

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)
<https://oag.ca.gov/ab953/board>

MEETING MINUTES

October 9, 2025, 9:00 a.m. – 1:00 p.m.

Board Members Present: Co-Chairs Andrea Guerrero and Angela Sierra, and Members William Armaline, Souley Diallo, John Dobard, Darren Greene, Lily Khadjavi, Manju Kulkarni, Aameena Qazi, Ronaldo Villeda, and Chauncey Smith

Board Members Absent: Members Chad Bianco, D.J. Criner, Wade Forde, LaWanda Hawkins, Kevin Mensen, and Rich Randolph

I. CALL TO ORDER BY BOARD CO-CHAIRS

Co-Chair Sierra called the meeting to order at 9:03 A.M. She explained that this meeting was convened to discuss racial and identity profiling by state and local law enforcement, in light of federal immigration enforcement that has been happening in our state. The Board convened two panels, and there will be an opportunity for Board discussion and public comment after panel.

II. WELCOME AND INTRODUCTIONS

Each RIPA Board (herein Board) member introduced themselves.

III. DISCUSSION RE: RESPONSE TO RACIAL AND IDENTITY PROFILING IN IMMIGRATION ENFORCEMENT

Co-Chair Sierra opened the floor to Co-Chair Guerrero, who gave a presentation in her capacity as the Executive Director of Alliance San Diego. Co-Chair Guerrero presented along with Chief Manuel Rodriguez, a retired police chief who has worked in the San Diego and National City Police Departments for a combined 33 years. In 1991, Chief Rodriguez contributed to San Diego's Undocumented Persons Policy, a novel document that other law enforcement agencies started to use. He noted that today's presentation would explain California's response framework, and encouraged the Board to engage in a collaborative process.

A. PRESENTATION BY CO-CHAIR GUERRERO AND CHIEF RODRIGUEZ

Co-Chair Guerrero began her presentation identifying that the Board's mandate to eliminate racial and identity bias in law enforcement, and the abuse of power that results from it, warranted discussion of recent federal immigration enforcement actions. She informed that over 10 million immigrants currently reside in California, and half of California children have an immigrant parent. More than half of immigrants in California are U.S. citizens, and more than a quarter are legal residents; less than a fifth of the immigration population is undocumented. Many undocumented Californians live in families with mixed immigration statuses, and most have lived in the state for more than a decade, and substantively contribute to state and local taxes. Despite their contribution to innovation, culture, and community in California, current lawful immigration pathways are limited. The immigration system has not been updated in 35 years, and there are not enough visas for those that want them, although millionaires are able to get visas quickly, contributing to inequity.

Co-Chair Guerrero explained that the federal government has opted to approach the situation

with immigration enforcement. From January to July 2025, United States Immigration and Customs Enforcement (ICE) arrested more than 12,000 Californians and are currently arresting Californians at a rate of more than 100 people a day. Moreover, these arrests impact all Californians regardless of immigration status, age, or ethnic origin; those deported are from over 125 different countries and ages have ranged from those born in 2025 to 87 years of age.

Co-Chair Guerrero explained to the Board that although the Supremacy Clause of the U.S. Constitution limits the state's authority on federal matters and subsequently to federal agents, the state has led the nation in creating safeguards to mitigate harms from harsh immigration enforcement through its authority over state and local officials. Such safeguards include:

- The California Values Act (Values Act), which restricts state/local officers from immigration enforcement.
- The Racial & Identity Profiling Act (RIPA), which prohibits profiling by state/local officers.
- The Truth & Trust Acts, which provide due process to immigrants in state/local custody and restrict their transfer to ICE without a warrant.

Co-Chair Guerrero also noted that these laws represent the limit of what we can do in California because of the Supremacy Clause, but that it is important for California to model the treatment of immigrants for other states to follow. Guerrero also noted that there are recently enacted laws that will prohibit state and local officials from consenting to ICE searches in non-public spaces like schools and health clinics without a judicial warrant. To close her presentation, she highlighted that California's current efforts can be used as a framework for other states to model to ensure that Constitutional rights are assured to all. She then opened the floor to Chief Rodriguez to present on rights impacted from current immigration practices.

