N) 40-49~~

~~(O) 50-59~~

~~(P) 60 and older~~

**(8)** ~~(11) “Person Stopped had~~ **Has Limited or No English Fluency or Pronounced Accent**” refers to the officer’s perception that the person stopped ~~has~~ **limited or no fluency in English fluency or a pronounced accent**. The officer will only select this data element if this applies to the person stopped.

**(9)** ~~(12) “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; ~~or the officer’s knowledge that the person stopped has one or more of the following conditions because the individual~~ **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 ~~prohibits the officer from complying with his or her duties under state and federal~~ **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 ~~as many~~ **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) **(C) Mental health condition** Impaired mental health or psychiatric condition.~~

**(E) ~~(D)~~ Intellectual or developmental disability, including dementia**

~~(F) **(B)** Other physical disability.~~

**(G) ~~(E)~~ None. If “None” is selected, no other data values can be selected.**

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(4) “Reason for Presence at Scene of Stop” means the circumstances under which the officer first encounters a person subject to a stop and provides context as to why the officer encountered the person.

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

1. Patrol, including officers assigned to patrol on foot, in a vehicle, or on a bicycle or other conveyance.

2. Radio calls/dispatch, which means any radio call or dispatch from the reporting agency. This includes, but is not limited to, requests for service that are made to the officer via telephone or other device and processed through the agency’s communications department or unit. When selecting this data value, the officer shall select as many of the following data values that apply:

a. Radio dispatch regarding suspicious/criminal activity

b. Radio dispatch with description of suspect

c. Citizen call for assistance

d. Other

Example: An officer receives a 911 call that a person is being robbed. The officer would select “Radio Call/Dispatch: Radio Dispatch Regarding Suspicious/Criminal Activity” as the “Reason for Presence at Scene of Stop.”

3. Witness interviews.

4. Citizen-initiated contact, which means requests for officer assistance that are made by persons who directly contact an officer who is in the field, including but not limited to citizen-initiated reports of criminal activity and citizen arrests pursuant to Penal Code sections 837 and 847.

5. Warrants and programmatic operations, which means situations where the officer encounters a person because of a pre-planned activity or any type of activity that requires an operational plan. When selecting this data value, the officer shall select as many of the following data values that apply:

a. Execution of search warrant

b. Execution of arrest warrant

c. Driving under the influence (DUI) sobriety checkpoint or other roadblock

d. Traffic control

e. Crowd control

f. Building or event security function (e.g., metal detectors)

g. Other

6. Welfare check. This data value refers to encounters in which the officer’s reason for his or her presence at the scene, even if the officer ultimately stops someone other

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~~than the person subject to the welfare check, is to inquire into the welfare or well-being of a person, when the inquiry is motivated by a concern that the person may be a danger to himself or herself, or to others, as described in Penal Code section 11106.4.~~

~~a. Example: A person stops an officer on patrol asking the officer to go to her adult son's apartment because her son has a gun and is threatening to kill himself. The officer goes to the apartment and finds the son in distress. The "Reason for Presence at Scene of Stop" is "Welfare check."~~

~~7. Other community caretaking, which means a category of law enforcement activity in which officers take actions to protect and provide aid to the public, other than a welfare check pursuant to Penal Code section 11106.4.~~

~~a. Example: A person calls 911 to say she has not seen her neighbor for days, newspapers are piling up, and there are sounds of a distressed animal inside a residence. The officer is dispatched to the neighbor's residence and finds a person inside with evidence of recently stolen property. The "Reason for Presence at Scene of Stop" is "Other community caretaking."~~

~~8. K-12 public school assignment, which means the officer has been assigned to a public elementary or secondary school campus, either as a member of the school district's police department, as a member of a city or county law enforcement agency, or as a school resource officer assigned to that school. This data value only applies if the officer has been assigned to the school.~~

~~a. Example: A school resource officer or school district police officer walks down the hallway and spots a student in possession of narcotics. The officer's "Reason for Presence at Scene of Stop" is "K-12 public school assignment."~~

~~b. Example: A sheriff's deputy receives a 911 call requesting assistance at a public high school because there is a fight between two armed students. The deputy's "Reason for Presence at Scene of Stop" is a "Call to service," and not "K-12 public school assignment," because the deputy is not assigned to the school.~~

~~9. Civil disorder, which means encounters in response to a civil disorder, including but not limited to a riot or mass disobedience.~~

~~10. Other. This data value shall be selected only when the reason for the officer's presence at the scene is not captured by the data values above.~~

(10) (5) "Reason for Stop" captures **refers to the primary reason** why the officer stopped the person.

