

AMENDED IN ASSEMBLY MAY 31, 2016
AMENDED IN ASSEMBLY MARCH 14, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2524

Introduced by Assembly Member Irwin
(Coauthors: Assembly Members Low, Obernolte, and Rodriguez)

February 19, 2016

An act to amend *Section 21627 of the Business and Professions Code*, to amend Section 12525.2 of the Government Code, and to amend Sections 13010, 13010.5, 13012, 13012.6, 13013, 13014, 13023, and 13519.4 of the Penal Code, relating to criminal justice.

LEGISLATIVE COUNSEL'S DIGEST

AB 2524, as amended, Irwin. OpenJustice Data Act of 2016.

Existing law requires the Department of Justice to collect certain criminal justice data from specified persons and agencies, and to present an annual report to the Governor containing the criminal statistics of the preceding calendar year, in addition to other reports, as specified. Existing law requires the department to prepare and distribute to all those persons and agencies cards, forms, or electronic means used in reporting data to the department.

This bill would instead require the department to make available to the public information relating to criminal statistics through the department's OpenJustice Web portal, to be updated at least once per quarter, ~~and would limit the reporting format of the criminal justice data to electronic means. The bill would require the department to transition to digital collection of all data by January 1, 2018.~~ *without requiring an increase in the frequency of reporting by local agencies.*

The bill would require the department, on or before January 1, 2021, to transition all of California’s crime data from summary crime reporting to incident-based crime reporting, through electronic means, in alignment with the federal National Incident-Based Reporting System, as specified, and to report annually through 2019 to the Legislature on the probability of meeting this implementation deadline. This bill would require local and state crime reporting agencies, commencing January 1, 2021, to submit crime data only through electronic means. The bill would require the department to ensure, on or before January 1, 2022, that its statistical systems are electronic, as specified. The bill would also provide legislative findings and declarations relating to the OpenJustice Web portal.

This bill would make conforming changes to related provisions, concerning the interpretation and distribution of the criminal statistics, the maintenance of a specified data set, reports issued by the Racial and Identity Profiling Advisory Board, and information about homicide, hate crimes, identity theft, *stolen goods*, and the juvenile justice system. The bill would also make technical, nonsubstantive changes to these provisions.

By requiring local agencies to use electronic means to submit specified information to the department, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 OpenJustice Data Act of 2016.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 (a) The advent of new technology and the growth of data
- 5 analytics have dramatically enhanced both the value and the
- 6 accessibility of information, providing new opportunities for the

1 public to engage with the government and benefit from information
2 possessed by the state.

3 (b) The rise in digitization of information has significantly
4 increased the speed of communication while specifically improving
5 the efficiency at which documents may be shared across public
6 agencies.

7 (c) The Department of Justice has traditionally maintained a
8 centralized data repository for public safety information collected
9 at the local level and submitted to the department for purposes of
10 aggregation, analysis, and dissemination through an annual report,
11 which is currently distributed as either a paper or static electronic
12 annual report entitled Crime in California, as well as additional
13 specialized crime reports.

14 (d) In 2015, the Attorney General announced the launch of
15 OpenJustice, a criminal justice Web portal that features both an
16 interactive dashboard that provides data visualization with
17 accompanying analysis and an open data portal that publishes raw
18 data.

19 (e) Reinventing the department's crime reports as an Internet
20 Web site within the OpenJustice Web portal will enable the public
21 to receive dynamic, customized information that will significantly
22 strengthen trust, enhance government accountability, and support
23 real-time public policy decisionmaking.

24 (f) Despite the many advantages of ~~digital~~ *electronic* data
25 collection, only approximately 40 percent of local law enforcement
26 agencies currently submit required data sets through electronic
27 means, impeding the ability of the state to implement a uniform
28 reporting structure through which information is made available
29 to the public more frequently and more effectively.

30 (g) There are significant public benefits in modernizing how
31 public agencies engage with data and in encouraging the adoption
32 of contemporary ~~digital~~ *electronic* technologies to reduce the
33 inefficiencies and environmental impacts of paper recordkeeping.

