

**CALIFORNIA CODE OF REGULATIONS**

**TITLE 11. LAW**

**DIVISION 1. ENFORCEMENT**

**CHAPTER 19**

**PROPOSED TEXT OF REGULATION**

Article 1. Definitions

Article 2. Law Enforcement Agencies Subject to Regulations

Article 3. Data Elements to Be Reported

Article 4. Reporting Requirements

Article 5. Technical Specifications and Uniform Reporting Practices

Article 6. Audits and Oversight

**Article 1. Definitions**

**11 CCR § 999.224**

(a) For purposes of Government Code section 12525.5 and this chapter only, the following definitions shall apply:

(1) “Act” means the provisions of the Racial and Identity Profiling Act of 2015, also known as “AB 953,” which are contained in Government Code section 12525.5, Penal Code section 13519.4, and Penal Code section 13020.

(2) “Consensual search” is a search that occurs when a person gives a peace officer consent or permission to search the person or the person’s property. Consent can be given in writing or verbally, or may be implied by conduct.

(3) “Custodial setting” means correctional institutions, juvenile detention facilities, and jails, and does not include home detention or any circumstances where persons are under house arrest outside of correctional institutions, juvenile detention facilities, or jails.

(4) “Data element” refers to a category of information the reporting peace officer must report regarding a stop. For example, “perceived gender” is a data element that must be collected under Government Code section 12525.5.

(5) “Data value” is a component or characteristic of a data element to be used in reporting each data element. For example, “female, male, transgender man, transgender woman, gender nonconforming” are each data values to use in reporting the data element “perceived gender.”

(6) “Department” refers to the California Department of Justice and the California Attorney General.

(7) “Detention,” unless otherwise provided in these regulations, means a seizure of a person’s body by an officer that results from physical restraint, unequivocal verbal commands, or words or conduct by an officer that would result in a reasonable person believing that he or she is not free to leave or otherwise disregard the officer.

(8) “Firearm” means a weapon that fires a shot by the force of an explosion, and includes all handguns, rifles, shotguns, and other such devices commonly referred to as firearms.

(9) “K-12 Public School Setting” means “California state educational institution,” as defined in this chapter.

(10) “Probation officer” means an adult probation officer authorized by Penal Code section 1203.5, or a juvenile probation officer authorized by Welfare and Institutions Code section 270, whose duties are defined in Penal Code section 830.5 or Welfare and Institutions Code sections 280 and 283, respectively.

(11) “Reporting agency” means:

(A) Any city or county law enforcement agency that employs peace officers.

1. “Reporting agency” includes any city or county law enforcement agencies that employ peace officers who are contracted to work at other government or private entities, including but not limited to, peace officers assigned to work in cities or other jurisdictions that are not within the original jurisdiction of the city or county law enforcement agency; peace officers of city or county law enforcement agencies assigned to or contracted to work at housing or transit agencies; and school resource officers assigned to work in California state educational institutions.

(B) The California Highway Patrol.

(C) The law enforcement agencies of any California state or university educational institutions.

1. “California state educational institution” means any public elementary or secondary school; the governing board of a school district; or any combination of school districts or counties recognized as the administrative agency for public elementary or secondary schools. “The law enforcement agencies of California state educational institutions” refers to any police department established by a public school district pursuant to Education Code section 38000 that employs peace officers, as defined in California Penal Code section 830.

2. “California university educational institution” means the University of California, California State University, and any college of the California Community Colleges.

3. “The law enforcement agencies of California university educational institutions” refers to the following:

a. Law enforcement agencies of all campuses of the California State University, established pursuant to Education Code section 89560;

b. Law enforcement agencies of all campuses of the University of California, established pursuant to Education Code section 92600; and

c. Law enforcement agencies of all California community colleges, established pursuant to Education Code section 72330.

(12) “School resource officer” includes, but is not limited to, “school resource officer” as defined by 42 U.S.C. § 3796dd-8.

(13) “Search,” unless otherwise provided, means a search of a person’s body or property in the person’s possession or control, and includes a pat-down search of a person’s outer clothing as well as a consensual search.

(14) “Stop” for purposes of these regulations means (1) any detention, as that term is defined in these regulations, by a peace officer of a person; or (2) any peace officer interaction with a person in which the officer conducts a search.

(15) “Student” means any person who is enrolled in a Kindergarten through 12<sup>th</sup> grade public school (“K-12 public school”), including any person subject to California’s compulsory education law as defined in Education Code section 48200. As provided in section 48200, “student” includes persons between ages 6 and 18 years of age who are not otherwise exempt or excluded from the compulsory education laws.

(A) Example: A person between the ages of 6 and 18 who is not enrolled in a K-12 public school because he or she has been expelled from school is a student for purposes of these regulations.

(B) Example: A person between the ages of 6 and 18 who is enrolled as a student at one K-12 public school but who is stopped by an officer at another school is a student for purposes of these regulations.

(C) Example: A person between the ages of 6 and 18 who has received his or her G.E.D. and who is stopped by an officer at a public K-12 school is a student for purposes of these regulations.

(D) Example: A 19-year old person who is enrolled at a public school is a student for purposes of these regulations.