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

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1. Traffic violation. When selecting this data value, the officer shall also identify the applicable Vehicle Code section and subdivision **using the Department's standard California Justice Information Services (CJIS) Offense Table.** When the person stopped is the driver, the officer shall also designate the **primary** type of violation:

- a. Moving violation
- b. Equipment violation
- c. **Non-moving violation, including registration violation** ~~Status violation~~

2. Reasonable suspicion that the person ~~stopped~~ was engaged in criminal activity (other than a traffic violation). **This data value should not be selected if "Traffic violation" is the reason for the stop.** When selecting this data value, the officer shall select at least one of the following data values **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 specific **primary** code section and subdivision **of the suspected violation of law** that formed the basis for the stop, if known to the officer.

- a. Officer witnessed commission of a crime**
- b. a. Person Matched** suspect description
- c. b. Witness or victim identification of suspect at the scene**
- d. e. Carrying suspicious object**
- e. d. Person taking actions Actions** indicative of casing a victim or location
- f. e. Person Suspected** of acting as a lookout
- g. f. Person taking actions Actions** indicative of a drug transaction
- h. g. Person taking actions Actions** indicative of engaging in a violent crime
- h. Person carrying objects in plain view used in a commission of crime**
- i. Other reasonable suspicion of a crime**

3. ~~Probable cause to arrest. When selecting this data value, the officer shall identify the specific code section and subdivision that formed the basis for the probable cause to arrest.~~

4. ~~Probable cause to search. The officer shall select this data value if there is a basis to establish probable cause to conduct a search.~~

**3. 5. Known to be on p**Parole/probation/PRCS/mandatory supervision. The officer shall select this data value if ~~the reason~~ the officer stopped the person ~~is~~ because the **officer knows that the** person stopped is ~~known to be~~ 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.**

**4. Knowledge of outstanding arrest warrant/wanted person. The officer shall select this data value if the officer stopped the person because the officer knows**

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**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.**

**5. Investigation to determine whether the person was truant.**

**6. Consensual encounter resulting in a consensual 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 consensual 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 individual person consents. In this case the reason for stop is a "consensual encounter resulting in a consensual search."

**(B) The "Reason for Presence at Scene of Stop" differs from the "Reason for Stop."**

**1. Example: The officer responds to a call for service that requests assistance for a possible burglary in progress at a retail store. When the officer arrives he or she discovers a person assaulting another person and detains and arrests the assailant. The "Reason for Presence at Scene of Stop" is "Radio call/dispatch: radio dispatch regarding suspicious/criminal activity," but "Reason for Stop" would be "Probable cause to arrest" and/or "Reasonable suspicion" followed by selection of the Penal Code section for assault.**

**2. Example: An officer pulls over a car for a broken taillight and cites the driver for a Vehicle Code violation. The "Reason for Presence at Scene of Stop" is "Patrol." The "Reason for Stop" is "Traffic violation," followed by the selection of the specific Vehicle Code violation.**

**3. Example: An officer pulls over a car for a broken taillight, and subsequently observes a switchblade in the lap of the passenger in the vehicle. The officer then asks the passenger to exit the vehicle. The "Reason for Presence at Scene of Stop" is "Patrol," but the "Reason for Stop" of the passenger will be "Reasonable suspicion that the person stopped was engaged in criminal activity (other than traffic violation)," followed by the selection of the Penal Code section for possession of a switchblade.**

**(B) When reporting the reason for the stop, the officer shall also complete 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 the Stop." 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**

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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 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).

(11) “Stop Made in Response to a Call for Service.” The officer shall only select this data element if the stop was made in response 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)(14). A call for service is not a reason for a stop.

(12) (6) “Actions Taken by Officer **During** Stop” refers to **an officer’s** actions ~~taken by an officer during a stop of~~ **toward** the person **stopped** who is the subject of the stop.