Chief Rodriguez began his presentation by explaining the most important issue from a law enforcement perspective is not about the particular immigration policy, but about how it is enforced. Chief Rodriguez then explained the rights at risks due to current federal immigration enforcement practices.

First, Chief Rodriguez explained that the freedom from discrimination is protected under the Fifth Amendment, which guarantees equal protection of the law and prohibits discrimination by federal agents. However, Chief Rodriguez noted that the issue is always one of interpretation, and that there is no equivalent federal law prohibiting racial profiling like RIPA, which prohibits profiling by state and local law enforcement officers. Although RIPA prohibits racial profiling, the Department of Homeland Security (DHS) seemingly engaged in this practice despite constitutional prohibitions.

Second, Chief Rodriguez explained that the Fourth Amendment — which prohibits searches and seizures without warrants signed by a judge based on probable cause — is currently circumvented by federal law. Under Title 8 United States Code section 1357, DHS agents may operate sweeping warrantless authorities impacting civil liberties such as the following:

- Interrogation of any person anywhere about their right to remain in the U.S.
- Arrest of individuals that agents believe are violating immigration law.
- Entering private property (not dwellings) within 25 miles of boundaries.
- Boarding and searching of any car, train, plain boat, or vessel within 100 miles of boundaries.

Chief Rodriguez informed that the statute effectively impacts most of the country as the term "boundaries" is inclusive of not only coastal and land borders but international airports as well.

Third, Chief Rodriguez explained that the Fourth Amendment also protects individuals from the excessive force, and that force used by law enforcement must be legitimate and proportional. Chief Rodriguez noted that Department of Homeland Security policy prohibits deadly force unless necessary and requires “safe tactics” that minimize risk of injury. However, Chief Rodriguez noted that whether federal immigration enforcement agencies have been following this policy is subject to interpretation.

Chief Rodriguez continued his presentation and informed the Board on the duty of local law enforcement to intervene. He informed that California law enforcement officers have a duty to intervene to protect the public when federal agents abuse their power and violate rights. The duty to intervene exists as a professional, legal, and moral imperative, and is based in law enforcement’s code of ethics, their oath of honor, and national practices. Additionally, California Government Code section 7286 (Section 7286) includes explicit language on an officer’s duty to intervene in instances of excessive force. Through these enshrinements, California law enforcement officers not only hold themselves and each other accountable, but also to those across agencies and rank.

In response to questions from Co-Chair Guerrero, Chief Rodriguez then described what state and local law enforcement can do to intervene. Under Section 7286 and their policies, law enforcement is charged to respond, record, report, arrest where necessary, and investigate excessive uses of force to protect the public. As their priority is public safety, law enforcement’s first response is to de-escalate using crisis intervention techniques. They can achieve this by communication and subsequent actions such as thorough documentation from their body cams and collection of eyewitness accounts. Chief Rodriguez also explained that law enforcement will also use what they recorded to file an incident report and, when warranted, investigate and arrest law enforcement officers who have used excessive force.

Co-Chair Guerrero noted that in the border region, there have been charges of excessive force, or Fourth Amendment violations, by particular agencies. Chief Rodriguez noted that any time there is a question of whether the use of force was appropriate at the border, the San Diego police would investigate to determine if the use of force was appropriate, and turn their investigation over to the office of the District Attorney.

Chief Rodriguez noted that state and local prosecutors’ important roles in charging federal agents who violate the rights of Californians. Co-Chair Guerrero explained that in any situation where the claim is that the federal officer acted outside of the scope of their duties, it would be based in the Fourth Amendment, and would not be what the President put in a text, and that would be what the prosecution would rely upon. Co-Chair Guerrero noted that although federal immunity applies to agents who act within the scope of Title 8 United States Code section 1357, their conduct must still align with the Fourth Amendment.

