

**CALIFORNIA RACIAL AND IDENTITY PROFILING BOARD**

**POST TRAINING & RECRUITMENT SUBCOMMITTEE: MEETING**  
**MINUTES**

**Thursday, September 14, 2017, 11:00 AM.**

**Teleconference Locations: California Department of Justice Offices**

**Sacramento**

1300 "I" Street  
Sacramento, CA 95814

**Los Angeles**

300 S. Spring Street  
1<sup>st</sup> Floor Reception  
Los Angeles, CA 90013

**Oakland**

1515 Clay Street  
20<sup>th</sup> Floor, Suite 2000  
Oakland, CA 94612

**Subcommittee Members Present:** Mariana Marroquin, Honorable Alice Lytle, David Robinson, Micah Ali, Warren Stanley, Reverend Ben McBride

**Subcommittee Members Absent:** Mike Durant

**California Department of Justice Staff Present:** Randie Chance, Kelsey Geiser, Shannon Hovis, Kevin Walker

**1. Call to Order**

The first meeting of the POST Training & Recruitment Subcommittee was called to order around 11:10 a.m. by Shannon Hovis from the California Department of Justice (DOJ). The meeting was held by teleconference with a quorum of members present.

**2. Update from Department of Justice**

Ms. Hovis provided the subcommittee with an overview of the board's purview and the tasks mandated to the board by AB953, including the publication of an annual report. Ms. Hovis laid out the general agenda for the call.

Ms. Hovis emphasized that while the DOJ staff is supporting the board, ultimately the report is board directed and the board members dictate what is and is not included in the final report. Ms. Hovis also emphasized that the RIPA board's first report can lay out what the board will accomplish in future reports and set the stage for what those reports will look like down the line.

**3. Selection of Subcommittee Co-Chairs**

Ms. Hovis provided an overview of the selection process stating that each subcommittee on the board will select two person teams serving as co-chairs to work together, work with Department of Justice Staff, and report their work back to the larger subcommittee and to the public. Ms. Hovis clarified that no member of the board can serve as a co-chair on more than one subcommittee, meaning there will be ten total board members serving as a co-chair.

**MOTION:** Member McBride nominated himself as a co-chair, Member Robinson seconded the motion. Member McBride nominated Member Micah and Member Robinson seconded the nomination.

**VOTE:** Member McBride and Member Ali were selected as Subcommittee Co-Chairs with all members in attendance voting “Yes”, no “No” votes, and no abstentions. Member Durant was not present for the vote.

#### **4. Discussion with POST representation**

Ms. Hovis introduced Ralph Brown, Bureau Chief of the Training Delivery and Compliance Bureau at POST to provide background information on relevant POST trainings. Ms. Hovis also directed the subcommittee’s attention to section H of Penal Code section 13519.4 which lays out the requirements of the RIPA Board to consult with POST on the development of a new or updated training to comply with the requirements set forth in AB953.

Mr. Brown commented that POST will be revising its racial and identity training curriculum to include gender bias as well as to include training on how to identify people who are pulled over, per AB953’s requirements. Mr. Brown noted that the legislation prohibits peace officers from asking any questions of a person stopped about how he or she can be identified.

Co-chair McBride asked Mr. Brown to clarify if there would be a training in addendum to a current training that would focus more on racial profiling, or if this would be the creation of a separate new training around racial profiling with a focus on identity.

Mr. Brown responded that the training will be a new racial profiling training with a two pronged objective of 1) expose officers to what racial and identity profiling are and how to avoid them, and 2) the procedural justice and implicit bias training, which is a spin off community oriented policing and problem solving that are rolling out through several different walks of training at the supervisory and management levels. Mr. Brown expressed a desire to hear from the RIPA board on what they would like to see in the training to be developed around the stop data collection program.

Co-chair McBride asked Mr. Brown to clarify if there would be a training around racial profiling for officers that is being created in partnership with the DOJ and POST and also asked how he feels officers can be empowered to collect the data in a way that does not promote racial profiling.

Ms. Hovis clarified that for the purposes of the report, the board should focus on the racial and cultural diversity data described in 13195.4 – as required for the annual report – and when the regulations are finalized, the subcommittee will focus on training around how to collect the stop data in accordance with the regulations.

Ms. Hovis asked Mr. Brown how the racial profiling training relates to the cultural diversity training. Mr. Brown commented that racial profiling training and cultural diversity trainings are related; that the cultural diversity training is part of the basic academy and the racial

profiling training, called “Bias Based Policing – Remaining Fair and Impartial” is the in-service refresher course.

Member Lytle listed the below comments on the racial profiling expanded course outline put together by one of POST’s presenters:

- It is important that the course outline be created to acknowledge how complicated racism and humans are and how we all harbor these unconscious ideas.
- The film at the board meeting created a false equivalency between the black man and the white officer. The training must acknowledge real inequalities between white and black people.
- The training must include a history of terrorism in our country that is not limited to the latest incarnation of it.
- The training must not just discuss perception alone, but also include academic findings and data.
- The training should look at discrimination against and activism many different groups of people – slavery, Japanese internment, anti-Semitism, etc.
- The training must acknowledge that discrimination in this country is alive and well.
- The training must acknowledge the larger historical, economic, and cultural systems that are the basis for profiling and of which law enforcement is a part.