34 ~~(h) Requiring local agencies to submit information to the~~
35 ~~department through electronic means will streamline the collection~~
36 ~~of the information so that it may be more quickly and economically~~
37 ~~made available to the public through the OpenJustice Web portal.~~

38 *(h) The Department of Justice is working with the Federal*
39 *Bureau of Investigation and the federal Bureau of Justice Statistics*
40 *to transition California from summary crime reporting to*

1 *incident-based crime reporting. This transition would require the*
2 *electronic submission of all reported statistical data.*

3 (i) *It is the intent of the Legislature that this transition be*
4 *completed on or before January 1, 2021, at which time all local*
5 *and state crime reporting agencies shall submit crime data only*
6 *through electronic means.*

7 (j) *On or before January 1, 2022, the statistical systems of the*
8 *Department of Justice shall be electronic, allowing for criminal*
9 *justice statistical data to be updated more frequently than annually*
10 *on the OpenJustice Web portal.*

11 SEC. 3. *Section 21627 of the Business and Professions Code*
12 *is amended to read:*

13 21627. (a) As used in this article, “tangible personal property”
14 means all secondhand tangible personal property ~~which~~ *that* bears
15 a serial number or personalized initials or inscription or ~~which,~~
16 *that*, at the time it is acquired by the secondhand dealer, bears
17 evidence of having had a serial number or personalized initials or
18 inscription.

19 (b) “Tangible personal property” also means the following:

20 (1) All tangible personal property, new or used, including motor
21 vehicles, received in pledge as security for a loan by a pawnbroker.

22 (2) All tangible personal property that bears a serial number or
23 personalized initials or inscription ~~which~~ *and that* is purchased by
24 a secondhand dealer or a pawnbroker or ~~which,~~ *that*, at the time
25 of ~~such~~ *the* purchase, bears evidence of having had a serial number
26 or personalized initials or inscription.

27 (3) All tangible personal property that the Attorney General
28 statistically determines through the most recent Department of
29 Justice ~~“Crime in California”~~ *report crime data, updated pursuant*
30 *to Section 13010 of the Penal Code*, to constitute a significant class
31 of stolen goods. A list of ~~such~~ *that* personal property shall be
32 supplied by the Attorney General to all local law enforcement
33 agencies and posted on the Attorney General’s Internet Web site.
34 ~~Such~~ *That* list shall be updated annually by the Attorney General,
35 beginning January 1, 2016, to ensure that it addresses current
36 problems with stolen goods.

37 (c) As used in this article, “tangible personal property” does not
38 include any new goods or merchandise purchased from a bona fide
39 manufacturer or distributor or wholesaler of ~~such~~ *the* new goods
40 or merchandise by a secondhand dealer. For the purposes of this

1 article, however, a secondhand dealer shall retain for one year
2 from the date of purchase, and shall make available for inspection
3 by any law enforcement officer, any receipt, invoice, bill of ~~sale~~
4 ~~sale~~, or other evidence of purchase of ~~such~~ *the* new goods or
5 merchandise.

6 (d) As used in this article, “tangible personal property” does
7 not include coins, monetized bullion, or commercial grade ingots
8 of gold, silver, or other precious metals. “Commercial grade ingots”
9 means 0.99 fine or finer ingots of gold, silver, palladium, or
10 platinum, or 0.925 fine sterling silver art bars and medallions,
11 provided that the ingots, art bars, and medallions are marked by
12 the refiner or fabricator as to their assay fineness.

13 (e) For purposes of this article, a “significant class of stolen
14 goods” means those items determined through the Department of
15 Justice’s ~~annual “Crime in California” report~~ *most recent*
16 *OpenJustice Web portal update* to constitute more than 10 percent
17 of property reported stolen in the calendar year preceding the
18 annual posting of the list of significant classes of stolen goods.

19 ~~SEC. 3.~~

20 *SEC. 4.* Section 12525.2 of the Government Code is amended
21 to read:

22 12525.2. (a) Beginning January 1, 2017, each law enforcement
23 agency shall annually furnish to the Department of Justice, in a
24 manner defined and prescribed by the Attorney General, a report
25 of all instances when a peace officer employed by that agency is
26 involved in any of the following:

27 (1) An incident involving the shooting of a civilian by a peace
28 officer.

29 (2) An incident involving the shooting of a peace officer by a
30 civilian.

31 (3) An incident in which the use of force by a peace officer
32 against a civilian results in serious bodily injury or death.

33 (4) An incident in which use of force by a civilian against a
34 peace officer results in serious bodily injury or death.

35 (b) For each incident reported under subdivision (a), the
36 information reported to the Department of Justice shall include,
37 but not be limited to, all of the following:

38 (1) The gender, race, and age of each individual who was shot,
39 injured, or killed.