(16) “Vehicle” means motor vehicles as defined in Vehicle Code section 670, mopeds, motorcycles, motorized scooters as defined in Vehicle Code section 407.5, and any motorized vehicles, including boats.

(17) “Weapon” means a firearm, Taser or other electronic control device, stun gun, BB gun, pellet gun, air gun, gas-powered gun, device that discharges rubber bullets or bean bags, baton, pepper spray, or mace.

Note: Authority cited: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

## Article 2. Law Enforcement Agencies Subject to Government Code Section 12525.5

### 11 CCR § 999.225

(a) The data collection requirements of this chapter apply only to peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who are employed by “reporting agencies,” subject to the exceptions set forth below.

(b) Peace officers who work in a custodial setting and probation officers are not subject to this chapter, even when employed by a reporting agency. Peace officers who work in both custodial and non-custodial settings are subject to this chapter for stops that occur in non-custodial settings.

(1) Example: A sheriff’s department that employs peace officers in both custodial and non-custodial settings shall report stops by an officer who is assigned to a non-custodial duty post.

(2) Example: Peace officers of a reporting agency who are assigned to home detention visits or any other circumstance where persons are under house arrest outside of correctional institutions, juvenile detention facilities, or jails are subject to this chapter when stopping a person, including a probationer or parolee. The specific reporting requirements for stops conducted by peace officers assigned to home detention visits or house arrest are set forth in 11 CCR § 999.227, subdivision (c)(3).

(c) Except as provided in subdivision (b), a peace officer employed by a reporting agency is subject to this chapter even if the officer makes a stop while assigned or contracted to work for another governmental agency or a private entity, or is off-duty but identifies himself or herself as a peace officer, or acts in his or her official capacity.

(1) Example: A peace officer of a reporting agency who is also a member of a federal task force is subject to this chapter when stopping a person while the officer is performing duties as part of the task force, regardless of whether the officer must also comply with federal data collection policies, if any.

(2) Example: A peace officer of a reporting agency assigned to work as a school resource officer in a K-12 public school setting pursuant to a memorandum of understanding or other contractual relationship is subject to this chapter when stopping a person while on that assignment.

(3) Example: A peace officer of a reporting agency hired pursuant to a memorandum of understanding or otherwise contracted to work at private universities or colleges, or sporting events, is subject to this chapter when stopping a person while working on that assignment.

(4) Example: A peace officer of a reporting agency who, while off-duty, is hired by a private organization and who conducts his or her private duties while in the uniform of his or her reporting agency is subject to this chapter when stopping a person while working in his or her private capacity.

(5) Example: A peace officer of a reporting agency who is off-duty and not in uniform is subject to this chapter when stopping a person after identifying themselves as a peace officer or while acting in their official capacity.

Note: Authority cited: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

### **Article 3. Data Elements To Be Reported**

#### **11 CCR § 999.226**

(a) The data elements regarding stops that shall be collected by peace officers subject to this chapter are defined as follows:

(1) “ORI number” is the data element that refers to the reporting agency’s Originating Agency Identifier, a unique identification code number assigned by the Federal Bureau of Investigation.

(2) Date, Time, and Duration of Stop

(A) “Date of Stop” refers to the year, month, and day when the stop occurred. It shall be recorded as the date on which the stop began. If the stop extends over two days (e.g., if a stop began at 2330 hours on January 1st and concluded at 0030 hours on January 2nd), the date of stop should be recorded as the first date (in this example, January 1st).

(B) “Time of Stop” refers to the time that the stop began and shall be recorded using a 24-hour clock (i.e., military time).

(C) “Duration of Stop” is the approximate length of the stop measured from the time the reporting officer, or any other officer, first detains or, if no initial detention, first searches the stopped person until the time when the person is free to leave or taken into physical custody. In reporting this data element, the officer shall select the closest approximation of the duration of stop from the following options:

1. 0-10 minutes
2. 11-20 minutes
3. 21-30 minutes
4. 31-60 minutes
5. Over 60 minutes

a. Example: Officer A stops an individual’s car at 1300 hours. Officer B arrives at a later time and searches the individual’s car at 1330 hours. The individual is arrested and taken into custody by Officer C at 1430 hours. “Duration of stop” is measured from the time the individual was first detained, in this example, by Officer A at 1300 hours, until the time that the individual is placed into custody, in this example, by Officer C at 1430 hours. In this instance, the duration of stop would be over 60 minutes.

b. Example: Officer A interviews an individual about a robbery down the street. During the course of the interview, Officer A observes what looks like a knife protruding from the individual’s waistband, and subsequently searches the

individual. “Duration of stop” is measured from the time the person is searched, not the time during which the officer was interviewing the individual as a witness to the robbery.

(3) “Location and Type of Stop” refers to the physical location where the stop took place and the type of stop, and shall be reported as follows:

(A) The officer shall report the geographic coordinates, defined as either of the two lines of latitude and longitude whose intersection determines the geographical point of a place, of the location, if they are available, unless the location is a residence or home, which is defined to mean apartments including public housing, condominiums, townhouses, nursing homes, residences including residential driveways and residential yards, and extended or continuous care facilities.

(B) If the location is a residence or home, the officer shall not report the geographic coordinates or street address. Rather, the officer shall report only one of the most descriptive options of the following that are available to the officer: cross streets, closest intersection, block number, road marker, or landmark. The officer shall also report the zip code, if available to the officer.