(A) The reporting officer shall select ~~as many~~ **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 ~~or physical contact~~

2. **Person removed from vehicle by physical contact**

3. Field sobriety ~~check~~ **test** conducted

4. **3-Curbside detention. This refers to any time an officer directs the individual to sit on the sidewalk, curb, or ground.**

5. **4-Handcuffed or flex cuffed**

6. **5-Patrol car detention**

6. Use of canine in apprehension

7. **Canine removed from vehicle or used to search**

7. ~~Weapon removed from holster or brandished. “Brandishing a weapon” means drawing or exhibiting a weapon and includes, but is not limited to, pointing the weapon at the individual or at others present at the scene. Merely unbuttoning the holster or grabbing the weapon while it remains in the officer’s holster is not removing a weapon from holster or brandishing a weapon. If selected, the officer shall specify the type of weapon by selecting from the following:~~

a. ~~Firearm~~

b. ~~Taser or electronic control device~~

c. ~~Stun gun, BB gun, pellet gun, air gun, gas powered gun, or device that discharges rubber bullets or bean bags~~

d. ~~Baton~~

e. ~~Pepper spray or mace~~



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**8. Firearm pointed at person**

~~8. Weapon was discharged or used. If selected, the officer shall specify the type of weapon that was discharged or used by selecting from the following:~~

~~a. Firearm~~

~~b. Taser or electronic control device~~

~~c. Stun gun, BB gun, pellet gun, air gun, gas-powered gun, or device that discharges rubber bullets or bean bags~~

~~d. Baton~~

~~e. Pepper spray or mace~~

**9. Firearm discharged or used**

**10. Electronic control device used**

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

**12. Canine bit or held person**

**13. Baton or other impact weapon used**

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

~~15. 9. Other Physical or Vehicle Contact. use of force (other than handcuffing, use of canine in apprehension, or use of a weapon listed above). This refers to **any of the following contacts by the officer, when the purpose of such contact is to restrict movement or control a person's resistance:** any physical strike **by the officer;** or instrumental contact with a person by an officer; or the use of significant physical contact **by the officer,** when such contact is intended to restrict movement or control a person's resistance. This **Examples of such contacts** includes, but is **are not** limited to, carotid restraints, hard hand controls, the forcible taking of a subject to the ground, or use of vehicle in apprehension.~~

**16. Person photographed**

~~17. 10. Asked for consent to search person~~

~~a. Consent given~~

~~**b. Consent not given**~~

~~18. 11. 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.**~~

~~19. 12. Asked for consent to search property~~

~~a. Consent given~~

~~**b. Consent not given**~~

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20. ~~13.~~ 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.**

21. ~~14.~~ Property was seized

**22. Vehicle impounded**

23. ~~15.~~ None of the above. **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.**

**(B) Basis for Search.** Additional Data Collected Regarding Searches. If, during the stop, the officer conducted a search of the person, ~~or~~ the person's property, **or both**, the officer shall report the **basis for the search**, ~~following additional information, submitting the data values separately for the search of the person, the person's property, or both.~~

1. "Basis for Search." The officer shall identify the basis for the search, by selecting ~~as many~~ **all** of the following data values that apply:

- (a) Consent given
- (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) ~~Incident to pat-down search (for search of person only)~~
- (l) Exigent circumstances/emergency
- (m) Vehicle inventory (for search of property only)
- (n) ~~Abandoned property (for search of property only)~~

**2. When reporting the "Basis for the 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." Officers shall not include any personally 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," this explanation is not required.**

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**a. Example: If the officer selected “Suspected weapons” as the Basis for the 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 suspect weapons and what type of weapons were suspected).**

**(C) 2. “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 as many all** of the following data values that apply:

**1. a-None. If “None” is selected, no other data values can be selected.**

**2. b- Firearm(s)**

**3. e-Ammunition**

**4. d-Weapon(s) other than a firearm**

**5. e-Drugs/narcotics**

**6. f-Alcohol**

**7. g-Money (indicating amount)**

**8. h-Drug paraphernalia**

**9. i-Suspected stolen property**

**10. j-Cell phone(s) or electronic device(s)**

**11. k-Other contraband or evidence**

**l-Other evidence**

**(D) (C)-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 **individual person** stopped, the officer shall report the basis for the property seizure, by selecting **as many all** of the following data values that apply:

**(a) a-Safekeeping as allowed by law/statute**

**b- Forfeiture**

**(b) e-Contraband**

**(c) d- Evidence**

**(d) e-Impound of vehicle**

**(e) f-Abandoned Property**

**2. “Type of Property Seized.”** If the officer seized property during the stop, regardless of whether the property belonged to the **individual person** stopped, the officer shall

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report the type of property seized, by selecting ~~as many~~ **all** of the following data values that apply:

- a. ~~None~~
- (a) ~~b.~~ Firearm(s)
- (b) ~~e.~~ Ammunition
- (c) ~~d.~~ Weapon(s) other than a firearm
- (d) ~~e.~~ Drugs/narcotics
- (e) ~~f.~~ Alcohol
- (f) ~~g.~~ Money (~~indicating amount~~)
- (g) ~~h.~~ Drug paraphernalia
- (h) ~~i.~~ Suspected stolen property
- (i) ~~j.~~ Cell phone(s) or electronic device(s)
- (j) ~~k.~~ Vehicle
- (k) ~~l.~~ Other contraband **or evidence**
- m. ~~Other evidence~~

**(13) ~~(7)~~ “Result of Stop” refers to the outcome of the stop. When reporting this data element the officer shall select ~~as many~~ **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 ~~or ordinance~~, 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) Warning (verbal or written). If a warning is given, the officer shall also report whether the warning was verbal or written**

**(C) Citation for infraction**

**(D) In-field cCite and release**

**(E) Custodial arrest pursuant to outstanding warrant**

**(F) Custodial arrest without warrant**

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**(G) Field interview card completed**

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

**(I) Contacted parent/legal guardian or other person responsible for the minor**

Person taken into custody (other than for arrest), referred to another agency, or transported. If selecting this data value, the officer shall also select as many of the following that apply:

**(J) 1- Psychiatric hold (pursuant to Welfare & Institutions Code sections 5150 and/or 5585.20)**

- 2. Civil protective custody
- 3. Transported for medical treatment
- 4. Transported to custody of school official
- 5. Transported to custody of family member
- 6. Community caretaking transport

**(K) (7) Contacted U.S. Department of Homeland Security (e.g., Immigrations and Customs Enforcement, Customs and Border Protection) Referred to U.S. Citizenship and Immigration Services**

(8) Other

(G) Person stopped died during encounter with officer. For purposes of these regulations, only deaths that occur during the stop shall be reported. The person's death shall be reported if it occurred during the stop, even if the death is unrelated to an officer's action taken during the stop. Such reporting does not relieve the agency from its reporting obligations regarding deaths in custody or officer involved shootings.

Example: Officer pulls over vehicle for a traffic violation and instructs driver to exit the vehicle. The driver collapses and dies of an apparent heart attack. The driver's death shall be reported as the data value "Person died during encounter with officer," in responding to the data element "Result of Stop."

Example: Officer discharges his or her firearm in the process of arresting a person during a stop, shooting the person stopped. The person is transported to the hospital. Hours later, the person stopped dies at the hospital. The officer selects "Weapon was discharged or used" under "Actions Taken By Officer During Stop" and selects "Transported for medical treatment" as the "Result of Stop." The officer would not report the person's death as "Person died during encounter with officer" under the reporting requirements of this chapter.

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*(section 999.226, subdivisions (a)(8)-(12) have been moved to new section 999.226, subdivisions (a)(4)(5)(7)(8) and(9), and revisions to those provisions have been indicated above.)*

~~(13)~~ **(14)** “Officer’s Unique Identifier- **Identification (I.D.) Number**” refers to a permanent unique 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. **For purposes of these regulations, an Officer’s I.D. Number shall be considered Unique Identifying Information.**

~~(14)~~ **(15)** “Officer’s Years of Experience” refers to the officer’s total number of years he or she has been a ~~sworn~~ 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 he or she has been a peace officer, and not the number of years at his or her current agency. If the officer has served as a peace officer intermittently **or part-time**, he or she shall **only** count the ~~total number of years, excluding the time he or she did not work~~ **time actually worked** as a peace officer. **In providing this information, the** ~~The officer shall select one of the following data values:~~ **input an Arabic numeral (e.g., 1, 2, 3, 4) rounded up to the closest whole number.**