40 (2) The date, time, and location of the incident.

1 (3) Whether the civilian was armed, and, if so, the type of
2 weapon.

3 (4) The type of force used against the officer, the civilian, or
4 both, including the types of weapons used.

5 (5) The number of officers involved in the incident.

6 (6) The number of civilians involved in the incident.

7 (7) A brief description regarding the circumstances surrounding
8 the incident, which may include the nature of injuries to officers
9 and civilians and perceptions on behavior or mental disorders.

10 (c) Each year, the Department of Justice shall include a summary
11 of information contained in the reports received pursuant to
12 subdivision (a) through the department’s OpenJustice Web portal
13 pursuant to Section 13010 of the Penal Code. This information
14 shall be classified according to the reporting law enforcement
15 jurisdiction. In cases involving a peace officer who is injured or
16 killed, the report shall list the officer’s employing jurisdiction and
17 the jurisdiction where the injury or death occurred, if they are not
18 the same. This subdivision does not authorize the release to the
19 public of the badge number or other unique identifying information
20 of the peace officer involved.

21 (d) For purposes of this section, “serious bodily injury” means
22 a bodily injury that involves a substantial risk of death,
23 unconsciousness, protracted and obvious disfigurement, or
24 protracted loss or impairment of the function of a bodily member
25 or organ.

26 ~~SEC. 4.~~

27 *SEC. 5.* Section 13010 of the Penal Code is amended to read:
28 13010. It shall be the duty of the department:

29 (a) To collect data necessary for the work of the department
30 from all persons and agencies mentioned in Section 13020 and
31 from any other appropriate source.

32 (b) To prepare and distribute to all those persons and ~~agencies,~~
33 *agencies cards, forms, or* electronic means used in reporting data
34 to the department. The *cards, forms, or* electronic means may, in
35 addition to other items, include items of information needed by
36 federal bureaus or departments engaged in the development of
37 national and uniform criminal statistics.

38 (c) To recommend the form and content of records that must
39 be kept by those persons and agencies in order to ensure the correct
40 reporting of data to the department.

1 (d) To instruct those persons and agencies in the installation,
2 maintenance, and use of those records and in the reporting of data
3 therefrom to the department.

4 (e) To process, tabulate, analyze, and interpret the data collected
5 from those persons and agencies.

6 (f) To supply, at their request, to federal bureaus or departments
7 engaged in the collection of national criminal statistics data they
8 need from this state.

9 (g) To make available to the public, through the department's
10 OpenJustice Web portal, information relating to criminal statistics,
11 to be updated at least once per quarter, and to present at other times
12 as the Attorney General may approve reports on special aspects
13 of criminal statistics. A sufficient number of copies of a
14 downloadable summary of this information shall be annually
15 prepared to enable the Attorney General to send a copy to the
16 Governor and to all public officials in the state dealing with
17 criminals and to distribute them generally in channels where they
18 will add to the public enlightenment. *This subdivision shall not be*
19 *construed to require more frequent reporting by local agencies*
20 *than what is required by any other law.*

21 ~~(h) To transition to digital collection of all data by January 1,~~
22 ~~2018, to periodically review the requirements of units of~~
23 ~~government using criminal justice statistics, and to make~~
24 ~~recommendations for changes it deems necessary in the design of~~
25 ~~criminal justice statistics systems, including new techniques of~~
26 ~~collection and processing made possible by automation.~~

27 (i) *On or before January 1, 2021, to transition all of California's*
28 *crime data from summary crime reporting to incident-based crime*
29 *reporting, through electronic means, in alignment with the federal*
30 *National Incident-Based Reporting System.*

31 (1) *The department shall evaluate, on an annual basis, the*
32 *probability of meeting the January 1, 2021, implementation*
33 *deadline and report its findings to the Legislature annually through*
34 *2019 pursuant to Section 9795 of the Government Code.*

35 (2) *Local and state agencies that are unable to meet this*
36 *implementation deadline and that have committed to transitioning*
37 *to incident-based crime reporting shall collaborate with the*
38 *department to develop a transition plan with a timeline for the*
39 *transition.*

1 (j) Commencing January 1, 2021, to accept the collection of
 2 crime data from local and state crime reporting agencies only
 3 through electronic means. Commencing January 1, 2021, these
 4 agencies shall submit crime data to the department only through
 5 electronic means.

