

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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POST TRAINING AND RECRUITMENT SUBCOMMITTEE MEETING MINUTES

February 28, 2022 10:00 a.m. - 12:00 p.m.

Subcommittee Members Present: Co-Chair Melanie Ochoa, Co-Chair Ronaldo Villeda, Member LaWanda Hawkins, Member Brian Kennedy, Member Rich Randolph, Member Sean Duryee

Subcommittee Members Absent: Member Manju Kulkarni

1. Introductions

Co-Chair Ochoa called the meeting to order at 10:06 a.m. Each POST Subcommittee member (herein subcommittee) introduced themselves. Co-Chair Ochoa concluded introductions with a welcome to all attending the meeting.

2. Approval of September 8, 2022 Subcommittee Minutes

Co-Chair Ochoa opened asking if any members would like to discuss the draft meeting minutes. Member Hawkins moved to adopt the meeting minutes as presented which Member Kennedy seconded. All members voted “Yes”, there were no “No” votes, and no abstentions.

3. Overview by Department of Justice

Deputy Attorney General (DAG) Allison Elgart from the California Department of Justice (DOJ) opened the agenda item to provide updates for the 2024 report.

To begin, DAG Elgart introduced topics the subcommittee could choose for its portion of the 2024 report:

- The Museum of Tolerance’s (MOT) train the trainer curriculum
- POST’s dispatcher training and its recent updates
- POST’s implementation of AB 953’s Racial and Identity Guidelines in its course curriculum
- POST’s entry level field training program for new California peace officers
- How POST covers accountability in its courses relating to racial and identity profiling

DAG Elgart informed the subcommittee that the topics presented could not all be covered in the 2024 report due to time feasibility and relayed that some may require more than a year to fully cover. DAG Elgart then stated that POST Liaison Megan Poulos, would provide further information. She then closed her presentation and invited the subcommittee for any questions prior to POST’s presentation.

4. Updates from POST

MOT's Train the Trainer Curriculum

POST Liaison Poulus first provided an update on MOT's train the trainer curriculum and noted that, as a MOT deliverable, it is currently at the course certification process. She noted that POST has yet to receive the curriculum's outline, instructor resumes, hourly distribution, and video portions needed for POST's review and certification.

POST Dispatcher Training

POST Liaison Poulus continued her presentation by covering the POST dispatcher training. She reported that the subject matter expert workshops have concluded and thanked the subcommittee for recommending subject matter experts as some were able to participate. POST is now working internally to expand the dispatcher-training outline. Following review of the documents, the public will have an opportunity to review once it is presented to the POST Commission in June 2023.

POST Implementation of AB 953's Racial and Identity Guidelines

POST Liaison Poulus continued her presentation by explaining how AB 953's Racial and Identity Guidelines are implemented in POST's course curriculum. She reported that the implementation required historical review and discovered that POST was mandated to create guidelines and racial profiling training in 1992. In 1993, POST adopted curriculum developed by subject matter experts which met the intent of the 1992 mandate whereby the curriculum was used and updated as necessary. In 2015, the racial profiling update and train the trainer curriculum were reviewed and reported to have met the requirements imposed by legislation. As AB 953's language encourages but does not require its guidelines to be a part of training, she noted that POST did not create a separate AB 953 guideline.

When the floor opened for questions on POST's implementation of racial and identity guidelines, Co-Chair Ochoa inquired about what was considered when determining whether to implement guidelines for training. Liaison Poulus answered that historically POST is given discretion as to guideline implementation so long as its interpretation of the legislation's requirements is met. Further she confirmed that guidelines provided an explanation of the mandate and associated law whereas the training directed how staff should act to comport with the law.

Co-Chair Ochoa followed up her question inquiring whether an additional analysis besides the 2015 curriculum audit was performed as AB 953 came into effect in the beginning of 2016. Liaison Poulus relayed that curriculum is always monitored and changed when necessary.

POST Field Training Program

As the last portion of her presentation, Liaison Poulus informed the subcommittee on POST's field training program. Field training is a at minimum 10-week program designed to introduce new officers to an agency's personnel policies and procedures and must meet POST specific requirements (e.g., contain minimum core competencies) listed on POST regulations 1004 and 1005; on average field training programs are above the minimum at 16 to 18 weeks.

Liaison Poulus shared that the community relations and professional demeanor training components teach cultural diversity, community policing, and racial profiling. In addition to these components, she stated that POST is currently in the process of updating the FTO (field training officer) course to add specific reference to racial profiling as listed in domain 42, chapter 2 which the RIPA Board's input will be considered.

Upon concluding her presentation, Liaison Poulus invited the subcommittee's questions. Co-Chair Ochoa sought Liaison Poulus' input as to how the subcommittee could best provide feedback to trainings aforementioned so that they could be implemented. Liaison Poulus confirmed that the subcommittee's comments and feedback are circulated internally and that POST is working with DOJ staff to better inform the subcommittee how and when the subcommittee's feedback is implemented.

Co-Chair Ochoa also inquired about whether POST provided MOT clear and specific guidelines they could use to ensure they are able to get the train the trainer program certified. Liaison Poulus shared that the review of the curriculum's outline is important as it helps POST identify relevant requirements; in the case of MOT, because a course curriculum has yet to be received, it would be difficult to clearly identify what additional requirements would be needed for the curriculum to be certifiable. Co-Chair Ochoa then requested follow-up particularly on how POST's assists curriculum development prior to a curriculum outline being submitted.

DOJ staff member, Aisha Martin-Walton, then opened the DOJ's presentation on the select topics for the upcoming report.

