

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD

MEETING MINUTES

6th Meeting of the Racial and Identity Profiling Advisory (RIPA) Board

November 27, 2017, 10:00 a.m.

**Stockton Memorial Civic Auditorium
525 N. Center Street
Stockton, CA 95202**

The sixth meeting of the California Racial and Identity Profiling Advisory (RIPA) Board was held on Monday, November 27, 2017 at 10:15 A.M. in the Stockton Memorial Civic Auditorium.

Members Present: Oscar Bobrow, Sahar Durali, Jennifer Eberhardt, Honorable Alice Lytle, Reverend Ben McBride, Edward Medrano, Angela Sierra, Acting Commissioner Warren Stanley, Timothy Walker, Alex Johnson, Pastor J. Edgar Boyd, Brian Marvel

Members Not Present: Micah Ali, Andrea Guerrero, Tim Silard, Mariana Marroquin, Sheriff David Robinson, Douglas Oden.

California Department of Justice Staff Present: Kelli Evans, Special Assistant Attorney General, Executive Office; Nancy A. Beninati, Supervising Deputy Attorney General, Civil Rights Enforcement Section (CRES); Shannon K. Hovis, CRES; Kelsey Geiser, CRES; Jenny Reich, Chief, Bureau of Criminal Identification and Investigation Services (BCIIS), California Justice Information Services (CJIS); Randie Chance, Program Manager, Bureau of Criminal Identification and Investigation Services, CJIS; Kevin Walker, CJIS.

1. Call to Order and Welcoming Remarks

The meeting was called to order at 10:13 A.M. by Co-Chair Ben McBride.

2. Approval of the September 27, 2017 Board Meeting Minutes

MOTION: A motion was made to approve the minutes by Member Bobrow. The motion was seconded by Member Sierra. No objections were raised.

APPROVAL: The minutes were approved with members Bobrow, Durali, Eberhardt, Lytle, McBride, Medrano, Sierra, Stanley, Walker, Johnson and Boyd voting “Yes.” There were no “No” votes, Member Marvel abstained from the vote. Members Ali, Guerrero, Silard, Marroquin, Robinson, and Oden were not present for the vote.

3. Overview of Report Progress by Board Co-Chairs

Co-Chair McBride provided an overview of the work that led to the creation of the initial draft of the 2018 RIPA report. Co-Chair McBride explained that the initial draft is attempting to speak to the process and decisions the board has made thus far. Co-Chair McBride explained that the introduction, conclusion, and sections on the history and narrative around what has led to this situation and why AB 953 was necessary to enact are missing from the current draft but will be added to the next version of the report. Co-Chair McBride added that a video of the testimonies of members of the public and clips of board meeting deliberations as well as interviews with board members will be added to the final product.

Co-Chair Medrano emphasized that because there is no data for this report, the report must provide the contextual background as well as what the desired outcomes are for the use of this report and the recommendations the board will make as it evaluates the data. Co-Chair Medrano added that this approach will cover how to utilize the data to effectively make changes to the criminal justice system and improve the quality of life and community trust. The report will also cover the limitations of the data.

➤ **Introduction of New Board Member, Brian Marvel**

Ms. Beninati welcomed newest board member, Brian Marvel, the newly elected President of PORAC, and thanked retiring board member, Mike Durant, for his work over the past year and a half.

➤ **Board Member Comments**

Member Bobrow thanked DOJ staff for putting together the initial draft and mentioned the data collected through the survey is included in the draft and lays out for the future how we will get the data that is required to accumulate. Member Bobrow thanked the law enforcement agencies that responded to the survey.

Member Boyd commented that the board has come to a point there we can begin to use a measurable approach to accessing information to address the problem. Member Boyd commented that it is now the responsibility of law enforcement to collect the data responsibly.

A break was taken to allow time for the board and public to review the report.

Co-Chair McBride commented that this report will, in part, serve as a tool to help educate the community about the implementation of the law in participation with law enforcement.

4. Evidence-Based Research and Best Practices Subcommittee Update & Board Discussion

Subcommittee Co-Chair Eberhardt provided an overview of the section progress. Subcommittee Co-Chair Eberhardt commented that the subcommittee suggested highlighting the benefits of a data-based, evidence-based approach to policing and emphasizing that this is not an effort to collect “gotcha data” but an effort to better understand police-community interactions and to make sense of the racial disparities that we have seen both here in California and around the country. We are engaged in this effort because we believe that those in law enforcement stand to benefit greatly from closely tracking, reviewing, and learning from their own activities.

