

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD

<https://oag.ca.gov/ab953/board>**CIVILIAN COMPLAINTS SUBCOMMITTEE**
MEETING NOTICE AND AGENDA**Monday, June 1, 2020****10:00 AM**

Via Blue Jeans video and telephone conference ONLY. The public is encouraged to join the meeting using the “Join Meeting” link below. The “Join Meeting” link will provide access to the meeting video and audio. We recommend that you log in 5-10 minutes before the start of the meeting to allow sufficient time to set up your audio/video, and to download the Blue Jeans application, if desired.

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Meeting ID: 701 162 520

1. INTRODUCTION (5 min.)
Welcome Board Member Nancy Frausto
2. APPROVAL OF JUNE 3 AND OCTOBER 18, 2019 SUBCOMMITTEE MINUTES (5 min.)
3. OVERVIEW OF PROPOSED SUBCOMMITTEE WORK BY DEPARTMENT OF JUSTICE (5 min.)
4. UPDATE ON REVIEW OF COMPLAINT FORMS FOR WAVE 2 AGENCIES BY DEPARTMENT OF JUSTICE (20 min.)
5. DISCUSSION OF PROPOSED SUBCOMMITTEE REPORT CONTENTS (45 min.)
6. PUBLIC COMMENT (25 min.)
Both the Blue Jeans application and dial-in number will permit public comment
7. DISCUSSION OF NEXT STEPS (10 min.)
8. SERVICE APPRECIATION BY DEPARTMENT OF JUSTICE (5 min.)
Board Member Tim Silard
9. ADJOURN

Documents that will be reviewed during the meeting will be available in the Upcoming Meeting section of the Board’s website <https://oag.ca.gov/ab953/board> on May 28, 2020.

The meeting will begin at the designated time. Other times on the agenda are approximate and may vary as the business of the Board requires. For any questions about the Board meeting, please contact Anna Rick, California Department of Justice, 1515 Clay Street, Suite 2100, Oakland, California 94612, ab953@doj.ca.gov or 510-879-3095. If you need information or assistance with accommodation requests, please contact Ms. Rick at least five calendar days before the scheduled meeting.

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD

<https://oag.ca.gov/ab953/board>

CIVILIAN COMPLAINTS SUBCOMMITTEE MEETING MINUTES

June 3, 2019 – 2:00 .m. – 4:00 p.m.

Subcommittee Members Present: Sahar Durali, Sheriff David Robinson, Tim Silard, Doug Oden, David Swing.

Subcommittee Members Absent: LaWanda Hawkins

1. Call to Order and Introductions

The fifth meeting of the Civilian Complaints Subcommittee was called to order at 2:12 p.m. by Kelsey Geiser from the California Department of Justice (DOJ). The meeting was held by teleconference with quorum of members present.

2. Approval of October 31 Subcommittee Meeting Minutes

MOTION: Co-Chair Durali made a motion to approve the October 31, 2018 subcommittee meeting minutes. Member Oden seconded the motion.

APPROVAL: All subcommittee members in attendance voted “yes,” no “no” votes, and no abstentions.

3. Update from the Department of Justice

Ms. Geiser provided an overview of the proposed subcommittee work for the annual report including an analysis of the 2018 civilian complaint data and the creation of model policy language for civilian complaint forms.

Ms. Geiser reviewed the meeting discussion document, reviewing the work the subcommittee did in last year’s report, and discussions the subcommittee has had in the past about work it would like to pursue in the 2020 report. The purposed work includes a review of the complaint forms of the Wave 1 law enforcement agencies and the creation of model policy language for law enforcement civilian complaint form or a full model complaint form. Ms. Geiser reviewed the research and progress that the DOJ staff completed on these work products, but emphasized that this information is just proposed and was circulated for the purpose of facilitating discussion.

4. Discussion of Wave 1 Agency Complaint Form Review

Co-Chair Robinson commented that a review of the Wave 1 forms would be a helpful section of the report, but suggested that we reach out to the agencies directly to ensure that we have all of the most updated information about their civilian complaint policies,

procedures, and forms. Co-Chair Robinson encouraged the subcommittee to allow the Wave 1 agencies time to make updates or corrections to their forms before including the current review in the report.

Co-Chair Durali and Member Silard agreed with sharing our initial findings with the agencies directly.

