

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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POST TRAINING AND RECRUITMENT SUBCOMMITTEE MEETING MINUTES

February 26, 2024, 10:03 a.m.

Subcommittee Members Present: Co-Chair Ronaldo Villeda, Member Sean Thuilliez, Member Sean Duryee, Member Brian Kennedy, Member Angela Sierra, Member Manjusha Kulkarni, and Member LaWanda Hawkins

Subcommittee Members Absent: Member Rich Randolph

1. INTRODUCTIONS

Co-Chair Villeda called the meeting to order at 10:03 a.m. Each POST Subcommittee member (herein Subcommittee) introduced themselves. Co-Chair Villeda concluded introductions with a welcome to all attending the meeting.

2. COMMENTS BY RIPA BOARD CO-CHAIRS

Member Sierra, who is also Co-Chair of the RIPA Board (herein Board), discussed the most recent RIPA report issued in January 2024 to provide more context to today's meeting and the work of the Subcommittee going forward. She explained there is a dedicated chapter in the 2024 RIPA report for POST training, and the RIPA statute requires POST to consult with the Board on the development of racial and identity profiling courses.

- The Subcommittee's work that was integrated into the chapter discusses the work that the Board did in 2023 with POST, including the Board reviewing the various trainings and providing observations and our recommendations. This included Co-Chair Villeda's presentation to the POST Commission in the June 2023 meeting.
- Detailed recommendations to POST with respect to various trainings. This includes POST's feedback and responses, to what extent they have already incorporated the Subcommittee's recommendations, to what extent they will be incorporating the Subcommittee's recommendations, and to what extent there are issues POST feels that they cannot incorporate.
- The main larger recommendations made to POST in the report moving forward. There are five general categories:
 1. The Board recommends that the POST collaborate with the Board to develop and adopt separate guidelines for racial and identity profiling training independent of the actual training curriculum. This is important because POST use guidelines separately from training curriculum material. Member Sierra explains that the guidelines are an external facing document that helps explain to local law enforcement agencies the requirements under the law and aids the agencies in developing their own agency specific policies and trainings. Although related, it is a separate topic from the curriculum that POST is presenting.

2. The Board recommends that POST integrate a timeline for review by the Board and the community with respect to updates to its trainings as well as new training. Member Sierra acknowledges that it is difficult to provide inflexible timelines because they are organically made. Notwithstanding, the Board has modified the recommendation and asked that three different benchmarks be adopted, such as at least 90 days before setting of timelines for course revision POST consults with the Board or at least 60 days before publication of training and before the course is submitted to the Commission that POST sends a draft publication to the Board so that they can hold a Subcommittee or Board meeting to provide feedback. The Board also recommends that POST respond in writing to the Board whether and how recommendations are incorporated.
3. The Board recommends that POST seek community and stakeholder input earlier in the course development process and incorporate their feedback before finalizing the training.
4. The Board recommends that POST build mechanisms to evaluate effectiveness of all POST course trainings on racial and identity profiling. The Board asks that the RIPA data be used as a primary measure when attempting to work on tools and effectiveness measures with respect to the training.
5. The Board recommends that POST emphasize accountability for discriminatory practices by peace officers and the responsibility of supervisors and that they emphasize those issues in their training.

Member Sierra gives her time back to the floor and Co-Chair Villeda thanks Member Sierra for her updates.

3. ELECTION OF SUBCOMMITTEE CO-CHAIR

Co-Chair Villeda opened the nominations for Subcommittee Co-Chair by noting that Member Kulkarni had expressed prior interest. Member Kulkarni confirms. Member Thuilliez makes the motion to elect Member Kulkarni for Subcommittee Co-Chair; Member Duryee seconds. With seven Ayes (Co-Chair Villeda, Member Duryee, Member Hawkins, Member Kennedy, Member Thuilliez, Member Sierra, and Member Kulkarni), zero Nays, and one Abstention (Member Randolph), Member Kulkarni is confirmed as Subcommittee Co-Chair.