(C) If geographic coordinates are not available, the officer shall report only one of the most descriptive options of the following that are available to the officer: street address, closest intersection, cross street, block number, highway exit, road marker, landmark, or other description if none of those are available. The officer shall also report the zip code, if available to the officer.

(D) If the stop takes place in a K-12 public school setting, the officer shall provide the name of the school where the stop took place, or if that is not available the geographic coordinates. If neither the name of the school nor geographic coordinates are available, the officer shall provide the information in subdivision (3)(C). The officer shall also indicate whether the stop is of a student.

(E) In reporting the type of a stop, the officer shall indicate whether the stop was (1) a vehicle stop and, if so, whether the person stopped was a driver or passenger; (2) a non-vehicle stop, including that of a pedestrian, as defined by Vehicle Code section 467; or (3) a stop of a person on a bicycle.

(4) “Reason for Presence at Scene of Stop” means the circumstances under which the officer first encounters a person subject to a stop and provides context as to why the officer encountered the person.

(A) When reporting this data element, the officer shall select as many of the following data values that apply:

1. Patrol, including officers assigned to patrol on foot, in a vehicle, or on a bicycle or other conveyance.

2. Radio calls/dispatch, which means any radio call or dispatch from the reporting agency. This includes, but is not limited to, requests for service that are made to the officer via telephone or other device and processed through the agency's communications department or unit. When selecting this data value, the officer shall select as many of the following data values that apply:

- a. Radio dispatch regarding suspicious/criminal activity
- b. Radio dispatch with description of suspect
- c. Citizen call for assistance
- d. Other

Example: An officer receives a 911 call that a person is being robbed. The officer would select "Radio Call/Dispatch: Radio Dispatch Regarding Suspicious/Criminal Activity" as the "Reason for Presence at Scene of Stop."

3. Witness interviews.

4. Citizen-initiated contact, which means requests for officer assistance that are made by persons who directly contact an officer who is in the field, including but not limited to citizen-initiated reports of criminal activity and citizen arrests pursuant to Penal Code sections 837 and 847.

5. Warrants and programmatic operations, which means situations where the officer encounters a person because of a pre-planned activity or any type of activity that requires an operational plan. When selecting this data value, the officer shall select as many of the following data values that apply:

- a. Execution of search warrant
- b. Execution of arrest warrant
- c. Driving under the influence (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. This data value refers to encounters in which the officer's reason for his or her presence at the scene, even if the officer ultimately stops someone other than the person subject to the welfare check, is to inquire into the welfare or well-being of a person, when the inquiry is motivated by a concern that the person may be a danger to himself or herself, or to others, as described in Penal Code section 11106.4.

a. Example: A person stops an officer on patrol asking the officer to go to her adult son's apartment because her son has a gun and is threatening to kill himself. The officer goes to the apartment and finds the son in distress. The "Reason for Presence at Scene of Stop" is "Welfare check."

7. Other community caretaking, which means a category of law enforcement activity in which officers take actions to protect and provide aid to the public, other than a welfare check pursuant to Penal Code section 11106.4.

a. Example: A person calls 911 to say she has not seen her neighbor for days, newspapers are piling up, and there are sounds of a distressed animal inside a residence. The officer is dispatched to the neighbor's residence and finds a person inside with evidence of recently stolen property. The "Reason for Presence at Scene of Stop" is "Other community caretaking."

8. K-12 public school assignment, which means the officer has been assigned to a public elementary or secondary school campus, either as a member of the school district's police department, as a member of a city or county law enforcement agency, or as a school resource officer assigned to that school. This data value only applies if the officer has been assigned to the school.

a. Example: A school resource officer or school district police officer walks down the hallway and spots a student in possession of narcotics. The officer's "Reason for Presence at Scene of Stop" is "K-12 public school assignment."

b. Example: A sheriff's deputy receives a 911 call requesting assistance at a public high school because there is a fight between two armed students. The deputy's "Reason for Presence at Scene of Stop" is a "Call to service," and not "K-12 public school assignment," because the deputy is not assigned to the school.

9. Civil disorder, which means encounters in response to a civil disorder, including but not limited to a riot or mass disobedience.

10. Other. This data value shall be selected only when the reason for the officer's presence at the scene is not captured by the data values above.

(5) "Reason for Stop" captures why the officer stopped the person.

(A) When reporting this data element, the officer shall select as many of the following data values that apply:

1. Traffic violation. When selecting this data value, the officer shall also identify the applicable Vehicle Code section and subdivision. When the person stopped is the driver, the officer shall also designate the type of violation:

a. Moving violation

b. Equipment violation

c. Status violation

2. Reasonable suspicion that the person stopped was engaged in criminal activity (other than a traffic violation). When selecting this data value, the officer shall select at least one of the following data values. In addition, the officer shall identify the specific code section and subdivision that formed the basis for the stop, if known to the officer.

- a. Person matched suspect description
- b. Witness or victim identification of suspect at the scene
- c. Carrying suspicious object
- d. Person taking actions indicative of casing a victim or location
- 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. When selecting this data value, the officer shall identify the specific code section and subdivision that formed the basis for the probable cause to arrest.

