

## AB 953 Subcommittee – Special Considerations/Settings

### I. BACKGROUND

This subcommittee will provide advice and recommendations to the Racial and Identity Profiling Advisory (RIPA) Board regarding peace officer interactions with individuals in certain settings, namely, in K-12 school settings, as well as other contexts in which the reason for stopping and searching individuals may differ from, for example, pedestrian stops that take place on a sidewalk or traffic stops.

### II. STOPS IN K-12 SCHOOL SETTINGS

#### A. OVERVIEW

AB 953 defines “stop” to mean:

“For purposes of this section, "stop" means any *detention* by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a *search*, including a consensual search, of the person's body or property in the person's possession or control.”

Given the unique setting of a school campus, where students are generally not free to leave, the subcommittee will consider the proposed data values for Reason for Stop, and provide advice and recommendations to the Board regarding whether additional or different data values should be provided to capture stops in school settings. Questions the subcommittee may wish to consider include:

- Should the regulations specify hypotheticals or examples of interactions in a school setting and whether they will be subject to reporting under this statute? If so, what are some of these hypotheticals?
- In particular, the subcommittee may wish to consider what data, if any, to require peace officers to report for the following scenarios on K-12 school campuses:
  - i. Mass evacuations
  - ii. Bomb scares
  - iii. Interrogations in the presence of peace officer (even if by school official)
  - iv. Randomized searches conducted on *all* students prior to entering campus pursuant to official policy.
  - v. Other situations
- How should a “school setting” be defined?
  - For example, California law defines “school zones” in various provisions, including the following definition of “school zone” in California’s Gun-Free School Zone Act, Penal Code § 626.9, subd. (e)(4):

“School zone” means an area in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet from the grounds of the public or private school.” (Pen. Code, § 626.9, subd. (e)(4).)

- The subcommittee may wish to consider whether this or other similar definitions of “school zones” will be useful in defining “school setting.”

## **B. DEFINITION OF “SEARCH” IN A SCHOOL SETTING**

The subcommittee may also wish to consider the Data Elements that should be included under “Reason for Search” when a stop occurs on school grounds.

### **III. ARE THERE STOPS IN OTHER CONTEXTS THAT REQUIRE SPECIAL CONSIDERATION?**

This subcommittee may wish to consider and discuss public safety or other scenarios in which stop data need not be collected, unless the officer takes additional action toward the individual. Such scenarios might include circumstances where the officer or a member of the public’s *health and/or safety* would be jeopardized by requiring the officer to report the interaction:

- Mass evacuations
- Bomb scares
- Active shooters
- Street sweeps or crowd control

This subcommittee may wish to consider the turning point at which interactions in these scenarios do in fact constitute a stop and trigger the stop data collection requirement, i.e., what additional action by the officer toward the individual would require the office to report the interaction as a stop, e.g., search, arrest, handcuff, etc?

Similarly, are there circumstances where reporting on stops of multiple individuals would be *impracticable or unnecessary*, unless the officer takes additional action toward the individual. Several scenarios to consider include:

- DUI, sobriety or other checkpoints in which the officer has no discretion in selecting which vehicle to stop
- Large numbers of persons detained
- Others?

As with the scenarios provided above in which health and/or safety are at issue, the subcommittee may wish to consider the turning point at which interactions in these scenarios do in fact constitute a stop and trigger the stop data collection requirement, i.e., what additional action by the officer toward the individual would require the office to report the interaction as a stop, e.g., search, arrest, handcuff, etc.?