Co-Chair Guerrero noted that, in instances of clear constitutional violations, state and local prosecutors can charge agents who violate state law, but they could be removed to federal court. Under the California Penal Code, felonies that can be brought against federal agents where they have exceeded the lawful scope of their duties include:

- Assault with deadly weapon (Pen. Code, § 245, subd. (a))
- Aggravated battery (Pen. Code, § 243, subd. (d))
- Child Endangerment (Pen. Code, § 273, subd. (d))
- Elderly Endangerment (Pen. Code, § 368)
- Kidnapping (Pen. Code, § 207)

Chief Rodriguez explained that, although it is unlikely these charges would be brought, they are

important for officers to understand, so that if they recognize these things were happening, they have a duty to intervene, either by deescalating, or by recording the event, and to act in accordance with their agency's policies and practices. Co-Chair Guerrero noted that these were unprecedented times, which is why it was important for law enforcement to act despite the uncertainty of the moment.

Before closing his presentation, he expressed that the topic discussed is important to continuing efforts towards public safety and trust especially in such challenging times. Chief Rodriguez acknowledged it was that unlikely that state and local law enforcement officers would be arresting federal officers for these offenses. However, it was important for law enforcement agencies to focus on the protections of people's constitutional rights, to have policies requiring them to intervene, and to empower their officers and protect the public, consistent with their oath. He stated that the increased immigration enforcement activities in our communities can generate apprehensions that may impact public engagement with local and state law enforcement to report crimes, share information, and help in investigations. Co-Chair Guerrero agreed that it was important for law enforcement agencies to follow their responsibilities in this manner.

Co-Chair Sierra thanked Co-Chair Guerrero and Chief Rodriguez for their presentation and opened the floor for Board member questions.

Co-Chair Sierra asked how the duty to intervene is incorporated in officer training and whether that training distinguishes between federal and local & state law enforcement. Chief Rodriguez replied that intervention training is mandated and incorporated in Police Officer and Standards Training academies but that it does not implement a separate intervention model for federal law enforcement scenarios. Further, Co-Chair Sierra asked whether the intervention methods presented were expressly sourced from the statute. Chief Rodriguez confirmed that the intervention tools available to law enforcement is sourced from the statute.

Co-Chair Sierra also asked about whether these intervention tools were normally used after the incident has occurred rather than during an ongoing incident given that California has a statute that prohibits its law enforcement from engaging in immigration enforcement. Chief Rodriguez noted that law enforcement's appearance may not always be after an incident has occurred. He stated that scenarios that may place California law enforcement at the scene while an incident is ongoing can occur while in performance of their regular patrol or a call for service.

Co-Chair Guerrero added that federal agencies can call for mutual aid (not for immigration enforcement), which may also place local law enforcement officers at ongoing incidents. She clarified that such a request is not for assistance with immigration enforcement but rather general duties such as crowd control. She explained that in such scenarios, it may appear to the public that collaboration is ensuing and stressed the importance of law enforcement to be transparent to the public about their presence. She also presented it as an opportunity for law enforcement to engage in non-physical intervention such as recording and reporting which can be accessed by the public through a Public Records Act request. Moreover, she also informed that an officer's duty to intervene when federal enforcement violates constitutional rights is a relatively newer framework that both law enforcement and the public have yet to fully consider. Co-Chair Guerrero noted that California is better positioned to test out the duty to intervene because of law such as Section 7286, which explicitly provides for a duty to intervene, and because of California's oath of office and applicable professional ethics code. Therefore, it is paramount that it be understood by both the public and law enforcement to best protect these rights from erosion.

