

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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POLICIES SUBCOMMITTEE MEETING MINUTES

June 5, 2024, 1:03 p.m. – 2:11 p.m.

Subcommittee Members Present: Member Lily Khadjavi, Member Rich Randolph, Member Angela Sierra, Co-Chair Andrea Guerrero, Co-Chair John Dobard

Subcommittee Members Absent: Member Chad Bianco, Member Manjusha Kulkarni, Member Ameena Qazi

1. Introductions and Overview

Co-Chair Guerrero called the meeting to order at 1:03 p.m. Each Policies Subcommittee member (herein Subcommittee) introduced themselves.

2. Adopt Amended Agenda

Member Khadjavi motioned to adopt the amended agenda provided by the California Department of Justice (DOJ). Member Sierra seconded. Deputy Attorney General (DAG) Jennifer Gibson facilitated the vote:

- **AYE:** Member Randolph, Member Khadjavi, Member Sierra, Co-Chair Dobard, Co-Chair Guerrero
- **NAY:** none
- **ABSTAIN:** none

With five Ayes the amended agenda was adopted.

3. Introduction and Welcome of New Board Member

Co-Chair Guerrero introduced new Subcommittee member Ameena Qazi who was not present during the meeting.

4. Approval of March 14, 2024, Subcommittee Meeting Minutes

Member Sierra motioned to adopt the meeting minutes and Member Khadjavi seconded. DAG Gibson facilitated the vote:

- **AYE:** Member Randolph, Member Khadjavi, Member Sierra, Co-Chair Dobard, Co-Chair Guerrero
- **NAY:** none
- **ABSTAIN:** none

With five Ayes the meeting minutes were approved.

5. Debrief March 14, 2024, Subcommittee Meeting

Member Sierra expressed appreciation for the Los Angeles Police Department (LAPD) and California Highway Patrol (CHP) for their presentation. She expressed interest in reviewing their current policies to alleviate confusion she had.

Member Khadjavi asked to follow up for CHP's consent searches form.

Co-Chair Guerrero stated it was informative to know that CHP was requiring probable cause for searches with limited exceptions. She reflected on the LAPD's practice of using body worn cameras to record conversations in pretext stops to determine whether they were consensual or not. She expressed interest in seeing what the data shows in the future. Member Khadjavi agreed.

Co-Chair Guerrero expressed interest in hearing more from people in the field to support a deeper thinking and rich discussion.

Co-Chair Guerrero asked for final thoughts before moving on. DAG Gibson said DOJ would follow up with additional information and provide that to the Subcommittee and public.

6. Discussion of Policies Section of the Draft 2025 Report

The DOJ presented its draft of the Policies section of the report.

The DOJ stated its focus of the 2025 Report is on youth and policing in broader community contexts and interactions of race, gender, and disability. It will expand prior discussions of racial and identity profiling of youth by law enforcement. The Policies section is broken down into four areas: (1) research on how youth are impacted by law enforcement encounters, (2) demographics of youth interacting with law enforcement in California, (3) existing policies regarding law enforcement interaction with youth, (4) creation of developmentally appropriate law enforcement responses to youth.

Co-Chair Guerrero suggested removing or moving the demographic data on page nine into a footnote because it is national and from 2011.

Co-Chair Guerrero asked whether the law enforcement agencies listed on page 12 with the law enforcement policies related to youth were Wave 1 or Wave 2 agencies. Furthermore, she asked about the purpose of the chart.

DAG Simpson stated that these are Wave 1 and Wave 2 agencies as well as Lexipol. The purpose of the chart was to summarize whether agencies had policies in particular areas.

Co-Chair Guerrero stated that it would be good to know if law enforcement agencies had implemented/adopted any policies the Board previously worked on. She suggested that DOJ staff review the policies and text describing what the policy is and whether the agencies make their policies accessible to the public.

DAG Simpson stated that policies chart is included in the report to demonstrate a potential structure.