~~(A) Less than four years~~

~~(B) 4-10 years~~

~~(C) More than ten years~~

~~(15)~~ **(16)** “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) Traffic~~

~~(B) (C) Gang enforcement~~

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

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

**(E) Roadblock or DUI sobriety checkpoint**

~~(F) Narcotics/vice~~

**(G) Task force**

~~(F) Vice~~

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(G) Violence suppression/crime suppression

(H) K-12 ~~p~~**Public s**School, ~~setting~~ **including school resource officer or school police officer**

(I) Investigative/detective

(J) ~~(F)~~ Other. If other is selected, ~~then~~ the officer shall specify the type of assignment.

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 ~~Article 3~~ **section 999.226, subdivision (a)** for every person stopped by the officer, except as provided in subdivisions (b), **(c), (d), and (e)** ~~and (e)~~ of this section.

(2) The data elements described in ~~Article 3~~ **section 999.226, subdivision (a)** are the minimum that a reporting agency shall collect and report. Nothing in this section prohibits an agency from voluntarily collecting additional data.

(3) Nothing in this section prohibits an agency not subject to ~~Government Code section 12525.5~~ **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 ~~is the primary agency~~. If there is uncertainty as to the primary agency, ~~then~~ 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 interaction.**

(5) If more than one peace officer of a reporting agency conducts a stop ~~of a person, then~~ only one officer shall collect and report the information required to be reported in this chapter. The officer **with** ~~who had~~ 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.** ~~report. When this is unclear, officers shall exercise their discretion in determining which officer shall submit the report.~~

(A) **Example: If Officer A stops a person, questions them, and a subsequent consensual search results in the discovery of narcotics, but Officer B handcuffs the**

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**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, as defined in this chapter, during one incident, then a~~ **applicable** ~~stop data form 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** ~~Government Code section 12525.5 from providing information to the Department earlier than the deadlines set forth by~~ **in** ~~Government Code section 12525.5, subdivision (a).~~

~~(8) In determining when to comply with the reporting requirement of Government Code section 12525.5, subdivision (a)(2), a reporting agency shall count the number of peace officers it employs that are subject to the data collection requirements set forth in section 999.225 of this chapter.~~

**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) Stop data shall be completed and submitted to the reporting officer's agency by the end of the officer's shift.~~ **An officer shall complete all stop reports for stops made during his or her 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) A reporting agency, its officers, or both may revise stop data submitted to the reporting agency prior to submitting the data to the Department for up to 96 hours after the officer initially submits the data to the reporting agency. However, once the data is submitted to the Department, an agency is not permitted to revise the data, even if the agency submits the data within 96 hours or receiving the data from the officer.~~ **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 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 a unique identifier~~ **the Officer's I.D. Number defined at section 999.226, subdivision (a)(14)** ~~for each officer required to report stops under these regulations. The officer's unique identifier shall be included in each stop report submitted to the Department. 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 his or her** ~~Officer's I.D. Number stop data for internal agency use.~~

~~(b) Reporting Requirements for Passengers in Vehicle Stops.~~



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(1) Peace officers shall not submit the data elements described in ~~Article 3~~ **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 he or she** observes the passenger of a vehicle throw a cigarette outside of the vehicle. **The reason for the 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)~~(6)~~**(12)(A), excluding “Vehicle impounded” and “None.”**

1. Example: An officer stops a speeding SUV containing a woman and her two small children. During the stop, the officer learns that the woman’s license has been revoked. The officer then orders the family to exit the vehicle ~~so he can impound the car~~ **and sit on the curb while he questions the woman.** The officer shall submit stop data for each ~~individual~~ **person**, because ordering persons ~~out of a vehicle~~ **to sit on the curb** is a data value in section 999.226, subdivision (a)~~(6)~~**(12)(A).**

**2. Example: An officer stops a speeding truck containing a woman and her two teenage children. During the stop, the officer learns that the vehicle is stolen, and must impound the vehicle. The officer arrests the woman, and then asks the teenage children to exit the car so that he 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)(12)(A) 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.**