Co-Chair Sierra asked whether there were any state and local agencies that were establishing additional intervention policies in light of the current immigration enforcement environment. Chief Rodriguez shared that officers receive training on the prohibition on racial and identity profiling, so they are well aware of those requirements, but that he was not aware of any agencies currently implementing any new intervention policies. Chief Rodriguez explained that it

was likely because California is at the forefront of this issue, as demonstrated by RIPA, and that officers have ongoing training on current statutes and professional documents, which may be sufficient for agencies to generate an appropriate response. Co-Chair Guerrero agreed, noting that federal leadership made the issue very challenging, and the matter before agencies is how to intervene when federal agents are involved. She informed that local governance bodies and their enforcement counterparts are likely determining protocols that express the policies and duties already expected of them.

Co-Chair Sierra also asked the presenters how local law enforcement officers are responding to federal officers' use of racial and identity profiling in the performance of their immigration enforcement. In particular, she asked whether local law enforcement is reflecting on their current racial and identity profiling policies. Chief Rodriguez informed that although not much is shared on federal officer racial and identity profiling training, the scenario provides a juxtaposition between California's mandated training on the matter with the actions federal officers take. Co-Chair Guerrero agreed and noted whereas California has mandated such prohibitions, the current federal leadership has encouraged it.

Member Kulkarni asked about the impact of the recent Supreme Court decision that would allow for detention based on an individual's race and the attire that they wear. Co-Chair Guerrero said that the Supreme Court's decision only denied the stay and that its impact cannot be fully assessed until the Court provides its decision. Member Kulkarni also asked the presenters to comment on smaller jurisdictions cooperating with ICE despite the Values Act, which prohibits state and local law enforcement from engaging in immigration enforcement. Co-Chair Guerrero stated that such occurrences would likely occur in border regions whereby a local officer may pass off an individual from their detention to border patrol agents. She assured that while it is a rare occurrence, should these incidents occur, local organizations are quick to respond and address.

Hearing no additional questions, Co-Chair Sierra moved to the next agenda item.

B. BOARD DISCUSSION

Member Qazi thanked both Co-Chair Guerrero and Chief Rodriguez for the presentation. She noted that from her observations and work with demonstrators present during immigration enforcement actions, that there was no ambiguity from the community on the duty local and state law enforcement must intervene. She expressed that additional traumatization can occur when demonstrators expressing their First Amendment rights are subject to detentions and exposed to potential inhumane conditions through the booking process. In combination with the trauma of community members taken away by immigration enforcement, she stressed that local law enforcement's presence without intervention is viewed by the community as complicity.

Member Diallo thanked both presenters for the information. He understood that local and state law enforcement may find it difficult to intervene when the duty has normally applied to conduct of their fellow officers. Whereas there is a consensus on what constitutes rogue behavior intra-agencies, it may be harder to make such a determination to agencies and practices they are not familiar with. Regardless, he affirmed that these tools should be used and that the public is warranted in their request for its use. He asked the Board to consider whether there is a policy gap that can directly address the tension that hinders law enforcement intervention and identified that the state legislature can also contribute to this duty. For example, he asked the Board to consider whether the tension could be relieved by a policy that clearly defines what the California Values Act requires so that local and state law enforcement officers may have a better understanding of their roles and responsibilities when called for mutual aid by immigration enforcement. Co-Chair Guerrero agreed with Member Diallo and recognized that SB 54, the California Values Act, can create tensions that law enforcement must consider, but that California could model what would be best practices for law enforcement agencies to meet the

moment.

Board Member Smith also thanked the presenters for their planning and efforts. He also thanked the Board for its responsiveness to the public's concerns. He raised a concern that, in addition to interpersonal interactions, there have been reports of information sharing between local law enforcement and federal agencies to effectuate immigration raids. Board Member Smith explained that there have been a variety of news outlets about ICE accessing local law enforcement surveillance technologies, such as license plate readers, to determine where to effectuate an immigration action.