Co-Chair Guerrero stated that in the past, the DOJ has gone to individual law enforcement agencies and examined the scope of their policies. She suggested that (1) the DOJ have enough time to determine if policies are available and (2) draft a narrative describing the scope of agencies' policies.

Co-Chair Guerrero recommended the second paragraph on page 14 be further developed: "Despite numerous protections for children under the law, there are no laws that specifically limit or prohibit law enforcement from using force against children. The decision to impose limits on use of force is left to the individual agencies." She stated that California has use of force laws that apply universally and that there's a law that limits lethal use of force. Additionally, the US signed and ratified the International Covenant on Civil and Political Rights which limits use of force to force that is necessary and proportional. She suggested underscoring those limits.

Co-Chair Guerrero pointed out a discrepancy on page 15 stating in one paragraph that the Juvenile Deceptions Bill, AB 2644, passed in 2021 and stating in another that it passed in 2022.

Co-Chair Guerrero suggested that previous RIPA Board suggestions about consent searches be included on page 18, in the paragraph below the consent searches section that starts and ends "As discussed in a prior report ... but especially of youth."

Co-Chair Dobard recommended that the DOJ review a report released by Catalyst California in March 2024. The report was about gang profiling in Southeast San Diego. It included first person narratives about people's experiences with police as youth. He stated that they may find the report informative.

Co-Chair Dobard recommended that the DOJ look at policies law enforcement agencies have with youth diversion.

Member Sierra suggested that the information from the draft about stereotyping and bias in law enforcement interactions with youth be relayed to the POST subcommittee as it should be included in trainings. She also stated it would be interesting to compare California's data to national statistics. Furthermore, she supported that adding the chart on law enforcement policies and recommended inviting law enforcement agencies to speak to the subcommittee in the next year.

Member Khadjavi suggested including research from Amanda Geller, PhD, at UC Irvine in the section about the impact for law enforcement interaction on youth on pages 4 and 5. Law enforcement contact can have a detrimental effect on school attendance, and she believes that should be included. Likewise, she supported including some of the nuances in the discussion of law enforcement policies.

Member Randolph stated that diversion is now a “huge part of law enforcement.” He stated that the Patrol Procedures Learning Domains 16 and 21 cover policies on reasonable suspicion which apply to everyone including youth. He recommended the Board work with POST to expand those two learning domains. He also requested that staff verify the quote on page 14: “In California, during that same period [2015 to 2022], 19 children under the age of 18 were killed by law enforcement.”

7. Break

The Subcommittee agreed to skip a break in the interest of time.

8. Further Discussion of Policies Section of the Draft 2025 Report

The Subcommittee did not have additional comment regarding the policies section of the draft 2025 report.

9. Public Comment

Richard Hylton from San Diego expressed that he could not verify the reports because he doesn't have access to the stop data. He stated that he believes the reports are inaccurate.

Karen Glover, Associate Professor of Sociology, Criminology, and Justice Studies at California State University, San Marcos, expressed appreciation for the draft report. She stated Lexipol may not be the best way for community engagement. She stated that Chuck Wexler, Executive Director of the Police Executive Research Forum, would be a valuable individual to join the RIPA Board.

Co-Chair Guerrero stated the Legislature outlines the categories of representatives who can be appointed to the RIPA Board and the officials that can make the appointments.

10. Next Steps

Member Dobard stated he would like to see more information for policies related to youth that have been implemented and identifying best practices that are working in minimizing negative impact of law enforcement contact with youth.

Co-Chair Guerrero noted that the discussion about unhoused youth – the intersection of unhoused and youth – should be developed more. She stated that it is an important intersection as a rising proportion of unhoused individuals are youth. It is her understanding that the DOJ will address the subcommittee's comments in their work on the next draft.

11. Adjourn

Co-Chair Guerrero adjourned the meeting at 2:11 p.m.