Member Silard asked if the subcommittee will cover the topic of the independence of the complaint investigations and suggested that this be looked at and analyzed in the review of the agencies' forms and procedures.

5. Discussion of the Analysis of the 2018 Civilian Complaint Data

Co-Chair Durali commented that the subcommittee should cover why the complaint numbers the Board has seen the previous two years are lower than expected. Co-Chair Durali commented that this could be due in large part to the accessibility of the forms and the inconsistency of complaint processes across the state. Co-Chair Durali emphasized the need to contextualize the data in a way that makes sense to the lay public.

Co-Chair Robinson commented that because there is no funding associated with this mandate, there is no incentive for agencies to correct these issues. Co-Chair Robinson commented that the Board needs to recommend a monetary incentive to the legislature to encourage agencies to take a hard look at their policies and procedures and make the necessary changes. Co-Chair Robinson commented that this issue will only become more pronounced with smaller agencies with fewer resources.

Member Oden suggested that the subcommittee encourage agencies partner with local academic partners to assist with the translation of forms.

Member Silard asked if there will be recommendations about data transparency around civilian complaint statistics.

Member Oden suggested that the subcommittee begin comparing the data to previous years' numbers and track the numbers over time – both for complaints in general and complaints specifically alleging racial and identity profiling

Co-Chair Robinson commented that another reason numbers may be low is that sometimes civilians do not want to file a formal complaint, but rather just want to talk with officers directly and sort it out over the phone or in person. Co-Chair Robinson commented that many civilians do not want to go through the formal complaint process and would rather just move on with their lives.

6. Discussion of Model Civilian Complaint Form or Model Language

Co-Chair Durali commented that the creation of a full form would be the best and most impactful use of the subcommittee's time and resources. Co-Chair Durali commented that an agency is more likely to pull a full form and use it than it is to review model language or best practices and interpret and incorporate that into their own procedures and forms. Co-Chair Durali commented that by doing this work up front, the Board is helping agencies streamline and save resources, which will be particularly useful for the smaller agencies that will begin collecting data in the next few years.

Co-Chair Robinson commented that it would be extremely helpful for all agencies if DOJ created a standard statewide form and included a myriad of language translations that agencies could pull from. Co-Chair Robinson commented that this form may need to be made customizable to a certain extent to allow for agencies to have the form reflect their unique policy or if they wish to collect information beyond the standard form.

Co-Chair Durali commented that agencies are required under the law to have appropriate language access policies already. Co-Chair Durali emphasize that this is not discretionary.

Member Swing encouraged the DOJ to create a policy, but don't host it on the DOJ site and instead have it hosted on the agency's specific site. Member Swing also commented that a more accessible form is not the only solution to improving the civilian complaint procedures, but just one aspect of potential improvements.

Member Swing suggested that the subcommittee also create a statewide model form for officer commendations as well as complaints.

Co-Chair Robinson requested that a draft of this be created and reviewed.

Co-Chair Durali asked how a commendation form addresses racial or identity profiling

Member Silard agreed with the creation of a model form but emphasized the need to grapple with the issues around Penal Code 148.6. Member Silard commented that if the 9th circuit finds the advisory unconstitutional, then the subcommittee should be able to recommend a model form that does not include the advisory. However, he suggested that the DOJ attorneys provide the subcommittee with legal research for legislative changes that the Board could recommend to solve this issue such as removing the advisory, removing the signature line, or changing the language.

Co-Chair Durali commented that the creation of a model complaint form should not be held up by a legislative fix and suggested that, if it is necessary to include in the model form, it should be included with a large note that the Board is seeking to change this advisory and is in the process of pursuing a legislative fix.

7. Public Comment

Michele Wittig from the Santa Monica Coalition for Police Reform encouraged the subcommittee to consider other locations for the forms to be made available, for example non-police department locations. Ms. Wittig commented that many agencies do not have forms in the lobby and to get the form you have to say the specific language “I want to file a complaint” to get access to the form.

A member of the public asked if the complaint numbers have been coordinated with the number of stops. He commented that the form should be streamlined and simple to help increase the number of forms that are submitted.

Julie Ally from the Santa Monica Coalition for Police Reform commented that the subcommittee should not include a model commendation form.

8. Adjourn

Co-Chair Durali adjourned the meeting at 3:45 p.m.