Co-Chair Guerrero agreed with Board Member Smith, and expressed that the prospect creates additional difficulties because it will be harder to observe. Nonetheless, she advocated for enforcement of the California Values Act, and identified that the Attorney General and local prosecutors can hold such action accountable. She also identified that a potential gap that would allow information sharing is the joint-taskforce exception to the California Values Act. Chief Rodriguez agreed with Co-Chair Guerrero's statement that the Attorney General and local prosecutors can remedy information sharing violations and directed the Board to the Attorney General's litigation against the City of El Cajon under that claim.

Co-Chair Sierra acknowledged the presentation gave the Board a lot of information and was a major step in making the conversation more substantive.

C. PUBLIC COMMENT

Omar Araiza is a former firefighter and a board member of Alliance San Diego. He asked the Board to consider whether law enforcement has a duty to intervene for medical purposes. He observed that injuries can occur from excessive uses of force during ICE raids and suggested that as first responders, local law enforcement officers could intervene and possibly prevent individuals from being detained by ICE for medical purposes.

Karen Glover thanked the Board for today's meeting. She expressed concern over the problematic framing that her local law enforcement leaders have used. She stated that local law enforcement has framed their conduct during immigration enforcement operations as "keeping the peace" between the public and the federal officers, in an effort to ensure the welfare of both immigration enforcement and the community. She expressed that the framing is problematic because it conflicts with their previous statements of solidarity with the community and instead can be viewed to preserve their relationship with the federal government. In closing, she thanked the Board again for their efforts.

D. PRESENTATION BY DOJ STAFF AND THE CALIFORNIA ATTORNEY GENERAL OR HIS DESIGNEE

Co-Chair Sierra opened the floor to Supervising Deputy Attorney General (SDAG) Joel Marrero to present on SB 54, the Values Act.

SDAG Marrero began his presentation noting that the California Department of Justice (DOJ) is the state's law enforcement entity responsible for enforcing the Values Act, which is accomplished through its investigations, litigation, and guidance and technical assistance to law enforcement agencies. Prior to the Values Act, California enacted the California Trust Act in 2014 with provisions to limit state and local law enforcement cooperation with immigration authorities. The CTA ensured that immigrant community members are not detained by local police solely for immigration enforcement purposes except in cases involving serious or violent crimes. Some of the key California Trust Act provisions include:

- That local law enforcement cannot hold individuals beyond their release date based on an

ICE detainer request (known as ICE holds) unless that person had been convicted of a serious or violent offense under the law;

- Prioritizing keeping dangerous offenders detained while preventing unnecessary detentions of people for minor offenses or no crimes at all;
- That state and local law enforcement compliance with ICE detainer requests are not mandatory federal law; and
- That California jurisdictions can avoid potential unnecessary liability, since ICE detainers are not judicial warrants.

In 2017, the Legislature expanded the protections under the California Trust Act when it enacted the Values Act. In its enactment, it advocated for the safety, well-being, and constitutional rights of all the people of California, including immigrants. In effect, the Values Act's provisions defined circumstances under which California law enforcement agencies can engage or cannot engage with immigration authorities. Notably, the Values Act governs state and local law enforcement officers, but does not govern the actions of federal law enforcement or immigration officers.

The Values Act also tasked the Office of the Attorney General's office to model policies to be adopted by schools, public schools, state or locally operated healthcare facilities, court houses, and other enumerated state and local facilities; the most current updates to policies were dispersed in 2024. Additionally, it defined key definitions to ensure it is applicable to all California law enforcement agencies and listed the immigration enforcement activities they must refrain from. Under the Values Act, agency resources cannot be used to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purpose. Such prohibitions include:

- Inquiries into a person's immigration status;
- Prohibitions to comply with ICE detention hold requests;
- Personal information sharing with federal immigration enforcement unless that information is already publicly available and does not violate privacy laws;
- The making of or participating in immigration arrests based on civil warrants; and
- Limitations in honoring transfer or notification requests, or providing information on a person's release date, except under certain circumstances. SDAG Marrero explained that if the transfer is authorized by a judicial warrant, or there is a probable cause determination, or if the transfer would not otherwise violate any federal, state or local law or policy and the individual in custody was previously convicted of certain enumerated serious crimes or violent felonies, honoring transfer requests is appropriate.