4. Probable cause to search. The officer shall select this data value if there is a basis to establish probable cause to conduct a search.

5. Parole/probation/PRCS/mandatory supervision. The officer shall select this data value if the reason the officer stopped the person is because the person stopped is known to be a supervised offender on parole, probation, post-release community supervision (PRCS), or mandatory supervision.

6. Consensual encounter resulting in a consensual search. A consensual encounter is an interaction in which the officer does not exert any authority over, or use any force on, a person. The officer shall select this data value if a consensual encounter results in a consensual search.

- a. Example: During the course of a witness interview in which the person is free to leave, the officer asks to search the person's bag, and the individual consents. In this case the reason for stop is a "consensual encounter resulting in a consensual search."

(B) The "Reason for Presence at Scene of Stop" differs from the "Reason for Stop."

1. Example: The officer responds to a call for service that requests assistance for a possible burglary in progress at a retail store. When the officer arrives he or she discovers a person assaulting another person and detains and arrests the assailant. The "Reason for Presence at Scene of Stop" is "Radio call/dispatch: radio dispatch regarding suspicious/criminal activity," but "Reason for Stop" would be "Probable cause to arrest" and/or "Reasonable suspicion" followed by selection of the Penal Code section for assault.

2. Example: An officer pulls over a car for a broken taillight and cites the driver for a Vehicle Code violation. The "Reason for Presence at Scene of Stop" is "Patrol." The "Reason for Stop" is "Traffic violation," followed by the selection of the specific Vehicle Code violation.

3. Example: An officer pulls over a car for a broken taillight, and subsequently observes a switchblade in the lap of the passenger in the vehicle. The officer then asks the passenger to exit the vehicle. The “Reason for Presence at Scene of Stop” is “Patrol,” but the “Reason for Stop” of the passenger will be “Reasonable suspicion that the person stopped was engaged in criminal activity (other than traffic violation).” followed by the selection of the Penal Code section for possession of a switchblade.

(6) “Actions Taken by Officer During Stop” refers to actions taken by an officer during a stop of the person who is the subject of the stop.

(A) The reporting officer shall select as many of the following data values that apply, even if any or all of the actions were undertaken by another officer:

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. “Brandishing a weapon” means drawing or exhibiting a weapon and includes, but is not limited to, pointing the weapon at the individual or at others present at the scene. Merely unbuttoning the holster or grabbing the weapon while it remains in the officer’s holster is not removing a weapon from holster or brandishing a weapon. If selected, the officer shall specify the type of weapon by selecting from the following:
  - a. Firearm
  - b. Taser or electronic control device
  - c. Stun gun, BB gun, pellet gun, air gun, gas-powered gun, or device that discharges rubber bullets or bean bags
  - d. Baton
  - e. Pepper spray or mace
8. Weapon was discharged or used. If selected, the officer shall specify the type of weapon that was discharged or used by selecting from the following:
  - a. Firearm
  - b. Taser or electronic control device
  - c. Stun gun, BB gun, pellet gun, air gun, gas-powered gun, or device that discharges rubber bullets or bean bags
  - d. Baton

- e. Pepper spray or mace
- 9. Other use of force (other than handcuffing, use of canine in apprehension, or use of a weapon listed above). This refers to any physical strike or instrumental contact with a person by an officer, or the use of significant physical contact, when such contact is intended to restrict movement or control a person's resistance. This includes, but is not limited to, carotid restraints, hard hand controls, the forcible taking of a subject to the ground, or use of vehicle in apprehension.
- 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 was conducted
- 14. Property was seized
- 15. None of the above

(B) Additional Data Collected Regarding Searches. If, during the stop, the officer conducted a search of the person or the person's property, the officer shall report the following additional information, submitting the data values separately for the search of the person, the person's property, or both.

- 1. "Basis for Search." The officer shall identify the basis for the search, selecting as many of the following data values that apply:
  - a. Consent given
  - b. Officer safety
  - c. Search warrant
  - d. Condition of parole/probation/PRCS/mandatory supervision
  - e. Suspected weapons
  - f. Visible contraband
  - g. Odor of contraband
  - h. Canine detection
  - i. Evidence of crime
  - j. Incident to arrest
  - k. Incident to pat-down search (for search of person only)
  - l. Exigent circumstances/emergency
  - m. Vehicle inventory (for search of property only)
  - n. Abandoned property (for search of property only)

2. “Contraband or Evidence Discovered, if Any.” The officer shall indicate whether contraband or evidence was discovered during the search, and the type of contraband or evidence discovered, selecting as many of the following data values that apply:

- a. None
- b. Firearm(s)
- c. Ammunition
- d. Weapon(s) other than a firearm
- e. Drugs/narcotics
- f. Alcohol
- g. Money (indicating amount)
- h. Drug paraphernalia
- i. Suspected stolen property
- j. Cell phone(s) or electronic device(s)
- k. Other contraband
- l. Other evidence

(C) Additional Data Regarding Type of Property Seized.