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CIVILIAN COMPLAINTS SUBCOMMITTEE MEETING MINUTES

October 18, 2019 10:00 A.M. – 12:00 P.M.

Subcommittee Members Present: Sahar Durali, Sheriff David Robinson, LaWanda Hawkins

Subcommittee Members Absent: Tim Silard, Doug Oden, Chief David Swing

1. Call to Order and Introductions

Allison Elgart from the California Department of Justice (DOJ) called the Civilian Complaints Subcommittee meeting to order at 10:06 a.m. The meeting was held by teleconference without a quorum of members present.

2. Approval of June 3, 2019 Subcommittee Meeting Minutes

Approval of the June 3, 2019 minutes were tabled and will be taken up during the first subcommittee meeting in 2020.

3. Update from the Department of Justice

Ms. Elgart gave an update of the draft civilian complaint matrix for the Wave 1 reporting agencies for the Civilian Complaints section of the RIPA report. The matrix is a review of all Wave 1 complaint forms, including whether the forms: are accessible, available online, available in different languages, allow for a basic description of the complaint, and have follow up instructions. DOJ has been working to get the necessary information from the agencies. Ms. Elgart advised that the goal is to share the matrix with the agencies for review and update, and then include it in the report. DOJ consulted with a police practices expert to find out why some agency complaint filings are low. It was discovered that some agencies categorize complaints as inquiries rather than complaints, so there will be a discussion in the report about this issue.

Mr. Walker of DOJ's Research Center advised that there were no major changes by the Research Center to the Civilian Complaint section of the report.

4. Discussion of Subcommittee Section in Report

Some Board member comments were:

- 1) A column should be added to the matrix to state whether the form is available in multiple locations.
- 2) The matrix should not ask agencies whether the related Penal Code citation is on their form. Instead, a recommendation should be in the report that agencies add the Penal Code citation on their forms.
- 3) The matrix should show whether agencies offer online submissions and suggest this as a best practice in the report.
- 4) The report should offer suggestions regarding how to make complaint forms more accessible including examples from other agencies. San Francisco and Los Angeles are good examples.

5) Co-Chair Robinson agreed to reach out to unresponsive Wave 1 Sheriff Departments to help DOJ finalize the matrix and suggested that Member Swing might also be willing to reach out to Wave 1 Police Departments if asked.

5. Public Comment

Debbie Casella of San Diego asked about the goal of the complaint form. The Co-Chairs clarified that the Board's starting place is to make recommendations in the report regarding the information that should be on a complaint form based on best practices.

Debbie Casella also asked whether it is acceptable for communities to translate the form. Co-Chair Durali advised that the Board flushed out a few language issues in the 2018 report discussions and learned that there are legal requirements that must be met before government forms can be translated. However, the Board may be able to revisit this issue. Member Guerrero stated that the Board might be able to encourage agencies to partner with community organizations on translation needs; and perhaps colleges can also help with translation needs; however, these suggestions would have to be confirmed.

6. Next Steps

Ms. Elgart stated that DOJ would update the matrix to incorporate feedback from the subcommittee meeting and, with Sheriff Robinson's assistance, she will reach out to the Wave 1 agencies to get their final updates. She invited everyone to continue to submit comments and stated that the updated Civilian Complaint section will be presented at the November 20th Board meeting for the full Board's review.

Adjourn

Ms. Elgart adjourned the meeting at 11:23 a.m.

investigated by the Internal Affairs Unit. The online complaint form is available in English, Spanish, and Vietnamese. The form uses language from Cal. Penal Code § 148.6 language and describes the complaint process. The online form asks for any witnesses and their contact information. The form also specifically asks the complainant to designate whether the complaint involves race or identity profiling concerns. Anyone can file a complaint and it can be submitted anonymously. San Jose PD offers a voluntary Mediation Program for alleged misconduct deemed minor or where there is a misunderstanding about enforcement action, neglect of duty, or police procedure.