SDAG Marrero explained that the Values Act places other restrictions on state and local law enforcement officers. California law enforcement agencies cannot:

- Allow their officers to be supervised by federal agencies or deputized for immigration enforcement purposes;
- Use immigration authorities as interpreters for individuals in custody;
- Provide office space for immigration authorities; or
- Enter into a contract to house or detain individuals for the purposes of immigration custody.

SDAG Marrero explained that, if permitted under local law or policy, law enforcement agencies have the discretion to investigate, enforce, and detain persons, upon reasonable suspicion of or

arrest person for violations of section 1326(a) of Title 8 of the United States Code which criminalizes re-entry by a non-citizen after removal. Law enforcement agencies may also provide criminal history information to immigration authorities obtained from the California Law Enforcement Telecommunication System but are prevented from exchanging certain categories of information.

The Values Act also allows for law enforcement agencies to engage in joint law enforcement tasks forces with federal authorities so as long as the task force's primary purpose and investigative duties are not related to immigration enforcement and where local law or policy allows. SDAG Marrero noted that, while the exception will allow for law enforcement to participate in joint law enforcement taskforces that have immigration enforcement as its secondary purpose, such California participants are required to report joint taskforce information to the DOJ.

SDAG Marrero also noted that law enforcement agencies are allowed to ask for information necessary to certify potential victims of crimes or human trafficking victims with respect to U and K visas and can provide ICE with interview access to individuals who voluntarily consent in writing.

SDAG Marrero explained that, while the Values Act prohibits furtherance of immigration enforcement agencies, it does not diminish California local law enforcement's authority to exercise its own jurisdiction or to protect the safety of the public. This narrow public safety exception should not be used to avoid the prohibition of the Values Act.

SDAG Marrero also discussed the Values Act's robust impact on information sharing and technologies. While it does not restrict the type of technologies local law enforcement can use, it does limit the use of local and state resources including technological systems, databases, and information sharing tools for immigration enforcement purposes. In its application, this would prevent ICE access to local surveillance and communication technologies such as facial recognition systems or dispatch systems notifying of an individual's release date. Additionally, Senate Bill 34 prohibits sharing data collected via automated license plate readers to private entities or out of state federal agencies.

SDAG Marrero continued his presentation and informed the Board on Values Act related litigation. He explained to the Board that the DOJ is tasked with both affirmative and defensive Values Act litigation. In the past, the state has been sued by local entities regarding the constitutionality of the Values Act and that the law has been held as lawful. However, given the current federal environment, additional challenges by the federal government have sought to impose state and local entities to violate the Values Act as a condition for federal funding. For example, the DOJ brought litigation against the United States Department of Transportation because it conditioned its federal funds on the imposition that state and local entities would have to honor ICE holds or cooperate with immigration enforcement in a way that would violate the Values Act. He stated that the DOJ has continued its litigation efforts and has prevailed on its preliminary injunction motions with some cases on track for motions for summary judgments. SDAG Marrero concluded his presentation and provided related DOJ publications about the Values Act for review.

Co-Chair Sierra then opened the floor to the Board for questions.

Co-Chair Sierra thanked SDAG Marrero for his presentation and asked how investigations are initiated. SDAG Marrero informed that the DOJ allows for anyone to lodge a complaint online and encouraged members of the public to report its observations and concerns.