1. “Basis for Property Seizure.” If the officer seized property during the stop, regardless of whether the property belonged to the individual stopped, the officer shall report the basis for the property seizure, by selecting as many of the following data values that apply:

- a. Safekeeping as allowed by law/statute
- b. Forfeiture
- c. Contraband
- d. Evidence
- e. Impound of vehicle
- f. Abandoned Property

2. “Type of Property Seized.” If the officer seized property during the stop, regardless of whether the property belonged to the individual stopped, the officer shall report the type of property seized, by selecting as many of the following data values that apply:

- a. None
- b. Firearm(s)
- c. Ammunition
- d. Weapon(s) other than a firearm
- e. Drugs/narcotics

- f. Alcohol
- g. Money (indicating amount)
- h. Drug paraphernalia
- i. Suspected stolen property
- j. Cell phones or electronic devices
- k. Vehicle
- l. Other contraband
- m. Other evidence

(7) "Result of Stop" refers to the outcome of the stop. When reporting this data element the officer shall select as many of the following data values that apply. In addition, for warnings, citations, cite and release, and custodial arrests the officer shall also identify the code or ordinance, including the section number and appropriate subdivision, that is the basis for the warning, citation, cite and release, or custodial arrest, where applicable. If more than one code section forms the basis for the warning, citation, cite and release or custodial arrest, the officer shall identify all applicable code sections and subdivisions.

(A) No action

(B) Warning. If a warning is given, the officer shall also report whether the warning was verbal or written

(C) Citation for infraction

(D) Cite and release

(E) Custodial arrest

(F) Person taken into custody (other than for arrest), referred to another agency, or transported. If selecting this data value, the officer shall also select as many of the following that apply:

1. Psychiatric hold (pursuant to Welfare & Institutions Code sections 5150 and/or 5585.20)
2. Civil protective custody
3. Transported for medical treatment
4. Transported to custody of school official
5. Transported to custody of family member
6. Community caretaking transport
7. Referred to U.S. Citizenship and Immigration Services
8. Other

(G) Person stopped died during encounter with officer. For purposes of these regulations, only deaths that occur during the stop shall be reported. The person's death shall be reported if it occurred during the stop, even if the death is unrelated to an officer's action taken during the stop. Such reporting does not relieve the agency from its reporting obligations regarding deaths-in-custody or officer-involved shootings.

1. Example: Officer pulls over vehicle for a traffic violation and instructs driver to exit the vehicle. The driver collapses and dies of an apparent heart attack. The driver's death shall be reported as the data value "Person died during encounter with officer," in responding to the data element "Result of Stop."

2. Example: Officer discharges his or her firearm in the process of arresting a person during a stop, shooting the person stopped. The person is transported to the hospital. Hours later, the person stopped dies at the hospital. The officer selects "Weapon was discharged or used" under "Actions Taken By Officer During Stop" and selects "Transported for medical treatment" as the "Result of Stop." The officer would not report the person's death as "Person died during encounter with officer" under the reporting requirements of this chapter.

(8) "Perceived Race or Ethnicity of Person Stopped" captures an officer's perception of the race or ethnicity of the person stopped. When reporting this data element, an officer shall use his or her judgment to determine the person's race or ethnicity by personal observation only. The officer shall not ask the person stopped his or her race or ethnicity, or ask questions or make comments or statements designed to elicit this information.

(A) When reporting this data element, the officer shall select as many of the following data values that apply:

1. Asian or Pacific Islander
2. Black or African American
3. Hispanic or Latino/a
4. Middle Eastern or South Asian
5. Native American
6. White

a. Example: If a person appears to be both Black and Latino/a, the officer shall select both "Black or African American" and "Hispanic or Latino/a."

(B) "Asian or Pacific Islander" refers to a person of Asian descent or a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands, but who does not fall within the definition of "Middle Eastern or South Asian" below.

(C) "Black or African American" refers to a person having origins in any of the Black racial groups of Africa.

(D) “Hispanic or Latino/a” refers to a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

(E) “Middle Eastern or South Asian” refers to a person of Arabic, Israeli, Iranian, Indian, Pakistani, Bangladeshi, Sri Lankan, Nepali, Bhutanese, Maldivian, or Afghan origin.

(F) “Native American” refers to a person having origins in any of the original peoples of North, Central, and South America.

(G) “White” refers to a person of Caucasian descent having origins in any of the original peoples of Europe and Eastern Europe including but not limited to Ireland, Germany, Great Britain, Italy, Poland, and Russia.

(9) “Perceived Gender of Person Stopped” refers to the officer’s perception of the person’s gender. When reporting this data element, the officer shall make his or her determination based on personal observation, without asking the person’s gender and without using the gender specified on the person’s driver license or other identification, recognizing that the officer’s observation may not reflect the gender specified on the person’s identification.

(A) When reporting this data element, the officer shall select one of the following data values:

1. Male
2. Female
3. Transgender man
4. Transgender woman
5. Gender nonconforming

(B) For purposes of completing this data element, the officer should refer to the following definitions:

1. “Transgender man” means an individual who was assigned female at birth but who currently identifies as a man.
2. “Transgender woman” means an individual who was assigned male at birth but who currently identifies as a woman.
3. “Gender nonconforming” means a person whose gender-related appearance, behavior, or both differ from traditional stereotypes about how men or women typically look or behave.

