

AB 953 Subcommittee – Technology

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 standards, technical specifications and other issues related to how data will be collected by officers and reported to the California Justice Information Services Division (CJIS) within the Office of the Attorney General.

I. BACKGROUND

AB 953 requires the Office of the Attorney General, in consultation with the Board and other stakeholders, to issue regulations for the collection and reporting of data required under Government Code section 12525.5, subdivision (b). These regulations must provide, among other things, “standards, definitions, and technical specifications to ensure uniform reporting practices across all reporting agencies.” This subcommittee will discuss the technical aspects of this data collection, as set forth below.

II. DATA COLLECTION

The subcommittee will discuss and provide recommendations to the Office of the Attorney General regarding current and proposed methods of collecting stop data. Potential subjects the subcommittee may wish to consider include:

- How are peace officers currently collecting stop data? For those law enforcement agencies (LEAs) that collect such data, is the data collected at the scene, at the conclusion of or during the stop or at a later time?
- Given the data elements that must be collected under the statute, are there practical considerations that may affect any guidance the regulations provide regarding such data collection?

III. DATA TRANSMITTAL

The subcommittee will provide advice and recommendations to the Board concerning how officers will transmit data to their LEA record management system, and how the LEAs will transmit data to CJIS. Potential issues to consider for discussion include:

- For jurisdictions that currently collect stop data, how are officers transmitting data to their LEA record management systems?
- Given the data elements that must be collected under the statute, are there practical considerations that may affect any guidance the regulations provide regarding such data collection?
- How will the LEA transmit this data to CJIS? Electronic rather than paper submission options include: secure file transfer, system-to-system interface and web-based system.

IV. SUBMISSION METHODS

The subcommittee will provide advice and recommendations to the Board regarding how the data values for each data element should be recorded. The subcommittee will also develop a menu of submission methods for agencies to choose from. Potential issues you may wish to consider include:

- What would be the preferred method of collecting this information in order to get the most accurate and complete responses?
- What are the pros and cons of having open fields for data elements, in which the officer can/must provide a narrative response or manually input his/her response?
- Potential options for submission – secure file transfer, system-to-system interface and web-based system.
- Are there vendor systems that currently have the capability of collecting and submitting this data?

V. SUBMISSION INTERVALS

The subcommittee will provide advice regarding recommendations the Board may wish to make to the Office of the Attorney General regarding the frequency of data submissions to CJIS, as well as the timing of such submissions. Specifically, AB 953 provides that applicable LEAs “shall annually report to the Attorney General data on all stops conducted by that agency’s peace officers for the preceding calendar year.” (Gov. Code, § 12525.5, subd. (a)(1).)

The statute further provides a time table for when LEAs must issue their first round of reports, based upon the size of the agency, with the largest agency reporting first (by April 1, 2019), and the smallest by April 1, 2023. Potential topics the subcommittee may wish to consider include the pros and cons of collecting information on a more frequent basis, e.g., monthly instead of annually.

VI. MOBILE DEVICE NEEDS

The subcommittee may wish to discuss and make recommendations regarding the potential use of mobile devices to collect data at the scene of the stop, and the pros and cons of such use.

VII. DATA RETENTION

The subcommittee may wish to consider issues concerning retention policies of the stop data collected pursuant to AB 953. Questions will include retention periods for both LEAs and the Office of the Attorney General.

5. Submission Methods

Member Ali opened the discussion on data submission methods by asking whether there are any vendors with similar systems in the United States. He suggested that research should be conducted into these vendors. Mr. Dominic replied that there are vendors using similar systems.

Member Eberhardt commented that there were questions from the Additional Data Elements Subcommittee regarding whether the race and ethnicity data element could be set up so that multiple boxes could be checked off and whether pull-down menus and open narrative fields can be implemented into the form. Mr. Dominic replied that all of this was feasible and just hinges on the data requirements.

