

CALIFORNIA DEPARTMENT OF JUSTICE

TITLE 11. LAW

DIVISION 1. ATTORNEY GENERAL

CHAPTER 7.5. DEPARTMENT OF JUSTICE REGULATIONS FOR THE FAIR AND ACCURATE GOVERNANCE OF THE CALGANG DATABASE

FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

There have been no changes in the applicable laws or facts, or to the effect of the proposed regulations, from those described in the Initial Statement of Reasons.

CORRECTIONS AND NON-SUBSTANTIAL EDITS

The CalGang Gang Audit Form, CJIS 9005, was amended to remove the Department's data entry field. This amendment is necessary because the form is now being inputted into the system. This form was also corrected to underline the number four. This correction is necessary because proper markup was not illustrated in the notice package for the addition.

Section 756.1, subdivision (a), was corrected to remove "to the" after "made." This correction is necessary because the regulations published in the California Code of Regulations (CCR) do not include the duplicated words, but it was included in the text in the notice package.

Section 756.1, subdivision (b), was corrected to include a hyphen between "12" and "month." This correction is necessary because the regulations published in the CCR include a hyphen, but it was not included in the text in the notice package.

SUMMARY OF COMMENTS AND DEPARTMENT RESPONSES

The Department noticed the public on March 11, 2022, of the text of the proposed regulations and Initial Statement of Reasons. From March 11, 2022, through April 26, 2022, the Department received zero written comments.

LOCAL MANDATE DETERMINATION

The proposed regulation does not impose any mandate on local agencies or school districts.

ALTERNATIVES DETERMINATIONS

In accordance with Government Code section 11346.9, subdivision (a)(4), the Department has determined that no alternative it considered, or that it otherwise identified, or was brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action,

or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department has determined that these proposed regulations are the most effective way to ease the workload of the Department, User Agencies, and Node Agencies, by no longer having the same due date for both the required reports and annual attestation.

ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

The Department determined that the proposed regulations do not affect small businesses.

DOCUMENTS INCORPORATED BY REFERENCE

1. CalGang Gang Audit Form, CJIS 9005, rev. 01/2022 (see subdivision (a) of section 755.8)
2. CalGang Misuse Investigation Reporting form, CJIS 9008, rev. 01/2022 (see subdivision (c) of section 756.6)

The above forms are incorporated by reference because it would be cumbersome, unduly expensive, or otherwise impractical to publish the forms in the CCR. During the rulemaking proceeding, the forms were made available upon request, and were available for viewing on the Department's website.

NON-DUPLICATION

Some of the regulations may repeat or rephrase, in whole or in part, a state or federal statute or regulation. This was necessary to satisfy the clarity standard set forth in Government Code section 11349.1, subdivision (a)(3).