

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD

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**STATE AND LOCAL RACIAL AND IDENTITY PROFILING
POLICIES AND ACCOUNTABILITY SUBCOMMITTEE MEETING
MINUTES**

October 23, 2019 – 2:00 p.m. – 3:26 p.m.

Subcommittee Members Present: David Robinson, Micah Ali, Andrea Guerrero, Warren Stanley, LaWanda Hawkins, Oscar Bobrow, Tim Silard

Subcommittee Members Absent: Ben McBride, Sahar Durali

1. Introductions

Allison Elgart from the California Department of Justice (DOJ) called the State and Local Racial and Identity Profiling Policies Subcommittee to order at 2:00 pm. The meeting was held by teleconference with a quorum of members present.

2. Approval of the June 10th Subcommittee Meeting Minutes

MOTION: Member Bobrow made a motion to approve the June 10, 2019 subcommittee meeting minutes. Member Robinson seconded the motion.

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

3. Overview of the Subcommittee Work

Ms. Elgart discussed the LEA policy review matrix that was sent to subcommittee members. She noted that the DOJ would follow up with the LEAs after edits to the matrix were made based on subcommittee discussion. She shared that the policy review matrix would be included in the Draft Board Report that would be shared before the November 20 Board meeting. Ms. Elgart also drew the subcommittee’s attention to the comment letter provided by Karen Glover following the September Board meeting.

4. Discussion of Proposed Section in Report – Racial and Identity Profiling Policies and Accountability

Ms. Elgart explained that the Civil Rights Enforcement Section (CRES) was still obtaining additional policies from law enforcement agencies (LEAs). She indicated that CRES would share the draft policy review matrix with agencies to provide them an opportunity to respond or provide materials for the review. Member Robinson agreed to reach out to the sheriffs at the agencies from which a response had not been received to encourage them to follow up with their staff contact person.

Member Bobrow asked that the subcommittee walk through the matrix. He inquired if a checkmark in the table indicated that the agency had a stand-alone policy. Ms. Elgart explained that the included categories matched the model policy language, and engaged the subcommittee in a discussion regarding whether each of the categories shown in the draft should be included and whether any other categories should be included. There was discussion to clarify how the categories were defined. There was a request to include definitions of the categories, for example, an explanation of what constitutes accessibility.

Co-Chair Guerrero stated the importance of designing a review based on best practices, allowing the Board to identify where policies do not align with best practices. She highlighted the importance of providing fair notice about the measurement standards.

Member Bobrow asked if it was a best practice for the agency to have a stand-alone bias-free policing policy. Ms. Elgart shared that evidence-based best practices were outlined in the 2019 Board Report. She explained that some agencies have a stand-alone policy and others have incorporated policies into their general enforcement policy. She highlighted Appendix B of the 2019 Report, in which the best practices were compiled by category. She noted that the best practices categories correspond to the matrix category headings, adding that the Board could prioritize which best practices would be included in the review. Co-Chair Guerrero and Member Bobrow stated the importance of making clear that the review is based on the best practices outlined in the 2019 Report and being consistent in reviewing the categories identified in 2019. Ms. Elgart added that information about the sources from which the best practices were identified could be included in the Report. Co-Chairs Stanley and Guerrero and Member Bobrow expressed support for including the references.

Member Bobrow stated that he appreciated the clarity of the matrix for determining which elements are included in each agency's policy. He noted that using an "x" to indicate a deviation from the best practice of having a stand-alone policy might encourage an agency to develop a stand-alone policy.

Member Hawkins stated the importance of following up with agencies that have not provided policies to ensure the review can accurately include them. Ms. Elgart shared that CRES would reach out to the LEAs to share the revised draft matrix within several days, allowing the LEAs several weeks to respond and provide additional information. There was a review of the agencies from which responses were received and the agencies for which materials were obtained via their websites.