Member Ali asked for specific names of vendors who are using similar systems. Mr. Dominic replied that they have not met with all law enforcement agencies, but some agencies such as the LAPD, Oakland Police Department, the California Highway Patrol and others, are collecting some level of stop data and have been using these types of systems. Microsoft, Adobe, and Open Source are operating data collection systems that law enforcement agencies are currently using. Mr. Dominic explained that there are many available systems, and they will want to use the systems that are most applicable and consistent with current data collection. Once data is stored in these systems, various analytics can be run on it, which is already occurring in some agencies. Mr. Dominic also explained that the DOJ will prescribe standards for submitting that data to ensure consistency. He also stated that CJIS is looking into open source software to reduce costs for law enforcement agencies.

Member Eberhardt also asked if there are cons to having a narrative field in the form. She stated that in Oakland, the pros in having a narrative filed at the end was that it allowed officers to give justifications for stops to determine if the stop was constitutional. She also asked if there were any technical concerns regarding having a narrative field. Member Medrano replied that the biggest concern is the time and effort narrative fields will take, especially with a very brief stop where there is no paperwork, and that there is an interest in limiting the form to areas that would add strategic value to the data.

Ms. Hovis commented that the members may want to consider what functionality they want the form to have, such as prepopulating form fields.

6. Submission Intervals

Chair Ali then asked for members' comments or questions regarding the frequency of data submission to CJIS. Member Medrano stated that the frequency of data submission would depend on the submission system that is used by the law enforcement agency, but most agencies currently use monthly submissions.

Mr. Dominic commented that if agencies use a web-based app, submissions would be instantaneous. Otherwise, they could schedule the output of data for whatever date they choose. Smaller chunks of data are preferable if there is high volume.

7. Mobile Device Needs

Chair Ali then asked for comments or questions from members regarding the potential use of mobile devices to collect data at the scene of the stop. Member Medrano stated that mobile device access is absolutely critical for law enforcement. Officers enter information directly and on the spot, particularly during a brief stop. Chair Ali asked if there are currently any examples in California of best practices for using mobile devices.

Member Eberhardt asked how long the forms would take to complete on a mobile device and whether time of completion should be considered. Member Medrano replied that officers generally use mobile devices that have an app loaded on the device and just check corresponding boxes, which takes 3-5 minutes. Member Eberhardt explained that in Oakland, it took 30-40 minutes to fill out the stop data form due to the narrative field. She asked whether there is a concern that filling out the forms would be slower if the typing was done on a mobile device. Member Medrano replied that it should take 5 minutes at a maximum if there are no narrative fields. Member Eberhardt suggested that it may be good to ask vendors how long it takes to fill out the forms.

Ms. Beninati asked if the mobile devices used by officers have dictation capabilities. Member Medrano replied that mobile devices are generally used for parking citations and moving violations, but they do not have dictation capabilities, as fields are limited to dropdown menus and checkboxes. He stated that, for comparison, a field interview card takes about 5 minutes to complete.

8. Data Retention

Member Ali asked for comments and questions from the members regarding the retention of stop data collected pursuant to AB 953. Member Medrano asked what the DOJ's retention policy for data is. He stated that under California law, there are certain time periods for data retention based on the offense type, and some law enforcement agencies have their own policies. Because this data will be collected by both the law enforcement agencies and the DOJ, there would be two retention periods, unless the regulations required that they be consistent. Mr. Dominic replied that, on the criminal justice side, CJIS keeps data indefinitely, and audit logs are kept for 3 years.

9. Next Steps

Member Medrano stated that it would be ideal if the subcommittee could see the system once there is a beta. Member Eberhardt suggested that the DOJ could reach out to other agencies that are collecting data now to see what data are collecting and how long it takes to collect. Ms. Hovis replied that the DOJ has already reached out to many law enforcement agencies about technology, but it would be helpful to receive suggestions of other law enforcement agencies—likely smaller agencies—that the DOJ should be contacting.

