

AB 953 Subcommittee – Searches & Seizures

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 concerning the Data Values to collect for any searches of persons and/or property, and any seizure of property as a result of a stop.

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 officers to report on actions taking during a stop, including the following required categories:

“(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)(7).)

This subcommittee may wish to consider the appropriate Data Values provided below in responding to the bases for searches and seizures, as well as the actual contraband or property discovered and/or seized during a search.

II. BASIS FOR SEARCH OF PERSON

The subcommittee may wish to discuss the Data Values for the reasons that the officer searched a person, including the following proposed Data Values. 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.

1. Consent given
2. Probation/Parole
3. Warrant
4. Incident to Arrest
5. Weapons
6. Visible contraband
7. Odor of contraband
8. Incident to patdown/frisk
9. Canine sniff
10. Other

III. TYPE OF CONTRABAND OR EVIDENCE DISCOVERED DURING SEARCH OF PERSON, IF ANY

The subcommittee may wish to discuss the Data Values for the type of contraband or evidence discovered during a search, including the following proposed Data Values. 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.

1. Firearms
2. Other weapons
3. Narcotics
4. Alcohol
5. Money
6. Other contraband
7. Other evidence
8. Drug paraphernalia
9. Stolen property
10. None

IV. BASIS FOR SEARCH OF PROPERTY

The subcommittee may wish to discuss the Data Values for the officer's justification for conducting a search of a person's property, including the following proposed Data Values. Again, this list is not exhaustive, and the Board members should also feel free to consider and discuss data elements and values not accounted for in this document.

1. Consent given
2. Search Warrant
3. Probation/Parole
4. Incident to Arrest
5. Vehicle inventory
6. Weapons
7. Visible contraband
8. Odor of contraband
9. Canine sniff
10. Other

V. TYPE OF CONTRABAND OR EVIDENCE DISCOVERED DURING SEARCH OF PROPERTY, IF ANY

The subcommittee may wish to discuss the Data Values for the type of contraband or evidence discovered during a search of a person's property, including the following proposed Data Values. Again, this list is not exhaustive, and the Board members should also feel free to consider and discuss data elements and values not accounted for in this document.

1. Firearms
2. Other weapons
3. Narcotics
4. Alcohol
5. Money
6. Other contraband
7. Other evidence Drug paraphernalia
8. Stolen property
9. None

VI. TYPE OF PROPERTY SEIZED

The subcommittee may wish to discuss the Data Values for the type of contraband or evidence seized during a search of a person's property, including the following proposed Data Values. Again, this list is not exhaustive, and the Board members should also feel free to consider and discuss data elements and values not accounted for in this document.

1. Firearms
2. Other weapons
3. Narcotics
4. Alcohol
5. Money
6. Other contraband
7. Other evidence Drug paraphernalia
8. Stolen property
9. None

VII. BASIS FOR SEIZURE OF PROPERTY

The subcommittee may wish to discuss the Data Values for justification for seizing a person's property during a search of a person's property, including the following proposed Data Values. Again, this list is not exhaustive, and the Board members should also feel free to consider and discuss data elements and values not accounted for in this document.

- i. Safekeeping
- ii. Forfeiture
- iii. Contraband
- iv. Evidence
- v. Vehicle impound