Co-Chair then opened the floor for California Attorney General Rob Bonta (AG Bonta) to speak. AG Bonta first thanked the Board for their time, efforts, and insight. As a co-author of RIPA alongside Secretary of State Dr. Shirley Weber and now tasked with its enforcement as the

California Attorney General, he commended the Board for its data-driven policies and recommendations. He described their efforts as advancements in justice and as a force to tackle discrimination in its many forms. AG Bonta affirmed what SDAG Marrero presented and stated that the Values Act is good constitutional law. Whereas the federal government attempts to unconstitutionally force California's participation in its immigration enforcement approach through its commandeering of the state's resources, the Values Act implements public safety through a pro-community approach with its constitutionality affirmed by the Ninth Circuit.

AG Bonta also spoke on racial profiling in federal immigration enforcement. He stated that the current federal administration not only has condoned but has encouraged its practice. While the federal administration continues its immigration approach in the state under the objective of apprehending violent criminals, the data shows a different outcome where lawfully present individuals are exposed to stops, searches, and detentions. Moreover, he spoke on the general unlawfulness of federal immigration enforcement conduct. He expressed that their current practices are unlawful and unconstitutional as the practice violates Fourth Amendment rights and targets people based on the language they speak, the occupation they hold, how they look, or their location. Although there are efforts to curb racial profiling, he noted that the Supreme Court's stay on the order has complicated the situation due to its lack of transparency. Because it was decided on an emergency docket, the Court provided little guidance as to how lower federal courts can comply. Additionally, he shared concerns that current immigration enforcement practices are degrading community trust as ICE hide their identity through masking and removal of the license plate of cars they use thereby degrading positive, transparent law enforcement relationships with the public.

AG Bonta also explained the challenges with the DOJ's ability to assist in civil litigation when unconstitutional violations occur. He noted where a Fourth Amendment violation or excessive use of force claim is actionable, it is only actionable by the individual harmed and that this requirement precludes the DOJ from engaging this unlawfulness on behalf of Californians. Regardless, he noted that the DOJ acts where possible and can support these matters through an amicus brief filing in support of the plaintiffs. While some causes of actions can only be brought by the individuals harmed, AG Bonta assured that the DOJ will act where it can.

He closed by thanking the Board for its important work and its impact not just to the state but to the nation. He reminded them that California is home to an immensely diverse population with 67 percent of our population, or nearly 11 million, are immigrants, and that such diversity contributes to the state's strength. AG Bonta noted that he was also the product of immigrants and the place of his birth, the Philippines, was a place where the protections celebrated by Californians was trampled upon. Therefore, it is imperative that we protect the rights of all Californians. He asked the Board to consider how it can contribute within its mandate. He suggested that they can collect, analyze, and present on relevant data to assess the scale of racial and identity profiling in immigration enforcement conduct within the state.

Co-Chair Sierra thanked AG Bonta for his leadership and time. She then opened the floor for Board member questions.

Co-Chair Guerrero greeted AG Bonta and thanked him for his leadership and efforts. She agreed that the Board's mandate is important and that state and local law enforcement agencies should be used as a model throughout the country. Co-Chair Guerrero highlighted the role of civil lawsuits to effectuate reform, and inquired about the DOJ's efforts on the matter in criminal litigation given that there are grounds to bring charges using the state Penal Code.

AG Bonta replied that the DOJ is interested in criminal accountability when the DOJ can meet its ethical standards in bringing cases to the jury that are beyond a reasonable doubt. AG Bonta also discussed how there is an "information deficit" resulting from immigration enforcement conduct. Specifically, immigration enforcement officers have made efforts to physically conceal their identity, and because the federal government is not willingly a cooperative partner.

Member Qazi thanked both AG Bonta and SDAG Marrero for their presentation. She asked AG Bonta to expand on how the Values Act is being enforced against state and local law enforcement actions, specifically relating to information sharing with federal law enforcement. Member Qazi also asked whether AG Bonta could share more information about oversight efforts to joint task forces exempt under the Values Act, such as when civil immigration enforcement is a secondary purpose of the task force.