Member Eberhardt suggested that the subcommittee should think about data access, and if there should be different levels of access for certain people, particularly related to the

identifying information of officers. She stated that it makes sense to hold off on making recommendations to the Board until there is a follow-up on DOJ staff recommendations to the subcommittee.

Member Guerrero suggested that the subcommittee should share the findings of the meeting to the Board, rather than a recommendation, particularly that the technology is feasible and just depends on the data fields. Member Ali informed the members that he would work with DOJ staff regarding scheduling another subcommittee meeting.

10. Public Comment

Chief Deputy Patricia Knudson from the Riverside County Sheriff's Department commented that, with respect to data transmittal, if a web-based system is not used, it would require additional entries by officers after they leave the field. Mr. Dominic replied that there will be no additional steps under the system; it will be a one-time entry and submission. Ms. Knudson also stated that Riverside would be interested in using the DOJ system so they do not have to create their own. She is not in favor of a predictive typing function which could lead to autocorrect mistakes, but mobile devices are absolutely necessary. She also noted that the CAL ID network uses a thumbprint device, and officers' information populates automatically when their names are run if the information is already in the systems. In Riverside, they have also created an internal software system for tracking service calls to mentally ill clients, which includes a checkbox form that takes officers maybe 30 seconds to fill out. In regard to data retention, she commented that all agencies have their own data retention policies, and keeping data indefinitely would be very costly to law enforcement agencies in terms of storage. If someone wants information outside of the retention period, they could be referred to the DOJ.

John Bren from the Sacramento County Sheriff's Department asked whether law enforcement agencies would have the option of going back and changing entered data if an error had been made. Mr. Dominic replied that this is a sensitive issue because they do not want to lose sight of what AB 953 is intended to capture. To go back and change something becomes a question of data integrity and correcting mistakes takes away from the "perceived" aspect of the data collection. CJIs will have data validation to ensure the integrity of the data as it comes in, and there will be checks and balances for the system itself, but the system was not designed for error resolution. John Bren further commented that there is a concern about re-submitting data if there was a clerical mistake, rather than changing specific data values. Mr. Dominic replied that the system has many checks and there will be an option to manually re-enter the information. However, there is an issue of data integrity. He suggested that the subcommittee should consider when data corrections should be made.

A Commander from the Suisan City Police Department commented that all law enforcement agencies would agree on the value of a mobile device, but some rural areas may be outside the coverage area. Regarding vendors, it is important to talk to law enforcement agencies currently using these systems. A small agency could potentially be used as a pilot program to test drive a solution and provide feedback to the DOJ. He also urged the subcommittee to consider the burden on officers, because they do not want it to be easier for an officer to write a citation than a warning where they would have to fill out a narrative field.

Greg Park from the Livermore Police Department encouraged the subcommittee to consider flexibility in transmitting data. A web-based system should be made available, but there are times when officers are outside of CLETS jurisdiction. He also highly recommended using single sign-on technology so that officers can easily gain access to multiple systems.

Jo Michael from Equality California commented that because some of this data collection is going to be very novel, some of the numbers may be statistically smaller than what has been collected in the past, especially for data concerning sexual orientation and gender. He asked what is going to happen to this data when it is reported to the DOJ.

Peter Bibring from the ACLU of California commented that the discussion during the meeting indicates that there does not appear to be any technological limitations for robust data collection and analysis. Efficiency should be considered, and the use of a predictive typing function may help with this. There are models for data collection around the country, and some address the use of narrative fields, which are crucial to understanding the reason for the stop or search and can be collected without being overly onerous.

John Bren from the Sacramento County Sheriff's Department suggested that it would be helpful for the subcommittee to communicate with the Additional Data Elements Subcommittee about the time it will take to collect the various data elements, as this would be something for that subcommittee to consider in deciding whether certain additional data elements are worth adding.

11. Adjournment

The meeting was adjourned at 12:40 p.m.