Subcommittee Co-Chair Eberhardt commented that the aim for this report is to establish a framework to use AB 953 to examine issues of racial and identity profiling. The data can be used to inform best practices, to create and evaluate trainings, and develop specific strategies to address racial disparities. This is all in an effort to improve trust, to increase transparency, and to improve police-community relations.

Subcommittee Co-Chair Eberhardt laid forth the following future deliverables to achieve in 2018 for the 2019 report:

- Stop data repository
- Training and solutions repository
- Electronic tutorial for law enforcement on how to prepare stop data reports
- Electronic tutorial for the public on how to read stop data reports
- Electronic tutorial for the media on how to write about stop data reports
- Researcher-practitioner guide
- Implementation showcase

➤ **Evidence Approval of Subcommittee Minutes**

MOTION: A motion was made to approve the subcommittee minutes by Member Lytle. The motion was seconded Member Bobrow. No objections were raised.

APPROVAL: The subcommittee minutes were approved with all members in attendance voting “Yes”, no “No” votes, and no abstentions. Member Guerrero was not present for the vote.

5. Stop Data Subcommittee Update & Board Discussion

Subcommittee Co-Chair Medrano provided an overview of the section progress. Subcommittee Co-Chair Medrano commented that the subcommittee discussed examining the Board’s participation in this process and highlighting how effectively the Board has worked together. This is a very diverse group of people working together towards a unified goal and vision and this can be used as a model to share with our communities what we are doing together as opposed to against each other.

Subcommittee Co-Chair Medrano commented that this section will address the legislative mandate regarding collection of data as well as what the regulations include. Subcommittee Co-Chair Medrano emphasized that the collection of this data will be made as simple as possible through the use of electronic methods of reporting data.

Subcommittee Co-Chair Medrano commented that this section will include examples of data being collected nationally as well as data that has already been collected in California. The section will also include a discussion of what this data will be used for and the desired outcomes.

➤ **Board Member Comments**

Member Eberhardt asked about the support offered to agencies that are trying to do more with the data noting that some agencies already collect data that goes beyond what is required by AB 953.

Ms. Evans responded that the electronic tutorial and researcher practitioner guideline deliverables suggested by the evidence-based subcommittee are valuable resources. Ms. Evans noted that the regulations for AB 953 have just been finalized so the DOJ is now working with law enforcement on technical assistance around data collection.

Ms. Reich commented that CJIS has conducted outreach with all agencies that will be required to submit stop data to provide technical assistance particularly helping those who already collect data to ensure that it meets the requirements by AB 953. CJIS will meet with wave 1 and 2 agencies and record management vendors to review the data dictionary, interface specifications, and to answer any questions.

➤ **Approval of Subcommittee Meeting Minutes**

MOTION: A motion was made to approve the subcommittee minutes by Member Bobrow. The motion was seconded by Member Lytle. No objections were raised.

APPROVAL: The subcommittee minutes were approved with all members in attendance voting “Yes”, no “No” votes, and no abstentions. Member Oden was not present for the vote.

6. Board Member Comments

Member Eberhardt suggested that the report should include a description of the task for the subcommittee before the discussion to give a better sense of the mission of each of the five subcommittees.

7. Public Comment

Pastor Trinia Turner from Faith in the Valley commented that sooner is better and more is better. Pastor Turner commented that the community would stand behind the board to move the process along, however, as implementation is occurring there are still issues in the community. Pastor Turner encouraged the board to collect more rather than less because it is always easier to decide at a later date that something is unnecessary than to go back and add more later. Pastor Turner commented that AB 953 is about trust and relationships and that as things are broken or not happening they way they should we should be able to track it train, fix, or eradicate it

8. Discussion

Ms. Beninati suggested that the deadline for feedback on the draft from board members be due Monday, December 4th.

Co-Chair McBride suggested that the members of the public take the draft and introduce it into their community spaces and provide feedback to the board and to the DOJ.

9. Citizen Complaints Subcommittee Update & Board Discussion

Subcommittee Co-Chair Durali provided an overview of the section progress. Subcommittee Co-Chair commented that civilian complaints provide an important opportunity to receive anecdotal data about how the community is feeling, the police presence in the community, and performance, management, and training tools. She emphasized that even if a complaint is not sustained, that law enforcement can view the complaints as an opportunity to train an officer or implement new procedures.

