

AB 953 Subcommittee – Additional Data Elements

This subcommittee will advise the Racial and Identity Profiling Advisory Board (Board) regarding recommendations the Board may wish to make to the Office of the Attorney General on the additional elements – those not enumerated in the statute – which the subcommittee believes should be considered for inclusion in the stop data collection and reporting regulations. In doing so, this subcommittee will also provide recommendations on the potential data values (i.e., responses) officers will choose in providing information for these additional proposed data elements.

In addition, this subcommittee will advise the Board on advice it may wish to provide to the Office of the Attorney General regarding data values to assign for the following three data elements, which are specifically required by the statute: (1) perceived race or ethnicity; (2) perceived gender; and (3) approximate age of the individual stopped.

I. BACKGROUND

A “Data Element” is the category of information that is collected – for example, the “gender” of the person stopped. “Data Values” are fields that an officer would select in responding to the data element. AB 953 does not provide the particular data values that must be assigned to each data element. For example, “female, male, transgender, and gender non-conforming” are possible data values that could be assigned within the data element of “Perceived Gender” of the person stopped.

AB 953 requires that officers report certain data regarding stops they make of individuals, including, but not limited to, the following:

- “(b) The reporting shall include, at a minimum, the following information for each stop:
- (1) The time, date, and location of the stop.
 - (2) The reason for the stop.
 - (3) The result of the stop, such as, no action, warning, citation, property seizure, or arrest.
 - (4) If a warning or citation was issued, the warning provided or violation cited.
 - (5) If an arrest was made, the offense charged.
 - (6) The perceived race or ethnicity, gender, and approximate age of the person stopped, provided that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped. For motor vehicle stops, this paragraph only applies to the driver, unless any actions specified under paragraph (7) apply in relation to a passenger, in which case the characteristics specified in this paragraph shall also be reported for him or her.
 - (7) Actions taken by the peace officer during the stop, including, but not limited to, the following:
 - (A) Whether the peace officer asked for consent to search the person, and, if so, whether consent was provided.

(B) Whether the peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any.

(C) Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property.” (Gov. Code, § 12525.5, subd. (b).)

This subcommittee will discuss the data elements and values provided below. This list is not exhaustive. Board members should also feel free to consider and discuss data elements and values not accounted for in this document.

II. CHARACTERISTICS OF THE INDIVIDUAL STOPPED

- 1. Perceived Race/ethnicity**
- 2. Approximate Age**
- 3. Perceived Gender**
- 4. Limited English Fluency/Pronounced Accent?**

1. Perceived Race or Ethnicity of Individual Stopped

AB 953 requires officers to report “the perceived race or ethnicity, gender, and approximate age of the person stopped,” based solely on the observation and perception of the officer making the stop. The subcommittee may wish to discuss the Data Values for each of these Data Elements, including the following proposed Data Values:

- a. White
- b. Black/African American
- c. Latino/Hispanic
- d. Middle Eastern
- e. Asian/Pacific Islander
- f. Native American

Some additional questions the subcommittee may wish to consider include:

- How should these categories be defined?
- Should there be any additional or other categories?

2. Perceived Gender of Individual Stopped

AB 953 requires officers to report on the perceived gender of the individual stopped. The subcommittee may wish to consider the following proposed Data Values:

- a. Male
- b. Female
- c. Transgender
- d. Gender non-conforming

An additional question the subcommittee may wish to consider includes:

- Are there other Values that should be considered in addition to or instead of those proposed?

3. Perceived Age of the Individual Stopped

AB 953 requires officers to report on the “approximate age” of the individual stopped. The subcommittee may wish to comment on the following proposed Data Values:

- a. 0-9
- b. 10-14
- c. 15-17
- d. 18-24
- e. 25-29
- f. 30-39
- g. 40-49
- h. 50-59
- i. 60 and older

4. Any Additional Data Elements Regarding Personal Characteristics of Officer

AB 953 does not specifically identify any additional Data Elements regarding the personal characteristics of individuals. The subcommittee may wish to consider additional elements, including the following, which have been suggested by stakeholders: Limited English Fluency and/or Pronounced Accent; Sexual Orientation; Disability Status, etc. The subcommittee will consider whether it recommends adding these or other Data Elements and, if so, how to define these categories.

III. CHARACTERISTICS OF OFFICER

AB 953 does not specifically identify any characteristics of the officer making the stop that must be reported. The subcommittee may want to consider recommending whether any data regarding the officer should be reported, including the pros and cons of inclusion of this information.

Further, if the subcommittee recommends including of any characteristics of the officer, the subcommittee may wish to recommend what the data elements and values should be. The Data Elements the subcommittee may wish to comment on include:

- 1. Identification Number**
- 2. Years of Experience**
- 3. Race/Gender/Age of Officer**
- 4. Type of Assignment**

Additional questions the subcommittee may wish to address include:

- 1. Identification Number**

If identifying information is requested, should the officer be identified according to his/her P.O.S.T. identification number, badge number, unique identifying number assigned by his/her agency, by some other method, or not at all?

2. Years of Experience

- a. Should the officer's years of experience as a peace officer be reported?
- b. If so, should the officer type in actual years or should we offer a range of years?
- c. If a range of years is reported, what range should be used? The subcommittee may wish to consider the following ranges:
 - i. Less than four years
 - ii. 4-10 years
 - iii. More than 10 years

3. Race/Ethnicity, Gender and Age of Officer

Additional questions the subcommittee may wish to consider the pros and cons of the following:

- a. Should the officer's race or ethnicity be reported?
- b. Should the officer's gender be reported?
- c. Should the officer's age be reported?
- d. Will reporting this data risk violating the privacy of peace officers, particularly for small agencies, and, if so, should privacy protections be put in place to prevent the inadvertent disclosure of the officer's identity?

4. Type of Assignment

Some topics the subcommittee may wish to make recommendations on include:

- a. Should the officer's assignment at the time of stop be reported?
- b. If so, what Data Values should be provided to complete this Data Element?

Proposed Data Values include:

- i. Patrol
 - ii. Traffic
 - iii. Gang
 - iv. Special Assignment: Open
 - v. Narcotics
 - vi. Vice
 - vii. Violence Suppression/Crime Suppression
 - viii. Other
- c. Should there be an "other" category for officers to report, in an open field, categories that are not listed above?

IV. ARE THERE OTHER DATA ELEMENTS THAT SHOULD BE INCLUDED?

The subcommittee may also wish to consider recommendations on whether the regulations should mandate the reporting of any additional Data Elements (i.e., additional categories of information), if the subcommittee believes those additional elements are consistent with AB 953 and reasonably necessary to effectuate the purpose of the statute.