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD

<https://oag.ca.gov/ab953>

TECHNOLOGY SUBCOMMITTEE
MEETING NOTICE AND AGENDA

Tuesday, September 27, 2016, 10:00a.m – 12:00p.m.

Teleconference Locations: California Department of Justice Offices:

Los Angeles

300 S. Spring Street
1st Floor Reception
Los Angeles, CA 90013

Sacramento

1300 "I" Street
Sacramento, CA 95814

Oakland

1515 Clay Street
20th Floor, Suite 2000
Oakland, CA 94612

San Diego

600 West Broadway St.
Suite 1800
San Diego, CA 92101

Other Teleconference Locations:

Compton USD, Education Service Center
501 South Santa Fe Ave. Conference Rm. #132
Compton, CA 90221

Stanford University
Jordan Hall, Room 106
450 Serra Mall
Stanford, CA 94305

1. Introductions (10:00 a.m.)
2. Approve minutes from prior meeting
3. Further discussion on items from prior meeting
 - a. DOJ Update – Law Enforcement Outreach Efforts
 - b. Law Enforcement Agency Feedback
4. Public Comment
5. Further discussion of advice this subcommittee wishes to provide to the Racial and Identity Profiling Advisory Board on recommendations it might make to the Attorney General's Office on the standards, technical specifications and other issues related to how data will be collected by officers and reported to the California Justice Information Services Division (CJIS)
6. Public Comment
7. Next Steps
8. Adjourn (12:00 p.m.)

The meeting will begin at the designated time. Other times on the agenda are approximate and may vary as the business of the Board requires. Access to the meeting sites are accessible to persons with disabilities. For information or assistance with accommodation requests, please contact Supervising Deputy Attorney General Nancy A. Beninati at 510-622-2194, at least five calendar days before the scheduled meeting. For all other questions about the Board meeting please contact Legal Assistant M. Luzy Ochoa, California Department of Justice, 300 S. Spring Street, Suite 1702, Los Angeles, CA 90013, (213) 897-2636.

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD

TECHNOLOGY SUBCOMMITTEE MEETING MINUTES

Tuesday, September 27, 2016

Teleconference Locations: California Department of Justice Offices

Los Angeles

300 S. Spring Street
5th Floor Conference Room
Los Angeles, CA 90013

Oakland

1515 Clay Street
20th Floor, Suite 2000
Oakland, CA 94612

San Diego

600 West Broadway St.
Suite 1800
San Diego, CA 92101

Sacramento

1300 "I" Street
Conference Rm. 1540
Sacramento, CA 95814

Other Teleconference Locations:

Compton USD, Education Service Center
501 South Santa Fe Ave. Conference Rm. #132
Compton, CA 90221

Subcommittee Members Present: Subcommittee Chair Micah Ali, Professor Jennifer Eberhardt, Chief Edward Medrano

Subcommittee Members Absent: Andrea Guerrero, Douglas Oden

California Department of Justice Staff Present: Nancy Beninati, Shannon Hovis, Rebekah Fretz, Kathy Radez, Glenn Coffman, Joe Appelbaum, Joe Dominic, Jenny Reich

1. Call to Order and Introductions

The meeting was called to order at 10:07 a.m. by Subcommittee Chair Micah Ali. The meeting was held by teleconference and a quorum of subcommittee members was present. After the call to order, the subcommittee members, California DOJ staff, and members of the public present at each location introduced themselves.

2. Approval of Minutes

Motion: Member Medrano moved to approve the minutes of the August 19, 2016 subcommittee meeting. Chair Ali seconded the motion.

Votes: The motion was passed with Members Ali, Medrano, and Eberhardt noting "Yes", no "No" votes, and no abstentions.

3. Further Discussion from Prior Meeting

a. DOJ Update Regarding Law Enforcement Outreach Efforts

Jenny Reich/CJIS reported that CJIS has met with the 10 largest law enforcement agencies (LEAs) in California—those who will be subject to the first reporting deadline—and learned that while many agencies are already collecting much of the data that will be covered by RIPA, others are not collecting any data at all. She further reported that several agencies have technology systems that are years away from being updated and technologically sound enough to collect this data and send it to DOJ.