Subcommittee Co-Chair Durali noted that AB 953 requires law enforcement agencies to report profiling data across identified but each local law enforcement agency has the discretion to implement its own civilian complaint procedure. Subcommittee Co-Chair Durali reviewed the data regarding the civilian complaint processes gathered from the law enforcement agency survey distributed by the RIPA Board.

Subcommittee Co-Chair Durali commented that a goal of the subcommittee is to do further research on how civilian complaint forms and policies are structured at different agencies. The subcommittee recommended accessibility noting that the more accessible a form is the more likely it is that we will be able to get the anecdotal data from the community about potential issues regarding racial profiling. The subcommittee also recommended that agencies partner up with community organizations to distribute forms and agencies also allow complainants to file complaints off-site to address the potential intimidation of physically going to the station.

Subcommittee Co-Chair Durali commented that the subcommittee recommended that it be an obligation for law enforcement agencies to provide an interpreter to complainants with limited English proficiency. The subcommittee also recommended that complaint procedures should be in writing and that the year in which a complaint is reported be refined in future reports.

➤ Approval of Subcommittee Meeting Minutes

A quorum of subcommittee members was not present to vote to approve the subcommittee meeting minutes.

10. Break

The Board recessed for a break, reconvening with a quorum of members present at 11:40 AM.

11. State & Local Racial and Identity Profiling Policies & Accountability Subcommittee Update & Board Discussion

Subcommittee Co-Chair Stanley provided an update on the section progress and the results of the survey distributed by the RIPA Board. Subcommittee Co-Chair Stanley noted that a number of law enforcement agencies use policy provided by Lexipol. The subcommittee recommended in

the report that in future reports, the board reach out to the agencies that did not provide responses to the initial survey so that the board can better evaluate the information that it has.

➤ **Approval of Subcommittee Meeting Minutes**

A quorum of subcommittee members was not present to vote to approve the subcommittee meeting minutes.

12. POST Training and Recruitment Subcommittee Update & Board Discussion

Co-Chair McBride provided an overview of the section progress. He clarified that AB 953 requires training for law enforcement on racial profiling as well as support for the implementation of the data collection processes. Co-Chair McBride commented that several members of POST joined the subcommittee's meeting to provide information about the work they are doing including their Bias Based Policing Training.

Co-Chair McBride commented that a subject matter expert, Lt. Sandra Brown, Ret. to assist in the analysis of the Bias Based Policing module. He emphasized that the subcommittee focused its discussions on ensuring that the training provided to peace officers was consistent across the state. Co-Chair McBride commented that the subcommittee believed that the training needed to focus more on the fact that those who agree to take up the vocation of policing put themselves at a different level of accountability, have a different level of power, and a different level of responsibility.

Co-Chair McBride commented that the subcommittee discussed the existing POST Principled Policing tool that is responsive to what AB 953 mandates regarding training. He commented that the subcommittee also recommended that a discussion around funding and resourcing must accompany any discussion around additional training.

Co-Chair McBride commented that future reports will cover recruitment.

➤ **Board Member Comments**

Member Lytle commented that the board can start to gather information about recruitment now to include it in the next report. She also commented that she wanted additional information about Lexipol.

Co-Chair Medrano echoed the call for including a discussion on and evaluation of funding when discussion training. Co-chair Medrano also echoed the desire to focus on recruitment in future reports.

Co-Chair McBride commented that it is important that future reports analyze barriers that exist around recruiting people of color to law enforcement. Co-Chair McBride commented that future reports could discuss potentially divesting and appropriating funds to go to training needs and to discuss how law enforcement agencies are using funds to reflect community interests.

Member Boyd commented that there are potential variations of exposure to training among different sized law enforcement agencies. Member Boyd questioned how the board envisions a standard training exposure across the state given economic disparities between agencies.

Co-Chair Medrano commented that POST provides a reimbursement training but highlighted that the cost is not always limited to the cost of the training but rather includes travel, backfill, and other costs. Co-Chair Medrano commented that it is important that the board focus on ensuring that smaller agencies are able to access the same level of training.

Co-Chair McBride commented that when resources are discussed, it is really peoples lives that are being discussed and this topic must be a focus as the Board moves forward with its work.

Member Lytle commented that we must raise the recruitment standards to require excellence because it is one of the hardest jobs in the world and not everyone can do it.

➤ **Approval of Subcommittee Meeting Minutes**

MOTION: A motion was made to approve the subcommittee minutes by member Bobrow. The motion was seconded Subcommittee Co-Chair Oden. No objections were raised.