(10) “Perceived Age of Person Stopped” refers to the officer’s perception of the approximate age of the person stopped. When reporting this data element, the officer shall make his or her determination based on personal observation, recognizing that this observation may not reflect the age specified on the person’s identification card. The officer shall select from one of the following 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

(11) “Person Stopped had Limited English Fluency or Pronounced Accent” refers to the officer’s perception that the person stopped had limited English fluency or a pronounced accent. The officer will only select this data element if this applies to the person stopped.

(12) “Perceived or Known Disability of Person Stopped” refers to the officer’s perception that the person stopped displayed signs of one or more of the following conditions or the officer’s knowledge that the person stopped has one or more of the following conditions because the individual stopped so advised the officer. Nothing in this provision prohibits the officer from complying with his or her duties under state and federal anti-discrimination laws with respect to the treatment of people with disabilities. When reporting this data element, the officer shall select as many of the following data values that apply:

(A) Deafness or difficulty hearing.

(B) Other physical disability.

(C) Impaired mental health or psychiatric condition.

(D) Developmental disability.

(E) None.

(13) “Officer’s Unique Identifier” refers to a permanent unique identification number assigned by the reporting agency to the reporting officer, which shall be used for all reporting required under this chapter.

(14) “Officer’s Years of Experience” refers to the officer’s total number of years he or she has been a sworn peace officer. When reporting this data element, the officer shall count the total number of years he or she has been a peace officer, and not the number of years at his or her current agency. If the officer has served as a peace officer intermittently, he or she shall

count the total number of years, excluding the time he or she did not work as a peace officer. The officer shall select one of the following data values:

(A) Less than four years

(B) 4-10 years

(C) More than ten years

(15) "Type of Assignment of Officer" refers to the type of assignment to which an officer is assigned at the time of the stop. When reporting this data element, the officer shall select one of the following data values:

(A) Patrol

(B) Traffic

(C) Gang

(D) Special assignment

(E) Narcotics

(F) Vice

(G) Violence suppression/crime suppression

(H) K-12 public school setting

(I) Other. If other is selected, then the officer shall specify the type of assignment.

Note: Authority cited: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

#### **Article 4. Reporting Requirements**

##### **11 CCR § 999.227**

###### **(a) General Reporting Requirements.**

(1) Peace officers subject to the reporting requirements of this chapter shall submit the data elements described in Article 3 for every person stopped by the officer, except as provided in subdivisions (b) and (c) of this section.

(2) The data elements described in Article 3 are the minimum that a reporting agency shall collect and report. Nothing in this section prohibits an agency from voluntarily collecting additional data.

(3) Nothing in this section prohibits an agency not subject to Government Code section 12525.5 from submitting stop data voluntarily to the Department.

(4) When two or more reporting agencies are involved in a stop, only the primary agency shall submit a report. The agency with investigative jurisdiction based on local, county, or state law or applicable interagency agreement or memoranda of understanding is the primary agency. If there is uncertainty as to the primary agency, then the agencies shall agree on which agency is the primary agency for reporting purposes.

(5) If more than one peace officer of a reporting agency conducts a stop of a person, then only one officer shall collect and report the information required to be reported in this chapter. The officer who had the highest level of engagement with the person stopped shall submit the report. When this is unclear, officers shall exercise their discretion in determining which officer shall submit the report.

(6) If multiple persons are stopped, as defined in this chapter, during one incident, then a stop data form shall be submitted for each person, except that passengers in a vehicle that is stopped shall be reported only as set forth in subdivision (b) of this section.

(7) Nothing prohibits agencies subject to Government Code section 12525.5 from providing information to the Department earlier than the deadlines set forth by Government Code section 12525.5, subdivision (a).

(8) In determining when to comply with the reporting requirement of Government Code section 12525.5, subdivision (a)(2), a reporting agency shall count the number of peace officers it employs that are subject to the data collection requirements set forth in section 999.225 of this chapter.

(9) Stop data shall be completed and submitted to the reporting officer's agency by the end of the officer's shift.

(10) A reporting agency, its officers, or both may revise stop data submitted to the reporting agency prior to submitting the data to the Department for up to 96 hours after the officer initially submits the data to the reporting agency. However, once the data is submitted to the Department, an agency is not permitted to revise the data, even if the agency submits the data within 96 hours or receiving the data from the officer.

(11) Reporting agencies shall create a unique identifier for each officer required to report stops under these regulations. The officer's unique identifier shall be included in each stop report submitted to the Department. Stop reports submitted to the Department shall not include the officer's name or badge number; however, each reporting agency shall maintain a system to match an individual officer to his or her stop data for internal agency use.

(b) Reporting Requirements for Passengers in Vehicle Stops.

(1) Peace officers shall not submit the data elements described in Article 3 for passengers in vehicles subject to a stop unless either of the following applies:

(A) The passenger is observed or suspected of violating the Vehicle Code or any other applicable law or ordinance.

1. Example: An officer observes the passenger of a vehicle throw a cigarette outside of the vehicle.

(B) The passenger is subjected to any of the actions identified as data values in section 999.226, subdivision (a)(6)(A).

1. Example: An officer stops a speeding SUV containing a woman and her two small children. During the stop, the officer learns that the woman's license has been revoked. The officer then orders the family to exit the vehicle so he can impound the car. The officer shall submit stop data for each individual, because ordering persons out of a vehicle is a data value in section 999.226, subdivision (a)(6)(A).