6 (k) On or before January 1, 2022, to ensure that the statistical
 7 systems of the department are electronic, allowing for criminal
 8 justice statistical data to be updated more frequently than annually
 9 on the OpenJustice Web portal.

10 ~~SEC. 5.~~

11 SEC. 6. Section 13010.5 of the Penal Code is amended to read:

12 13010.5. (a) The department shall collect data pertaining to
 13 the juvenile justice system for criminal history and statistical
 14 purposes. This information shall serve to assist the department,
 15 through its bureau whose mission is to protect the rights of children,
 16 in complying with the reporting requirement of paragraphs (3) and
 17 (4) of subdivision (a) of Section 13012, measuring the extent of
 18 juvenile delinquency, determining the need ~~for~~ *for*, and
 19 effectiveness ~~of~~ *of*, relevant legislation, and identifying long-term
 20 trends in juvenile delinquency. Any data collected pursuant to this
 21 section may include criminal history information that may be used
 22 by the department to comply with the requirements of Section
 23 602.5 of the Welfare and Institutions Code.

24 (b) Statistical data collected pursuant to this section shall be
 25 made available to the public through the OpenJustice Web portal.
 26 The department may make available data collected pursuant to
 27 this section in the same manner as data collected pursuant to
 28 Section 13202.

29 ~~SEC. 6.~~

30 SEC. 7. Section 13012 of the Penal Code is amended to read:

31 13012. (a) The information published on the OpenJustice Web
 32 portal pursuant to Section 13010 shall contain statistics showing
 33 all of the following:

34 (1) The amount and the types of offenses known to the public
 35 authorities.

36 (2) The personal and social characteristics of criminals and
 37 delinquents.

38 (3) The administrative actions taken by law enforcement,
 39 prosecutorial, judicial, penal, and correctional agencies or

1 institutions, including those in the juvenile justice system, in
2 dealing with criminals or delinquents.

3 (4) The administrative actions taken by law enforcement,
4 prosecutorial, judicial, penal, and correctional agencies or
5 institutions, including those in the juvenile justice system, in
6 dealing with minors who are the subject of a petition or hearing
7 in the juvenile court to transfer their case to the jurisdiction of an
8 adult criminal court or whose cases are directly filed or otherwise
9 initiated in an adult criminal court.

10 (5) (A) The total number of each of the following:

11 (i) Citizen complaints received by law enforcement agencies
12 under Section 832.5.

13 (ii) Citizen complaints alleging criminal conduct of either a
14 felony or a misdemeanor.

15 (iii) Citizen complaints alleging racial or identity profiling, as
16 defined in subdivision (e) of Section 13519.4. These statistics shall
17 be disaggregated by the specific type of racial or identity profiling
18 alleged, such as based on a consideration of race, color, ethnicity,
19 national origin, religion, gender identity or expression, sexual
20 orientation, or mental or physical disability.

21 (B) The statistics reported under this paragraph shall provide,
22 for each category of complaint identified under subparagraph (A),
23 the number of complaints within each of the following disposition
24 categories:

25 (i) “Sustained,” which means that the investigation disclosed
26 sufficient evidence to prove the truth of allegation in the complaint
27 by preponderance of evidence.

28 (ii) “Exonerated,” which means that the investigation clearly
29 established that the actions of the personnel that formed the basis
30 of the complaint are not a violation of law or agency policy.

31 (iii) “Not sustained,” which means that the investigation failed
32 to disclose sufficient evidence to clearly prove or disprove the
33 allegation in the complaint.

34 (iv) “Unfounded,” which means that the investigation clearly
35 established that the allegation is not true.

36 (C) The reports under subparagraphs (A) and (B) shall be made
37 available to the public and disaggregated for each individual law
38 enforcement agency.

39 (b) It shall be the duty of the department to use the latest
40 advances in data science to give adequate interpretation of the

1 statistics and so to present the information that it may be of value
2 in guiding the policies of the Legislature and of those in charge of
3 the apprehension, prosecution, and treatment of the criminals and
4 delinquents, or concerned with the prevention of crime and
5 delinquency. This interpretation shall be presented in clear and
6 informative formats on the OpenJustice Web portal. The Web
7 portal shall also include statistics that are comparable with national
8 uniform criminal statistics published by federal bureaus or
9 departments heretofore mentioned.