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**(d) (e) Peace Officer Interactions That Are Reportable Only If the Officer Takes Additional Specified Actions**

(1) Interactions that take place during the following circumstances shall only be reported where **if the individual 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)(6)(12)(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) Mass evacuations, including those involving bomb threats~~

~~(C) Active shooter events~~

~~(B) (D) 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 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 engaged in underage drinking and he or she detains 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 him/her, 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)(12)(A) 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 subject to the reporting requirements of this chapter.**

~~(E) Witness interviews~~

~~(2-) Searches and arrests of a person subject to a warrant or search condition made inside a home pursuant to the warrant or a search condition are not subject to the reporting~~

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requirements of this chapter. A peace officer shall, however, report any interactions with a person who is not the subject of the warrant or search condition where the officer engages in any of the data values set forth in section 999.226, subdivision (a)(6)(A).

(3) Interactions that take place while an officer is on home detention or house arrest assignment are subject to the following reporting requirements:

(A) Interactions with a person in his or her residence, who is the subject of the home detention or house arrest, are not subject to the reporting requirements of this chapter.

(B) Interactions with a person within the residence, if the person is not the subject of the home detention or house arrest, are required to be reported if the person is subjected to any of the data values set forth in section 999.226, subdivision (a)(6)(A).

(C) Interactions with a person who is not the subject of the home detention or house arrest that occur outside of the residence are subject to the reporting requirements of section 999.227, subdivision (a)(1).

(4) Programmatic searches or seizures refer to interactions in which the officer stops a person as the result of a blanket regulatory activity or neutral formula without regard to personal characteristics of the individual. Such interactions shall only be reported if the person is subjected to any of the data values set forth in section 999.226, subdivision (a)(6)(A), except that the interaction shall not be reported if the officer's interaction consists solely of any or all of the following, and is not based on individualized suspicion or the personal characteristics of the individual: (1) the officer asks for consent to search the person or person's property; (2) the officer searches the person or person's property; or (3) the officer seizes property from the person. Programmatic searches or seizures include, but are not limited to:

(A) A checkpoint or roadblock, including a driving under the influence (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.

(B) Routine security screenings required to enter a building or special event, including metal detector screenings on all students entering a school campus, or searches of persons or property that are conducted pursuant to a neutral formula, i.e., not based on individualized suspicion or personal characteristics.

1. Example: As part of a uniform screening practice, all individuals entering a sporting event are required to submit to a pat-down search and present their bags for search before entering the stadium. An officer asks to conduct a pat-down search of the person and to search the person's bag before he or she enters the event. The person is free to leave without consenting to a search of his or her person or property. Provided neither the pat-down search nor bag search go beyond those conducted of any other individual entering the event, the officer's interaction with the person shall not be reported.

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~~2. Example: As part of a uniform screening practice, all individuals entering a sporting event are required to present their bags for search before entering the stadium but are not required to submit to a pat-down search. An officer asks to search a person's bag before he or she enters the event. The person is free to leave without consenting to a search of his or her person or property. The officer finds contraband in the purse and then conducts a pat-down search of the person making the search go beyond that conducted of any other individual entering the event. The officer's interaction with the person shall be reported because, although the initial consensual search of the person's property was part of a programmatic activity, the secondary pat-down search was not.~~

**(2) Interactions that take place with a person in his or her residence who is the subject of a warrant or search condition are not subject to the reporting requirements of this chapter. A peace officer shall, however, report any interactions with persons in the home 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 at the person; or 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.**

**(3) Interactions that take place with a person in his or her residence who is the subject of home detention or house arrest while an officer is on home detention or house arrest assignment, are not subject to the reporting requirements of this chapter. A peace officer shall, however, 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 at the person; or 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.**

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

**(1) [(c)] (5) Interactions in K-12 public school settings that meet the definition of "stop" with persons 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. Article 3. , with the with the following exception: An incidental contact during which the officer's sole purpose in interacting with the person is to determine whether the person is authorized to be on campus is not a detention as that term is defined in this chapter, unless the person is subject to any of the actions identified as data values set forth in section 999.226, subdivision (a)(6)(A).**

~~(A) Example: An officer's interaction with an adult stopped at a public elementary or secondary school because he or she is vandalizing a bathroom is reportable.~~