(c) Peace Officer Interactions That Are Reportable Only If the Officer Takes Additional Specified Actions

(1) Interactions that take place during the following circumstances shall only be reported where the individual is detained based upon individualized suspicion or personal characteristics and/or the officer engages in any of the data values set forth in section 999.226, subdivision (a)(6)(A):

(A) Traffic control of vehicles due to a traffic accident or emergency situation that requires that vehicles are stopped for public safety purposes

(B) Mass evacuations, including those involving bomb threats

(C) Active shooter events

(D) Any type of crowd control in which pedestrians are made to remain in a location or routed to a different location for public safety purposes

(E) Witness interviews

(2) Searches and arrests of a person subject to a warrant or search condition made inside a home pursuant to the warrant or a search condition are not subject to the reporting requirements of this chapter. A peace officer shall, however, report any interactions with a person who is not the subject of the warrant or search condition where the officer engages in any of the data values set forth in section 999.226, subdivision (a)(6)(A).

(3) Interactions that take place while an officer is on home detention or house arrest assignment are subject to the following reporting requirements:

(A) Interactions with a person in his or her residence, who is the subject of the home detention or house arrest, are not subject to the reporting requirements of this chapter.

(B) Interactions with a person within the residence, if the person is not the subject of the home detention or house arrest, are required to be reported if the person is subjected to any of the data values set forth in section 999.226, subdivision (a)(6)(A).

(C) Interactions with a person who is not the subject of the home detention or house arrest that occur outside of the residence are subject to the reporting requirements of section 999.227, subdivision (a)(1).

(4) Programmatic searches or seizures refer to interactions in which the officer stops a person as the result of a blanket regulatory activity or neutral formula without regard to personal characteristics of the individual. Such interactions shall only be reported if the person is subjected to any of the data values set forth in section 999.226, subdivision (a)(6)(A), except that the interaction shall not be reported if the officer's interaction consists solely of any or all of the following, and is not based on individualized suspicion or the personal characteristics of the individual: (1) the officer asks for consent to search the person or person's property; (2) the officer searches the person or person's property; or (3) the officer seizes property from the person. Programmatic searches or seizures include, but are not limited to:

(A) A checkpoint or roadblock, including a driving under the influence (DUI) sobriety checkpoint, that stops all vehicles or stops randomly selected vehicles using a neutral formula, i.e., not based on individualized suspicion or personal characteristics.

(B) Routine security screenings required to enter a building or special event, including metal detector screenings on all students entering a school campus, or searches of persons or property that are conducted pursuant to a neutral formula, i.e., not based on individualized suspicion or personal characteristics.

1. Example: As part of a uniform screening practice, all individuals entering a sporting event are required to submit to a pat-down search and present their bags for search before entering the stadium. An officer asks to conduct a pat-down search of the person and to search the person's bag before he or she enters the event. The person is free to leave without consenting to a search of his or her person or property. Provided neither the pat-down search nor bag search go beyond those conducted of any other individual entering the event, the officer's interaction with the person shall not be reported.

2. Example: As part of a uniform screening practice, all individuals entering a sporting event are required to present their bags for search before entering the stadium but are not required to submit to a pat-down search. An officer asks to search a person's bag before he or she enters the event. The person is free to leave without consenting to a search of his or her person or property. The officer finds contraband in the purse and then conducts a pat-down search of the person making the search go beyond that conducted of any other individual entering the event. The officer's interaction with the person shall be reported because, although the initial consensual search of the person's property was part of a programmatic activity, the secondary pat-down search was not.

(5) Interactions in K-12 public school settings that meet the definition of “stop” with persons who are not students are subject to reporting requirements set forth in Article 3, with the following exception: An incidental contact during which the officer’s sole purpose in interacting with the person is to determine whether the person is authorized to be on campus is not a detention as that term is defined in this chapter, unless the person is subject to any of the actions identified as data values set forth in section 999.226, subdivision (a)(6)(A).

(A) Example: An officer’s interaction with an adult stopped at a public elementary or secondary school because he or she is vandalizing a bathroom is reportable.

(B) Example: An officer’s interaction with a parent or other adult stopped at a public elementary or secondary school solely because the officer is seeking to confirm whether the person is authorized to be on campus is not a detention as defined in this chapter. However, if the officer, after interacting with the person to confirm if he or she is authorized to be present, subsequently searches the person because the officer views a gun in the person’s waistband, the interaction shall be reported.

(d) Reporting Requirements for Stops of Students in a K-12 Public School Setting.

(1) In a K-12 public school setting, an officer shall report only the following interactions with students as stops:

(A) Any interaction that results in a temporary custody under Welfare and Institutions Code section 625, citation, arrest, permanent seizure of property as evidence of a criminal offense, or referral to a school administrator because of suspected criminal activity.

(B) Any interaction in which the student is being questioned for the purpose of investigating whether the student committed a violation of law.

(C) Any interaction in which the student is being questioned for the purpose of investigating to determine whether the student violated Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7.

(D) Any interaction that results in an officer engaging in one or more of the data values set forth in section 999.226, subdivision (a)(6)(A).