Member Robinson commented that the report should explain the differences between some of the academies because not all academies use the same training. Member Robinson suggested that if one group goes through the training, everyone should.

Member Stanley asked if there will be separate trainings for law enforcement agents in the academy and once they have graduated.

Mr. Brown commented that the idea is that the curriculum could be plugged into a learning domain in the academy, ensuring that all law enforcement agencies receive the training twice.

Member Robinson commented that the report needs to mention recent POST budget cuts as well as increased training requirements to avoid becoming an unfunded mandate that falls through the cracks.

Mr. Brown will compile an estimate of the costs of the development of the new training for the next board meeting on September 27, 2017.

Ms. Hovis asked Mr. Brown if there is are similar training and testing specifications for the racial and identity profiling training as there are for the Learning Domain 42, the cultural diversity training, and asked about whether there is a test associated with LD 42.

Mr. Brown said there are not similar training and testing specifications, and said LD 42 does include assessment, but it’s wrapped into their new training process for the academy, which

gives three major exams that draw questions from each of the learning domains to confirm comprehension of the material that was delivered.

Ms. Hovis suggested that the subcommittee consider analyzing the trainings along the lines of: content, delivery, mastery, and course evaluation to determine whether a course has been effective. She inquired about the extent to which POST uses pedagogical experts in developing training.

Mr. Brown confirmed that POST uses Bloom's taxonomy as well as consults subject matter experts while building their trainings.

Member Lytle asked if POST consults any experts specifically on racial and identity researchers.

Mr. Brown responded that they consult with the NAACP, ACLU, and Museum of Tolerance and well as academics such as Dr. Eberhardt, but encouraged Member Lytle to submit names of additional content matter experts.

Member Lytle inquired about the section of the LD 42 training specifications that details articles of faith that can be interpreted as a weapon. Co-chair McBride also expressed some confusion about this piece.

Co-chair McBride urged the subcommittee to maximize on this opportunity to influence the development of a training and expressed a desire for the subcommittee to go through the details of the outline with regard to use of force.

Mr. Brown asked if use of force is beyond the scope of this subcommittee and is potentially irrelevant.

Co-chair McBride expressed that the subcommittee should go through and analyze more of the learning objectives keeping the communities desires in mind.

Member Lytle commented that the section of the outline that discusses the obligation of peace officers in preventing, reporting, and finding discriminatory practices must include the obligation of peace officers to report discriminatory and profiling practices among fellow peace officers.

## **5. Public Comment**

Diana Tate Vermeire from ACLU encouraged the board to be mindful of the role and the analysis that needs to be done according to the statute and encouraged the board to be bold in addressing these issues.

Amanda Charbonneau of the Center for Policing Equity commented that the outline of the training contained a few disparate operational definitions of what profiling is and encouraged

POST and this subcommittee to address this. Dave Althausen with POST responded that POST is already addressing this.

Michele Wittig of the Santa Monica Coalition for Police Reform echoed member Lytle's call to avoid false equivalences. Ms. Wittig also commented that the point of the legislation is to record the officer's perception, not what the actual race is. Ms. Wittig also encouraged the board to include an emphasis on racial profiling as about behavior and not the characteristics and attributes of the behavior.

Kristen Powell of the Center for Policing Equity encouraged the board to include religion, gender identity, and perceived sexual orientation in the training.

Peter Bibring with ACLU commented that the training isn't limited to a single training devoted to racial bias or cultural understanding, but that these issues come up in many trainings, such as use of force. Mr. Bibring urged the board to look at multiple units of training and look at what the curriculum is teaching holistically.

Katie Matthews of Disability Rights California urged the board to include perceived disability as well.

## **6. Board Member Reaction and Discussion**

Ms. Hovis asked the subcommittee if it wanted to bring in an external consultant or expert and if so, if the members had any suggestions for potential consultants.

Member Lytle commented that the subcommittee include a focus on an appreciation for power and power imbalance in the training.

Mr. Brown commented that POST is currently updating their racial profiling training

Co-chair McBride suggested that the subcommittee should consider adding as subject matter expert to this process to maximize the subcommittee's knowledge and ensure that the training is holistic in what it accomplishes.

Member Robinson commented the board must also highlight some of the deficiencies in the trainings, particularly issues caused by budget cuts. Member Robinson suggested recommending an increased budget for trainings.

Chair McBride proposed that a call for this subcommittee be held after the board meeting to spend adequate time with a subject matter expert.

Mr. Brown commented that he could provide an update on where the training update is during the full board meeting on September 27, 2017.

## **7. Approval of Next Steps**

**MOTION:** Chair McBride made a motion to reconvene after the board meeting with the potential for a subject matter expert to review and analyze the current trainings specifically designed to meet the requirements in Penal Code section 13519.4 and to work with POST on their new racial profiling training. Member Marroquin seconded the motion.

**VOTE:** The motion carried with all members in attendance voting “Yes”, no “No” votes, and no abstentions. Members Ali and Durant were not present for the vote.

## **9. Adjournment**

The meeting was adjourned at approximately 12:53 p.m.