10 (c) Each year, on an annual basis, the Racial and Identity
11 Profiling Advisory Board (RIPA), established pursuant to
12 paragraph (1) of subdivision (j) of Section 13519.4, shall analyze
13 the statistics reported pursuant to subparagraphs (A) and (B) of
14 paragraph (5) of subdivision (a) of this section. RIPA's analysis
15 of the complaints shall be incorporated into its annual report as
16 required by paragraph (3) of subdivision (j) of Section 13519.4
17 and shall be published on the OpenJustice Web portal. The reports
18 shall not disclose the identity of peace officers.

19 ~~SEC. 7.~~

20 *SEC. 8.* Section 13012.6 of the Penal Code is amended to read:
21 13012.6. The data published by the department on the
22 OpenJustice Web portal under Section 13010 shall include
23 information concerning arrests for violations of Section 530.5.

24 ~~SEC. 8.~~

25 *SEC. 9.* Section 13013 of the Penal Code is amended to read:
26 13013. The department shall maintain a data set, updated
27 quarterly, that contains the number of crimes reported, number of
28 clearances, and clearance rates in California as reported by
29 individual law enforcement agencies. The data set shall be made
30 available through the OpenJustice Web portal. This section shall
31 not be construed to require reporting any crimes other than those
32 required by Section 13012.

33 ~~SEC. 9.~~

34 *SEC. 10.* Section 13014 of the Penal Code is amended to read:
35 13014. (a) The Department of Justice shall perform the
36 following duties concerning the investigation and prosecution of
37 homicide cases:

38 (1) Collect information, as specified in subdivision (b), on all
39 persons who are the victims of, and all persons who are charged
40 with, homicide.

1 (2) Adopt and distribute by electronic means to all state and
2 governmental entities that are responsible for the investigation and
3 prosecution of homicide cases forms that will include information
4 to be provided to the department pursuant to subdivision (b).

5 (3) Compile, collate, index, and maintain an electronic file of
6 the information required by subdivision (b). The file shall be
7 available to the general public during the normal business hours
8 of the department, as well as on the OpenJustice Web portal, and
9 the department shall quarterly update the information required by
10 this section, which shall also be available to the general public.

11 The department shall perform the duties specified in this
12 subdivision within its existing budget.

13 (b) Every state or local governmental entity responsible for the
14 investigation and prosecution of a homicide case shall provide the
15 department with demographic information about the victim and
16 the person or persons charged with the crime, including age,
17 gender, race, and ethnic background.

18 ~~SEC. 10.~~

19 *SEC. 11.* Section 13023 of the Penal Code is amended to read:

20 13023. (a) Subject to the availability of adequate funding, the
21 Attorney General shall direct local law enforcement agencies to
22 report to the Department of Justice, in a manner to be prescribed
23 by the Attorney General, any information that may be required
24 relative to hate crimes. This information may include any general
25 orders or formal policies on hate crimes and the hate crime
26 pamphlet required pursuant to Section 422.92.

27 (b) On a quarterly basis, the Department of Justice shall update
28 the OpenJustice Web portal with the information obtained from
29 local law enforcement agencies pursuant to this section. The
30 department shall submit its analysis of this information to the
31 Legislature in the manner described in subdivision (g) of Section
32 13010.

33 (c) For purposes of this section, “hate crime” has the same
34 meaning as in Section 422.55.

35 ~~SEC. 11.~~

36 *SEC. 12.* Section 13519.4 of the Penal Code is amended to
37 read:

38 13519.4. (a) The commission shall develop and disseminate
39 guidelines and training for all peace officers in California as
40 described in subdivision (a) of Section 13510 and who adhere to

1 the standards approved by the commission, on the racial and
2 cultural differences among the residents of this state. The course
3 or courses of instruction and the guidelines shall stress
4 understanding and respect for racial, identity, and cultural
5 differences, and development of effective, noncombative methods
6 of carrying out law enforcement duties in a diverse racial, identity,
7 and cultural environment.

8 (b) The course of basic training for peace officers shall include
9 adequate instruction on racial, identity, and cultural diversity in
10 order to foster mutual respect and cooperation between law
11 enforcement and members of all racial, identity, and cultural
12 groups. In developing the training, the commission shall consult
13 with appropriate groups and individuals having an interest and
14 expertise in the field of racial, identity, and cultural awareness and
15 diversity.

16 (c) For the purposes of this section the following shall apply:

17 (1) “Disability,” “gender,” “nationality,” “religion,” and “sexual
18 orientation” have the same meaning as in Section 422.55.