Sacramento County Sheriff: The Sacramento County Sheriff's Office (SCSO) accepts complaints: (1) online, (2) in person, (3) by phone, or (4) in writing. All complaints are investigated by the Internal Affairs Bureau. The online complaint form is available in English but no other languages. The form includes a check box to mark if the complainant wishes to remain anonymous. A complainant also has the ability to upload any video or photos associated with the incident with the complaint. There is no information attached to this online form about the civilian complaint process; however, information about who to contact and what the civilian complaint process looks like can be found by searching SCSO's online FAQs. In the response to the FAQ, there is a linked PDF civilian complaint brochure and form that can be printed out and mailed in. The PDF complaint form is also available in English but no other language. The PDF version of the civilian complaint form includes Cal. Penal Code § 148.6 language but the online version does not. Unlike the online version, the PDF form makes clear that a third party can submit complaints and provides a space for information of an attorney or representative to be included.

Fresno PD: The Fresno Police Department (Fresno PD) accepts civilian complaints: (1) online, (2) in person at their headquarters, (3) by mail, and (4) by phone. These methods are outlined in the agency's "Complaint Procedures" brochure. The brochure, available in English, Hmong, and Spanish, states that complaint procedures help citizens, the community, and the police. Before a citizen can access the online civilian complaint form, the complainant must click a box acknowledging that they read and understood the advisory. This advisory is nearly verbatim language from Cal. Penal Code § 148.6. The online form is available in English but no other languages. The form provides a phone number to call if the complainant's contact information changes. Additionally, the form asks if photos were taken of any injuries suffered and the name of the person who took the photos. Furthermore, the form also asks if the complaint was filed with any other City of Fresno department or outside agency. If the complaint has been filed with another department, the form requests the date of such report and the person contacted. Lastly, the form has a specific section for racial and identity profiling complaints. There are print versions of the complaint form available in English, Hmong, and Spanish. The print version of the form is nearly identical to the online version with the exception of including a mailing address. All three printed forms were last revised December 2018. If a complaint is submitted in person at the station, the complainant receives a "complaint receipt" which provides the case and event number and the date on which the complaint was received. It is unclear if third party complaints or anonymous complaints are accepted. Details of the civilian complaint process are outlined in the brochure, which is not available with the online complaint form.

Orange County Sheriff: The Orange County Sheriff's Department (Orange County Sheriff) accepts complaints: (1) in person, (2) by mail, or (3) by phone to the Internal Investigations Unit during regular business hours and to the Watch Commander if after regular business hours. On the agency's public website, there is a webpage with links to the civilian complaint form available in 27 languages.¹ It is unclear if third party or anonymous complaints are accepted. The end of the civilian complaint form includes nearly verbatim language from Cal. Penal Code § 148.6. Information on the complaint process is attached to the complaint form itself and explained on the agency's public website.

Sacramento PD: The Sacramento Police Department (Sacramento PD) takes civilian complaints: (1) by phone, (2) in writing, (3) in person, or (4) by e-mail. The agency's public website includes information on the personnel complaint process and cites the Cal. Penal Code §148.6 advisory. All information online about the personnel complaint process is available in English but no other languages. Sacramento PD does not have an online complaint form but a separate City of Sacramento body, the Office of Public Safety Accountability (OPSA), does. OPSA's online complaint form is not directly linked on the Sacramento PD's website. A complainant can learn of OPSA and its online complaint form by downloading the Sacramento PD's "Complaint Procedure Brochure." OPSA receives complaints: (1) online, (2) by phone, or (3) in person at their office. The online complaint form is available in English but no other languages. In January 2019, Cal. DOJ recommended that the Sacramento PD enter into an MOU with OPSA regarding its roles and responsibilities in civilian complaint investigations.² As of September 2019, discussions were still in progress.³ DOJ is working on getting an update on these discussions before the next full Board meeting.

¹ The 27 languages include Albanian, Armenian, Cambodian, Chinese, Dutch, English, Farsi, French, Hebrew, Hindi, Hungarian, Llongo, Indo, Italian, Japanese, Korean, Lao, Polish, Punjabi, Russian, Spanish, Swedish, Tagalog, Tamil, Thai, Urdu, and Vietnamese.

² California Department of Justice, Report and Recommendations 2019, pp. 67-73, <https://oag.ca.gov/system/files/attachments/press-docs/spd-report.pdf>.