Member Medrano reported there is concern from agencies that want the ability to validate the data before it is submitted to DOJ in order to avoid officer abuses or under-reporting. Joe Dominic/CJIS confirmed that the system is being designed to provide LEAs with an opportunity to vet or review the data before it is accessible to DOJ.

Member Medrano also reported that agencies are concerned that skipped data fields may cause problems, and asked whether the data input would guide officers to respond only to the relevant data elements. Dominic/CJIS confirmed that data integrity is very important and that there will be validations built into the system to ensure that the information entered into the data fields is clean.

Reich/CJIS noted several additional LEA concerns, including the feasibility of getting the system in place in such a short timeframe; funding issues; a lack of mobile devices and cell service, particularly in rural areas; officers spending too much time entering information for additional fields; and officer union and training issues. Dominic/CJIS explained that the DOJ is working on options to address connectivity issues by, for example, creating an app that would collect and store data until there was a connection to allow upload.

Member Medreno agreed that funding is a legitimate concern for LEAs, and noted that it is important to report the costs back to the Legislature—including both officer time and technology costs—and also to streamline everything as much as possible for officers and LEAs. Reich /CJIS also confirmed that CJIS is exploring available grants for LEAs.

Public Comment:

Brian Peelle/Orange County Sherriff's Department asked what the answer choices would look like from an IT standpoint and, in particular, whether they would be in the form of dropdown menu, checkboxes, or free form. Member Medrano explained that the Board has tried to keep as much of the data input as possible in dropdown/checkbox form, but there may be a few open fields. Peele also asked whether the form would be standardized across the state, and whether certain questions lead to others versus a uniform list every time. Dominic/CJIS confirmed that reporting to the DOJ will be uniform across the state, and that the officers' responses will be work-flow and scenario-based.

b. Additional Law Enforcement Agency Feedback

Member Medrano commented that a question has come up about whether local agencies will be able to voluntarily add data elements to the officer input screen. Dominic/CJIS explained that the DOJ is creating an open-source, scalable system that will allow agencies to use the same

system to collect any additional local information they would like while submitting only the subset of the data required by AB 953 and the DOJ regulations to the DOJ.

4. Additional Recommendations to the RIPA Board Regarding Technical Implementation

Member Eberhardt asked whether members of the subcommittee would be able to see what a data form will look like before it is released, observing it would be helpful to get a sense of what they will look like and be able to visualize the issues. Member Medrano asked whether it would be possible to hold a joint-committee meeting to allow both the Technology and Additional Data Elements Subcommittees to review the work-flow of the system. Nancy Beninati explained that this would only be permissible under open meeting rules if the group comprised less than half of the full RIPA Board membership. Chair Ali suggested an alternative might be to form an executive subcommittee, while Dominic/CJIS observed that the FBI working group has a process in place to circulate issue papers for comment among the subcommittees before they go to the board.

Member Medrano commented that we would first need to know what questions will be asked, including a final list of required and added data elements, before we can validate the workflow. A representative from the Sacramento County Sherriff's Department concurred. Member Medrano suggested that these technology issues may need to wait until the Attorney General has made a final decision on the data elements after receiving the RIPA Board's proposals, and suggested that another Technology Subcommittee meeting may be necessary to review the workflow after the data elements are finalized.

Member Eberhardt asked whether this back-and-forth could be resolved before the October RIPA Board meeting and commented that both the presentation of the data input and the time to complete the form will be important decision inputs from the RIPA Board. Ms. Beninati explained that a back-and-forth process would likely violate serial meeting rules, but suggested that the minutes from each meeting can be circulated to all RIPA Board members to help everyone understand the issues that the other subcommittees are dealing with. The meeting minutes will also be available online.

5. Adjournment

The meeting was adjourned at 10:51 a.m.