1. This includes all searches and seizures by an officer conducted under individualized suspicion, including secondary searches that result from a suspicionless search.

a. Example: If a student’s person or belongings are searched because a metal detector is activated, the secondary search shall be reported.

b. Example: If a student’s belongings (i.e. a locker or backpack) are searched by an officer because a dog signaled to it during a canine detection, and the student is present during the search, that search shall be reported.

2. This does not include suspicionless searches and seizures provided that the search or seizure is conducted without regard to individualized suspicion or personal characteristics, including those searches conducted at the entries and exits of school facilities by screening devices.

a. Example: An officer who searches every student or the student's property when the student is leaving or entering a K-12 public school setting is not required to report such stops.

b. Example: An officer who searches every student or the student's property when the student is leaving or entering a K-12 public school setting finds a firearm in a student's bag and proceeds to conduct a pat-down search of the student followed by an arrest. Both the pat-down search and subsequent arrest transform this interaction into a "stop" that shall be reported.

(2) In reporting interactions with students in a K-12 public school setting, the officer shall utilize the data elements and corresponding data values listed in Article 3, with the addition of the following data elements and data values, which the officer shall select if applicable.

(A) "Location of Stop." When reporting this data element, if the stop takes place in a K-12 public school setting, the officer shall provide, in addition to the applicable data values set forth in "Location of Stop," the name of the school and specify whether the person stopped was a student.

(B) "Reason for Stop." When reporting this data element, if the stop takes place in a K-12 public school setting, in addition to selecting the applicable data values set forth in Article 3, the officer shall select all of the following data values that apply:

1. Investigation to determine whether the student violated school policy.
2. Investigation to determine unauthorized presence on campus.
3. Investigation to determine whether the student stopped was engaged in conduct warranting discipline under Education Code sections 48900, 48900.2, 48900.3, 48900.4, and 48900.7.
4. Investigation to determine whether the student stopped was engaged in other unlawful conduct.

(C) "Basis for Search." When reporting this data element, if the stop takes place in a K-12 public school setting, in addition to selecting the applicable data values set forth in Article 3, the officer shall select the following data value if applicable:

1. Suspected violation of school policy.

(D) "Basis for Property Seizure." When reporting this data element, if the stop takes place in a K-12 public school setting, in addition to selecting the applicable data values set forth in Article 3, the officer shall select the following data value if applicable:

1. Suspected violation of school policy

(E) “Result of Stop.” When reporting this data element, if the stop takes place in a K-12 public school setting, in addition to selecting the applicable data values in Article 3, the officer shall select the following data values if applicable:

1. Referral to school administrator
2. Referral to school counselor or other support staff
3. Referral to non-school agency or organization (e.g., mental health service provider)

Note: Authority: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

**Article 5. Technical Specifications and Uniform Reporting Practices**

**11 CCR § 999.228**

(a) Automated System. The system developed by the Department will require the automated submission of data from local law enforcement agencies.

(b) Submission of Data. There will be a menu of options for agencies to submit their stop data to the Department: (1) a web-browser based application, which will include mobile capabilities for agencies that choose to use the Department’s developed and hosted solution to submit stop data; (2) a local-deployable Department developed browser-based application to enable agencies to collect stop data locally and then submit to the Department; and (3) agency-specific modern systems developed by agencies to collect data, which will have the ability to transfer data locally collected to the Department’s system via a system-to-system web service call or secured file transfer.

(c) At a minimum, agencies shall submit the stop data required by this chapter annually to the Department.

(1) Nothing in this section prohibits an agency from submitting this data more frequently than quarterly. Due to the volume of the data, it is recommended that an agency submit stop data on a monthly or quarterly basis. The Department shall accept data submitted on a more frequent basis, including data submitted daily.

(2) Law enforcement agencies shall redact any personally identifiable information with respect to the person stopped and officer, except for the Officer’s Unique Identifier, prior to transmission of stop data to the Department.

(d) System Security. The Department’s system will be designed to be easily accessible for authorized users, confidential, and accurate. The system will provide role-based authorization services. Law enforcement agencies will be required to authorize and remove users to the system as necessary. Automated systems handling stop data and the information derived therein shall be secure from unauthorized access, alteration, deletion or release.

(e) Data Standards. The Department may publish data standards and a data dictionary to ensure uniform and complete reporting of stop data. These documents will define each required data element and acceptable data values. These data standards shall be consistent with the definitions and technical specifications set forth in this chapter.

(f) Data Publication. The Department will release stop data on the Department's OpenJustice website. This data will include disaggregated statistical data for each reporting agency as required under Penal Code section 13519.4, subdivision (j)(3)(E). 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.

(g) Retention Period. The Department shall retain the stop data collected indefinitely. Each reporting agency shall keep a record of its source data for a minimum of five years, and shall make this data available for inspection by the Department should any issues arise regarding the transfer of data to the Department.

Note: Authority cited: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

## **Article 6. Audits and Validation**

### **11 CCR § 999.229**

(a) The Department will keep an audit log of incoming and outgoing transactions for each agency's submission of stop data. The Department will retain this audit log for a minimum of three years.

(b) The Department will perform data validation on stop data submitted to ensure data integrity and quality assurance. Agencies will be responsible for correcting any errors in the data submission process, prior to submission of data to the Department

Note: Authority cited: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.