MOT's Train the Trainer Curriculum

DAG Kendal Micklewaithe presented on the RIPA Board's prior work and engagement with MOT's Train the Trainer Curriculum. She first mentioned that several members participated in the curriculum's update by attending multiple sessions with MOT to provide feedback on the current material; provide testimonials to be included in the material; and provide feedback to a related companion video being produced. The RIPA Board has also expressed a desire that community members have an opportunity to review and provide feedback.

DAG Micklewaithe reported that the mutual understanding between POST and MOT was that the curriculum would be ready by 2023 as established by the current contract. When DOJ reached out to inquire on the curriculum's progress, MOT reported they were still updating the curriculum. She also reported that MOT was legislatively given 1.5 million dollars to update and deliver the course whereby a substantial portion was allocated to updating the course. To date, MOT was contracted to deliver the curriculum six times this year costing nearly thirty thousand dollars per presentation.

In closing this portion of the DOJ's presentation, DAG Micklewaithe opened the floor to the subcommittee's comments and questions and invited the subcommittee to inform of any questions that the DOJ could relay to MOT on their behalf.

POST Dispatcher Course

DAG Jennifer Soliman presented on the status of the POST Dispatcher Course. DAG Soliman informed that initially the POST Dispatcher Course was worked on in the Calls for Service subcommittee which reviewed the course's contents and how it was taught. As the Calls for Service subcommittee has been disbanded the review of the course would now be folded into the work of this subcommittee.

DAG Soliman shared that the POST Dispatcher Course is in the process of being updated. Liaison Poulus informed that the updated course would be presentable by June 2023 and that the subcommittee will have an opportunity to provide feedback shortly after.

Co-Chair Ochoa relayed concerns on how short the window could be to submit comments on the course. Member Hawkins shared similar concerns and inquired when the community would be able to provide its feedback. Liaison Poulus responded that POST would invite the RIPA Board to provide feedback as soon as it was possible and that POST performed its due diligence to include community by integrating them during the workshops used to develop the updates. Co-Chair Ochoa stated that RIPA could be an avenue to solicit information and comments on the course by facilitating public comments. Member Kennedy stated it was important to have community input as it fosters good relationships with law enforcement. Co-Chair Villeda agreed and noted that involvement in a course's inchoate stages would allow ample time to recruit subject matter experts that are representative of the stakeholder community.

DOJ Administrator Aisha Martin-Walton presented on the general recommendations that the subcommittee could explore in this year's report. She first informed that the subcommittee had made recommendations on community related issues. First, the subcommittee recommended that POST develop a robust plan to engage communities that were the most profiled as evidenced by the annual RIPA report data. Second, the subcommittee recommended appointing a community engagement coordinator to ensure meaningful input is considered and included in course revisions and creation.

Administrator Martin-Walton asked the subcommittee to consider the following topics for its portion for the report:

- To review what techniques are being used to implement guidelines into the training;
- To initiate review how POST integrates racial and identity profiling into its field training;
- How do the expanded courses deliver its obligations by statute on officer accountability

Member Randolph thanked Administrator Martin-Walton for her presentation and inquired on documentations whereby POST did not adopt RIPA recommendations. He also stated that full implementation takes time and measurements used are still subject to change as more data can be gathered.

5. Board Discussion Regarding POST Chapter in the 2024 Board Report

Co-Chair Ochoa opened the agenda item for the subcommittee to discuss what their portion of the report would focus on this year. In addition to the topics presented by the DOJ, she encouraged subcommittee members to share other potential topics not yet covered.

Member Kennedy would like a complete understanding of the certification process as a whole as it would better inform additional recommendations that could be made in the future. He shared that by fully understanding the process from proposed curriculum's pre-certification through to post-certification the subcommittee would be able to identify which processes work and which aspects of the certification require change. By knowing the process in-depth the subcommittee could identify topics such as failure points and areas whereby positive reinforcement is warranted and that can be normalized. Additionally, he mentioned that his proposal would obviate the subcommittee's annualized inquiry as to where/when the community would have an opportunity to provide its input on trainings, which Member Hawkins and Co-Chair Villeda supported.

Co-Chair Ochoa asked the subcommittee to consider including a section on how POST implements guidelines, as mandated by statute, into its trainings. Although appreciative of Liaison Poulus' efforts to locate the historical creation of those guidelines, the difficulty she shared could indicate that the guidelines are only implemented in part. By exploring this topic, Co-Chair Ochoa noted the subcommittee would be able to confirm that the guidelines are meaningfully incorporated as required by statute.

6. Public Comment

Co-Chair Ochoa opened the meeting to allow for public comment.

Michelle Whittig shared her concern about whether POST is going to revise its curriculum in accordance to a lawsuit that ACLU sought against PORAC and the Pomona Police department which resulted in a recommendation that all law enforcement be required to update their use of force training to comply with AB 392. She urged the RIPA Board write a letter to POST asking how it would reconcile this issue.

7. Next Steps

Co-Chair Ochoa opened the agenda item inquiring if the DOJ had enough information to begin developing the subcommittee's section of the report. Administrator Martin-Walton confirmed that the discussion held at the meeting provided enough direction to begin drafting. To help provide the scope of the subcommittee's work this year, she also suggested that given the update on dispatcher training would be provided halfway into the year, the subcommittee could focus on other topics. Co-Chair Ochoa also expressed an interest in getting POST's feedback on RIPA's input process and where RIPA's input has been applied.

8. Adjourn

Before adjourning, Co-Chair Ochoa thanked the members of the public, the DOJ, and her fellow subcommittee members for their attendance.