4. APPROVAL OF AUGUST 30, 2023 SUBCOMMITTEE MINUTES

Co-Chair Villeda opened asking if any members would like to discuss the draft meeting minutes. Co-Chair Villeda moved to adopt the meeting minutes as presented which Member Kulkarni seconded. With six Ayes (Co-Chair Villeda, Member Duryee, Member Hawkins, Member Kennedy, Member Sierra, and Member Kulkarni), zero Nays, and two Abstentions (Member Randolph, Member Thuilliez), the meeting minutes were approved as presented

5. OVERVIEW BY DEPARTMENT OF JUSTICE

Deputy Attorney General (DAG) Jennifer Gibson of the Civil Rights Enforcement Section (CRES) informed the Subcommittee that on January 19, 2024, there was a legislative briefing in which Co-Chair Guerrero briefed members of the Legislature and their staff about the 2024 report highlighting some of the recommendations in each section of the report. In the calendar year there will be three to four Subcommittee meetings scheduled several weeks before the Board meeting. DAG Gibson noted that she would reach out for scheduling of meetings. Co-Chair Villeda volunteered to attend the POST Commission meeting on March 7 in Los Angeles to give a statement about the 2024 report and updates from the Subcommittee.

6. UPDATES FROM POST

Legislative Liaison Meagan Poulos of POST introduced herself, Director Manny Alvarez, and consultant Helena Williams who would be leading the racial and identity profiling guidelines project. Liaison Poulos updated that the application for subject matter experts is open and would be sent out to DOJ staff; DOJ staff would then send out the application to (1) RIPA Board members and Subcommittee members and (2) law enforcement, community members, and other various groups to see who would be interested in the guidelines development. Once the subject matter experts are selected, workshops can be scheduled; locations of workshops are dependents on who the subject matters are. The workshops would be two dates and have one to two sessions in which content is developed. Travel and per diem would be paid by POST. The workshops are facilitated by POST and the guidelines are written by a POST employee. The lead of the project coordinates with all the subject matter experts throughout the process. Once the final draft is together, feedback will be solicited from the subject matter experts. Afterwards, the final product will be presented to the POST Commission. Upon approval from the POST Commission, the guidelines will be made available to the public; they will be posted to the POST website and updates occur during changes to law or various reasons. Liaison Poulos noted that they will be living documents.

Member Sierra asked how many subject matter experts would be included and Liaison Poulos answered not more than 12. Member Kulkarni asked whether they have solicited for subject matter experts yet and Liaison Poulos answered no.

Co-Chair Villeda stated POST would like volunteers from the Subcommittee to attend the two-day workshop and one online session and asked if anyone wanted to volunteer. Member Kennedy asked for the dates and Liaison Poulos answered they were not set yet. Member Hawkins asked what the workshops were for and Co-Chair Villeda clarified that it would be to create guidelines for the racial identity profiling trainings. Member Sierra nominated Co-Chair Villeda to attend and Co-Chair Villeda confirmed his interest. Member Kulkarni nominated her Director of External Affairs Longwin to attend.

Consultant Williams introduced herself before moving onto public comments.

7. PUBLIC COMMENT

Co-Chair Villeda opened the floor for public comment and moved to the next agenda item upon hearing no comments.

8. DISCUSSION OF 2025 DRAFT REPORT

DAG Danielle Elliot of CRES shared a PowerPoint presentation. The main focus of the 2025 report is youth and policing, which the DOJ hopes to tie into every section of the report.

Aisha Martin Walton of CRES gave background how the RIPA Board is mandated to review and analyze law enforcement training on the racial and identity profiling courses. For the vision of future reports sections, Martin Walton gave the Subcommittee options for this year to focus on the guidelines as one project, review field training program, or examine emerging research trends with respect to implicit bias training.

Supervising Deputy Attorney General (SDAG) Joel Marrero spoke on the ideas that have emerged between discussions with the DOJ team and the RIPA Board Co-Chairs. They wanted to flag the idea of centering the 2025 report on youth, specifically on conducting a deep dive into the data and best practices relating to youth. The Board will be briefed on this idea.

SDAG Marrero opened up the Subcommittee for question and to address how the theme of youth could be weaved into the POST section of the 2025 report. The DOJ is cognizant of not overwhelming the Subcommittee's bandwidth, as the POST guidelines on racial and identity profiling will be a significant undertaking for the rest of the year.

With that in mind, one of the DOJ's suggestions is to have the POST section include a vision for a future report or review, which could focus on youth trainings. This would allow two things: (1) give the DOJ team and the Subcommittee enough time to tee up the issue for next year as there are a number of trainings that POST conducts on youth and (2) allow the DOJ team to work with subject matter experts this year to identify issues that they could look at in trainings. SDAG Marrero opened the floor for questions.