³ Sacramento Police Department, A brief update on SPD's Responses to DOJ's January 29, 2019 Report, <https://www.cityofsacramento.org/-/media/Corporate/Files/Police/Transparency/DOJ-Reports/DOJ-Recommendations-and-SPD-Response-September-2019-Update.pdf?la=en>

Wave 2 Agency	Form Accessible Online?	Can Submit Online?	Multiple Methods of Submission?	Available in Multiple Languages? ⁴	Third Party Complaints Allowed?	Includes Narrative Field for Description of Complaint?	Does Not Include Language from PC §148.6? ⁵	Complaint Process Information Attached to Form?
Long Beach PD	✓	✓	✓	✓	✓	✓	✓	✗
Oakland PD	✓	✓	✓*	✓	✓	✓	✓	✗*
San Jose PD	✓	✓	✓	✓	✓	✓	✗	✓
Sacramento County Sheriff	✓*	✓	✓	✗	✓	✓	✗*	✓*
Fresno PD	✓	✓	✓	✓	?	✓	✗	✗
Orange County Sheriff	✓	✗	✓	✓	?	✓	✗	✓
Sacramento PD	✗	✓*	✓	✗	✓	?	✗	✗

⁴ Federal and state law require federally and state assisted law enforcement agencies to provide meaningful access to Limited English Proficient (LEP) individuals. Under federal law, to determine the extent of its obligation to provide services to the LEP population, the Federal Coordination and Compliance Section recommends that law enforcement agencies engage in a four-factor analysis. (USDOJ, Federal Coordination and Compliance Section. (2002). *Planning Tool: Considerations for Creation of a Language Assistance Policy and Implementation Plan for Addressing Limited English Proficiency in a Law Enforcement Agency*). California state law also requires local agencies that receive state funding to provide language access services to LEP populations. (Gov. Code, § 11135, subd. (a); Gov. Code, § 7290). LEAs may ask local community-based organizations to help translate complaint forms or create a database of qualified interpreters for speakers of any language, including sign language.

⁵ It is not a requirement that the Penal Code be included. In fact, there is a conflict between federal and state law on whether anonymous complaints should be accepted. One federal court has found that § 148.6(b) violates the First Amendment. (*Chaker v. Crogan* (9th Cir. 2005) 428 F.3d 1215). However, the California Supreme Court in 2002 upheld the constitutionality of § 148.6. (*People v. Stanistreet* (2002) 29 Cal.4th 497). Nevertheless, the Board recommended that all agencies accept anonymous and verbal complaints. Thus, a checkmark indicates that the Department does not mention § 148.6 or its language in their complaint form. The RIPA Board believes the California legislature should address this conflict soon, since the requirements set out by the Penal Code can have a chilling effect on the submission of civilian complaints, and sent a letter to the legislature regarding this issue on ____.

The material in this document is for consideration by the RIPA Board and intended to serve only as a starting point for discussion of items to include in the upcoming report.

Wave 1 Agency Civilian Complaint Form Review

The Board requested current civilian complaint forms from all Wave 1 agencies. The California Highway Patrol, San Bernardino County Sheriff, San Diego County Sheriff, Riverside County Sheriff and San Diego Police Department provided updated civilian complaint forms. The civilian complaint forms for the Los Angeles Police Department, Los Angeles Sheriff, and San Francisco Police Department were obtained online. The matrix below summarizes the Board's review of the most recent civilian complaint forms, based on the best practices outlined in the 2019 RIPA Board Report. Following the matrix is a more detailed review of each agency's civilian complaint form. The recommendations represent an accumulation of best practices identified by the USDOJ and other relevant empirical research conducted by well-regarded organizations, including the Police Executive Research Forum (PERF) and the International Association of Chiefs of Police (IACP). To ensure accuracy, the Department shared this review with the Wave 1 law enforcement agencies before including it in the report.

Many of the categories assessed below focus on the first step of the complaint process, namely making a complaint. To that end, the Board evaluated basic access to filing a complaint by assessing whether a third party can submit the form, whether it is available online, and whether it is available in multiple languages. Additionally, in reviewing the public's access to the complaint process, the Board examined whether the complaint can be submitted online and by what other methods complaints are accepted. The Board also reviewed whether the complaint form might deter members of the public from reporting a complaint by referencing language from Penal Code Section 148.6. Furthermore, the Board evaluated whether members of the public are allowed to give full information about the incident and whether they are informed about how they can follow up about their complaint by assessing whether there is a narrative section on the form and whether the civilian complaint process information is included on or attached to the form.