19 (2) “Culturally diverse” and “cultural diversity” include, but
20 are not limited to, disability, gender, nationality, religion, and
21 sexual orientation issues.

22 (3) “Racial” has the same meaning as “race or ethnicity” in
23 Section 422.55.

24 (4) “Stop” has the same meaning as in paragraph (2) of
25 subdivision (g) of Section 12525.5 of the Government Code.

26 (d) The Legislature finds and declares as follows:

27 (1) The working men and women in California law enforcement
28 risk their lives every day. The people of California greatly
29 appreciate the hard work and dedication of peace officers in
30 protecting public safety. The good name of these officers should
31 not be tarnished by the actions of those few who commit
32 discriminatory practices.

33 (2) Racial or identity profiling is a practice that presents a great
34 danger to the fundamental principles of our Constitution and a
35 democratic society. It is abhorrent and cannot be tolerated.

36 (3) Racial or identity profiling alienates people from law
37 enforcement, hinders community policing efforts, and causes law
38 enforcement to lose credibility and trust among the people whom
39 law enforcement is sworn to protect and serve.

1 (4) Pedestrians, users of public transportation, and vehicular
2 occupants who have been stopped, searched, interrogated, and
3 subjected to a property seizure by a peace officer for no reason
4 other than the color of their skin, national origin, religion, gender
5 identity or expression, housing status, sexual orientation, or mental
6 or physical disability are the victims of discriminatory practices.

7 (5) It is the intent of the Legislature in enacting the changes to
8 this section made by the act that added this paragraph that
9 additional training is required to address the pernicious practice
10 of racial or identity profiling and that enactment of this section is
11 in no way dispositive of the issue of how the state should deal with
12 racial or identity profiling.

13 (e) “Racial or identity profiling,” for purposes of this section,
14 is the consideration of, or reliance on, to any degree, actual or
15 perceived race, color, ethnicity, national origin, age, religion,
16 gender identity or expression, sexual orientation, or mental or
17 physical disability in deciding which persons to subject to a stop
18 or in deciding upon the scope or substance of law enforcement
19 activities following a stop, except that an officer may consider or
20 rely on characteristics listed in a specific suspect description. The
21 activities include, but are not limited to, traffic or pedestrian stops,
22 or actions during a stop, such as asking questions, frisks,
23 consensual and nonconsensual searches of a person or any property,
24 seizing any property, removing vehicle occupants during a traffic
25 stop, issuing a citation, and making an arrest.

26 (f) A peace officer shall not engage in racial or identity profiling.

27 (g) Every peace officer in this state shall participate in expanded
28 training as prescribed and certified by the Commission on Peace
29 Officers Standards and Training.

30 (h) The curriculum shall be evidence-based and shall include
31 and examine evidence-based patterns, practices, and protocols that
32 make up racial or identity profiling, including implicit bias. This
33 training shall prescribe evidence-based patterns, practices, and
34 protocols that prevent racial or identity profiling. In developing
35 the training, the commission shall consult with the Racial and
36 Identity Profiling Advisory Board established pursuant to
37 subdivision (j). The course of instruction shall include, but not be
38 limited to, significant consideration of each of the following
39 subjects:

- 1 (1) Identification of key indices and perspectives that make up
2 racial, identity, and cultural differences among residents in a local
3 community.
- 4 (2) Negative impact of intentional and implicit biases,
5 prejudices, and stereotyping on effective law enforcement,
6 including examination of how historical perceptions of
7 discriminatory enforcement practices have harmed
8 police-community relations and contributed to injury, death,
9 disparities in arrest detention and incarceration rights, and wrongful
10 convictions.
- 11 (3) The history and role of the civil and human rights movement
12 and struggles and their impact on law enforcement.
- 13 (4) Specific obligations of peace officers in preventing,
14 reporting, and responding to discriminatory or biased practices by
15 fellow peace officers.
- 16 (5) Perspectives of diverse, local constituency groups and
17 experts on particular racial, identity, and cultural and
18 police-community relations issues in a local area.
- 19 (6) The prohibition against racial or identity profiling in
20 subdivision (f).
 - 21 (i) Once the initial basic training is completed, each peace officer
22 in California as described in subdivision (a) of Section 13510 who
23 adheres to the standards approved by the commission shall be
24 required to complete a refresher course every five years thereafter,
25 or on a more frequent basis if deemed necessary, in order to keep
26 current with changing racial, identity, and cultural trends.
 - 27 (j) (1) Beginning July 1, 2016, the Attorney General shall
28 establish the Racial and Identity Profiling Advisory Board (RIPA)
29 for the purpose of eliminating racial and identity profiling, and
30 improving diversity and racial and identity sensitivity in law
31 enforcement.
 - 32 (2) RIPA shall include the following members:
 - 33 (A) The Attorney General, or his or her designee.
 - 34 (B) The President of the California Public Defenders
35 Association, or his or her designee.
 - 36 (C) The President of the California Police Chiefs Association,
37 or his or her designee.
 - 38 (D) The President of *the* California State Sheriffs' Association,
39 or his or her designee.

