

OAL Register 2021-0629-05

CALIFORNIA DEPARTMENT OF JUSTICE

TITLE 11. LAW

DIVISION 1. ATTORNEY GENERAL

CHAPTER 19. RACIAL AND IDENTITY PROFILING ACT OF 2015

**NOTICE OF REVISIONS TO PROPOSED MODIFICATIONS TO REGULATIONS,
ADDENDUM TO INITIAL STATEMENT OF REASONS, AND ADDITION OF
DOCUMENTS TO THE RULEMAKING FILE (OAL File No. Z2021-0629-05)**

Notice published Tuesday, January 18, 2022

Pursuant to the requirements of Government Code section 11346.8, subdivision (c), and section 44 of Title 1 of the California Code of Regulations, the Department of Justice (Department) is providing notice of changes made to proposed regulation sections 999.224, 999.226, and 999.228. These proposed modifications to existing regulations were the subject of a Notice of Proposed Rulemaking published in the California Register (Register 2021, No. 28-Z) on July 9, 2021 as file number Z2021-0629-05 and the subject of virtual public hearings on August 20, 2021 and September 1, 2021. These further modifications to existing regulations are in response to comments received regarding the proposed regulations and for clarification purposes as well as feedback the Department received internally and from its subject matter expert.

Additionally, pursuant to the requirements of Government Code sections 11346.8, subdivision (d), 11346.9, subdivision (a)(1), and 11347.1, the Department is providing notice that additional documents have been added to the rulemaking file and are available for public inspection and comment. The documents added to the rulemaking file are as follows:

Supplemental Rulemaking Document

The Addendum to the Initial Statement of Reasons

Documents Incorporated by Reference:

1. DOJ Research Center (DOJRC) Security Variance Form for Data Access Non-Compliance of Security Requirements, DOJRC 0001, orig. 07/2021
2. DOJRC Researcher Confidentiality and Non-Disclosure Agreement, DOJRC 0003, orig. 07/2021
3. DOJRC Researcher Data Access User Agreement, DOJRC 0002, orig. 07/2021
4. National Institute of Standards and Technology (NIST) Special Publication (SP) 800-171, Revision 2, dated February 21, 2020
5. NIST Special Publication 800-88, Revision 1, Guidelines for Media Sanitization, December 2014

Beginning Tuesday, January 18, 2022, the addendum to the Initial Statement of Reasons and the documents incorporated by reference are available for public inspection on the Department's website at <https://oag.ca.gov/ab953/regulations> and <https://oag.ca.gov/regulations> or by request to the Department's contact person listed below.

Documents Relied on:

1. Memorandum concerning subject matter expert feedback
2. Baltimore Police Department, Conducted Electrical Weapon Policy (July 1, 2016) https://www.baltimorepolice.org/sites/default/files/Policies/719_Conducted_Electrical_Weapon.pdf
3. Herlihy-Mera, *The Cross-Lingual Interse(x)tionality of 'Latinx'*, The Chronicle (May 1, 2018) <https://www.chronicle.com/blogs/linguafranca/2018/05/01/the-cross-lingual-intersextionality-of-latinx/>
4. Police Executive Research Forum and United States Department of Justice, Community Oriented Policing Services, 2011 Electronic Control Weapon Guidelines (March 2011) https://www.policeforum.org/assets/docs/Free_Online_Documents/Use_of_Force/electronic%20control%20weapon%20guidelines%202011.pdf
5. Caraballo, *This Comic Breaks Down Latinx v. Latine for Those Who Want to be Gender-inclusive*, REMEZCLA (Oct. 24, 2019) <https://remezcla.com/culture/latinx-latine-comic>
6. Seattle Police Department, Use of Force Tools Policy, <https://www.seattle.gov/police-manual/title-8---use-of-force/8300---use-of-force-weapons-and-tools>
7. Simón, *Hispanic vs. Latino vs. Latinx: A Brief History of How These Words Originated*, REMEZCLA (Sept. 14, 2018) <https://remezcla.com/features/culture/latino-vs-hispanic-vs-latinx-how-these-words-originated/>

Beginning Tuesday, January 18, 2022, these documents are available by request to the Department's contact person listed below.

If you have any comments regarding the proposed changes, the Department will accept written comments between Tuesday, January 18, 2022 and Wednesday, February 2, 2022. All written comments must be addressed to:

Tanya Koshy
Deputy Attorney General
Civil Rights Enforcement Section
California Office of the Attorney General
1515 Clay Street Oakland, CA 94612
Phone: (510) 897-1983
Fax: (213) 897-7605
Email: Tanya.Koshy@doj.ca.gov

All written comments received by Wednesday, February 2, 2022, which pertain to the indicated changes will be reviewed and responded to by the Department's staff as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text as indicated by green double underline and orange double strikeout.

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

The originally proposed regulations, this notice, the proposed revisions, the addendum to the Initial Statement of Reasons, and other documents related to this rulemaking are available on the Department's website at <https://oag.ca.gov/ab953/regulations> and <https://oag.ca.gov/regulations>. Other documents related to this rulemaking are available to the public upon a request to the Department using the contact information above.