Wave 1 Agency	Form Accessible Online?	Can Submit Online?	Multiple Methods of Submission?	Available in Multiple Languages? ¹¹⁶
CHP	✓	✓	✓	✓
LAPD	✓	✓	✓	✓
Los Angeles Sheriff	✓	✗	✓	✓
San Diego PD	✓	✗	✓	✓
San Francisco PD	✓	✓	✓	✓
San Diego Sheriff	✓	✗	✓	✓
Riverside Sheriff	✗	✗	✓	✗
San Bernardino Sheriff	✓	✗	✓	✓

¹¹⁶ Federal and state law require federally and state assisted law enforcement agencies to provide meaningful access to Limited English Proficient (LEP) individuals. Under federal law, to determine the extent of its obligation to provide services to the LEP population, the Federal Coordination and Compliance Section recommends that law enforcement agencies engage in a four-factor analysis. (USDOJ, Federal Coordination and Compliance Section. (2002). *Planning Tool: Considerations for Creation of a Language Assistance Policy and Implementation Plan for Addressing Limited English Proficiency in a Law Enforcement Agency*). California state law also requires local agencies that receive state funding to provide language access services to LEP populations. (Gov. Code, § 11135, subd. (a); Gov. Code, § 7290). LEAs may ask local community-based organizations to help translate complaint forms or create a database of qualified interpreters for speakers of any language, including sign language.

Wave 1 Agency	Third Party Complaints Allowed?	Includes Narrative Field for Description of Complaint?	Does Not Include Language from PC § 148.6? ¹¹⁷	Complaint Process Information Attached to Form?
CHP	✓	✓	✓	✗
LAPD	✓	✓	✓	✗
Los Angeles Sheriff	✓	✓	✓	✓
San Diego PD	✓	✓	✓	✓
San Francisco PD	✓	✓	✓	✗
San Diego Sheriff	✓	✓	✗	✓
Riverside Sheriff	✓	✓	✗	✓
San Bernardino Sheriff	?	✓	✗	✗

¹¹⁷ It is not a requirement that the Penal Code be included. In fact, there is a conflict between federal and state law on whether anonymous complaints should be accepted. One federal court has found that § 148.6(b) violates the First Amendment. (*Chaker v. Crogan* (9th Cir. 2005) 428 F.3d 1215). However, the California Supreme Court in 2002 upheld the constitutionality of § 148.6. (*People v. Stanistreet* (2002) 29 Cal.4th 497). Nevertheless, the Board recommended that all agencies accept anonymous and verbal complaints. Thus, a checkmark indicates that the Department does not mention PC 148.6 or its language in their complaint form. The RIPA Board believes the California legislature should address this conflict soon, since the requirements set out by the Penal Code can have a chilling effect on the submission of civilian complaints.

enforcement agency and its culture. Below are some recommended best practices for inclusion in policies regarding supervisory review, as well as some systems and technologies that can serve as necessary tools in the supervision and accountability process:

Supervisors should:

- Establish and enforce the expectation that officers will police in a manner that is consistent with the U.S. and California Constitutions and federal and state laws, as well as internal policies.⁴¹
- Provide leadership, counseling, direction, and support to officers as needed.⁴²
- Lead efforts to engage individuals and groups and ensure that officers are working actively to engage the community and increase public trust.⁴³
- Review documentation, including video from body-worn cameras as appropriate, of investigatory stops, detentions, searches, and arrests for completeness, accuracy, and adherence to law and department policy.⁴⁴
- Take corrective action, require training, or refer for discipline where appropriate.⁴⁵
- Identify training and professional development needs and opportunities.⁴⁶
- Highlight areas where officers are engaging appropriately and effectively and use those examples during roll call and other training opportunities.⁴⁷
- Consider the use of early identification, warning, or risk management systems to contribute to effective and efficient supervisory review.⁴⁸