1 (E) The President of the Peace Officers Research Association
2 of California, or his or her designee.

3 (F) The Commissioner of the California Highway Patrol, or his
4 or her designee.

5 (G) A university professor who specializes in policing, and
6 racial and identity equity.

7 (H) Two representatives of human or civil rights tax-exempt
8 organizations who specialize in civil or human rights.

9 (I) Two representatives of community organizations who
10 specialize in civil or human rights and criminal justice, and work
11 with victims of racial and identity profiling. At least one
12 representative shall be between 16 and 24 years of age.

13 (J) Two religious clergy members who specialize in addressing
14 and reducing racial and identity bias toward individuals and groups.

15 (K) Up to two other members that the Governor may prescribe.

16 (L) Up to two other members that the President-Pro *pro* Tempore
17 of the Senate may prescribe.

18 (M) Up to two other members that the Speaker of the Assembly
19 may prescribe.

20 (3) Each year, on an annual basis, RIPA shall do the following:

21 (A) Analyze the data reported pursuant to Section 12525.5 of
22 the Government Code and Section 13012 of ~~the Penal Code~~. *this*
23 *code*.

24 (B) Analyze law enforcement training under this section.

25 (C) Work in partnership with state and local law enforcement
26 agencies to review and analyze racial and identity profiling policies
27 and practices across geographic areas in California.

28 (D) Conduct, and consult available, evidence-based research
29 on intentional and implicit biases, and law enforcement stop,
30 search, and seizure tactics.

31 (E) Issue a report that provides RIPA's analysis under
32 subparagraphs (A) to (D), inclusive, and detailed findings on the
33 past and current status of racial and identity profiling, and makes
34 policy recommendations for eliminating racial and identity
35 profiling. RIPA shall post the report on its Internet Web site. Each
36 report shall include disaggregated statistical data for each reporting
37 law enforcement agency. The report shall include, at minimum,
38 each reporting law enforcement agency's total results for each data
39 collection criterion under subdivision (b) of Section 12525.5 of
40 the Government Code for each calendar year. The reports shall be

1 retained and made available to the public by posting those reports
 2 on the Department of Justice’s OpenJustice Web portal. The first
 3 annual report shall be issued no later than January 1, 2018. The
 4 reports are public records within the meaning of subdivision (d)
 5 of Section 6252 of the Government Code and are open to public
 6 inspection pursuant to Sections 6253, 6256, 6257, and 6258 of the
 7 Government Code.

8 (F) Hold at least three public meetings annually to discuss racial
 9 and identity profiling, and potential reforms to prevent racial and
 10 identity profiling. Each year, one meeting shall be held in northern
 11 California, one in central California, and one in southern California.
 12 RIPA shall provide the public with notice of at least 60 days before
 13 each meeting.

14 (4) Pursuant to subdivision (e) of Section 12525.5 of the
 15 Government Code, RIPA shall advise the Attorney General in
 16 developing regulations for the collection and reporting of stop
 17 data, and ensuring uniform reporting practices across all reporting
 18 agencies.

19 (5) Members of RIPA shall not receive compensation, nor per
 20 diem expenses, for their services as members of RIPA.

21 (6) No action of RIPA shall be valid unless agreed to by a
 22 majority of its members.

23 (7) The initial terms of RIPA members shall be four years.

24 (8) Each year, RIPA shall elect two of its members as
 25 cochairpersons.

26 ~~SEC. 12.~~

27 *SEC. 13.* If the Commission on State Mandates determines that
 28 this act contains costs mandated by the state, reimbursement to
 29 local agencies and school districts for those costs shall be made
 30 pursuant to Part 7 (commencing with Section 17500) of Division
 31 4 of Title 2 of the Government Code.