



AB 953

Racial and Identity Profiling Advisory Board
California Office of the Attorney General

Outline

- ❖ Overview of Proposed Regulations
- ❖ Review of Certain Data Elements
- ❖ Review of Special Settings That Trigger Different Reporting Obligations
- ❖ Questions?

Proposed Data Elements

Specified in Statute

1. ORI number (agency ID)
2. Time of Stop
3. Date of Stop
4. Location of Stop
5. Reason for Stop
6. Result of Stop
7. Specific warning or citation issued
8. Specific offense charged
9. Perceived race or ethnicity
10. Perceived gender
11. Perceived approximate age
12. Actions taken during stop
13. Whether officer asked for consent to search person
14. Whether consent was provided
15. Whether officer searched person or property
16. Basis for any search
17. Type of contraband or evidence discovered, if any
18. Whether officer seized property
19. Basis for any seizure
20. Type of property seized

Additional Elements Proposed in Regs

1. Type of stop
2. Reason for presence at scene
3. Whether person stopped has limited English fluency or a pronounced accent
4. Whether person stopped has perceived or known disability
5. Unique identifier assigned to officer
6. Officer's years of experience as peace officer
7. Officer's type of assignment

Elements Considered But Not Included in Proposed Regulations

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|---|---|
| <ol style="list-style-type: none">1. Perceived sexual orientation2. Perceived religious affiliation3. Perceived homeless status4. Whether stop was officer-initiated5. Whether officer had previous contact with individual6. Whether officer inquired regarding individual's immigration status | <ol style="list-style-type: none">7. Number of officers present at scene8. Whether officers were in uniform and/or patrol cars9. Number of civilians present during stop10. Race or ethnicity of officer11. Age of officer12. Gender of officer13. Open narrative field for officer to explain, in own words, reason for stop |
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Review of Several Data Elements Currently in Proposed Regulations

Reason for Presence at Scene of Stop

1. Patrol
2. Radio calls/dispatch (requests for service)
 - a. Radio dispatch regarding suspicious/criminal activity
 - b. Radio dispatch with description of suspect
 - c. Citizen call for assistance
 - d. Other
3. Witness interviews
4. Citizen-initiated contact
5. Warrants/programmatic operations
 - a. Execution of search warrant
 - b. Execution of arrest warrant
 - c. 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
7. Other community caretaking
8. K-12 public school assignment
9. Civil disorder
10. Other

Reason for Stop

1. Traffic violation

- A. Vehicle Code Section
- B. If driver
 - a. moving violation
 - b. equipment violation
 - c. status violation

2. Reasonable suspicion

- A. Code §
- B. Basis
 - a. Person matched suspect description
 - b. Witness or victim identification of suspect at scene
 - c. Carrying suspicious object
 - d. Person taking actions indicative of casing a victim or location

2. Reasonable Suspicion (cont.)

- e. Person suspected of acting as a lookout
- f. Person taking actions indicative of a drug transaction
- g. Person taking 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

3. Probable cause to arrest (Code §)

4. Probable cause to search

5. Parole/probation/PRCS/mandatory supervision

6. Consensual encounter resulting in consensual search.

Actions Taken by Officer During Stop

1. Person removed from vehicle by order or physical contact
2. Field sobriety check conducted
3. Curbside detention
4. Handcuffed
5. Patrol car detention
6. Use of canine in apprehension
7. Weapon removed from holster or brandished
8. Weapon discharged or used (specify weapon type)
9. Other use of force
10. Asked for consent to search person
 - a. Consent given
11. Search of person was conducted
12. Asked for consent to search property
 - a. Consent given
13. Search of property conducted
14. Property seized
15. None of the above

Result of Stop

- | | |
|---|---|
| <ol style="list-style-type: none">1. No action2. Warning (indicate verbal or written)3. Citation for infraction4. Cite and release5. Custodial arrest6. Custody (other than arrest), referral or transport:<ol style="list-style-type: none">a) Psychiatric holdb) Civil protective custody | <ol style="list-style-type: none">6. Custody, etc. (cont.)<ol style="list-style-type: none">c) Transported for medical treatmentd) Transported to custody of school officiale) Transported to custody of family memberf) Community caretaking transportg) Referred to U.S. Citizenship and Immigration Servicesh) Other7. Person stopped died during encounter with officer |
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Information Regarding Officer

➤ Officer's Unique Identifier:

- Permanent unique identification number assigned by LEA to officer
- Prohibition on Disclosure [11 CCR § 999.228(f)]:
 - “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.”

➤ Officer's Years of Experience

➤ Officer's Assignment Type

Special Settings

- Traffic Control, Mass Evacuations, Active Shooter Events, Crowd Control, Witness Interviews
- Programmatic Searches or Seizures (Examples: Checkpoint/roadblocks, Routine Security Screenings (e.g., Metal Detectors, Routine Bag or Person Check at Building or Event Entrances))
- Interactions in K-12 Settings
- Passengers in Vehicle Stops
- Searches/Arrests of Person Subject to Warrant or Search Condition in Home
- Interactions During Home Detention or House Arrest Assignment

Review: Actions Taken by Officer During Stop

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|---|--|
| <ol style="list-style-type: none">1. Person removed from vehicle by order or physical contact2. Field sobriety check conducted3. Curbside detention4. Handcuffed5. Patrol car detention6. Use of canine in apprehension7. Weapon removed from holster or brandished | <ol style="list-style-type: none">8. Weapon discharged or used (specify weapon type)9. Other use of force10. Asked for consent to search person<ol style="list-style-type: none">a. Consent given11. Search of person was conducted12. Asked for consent to search property<ol style="list-style-type: none">a. Consent given13. Search of property conducted14. Property seized15. None of the above |
|---|--|

K -12 Public School Setting

Reportable Interactions with Students

- **1. Category 1**
 - Results in temporary custody (WIC 625)
 - Citation
 - Arrest
 - Permanent seizure of property as evidence of criminal offense
 - Referral to school administrator because of suspected criminal activity
- **2. Category 2**
 - Student questioned to investigate whether committed violation of law
- **3. Category 3**
 - Student questioned to investigate if violated EC 48900, 48900.2, 48900.3, 48900.4, and 48900.7
- **4. Category 4**
 - Student is subject to any “Actions Taken by Officer During Stop”

K-12 Public School Setting Additional Data Values to Report

Location of Stop <ol style="list-style-type: none">1. Name of School2. Student Y/N	Basis for Property Seizure <ol style="list-style-type: none">1. Suspected violation of school policy
Reason for Stop (Investigation re) <ol style="list-style-type: none">1. Whether student violated school policy2. Unauthorized presence on campus3. Conduct warranting discipline (EC 48900, 48900.2, 48900.3, 48900.4, and 48900.7)4. Engaged in other unlawful conduct	Result of Stop (Referral to) <ol style="list-style-type: none">1. School administrator2. School counselor or other support staff3. Non-school agency or organization (e.g., mental health service provider)
Basis for Search <ol style="list-style-type: none">1. Suspected violation of school policy	

To Submit a Comment

Deadline: Jan. 27, 2-17 @ 5 p.m.

- Attend public hearing and provide oral and/or written comment:
January 26, 2017 @ 2:30 p.m. – 4:30 p.m.
- Submit written comment:
 - Email to AB953@doj.ca.gov
 - Facsimile (FAX) at (213) 897-7605
 - Mail to :

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