~~(B) Example: An officer's interaction with a parent or other adult stopped at a public elementary or secondary school solely because the officer is seeking to confirm whether~~

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~~the person is authorized to be on campus is not a detention as defined in this chapter. However, if the officer, after interacting with the person to confirm if he or she is authorized to be present, subsequently searches the person because the officer views a gun in the person's waistband, the interaction shall be reported.~~

**(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) ~~(1)~~ In addition, in a K-12 Public School public school setting, 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 being questioned for the purpose of investigating whether the student committed a violation of law, including ~~(C) Any interaction in which the student is being questioned for the purpose of investigating to determine whether the student violated~~ violations of Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7, or to determine whether the student is truant.**

**(C) ~~(D)~~ Any interaction that results in which an officer engaging engages in one or more of the data values set forth in section 999.226, subdivision (a)(6)(12)(A), excluding "None." This does not include suspicionless searches and seizures provided a detention or search that is conducted of all persons as part of a neutrally applied formula that is not based upon personal characteristics, including This includes those 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. That secondary search shall not be reported.**

**2. Example: An officer searches a student's backpack because he or she suspects the backpack contains narcotics. That interaction is reportable.**

~~a. Example: An officer who searches every student or the student's property when the student is leaving or entering a K-12 public school setting is not required to report such stops.~~

~~b. Example: An officer who searches every student or the student's property when the student is leaving or entering a K-12 public school setting finds a firearm in a student's bag and proceeds to conduct a pat-down search of the student followed~~

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by an arrest. Both the pat-down search and subsequent arrest transform this interaction into a “stop” that shall be reported.

1. This includes all searches and seizures by an officer conducted under individualized suspicion, including secondary searches that result from a suspicionless search.

a. Example: If a student’s person or belongings are searched because a metal detector is activated, the secondary search shall be reported.

b. Example: If a student’s belongings (i.e. a locker or backpack) are searched by an officer because a dog signaled to it during a canine detection, and the student is present during the search, that search shall be reported.

(4) (2)-In reporting interactions with students in at a K-12 **Public School** public school setting, the officer shall utilize the data elements and corresponding data values listed in Article 3 **set forth in section 999.226**, with the addition of the following data elements and data values, which the officer shall select if applicable.

(A) “Location of Stop.” When **In addition to** reporting this **the** data element, if the stop takes place in a K-12 public school setting **values in section 999.226, subdivision (a)(3)(A) and (B) above**, the officer shall provide, in addition to the applicable data values set forth in “Location of Stop,” the name of the school and specify where the stop took place. **To ensure uniformity, the person stopped was 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.**

(A) “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**

(B) (B) “Reason for Stop.” When reporting this data element, **the officer shall select the primary reason for the stop from the data values set forth in** if the stop takes place in a K-12 public school setting, in addition to selecting the applicable data values set forth Article 3, the officer shall select all of the following data values that apply **section 999.226, subdivision (a)(10) 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. (3) ~~Investigation to determine whether the student stopped was engaged in~~ **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**

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following options: 48900(a) through 48900 (r)(1)-(r)(2)(iii); 48900.2; 48900.3; 48900.4; and 48900.7(a).

2. 1- Investigation to determine **Determine** whether the student violated school policy.

3. Investigation to determine unauthorized presence on campus.

4. Investigation to determine whether the student stopped was engaged in other unlawful conduct.

**(C) “Actions Taken by Officer During Stop.” When reporting this data element, in addition to selecting the applicable data values in section 999.226, subdivision (a)(12)(A) above, the officer shall also select the following data value if applicable:**

**1. Admission or written statement obtained from student**

**(E) (C) “Basis for Search.”** When reporting this data element, ~~if the stop takes place in a K-12 public school setting,~~ in addition to selecting the applicable data values set forth in **section 999.226, subdivision (a)(12)(B) above Article 3,** the officer shall **also** select the following data value if applicable:

1. Suspected violation of school policy

**(F) (D) “Basis for Property Seizure.”** When reporting this data element, ~~if the stop takes place in a K-12 public school setting,~~ in addition to selecting the applicable data values set forth in **Article 3 section 999.226, subdivision (a)(12)(D)(1) above,** the officer shall **also** select the following data value if applicable:

1. Suspected violation of school policy

**(G) (E) “Result of Stop.”** When reporting this data element, ~~if the stop takes place in a K-12 public school setting,~~ in addition to selecting the applicable data values in **section 999.226, subdivision (a)(13) above Article 3,** 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

1. ~~Referral to non-school agency or organization (e.g., mental health service provider)~~

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

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**Article 5. Technical Specifications and Uniform Reporting Practices**

**§ 999.228**

(a) ~~Electronic Automated System.~~ The system developed by the Department will **shall** require the ~~automated~~ **electronic** submission of data from ~~local law enforcement~~ **reporting** agencies.

