

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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CIVILIAN COMPLAINTS SUBCOMMITTEE MEETING MINUTES

February 17, 2023, 12:30 p.m. – 1:00 p.m.

Subcommittee Members Present: Chair LaWanda Hawkins, Member Angela Sierra, Andrea Guerrero

Subcommittee Members Absent: Cha Vang, DJ Criner, and William Armaline

1. Introductions

Chair Hawkins called the meeting to order at 12:30 p.m. Each Civilian Complaints Subcommittee (herein Subcommittee) member present introduced themselves. Awaiting a quorum, the subcommittee allowed Agenda Item 2 to be tabled for a later time at the meeting and proceeded with Agenda Item 3.

2. Approval of September 12, 2022 Subcommittee Meeting Minutes

Agenda Item 2 was tabled and the subcommittee proceeded with Agenda Item 3.

3. Board Discussion Regarding: Civilian Complaints Chapter in the 2024 Board Report

Deputy Attorney General (DAG) Yasmin Manners of the California Department of Justice (DOJ) presented on topics the subcommittee could focus on in its section of this year's report. She stated that the subcommittee's past topics included a general overview of the civilian complaints process and identifying areas of opportunity to make the process more accessible. Through the subcommittee's work, an area of opportunity identified was on how to make the process more meaningful to its stakeholders (i.e., the community and law enforcement agencies); namely, how can the process be used as a learning tool rather than just a punitive one.

To address the opportunity discovered through the subcommittee's past work, DAG Manners asked the subcommittee to consider review of complaint investigation procedures as a topic for their portion of the report. She shared that although the subcommittee had covered the topic in last year's report the subcommittee could continue its review as several areas of interest could be further evaluated. For example, she noted that the subcommittee could further review bodycam footage use as it relates to the complaint investigation. Review avenues of the topic could include the following: General review of bodycam footage use in complaint investigations and its use affects reporting numbers. DAG Manners noted that the topic would not be particularly extensive and would not limit the subcommittee from exploring other topics in this year's report.

DAG Manners also asked the subcommittee to consider exploring complaint review panels as another topic. She stated that although the RIPA Board has made recommendations that communities implement a civilian based complaint review board in the past, further analysis could reveal additional recommendations or practices to normalize.

DAG Manners also introduced that the subcommittee could dedicate its capacity to review Root Cause Analysis (RCA) as a topic. RCA is an investigative strategy that asks the user to consider all aspects of a misconduct or a sentinel event in an effort to obviate and mitigate negative outcomes in similar future events. As the subcommittee had identified a need to make the complaints process for meaningful, review of RCA application to the complaints process could serve as a potential answer; RCA application into the complaints process would encourage its users to extract meaningful learning outcomes. As it relates to the report, she noted that the subcommittee could dedicate a portion of its section on RCA implementation to the complaints process and its best practices. Upon ending her presentation, DAG Manners invited questions and comments from the subcommittee.

Chair Hawkins led the subcommittee's discussion on which topics they would like to focus on in its portion of the report. She began by stressing the importance of bodycam footage use in the complaints process, as it would help not just the community, but law enforcement as a stakeholder. In an effort to evaluate the scope of the aforementioned topic, Chair Hawkins also asked if review of actual bodycam footage was possible as the subcommittee develops this proposed section. DAG Manners shared that review of actual bodycam footage may encumber the subcommittee's additional capacity to explore additional topics this year as the DOJ would not readily have the footage subsequently taking some time to retrieve it and that review of actual video would also increase the time to report on this topic. DAG Manners asked the subcommittee to entertain a more broad scope on this topic by reporting on bodycam footage effects on the complaint investigation at large. Before providing her comments, Member Sierra wanted to thank the subcommittee and the RIPA Board for the work they have performed thus far. She expressed interest in bodycam footage use in the complaints investigation for this year's report; the subcommittee could explore how widely used this practice is, identify practices to normalize or improve, and its effects on law enforcement agencies.

Member Sierra also asked the subcommittee to consider whether the complaints investigation process interacts with early interventions systems and to what affect as a topic for this year's report. Member Sierra shared that the complaints process should provide helpful information law enforcement agencies could use in bettering the early intervention system. Member Guerrero concurred and thought the RCA as a topic was interesting as both could be complementary tools law enforcement could use to improve community relations. Chair Hawkins concurred with fellow members, stating that RCA could act as a preventative measure.

Member Guerrero inquired as to what aspect of civilian review boards would be considered in this year's report. DAG Manners responded that last year's report advised on how civilian review boards should operate, but that this year's report could reflect on these board's effectiveness in their adjudication of complaints.

Member Sierra expressed concern whether adoption of the three topics aforementioned for this year's report would be feasible to do considering that ideal topic coverage should be in depth. DAG Manners stated that coverage of the three topics if chosen would be in depth but provided that the topic with most depth at this time would be on RCA. To clarify the work capacity required, she shared that the topic coverage of bodycam footage and civilian review boards may require the least amount of resources as the body of scientifically validated literature on the subjects are smaller compared to RCA. The subcommittee then approved of the topics discussed to proceed.

Upon receipt of its instructions the DOJ concluded its presentation whereby Chair Hawkins moved to the public comment agenda item.

4. Public Comment

Chair Hawkins opened the meeting for public comment and invited members of the public to provide their comments. Hearing no public comments. Chair Hawkins then moved the meeting to agenda item 5: Next Steps.

5. Next Steps

Chair Hawkins invited the subcommittee and DOJ to discuss next steps in light of the meeting's discussion. Member Guerrero shared that the meeting's discussion was quite comprehensive and clear as to the direction the DOJ is to take.

DAG Allison Elgart shared that the next RIPA Board meeting would be March 25, 2023 and that the next subcommittee meeting would be in late April or May whereby DAG Manners can report on the DOJ's progress on topics approved by the subcommittee.

7. Adjourn

DAG Elgart closed the meeting by thanking all those who attended for their patience and appearance.