



SAN JOSE POLICE DEPARTMENT

TRAINING BULLETIN

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

SUBJECT: AB 953 DURATION OF STOP

DATE: November 19, 2021

Bulletin# 2021-023

On January 1, 2019, the San Jose Police Department began collecting stop data and reporting the information to the California Department of Justice (DOJ) in accordance with AB 953. Our first report was issued to the DOJ on April 1, 2019. AB 953 added California Government Code, Section 12525.5, which specifies the stop reporting required, and includes a requirement that the Attorney General, in consultation with specified stakeholders, issue regulations for the collection and reporting of stop data not later than January 1, 2017. The definitions used in this training bulletin are based upon the definitions and examples used in the regulations promulgated by the Attorney General.

An internal review of data collected by the San Jose Police Department revealed many officers were not correctly interpreting the law as outlined in AB 953. As a result, lawful and legally justified detentions were not accurately reported to DOJ.

DEFINITIONS:

“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 enter the approximate length of the stop in minutes.

“Stop” means (1) any detention by a peace officer of a person; or (2) any peace officer interaction with a person, in which the peace officer conducts a search, *including a consensual search*, of the person’s body or property in the person’s possession or control.

A “detention,” means a seizure of a person 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.

Please note that “Duration of Stop” does not include the total time from when the subject in question is first detained until e.g., they are admitted to jail or a hospital. The stop ends when the detained person is taken into physical custody, which would usually be earlier than the time the person is admitted to jail or a hospital. Please also note that receiving a subject’s consent does not alter the fact that the officer in question is still engaging in a lawful detention under California law.

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EXAMPLES:

- Officers A and B respond to a domestic violence call for service at 1900 hours. Officers make contact with two adults and two minors. Officers are investigating a possible crime; therefore, nobody is free to leave the scene and is considered detained. Officer A makes contact with the adult male. Officer B makes contact with the adult female. At 1910 hours Officer B determines the detained adult male and female are married, and the adult female reveals she was struck by her adult male husband. Officer B informs Officer A that a domestic violence incident occurred. At 1910 hours Officer A arrests the detained adult male. “Duration of Stop” would be reported as 10 minutes.
- Officer A stops a vehicle for suspected driving under the influence (DUI) at 1300 hours. Officer B then arrives at the scene 15 minutes later and conducts a field sobriety test on the driver, who fails the tests. Officer B then arrests and takes the driver into custody at 1345 hours. “Duration of Stop” would be reported as 45 minutes.
- At 1000 hours Officer A makes contact with a subject and engages in a consensual conversation. During the conversation, Officer A explicitly advises the subject that they are free to leave but asks for permission to perform a cursory pat search for weapons for officer safety. Officer A receives consent at 1002 hours. Officer A performs a cursory pat search at 1002 hours. No contraband or weapons are found. Conversation lasts until 1010 hours. “Duration of Stop” would be reported as 8 minutes.
- Officer A stops a speeding vehicle at 1300 hours. Officer B then arrives at the scene 5 minutes later and conducts a pat search for weapons on the driver. Officer A completes the traffic citation while Officer B keeps an eye on the detained driver. Detained driver signs his citation and is released on scene at 1320 hours. “Duration of Stop” would be reported as 20 minutes.

As a reminder, entries into the system are mandatory after a detention or search occurs. Duty Manual Section L 5109 DOCUMENTING DETENTIONS PURSUANT TO THE RACIAL AND IDENTITY PROFILING ACT OF 2015 (AB 953) outlines the process and procedure to complete the entry.

If an officer needs to reset their credentials, they will need to follow instructions on the [Stop Data Collection Services](#) portal.



Anthony Mata
Chief of Police

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