Co-Chair Guerrero suggested replacing bullet points with a paragraph for each agency to provide additional detail and other members agreed. Co-Chair Guerrero offered to provide an example, adding that the narrative should provide any additional explanation needed.

The subcommittee discussed how to refine the category headings.

There was a discussion of the best practice for data analysis by individual LEAs. Ms. Elgart clarified that the review was specific to how the agency addresses data analysis within its policies. Member Silard discussed the ability of individual LEAs to analyze data more extensively, including officer-specific data, than what is possible in a statewide analysis, allowing the agencies to be very proactive in making policy changes and taking specific actions as a result of their data analysis.

Member Silard asked if the best practices recommendations included transparency. Ms. Elgart explained that there were best practices defined for accountability and communication with the community. Member Silard proposed that the Board recommend that LEAs make their data and their policies available to the community more expediently, and not wait for the data to be made available by the DOJ.

Member Robinson raised the issue that funding concerns had not been resolved, which may be related to the unresponsiveness of LEAs. He shared that each recommendation to LEAs that will require staff time or the services of an external vendor should be accompanied by a funding recommendation to legislators. He specifically mentioned the need for funding for translation and website updates to increase accessibility and transparency. Member Silard recommended, in follow-up to previous discussions of recommended legislative policy actions, raising the budget issues and bringing important policy issues to everyone's attention. Co-Chair Guerrero shared that this was consistent with the discussion at the full Board meeting supporting a recommendation for funding at an appropriate level to implement best practices and that the recommendation should be included in the Report.

Member Silard requested an overview of actions regarding the other policy recommendations made by the Board. Ms. Elgart shared that CRES is maintaining a list of questions frequently asked by LEAs and tracking potential regulatory fixes for the future. Member Silard asked that the most important regulatory fixes be included in the Report. Ms. Elgart described the legislative fixes raised by the Board, including (1) the funding issue already discussed; (2) the conflict between state and federal law for the Penal Code section about civilian complaints; and (3) reducing the 60-day notice period for full Board meetings to 30 days. She added that the proposed regulatory fixes address

issues raised during meetings that the Research Center hosted with LEAs and related to actions during stops.

Member Silard asked if the recommendation would be for additional funding to be directed to small and medium-size LEAs or less-resourced agencies to avoid additional resources being directed to agencies that do not struggle with resources. Member Robinson shared the importance of funding for smaller agencies and described the cost burden for a small agency that would like to have external experts analyze the agency's data. Member Bobrow suggested that there could be an assessment of agencies' needs to inform budget action. Ms. Elgart asked for confirmation that the recommendation would be for funding based on outreach to identify needs, with prioritization of smaller agencies, for implementation of data collection, in-house data analysis, and implementation of best practices.

Member Hawkins requested clarification about the best practice recommendation for policies regarding data analysis. Ms. Elgart explained that the best practice only states that the agency should analyze their collected data. Member Bobrow stated that the best practice concerning agency policies would be to include the practice of data analysis in the policy.

5. Public Comment

Michele Wittig from the Santa Monica Coalition for Police Reform commented that power imbalance affects the Los Angeles County Dispute Resolution Program, leading to the dissatisfaction of citizens and missed growth opportunities. Dr. Wittig also described the Los Angeles Police Department mediation program, adopted by a unanimous vote of the City Council, for mediation of less egregious complaints as an opportunity for accountability.

6. Discussion of Next Steps

Ms. Elgart shared that CRES would incorporate the comments on the matrix and requested that any additional feedback be sent to her. She noted that CRES would request the missing policies from LEAs. Co-Chair Stanley highlighted the best practices included in the 2019 Report describing specific points that agencies should address in their analysis. Ms. Elgart confirmed that the text describing the funding recommendation and the narrative section regarding agencies' policies would be provided for Board review. Co-Chair Guerrero noted that she sent the example review related to SB 54.

7. Adjourn

Co-Chair Guerrero adjourned the meeting at 3:26 p.m.