Member Sierra supported the proposal. She stated that it gives the Subcommittee an opportunity to understand more about youth and make a larger impact on that subject, which would make the 2025 report more robust.

DAG Elliot then clarified the legal requirements and past Board recommendations about guidelines.

POST is responsible to review and develop curriculum for courses and guidelines for training of police officers in California, including courses with racial and identity profiling components. At a minimum, these training courses must meet the requirements in Penal Code Section 13519.4. The requirements of Penal Code Section 13519.4 are:

- Prescribe evidence-based patterns, practices, and protocols that prevent racial or identity profiling.
- Identify racial, identity, and cultural differences among residents in a local community.
- Discuss negative impact of intentional and implicit biases, prejudices, and stereotyping on effective law enforcement.
- Provide an overview of the history and role of the civil and human rights movement and struggles and their impact on law enforcement.

- Obligations of peace officers in preventing, reporting, and responding to discriminatory or biased practices by fellow peace officers.
- Review perspectives of diverse constituency groups and experts on particular racial and identity police-community relations issues in a local area.
- Discuss prohibition against racial or identity profiling in subdivision (f).

DAG Elliot next stated an overview of developing guidelines. POST uses guidelines (1) as an external facing document to explain to local agencies the requirements under the law and (2) aid the agencies in developing their own agency specific policies and trainings while ensuring that they comply with the law. That said, within the context of trainings related to racial and identity profiling, separate guidelines would provide explanations to California's law enforcement agencies of reasons behind specific trainings and expected outcomes of bias-free policing.

In the 2023 Report, the Board recommended that POST produce a separate trainings guideline for law enforcement training on racial and identity profiling, which POST agreed to develop as a separate document. The Board looks forward to working closely with POST to develop these guidelines.

DAG Elliot stated the guidelines would make trainings concerning racial and identity profiling consistent and comprehensive. The guidelines should emphasize effective racial and identity profiling policies can increase safety for officers and communities, and should clearly reflect relevant legal standards prohibiting profiling as defined by California law rather than the broader federal standards. Penal Code Section 13519.4 prohibits racial and identity profiling. Racial and identity profiling is defined as the consideration of, or reliance on, to any degree, actual or perceived, race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which person to subject to stop or in deciding upon the scope or substance of law enforcement activities following a stop. An exception exists in which that an officer may consider or rely on characteristics listed in a specific suspect description.

The Board previously provided additional recommendations for guidelines in previous reports. These include legal requirements, a discussion of relevant stop data, personal and peer accountability in the field, a clear reporting process, an overview of the potential consequences of engaging in profiling behavior, actual profiling incident scenarios, bias and cultural awareness, measure of course effectiveness, and community input.

Previously, POST incorporated the guidelines into its training; many of the RIPA Board's criteria and Penal Code requirements for comprehensive and effective guidelines already overlap with many of the learning objectives from POST training courses. The learning objectives from POST learning domain about cultural diversity and discrimination overlap with past RIPA Board's reviews; examples include discussing dangers of relying on stereotypes and the necessary legal considerations that peace officers must take into account, including the Penal Code section, constitutional amendments, and relevant case law. DAG Elliot stated that it is important the guidelines include the obligations of peace officers in preventing, reporting, and responding to

discriminatory bias practices by fellow officers. The DOJ team is interested in peer accountability.

Finally, the POST guidelines will be added to the collection of crucial guidelines. POST previously developed guidelines to address a variety of trainings, including the use of force and hate crimes. DAG Elliot recommends that the Subcommittee look into it to get an overview of the presentation of the guidelines; the guidelines can be found on the POST website under POST Publications and Guidelines. DAG Elliot gave her time back to Co-Chair Villeda.

9. PUBLIC COMMENT

Co-Chair Villeda opened the floor for public comment and moved to the next agenda item upon hearing no comments.

10. NEXT STEPS

Co-Chair Villeda stated he believed the next steps were to identify the volunteers of the two-day workshop training with POST to work on the guidelines. Martin Walton confirmed and stated the DOJ team would plan the next Subcommittee meeting. In the meantime, the Subcommittee will identify the two representatives for the workshop. The two people that volunteer will report back to the meetings with information they have learned and contributed.

11. ADJOURN

Before adjourning, Co-Chair Villeda thanked the members of the public, the DOJ, POST, and his fellow Subcommittee members for their attendance