APPROVAL: The subcommittee minutes were not approved with members McBride, Stanley, and Lytle voting “Yes”, no “No” votes, and Member Marvel abstained from the vote. Members Ali and Marroquin were not present for the vote.

13. Public Comment

Pastor Trinia Turner from Faith in the Valley commented that she was concerned that not more law enforcement agencies responded to the survey. Ms. Turner commented that she is concerned about training that is provided via video because people tune out. She said the trainings as well as expert trainings are necessary to push past the officers’ experiences.

Co-Chair Medrano clarified that board members helped to distribute the survey, but there was a very quick turn around for responses. He said that in the future, the board will focus on getting more participation throughout the state.

Toni McNeel from LiveFree commented that she expects that law enforcement agencies should not be given the option to respond to the survey because it is very important information. Ms. McNeel question how we know that complaints are being looked into if the processes are not consistent across the state.

Member Durali responded that this was an issue the board discussed and there would need to be a legislative fix to establish a uniform complaint procedure which is being discussed as a potential recommendation.

Member Sierra commented that the board was concerned about timing and was considering not doing the survey at all for this first report but decided to move forward with the idea that there will be further efforts and opportunities to respond to the survey in future reports.

Rosa Cabrera with PolicyLink commented that while much of the report's conversation on the utility of the data is centered around law enforcement it would be helpful to have a section on how the data will be helpful for community. Ms. Cabrera suggested that the report include best practices for how community members can use this data to hold local law enforcement accountable. Ms. Cabrera commented that the report reads like we are trying to convince law enforcement that this is necessary and suggested that the board shift the tone away from convincing toward how to effectively collect the data to help with changes to eradicate profiling.

Peter Bibring from the ACLU echoed the importance of the community component and suggested including sections of the report dedicated to the community. Mr. Bibring suggested placing the legislation into a broader context of why we got to this place and why this legislation was necessary which could be a good location to expand on the community.

Co-Chair McBride clarified that the historical section of the report is still pending but will be included in the final report.

Tama Brisbane from Faith in the Valley asked if laypeople can access POST training videos for evaluative purposes.

Ralph Brown from POST commented that the majority of the training content is created using subject matter experts such as the ACLU, psychologists, clinical analysts, and others to help track the community voice.

Ms. Brisbane commented that designating them as subject matter experts removes them from the category of every day people.

Co-Chair McBride commented that the board has discussed how to leverage the participation and the voice of the community members early on in partnership with POST.

Member Lytle asked Mr. Brown if the trainings are legally protected against public dissemination.

Mr. Brown responded that the material is copyrighted and some of the trainings that would potentially endanger law enforcement agents cannot be disseminated.

Co-Chair Medrano clarified that tactical training and officer safety training requires a high degree of control; however, this is separate from being able to provide information on how law

enforcement is engaging diverse communities and trying to establish relationships and trust. That needs to be as transparent as possible.

Ms. Evans commented that POST provided a training video at a past RIPA Board meeting and it is made public on the RIPA website.

Member Boyd commented we all must embrace the change to make it as impactful and successful as possible.

Magnus Lofstrom of the Public Policy Institute of California commented that they are launching a research project looking at research disparities and arrests. Mr. Lofstrom suggested the data should be publically available to researchers.

Pastor Curtis Smith from Faith in the Valley commented that consistency, accountability, and transparency are important. Consistency must apply to community members as well to ensure they have a voice that is being utilized and having the largest impact possible.

Manny Alvarez from POST commented that the principled policing training is available to agencies of any size across the state and is fully funded. Mr. Alvarez clarified that POST's success is obtaining a wide swath of views and opinions on what training should be. Mr. Alvarez commented that the bias-based policing training is being redone and POST is working with members of the RIPA Board to do so. Mr. Alvarez commented that POST has redone all of the workbooks for the academies and included many subject matter experts in the process. Mr. Alvarez clarified that the video that was shown two board meetings prior was a "did you know" video rather than a "training" video with the purpose of creating dialogue among the people who see it. Mr. Alvarez invited RIPA board members to participate in POST trainings and videos.

14. Approval of Next Steps

Co-Chair Medrano commented that the board co-chairs and DOJ staff will continue work on the historical context section, a video, and joint letter. Board members have until December 4, 2017 to submit comments on the initial draft to the DOJ.

15. Closing Remarks and Adjournment

The meeting was adjourned by Co-chair McBride at 12:51