Civilian Complaint Policies and Procedures

1. Agencies Should Have Civilian Complaint Policies and Procedures That Contain Basic Principles

- Agencies should have an accessible, fair, and transparent complaint process. The process should be set forth in writing and made widely and permanently available within the agency and to the public.⁴⁹
- All complaints should be accepted, whether in person, in writing, over the telephone, anonymously, or on behalf of another individual.⁵⁰
- Agencies should develop an easily understandable and usable complaint form that individuals may use when filing a complaint regarding alleged personnel misconduct. This form should be available online as well as in writing at a variety of governmental and community-centered locations and should be made available in multiple languages. The form should not contain any language that could reasonably be construed as discouraging the filing of a complaint.⁵¹
- Agencies should document and investigate all complaints of alleged personnel misconduct, in a thorough, unbiased, timely manner. The standards for review should be clearly delineated in policies, trainings, and procedures featuring detailed examples to ensure proper application.⁵²
- All complainants, subject personnel, and witnesses should be treated objectively and fairly.⁵³
- The complaint policy should encourage individuals to come forward rather than discourage or intimidate complainants. Retaliation against any person who reports alleged misconduct or cooperates with an investigation should be expressly prohibited.⁵⁴
- All sworn and non-sworn law enforcement personnel should be sufficiently trained on the complaint policy, procedure, and requirements.⁵⁵

2. Policies on Civilian Complaints Should Be Easily Accessible and Well Communicated to the Community

- Complaint procedures and forms should be made available in multiple languages and at a location within the agency's office that is easily accessible to the public.⁵⁶ In addition, the procedures and complaint forms should be available online and in writing at a variety of governmental and community-centered public locations.⁵⁷
- Agency personnel should have complaint forms in their patrol vehicles so that complaints can be addressed immediately in the field. Agencies may consider distributing business cards with the personnel's name, rank, and contact information to assist the public in lodging complaints. They may also consider requiring supervisors to respond to the field to take complaints.⁵⁸
- The agency should contact the complainant as soon as possible with a verification that the complaint has been received and that it is being reviewed.⁵⁹
- Reports of complaint statistics should be made available to the public on a regular basis.⁶⁰

3. Any Policy on Civilian Complaints Should Contain Details on the Intake, Filing, and Tracking Process

- Agencies should establish written policies and procedures for accepting, processing and investigating complaints, ensuring fairness to the subject personnel and complainants.⁶¹
- All complaints and their dispositions should be appropriately documented and tracked, preferably electronically.⁶²
- All agency personnel, including dispatcher and non-sworn personnel, should be trained to properly handle complaint intake, including how to provide complaint material and information, the consequences for failing to properly take complaints, and strategies for turning the complaint process into positive police-civilian interaction.⁶³
- An agency's complaint procedures should be explained to the complainant and the complainant should be advised where and with whom the complaint may be filed.⁶⁴
- All complaints should be given a unique number for tracking purposes.⁶⁵

4. Policies on Civilian Complaints Should Contain Details on the Investigation Process

- Agencies should clearly detail the investigation procedure for complaints to ensure all complaints are appropriately and objectively reviewed.⁶⁶
- Any investigation should be completed by someone of higher rank than the person who is the subject of the investigation.⁶⁷
- All investigations should adhere to written timelines from the date the complaint was filed.⁶⁸
- Agencies should promptly identify, collect, and consider all relevant evidence, including audio or video recordings.⁶⁹
- Agencies should not seek personal information that is not necessary to process the complaint, and which may discourage submission (e.g., social security number, driver's license information, etc.).⁷⁰

- Agencies should take all reasonable steps to locate and interview all witnesses, including civilian witnesses. Interviews should be conducted in a timely, respectful, and unbiased manner. All agent and witness statements should be objectively evaluated.⁷¹
- If the complainant cannot identify the subject officer's name, all reasonable efforts to identify the officer should be made.⁷²
- Agencies should accept all complaints regardless of when the alleged incident occurred. Depending upon the age and severity of the allegations, the agency may or may not need to take action, but should at minimum accept the complaint and conduct an initial review.⁷³
- Agencies should adhere to a stated time limit on how quickly the investigation process is commenced after receiving a complaint and deadlines to ensure timely resolution.⁷⁴
- Agencies should clearly define investigation disposition categories and make this information available to the public.⁷⁵
- The agency should regularly assess the effectiveness of the complaint process and determine if there is a need for a re-evaluation of existing policies, procedures, or trainings.⁷⁶
- Agencies should consider the appropriateness of independent oversight models such as a civilian review Board or independent auditor.⁷⁷
- Agencies should document all investigation findings and keep all complaints available for internal analysis and audits for at least five years.⁷⁸
- Agencies should consider conducting regular, targeted, and random integrity audits.⁷⁹

Racial and Identity Profiling Training

1. Trainings on Racial and Identity Profiling Should Incorporate Basic Principles

The training should:

- Begin with providing all trainees with relevant definitions and scientific research, including a sufficient understanding and definitions of implicit and explicit bias and stereotyping. The training should also emphasize that a great deal of human behavior and brain processing occurs without conscious perception and that all members of society frequently act on their biases. The training should present scientific peer-reviewed research on bias and how it can influence on behavior.⁸⁰
- Be developed in partnership with academic institutions or consultants with the requisite expertise to assist in developing and implementing trainings. These institutions or consultants should have documented experience conducting such racial and identity profiling trainings for institutional actors (and, ideally, helping design successful interventions).⁸¹
- Provide all agency personnel with the knowledge and skills to identify bias and minimize its impact upon law enforcement activities and interactions with members of the public.⁸²
- Reflect the agency's commitment to procedural justice, bias-free policing, and community policing.⁸³
- Instill in all officers the expectation they will police diligently and have an understanding of and commitment to the rights of all individuals they encounter. This includes reinforcing that protecting civil rights is a central part of the police mission and is

DRAFT OUTLINE¹

2021 RIPA Annual Report

1. **Executive Summary**
2. **Introduction**
 - a. Letter from Board Co-Chairs
 - b. Purpose and intent of this year's report
 - i. Summary of the report contents
 - ii. Board ideas for moving from analysis/review to policy and practice recommendations – how do we make this count?
 - c. Overview of the work completed since the release of the 2020 report
 - i. Board meetings and subcommittee meetings.
 - ii. Submission of Wave 1 and 2 stop data records
 - iii. Kickoff meetings and commencement of stop data collection for Wave 3 agencies
 - iv. Survey of Wave 1 and Wave 2 LEAs
3. **Stop Data Analysis** (*Stop Data Subcommittee*)
 - a. Analysis of stop data – January 1, 2019 through December 31, 2019
 - i. Stop Demographics
 - ii. Decision to Stop
 - iii. Comparisons to Census, SWITRS, and Light Condition Data
 - iv. Post-Stop Outcomes (search rates, yield rates)
 - b. Board-focused research questions – intersectional analyses
4. **Racial and Identity Profiling Policies and Accountability** (*State and Local Policies and Accountability Subcommittee*)
 - a. Overview of the Board's charge in regard to racial and identity profiling policies
 - b. Review of "Bias-Free Policing" or equivalent policy from all Wave 2 agencies
5. **Calls for Service and Bias by Proxy** (*Calls for Service Subcommittee*)
 - a. Update to list of best practices for avoiding bias by proxy in calls for service
 - b. Intersection of mental health and law enforcement and best practices for LEAs
6. **Complaints: Policies and Data Analysis** (*Civilian Complaints Subcommittee*)
 - a. Overview of civilian complaint data reported to the DOJ and the Board's charge in regard to civilian complaint policies and procedures
 - b. Analysis of 2019 civilian complaint data
 - i. Overview of data examined
 - ii. Analysis of civilian complaints for stop data reporters statewide

¹ This proposed outline is for the RIPA Board's consideration and its purpose is to serve as a starting point for discussion of topics to include in the upcoming report. All topics are subject to change.

- iii. Agency-level data snapshot
 - iv. Findings discussion and implications
 - c. Update (if any) on factors impacting disparities in complaint reporting
 - d. Update (if any) on Penal Code section 148.6
 - e. Review of Civilian Complaint Forms of Wave 2 agencies
7. **Training** (*POST Training and Recruitment Subcommittee*)
- a. Overview of the Board's charge in regard to POST and training
 - b. Overview of the development of a POST-certified training on AB 953
 - c. Update and details on Self-Paced Refresher Course
 - d. Update and details on Racial Bias and Profiling Video
8. **Update on Relevant Legislation Enacted in 2020**
9. **Conclusion**
- a. Goals/vision for future reports

Appendices

Data that is required to be reported per Penal Code section 13519.4, subdivision (j)(3)(E): Each report shall include disaggregated statistical data for each reporting agency. The report shall include, at a minimum, each reporting law enforcement agency's total results for each data collection criteria under subdivision (b) of Section 12525.5 of the Government Code for each calendar year.

We will also include a methodology appendix to reduce the size of the stop data section of the report while still maintaining transparency. In addition, we plan to include an appendix similar to the Technical Report Section 2 from the 2020 RIPA Report.