**(b) (b) Submission of Data. Reporting agencies shall** ~~There will be~~ **provided with a menu of the following** options for agencies to submit their stop data to the Department: (1) a web-browser based application, which will **shall** include mobile capabilities for agencies that choose to use the Department's developed and hosted solution to submit stop data; (2) a ~~local~~ **deployable Department developed browser-based application to enable agencies to collect stop data locally and then submit to the Department** **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) ~~agency-specific modern systems developed by agencies to collect data, which will have the ability to transfer data locally collected to the Department's system via a system-to-system web service call or secured file transfer~~ **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) (c) At a minimum, agencies shall submit the stop data required by this chapter annually to the Department. (1)-~~ **Reporting Schedule.** Nothing in this section prohibits an agency from submitting this data more frequently than ~~quarterly~~ **required under Government Code section 12525.5, subdivision (a)(1).** Due to the volume of the data, it is recommended that an agency submit stop data on a monthly or quarterly basis. The Department shall accept data submitted on a more frequent basis, including data submitted daily.

~~(2) Law enforcement agencies shall redact any personally identifiable information with respect to the person stopped and officer, except for the Officer's Unique Identifier, prior to transmission of stop data to the Department.~~

**(d) 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)(3) and the explanatory fields required by section 999.226, subdivisions (a)(10) and (12)(B)(2). 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)(3) and the explanatory fields required by section 999.226, subdivisions (a)(10)(B) and (12)(B), is subject to public disclosure consistent with Government Code section 12525.5, subdivision (d).**

~~(e) (d) System Security.~~ The Department's system will be designed **shall design its system** to be easily accessible for authorized users, confidential, and accurate. The system will provide role-



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based authorization services. Law enforcement **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.

~~(f)~~ ~~(e)~~ Data Standards. The Department ~~may~~ **shall** publish ~~data standards and~~ 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.

~~(g)~~ ~~(f)~~ Data Publication. The Department will release stop data on the Department's OpenJustice website. This data will include disaggregated statistical data for each reporting agency as required under Penal Code section 13519.4, subdivision (j)(3)(E). The Department will not release the Officer's Unique Identifier to the public because doing so could lead to the disclosure of the peace officer's badge number, identity, and other unique identifying information. **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 OpenJustice website. The data published shall include disaggregated statistical data for each reporting agency. The Department shall not release to the public the Officer Identification Number or Unique Identifying Information. Nothing in this section prohibits the Department from confidentially disclosing all stop data reported to the Department to advance public policy through scientific study and 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 identity.**

~~(h)~~ ~~(g)~~ 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 ~~five~~ **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. **If a reporting agency elects to use the Department's web-browser based application, the Department shall host the data for the agencies for the requisite retention period of three years or transfer this data back to the agency for storage, at the agency's election.**

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

**Article 6. Audits and Validation**

**§ 999.229**

(a) The Department ~~will~~ **shall** keep an audit log of incoming and outgoing transactions for each agency's submission of stop data. The Department ~~will~~ **shall** retain this audit log for a minimum of three years.

(b) The Department ~~will~~ **shall** perform data validation on stop data submitted to ensure data integrity and quality assurance. **Each reporting agency shall** ~~Agencies will~~ be responsible for

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**ensuring that all data elements, data values, and narrative explanatory fields conform to these regulations and for correcting any errors in the data submission process, ~~prior to submission of data to the Department,~~ and shall do so through the Department's error resolution process.**

**(c) Agencies submitting records via the system-to-system web service or the secure file transfer protocol shall include a unique stop record number for each stop. The Department will use this record number to relay information on errors when necessary.**

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