AG Bonta informed that before the current federal administration, the DOJ provided guidance reminding California law enforcement agencies about their duties under the Values Act, and that he expects law enforcement agencies to honor their responsibilities under the Values Act. Specific to joint task forces, he highlighted their utility and referenced successes related to them so as long as their mission complies with state law. He informed that the DOJ looks particularly at the joint task force's practices and conduct to assess its true purpose. If a joint task force's conduct reveals that its primary purpose is immigration enforcement, then California law enforcement agencies will no longer participate in that task force.

Member Smith greeted AG Bonta and thanked him for his efforts in defending the rights of Californians. Member Armaline agreed and expressed that the Board as a state body or in its members' individual capacity would be willing to assist his efforts however needed.

Co-Chair Sierra thanked AG Bonta for his appearance and asked whether SDAG Marrero had any additional items. SDAG Marrero notified the Board that he would provide links to the DOJ's guidance on these issues.

Co-Chair Sierra then moved the Board to its next agenda item.

E. BOARD DISCUSSION

Member Qazi invited the Board to identify what policy gaps may exist in the Values Act. Particularly, she asked them to consider whether the policy gap existed in its ability to report violations to the Attorney General.

Co-Chair Guerrero stated that the Attorney General's litigation efforts in El Cajon may suggest that Values Act enforcement is sufficient. She then asked the Board to consider whether a policy or guidance gap exists in its guidance to California law enforcement agencies about expected conduct and intervention responsibilities when federal law enforcement is present. While the Board may not have logistical capacity to include such considerations in this year's report, she asked them to continue this discussion for future implementation.

Member Kulkarni agreed with Co-Chair Guerrero's suggestion. She also asked the Board to consider memorializing the discussions had so far in this year's report; although it may not lead to recommendations, the topic's incorporation into the report will help readers understand the topic's trajectory given the Board's infrequent publications.

Member Khadjavi appreciated today's discussion. Given the situation's fast-paced developments, she asked the Board to consider how it could respond with similar pace. Co-Chair Sierra agreed and suggested that additional guidance and community forums can be tools to quickly address new developments. Member Smith also agreed. He reminded the Board that it allowed for witness panels in the past but empathized that witnesses may be apprehensive in participating due to retaliation. Alternatively, he suggested that the Board consider allotting time for community engagement.

Member Villeda appreciated the Board's efforts. He shared appreciation for Chief Rodriguez's presentation on California law enforcements' duty to intervene and how it is currently operationalized. Additionally, he shared his thoughts on SDAG Marrero's Values Act presentation. He raised concern that cultural and systemic law enforcement practices may create

an additional tension with their compliance with the Values Act. He explained that collaboration between law enforcement agencies, while necessary, can make it difficult to comply with the Values Act because it can force a decoupling between agencies. He also agreed with considerations to expand on data collection as it would further understanding of the scope and scale of racial and identity profiling. Additionally, he asked the Board to consider how it could protect California law enforcement agencies from being penalized for its compliance to the Values Act. Member Qazi agreed with Member Villeda and asked for guidance on what the Board is empowered to do. She recognized that the Board must function within its mandate and asked how it could bring its concerns to those with the authority to act. Co-Chair Guerrero explained the Board's power within its mandate and the tools it can use to elevate identified concerns.

Co-Chair Sierra thanked the Board for their suggestions and encouraged them to continue their efforts. She also said that the Board's next meeting will be an opportunity to make considerations actionable through their vote. Hearing no additional comments, she then moved to the next agenda item.

F. PUBLIC COMMENT

Hearing no public comments, Co-Chair Sierra moved to the next agenda item.

IV. SUMMARY OF NEXT STEPS AND VOTE ON ANY ACTION ITEM

Co-Chair Sierra summarized the Board's discussion and that the Board would continue its consideration on identifying additional policy and data gaps. She also recognized that the Board would memorialize the discussion from this meeting in this year's report. Lastly, she noted that the Board would consider additional steps that it could take within its mandate to further its mission against racial and identity profiling. With no action item to vote on, she moved the meeting to the next agenda item.

V. ADJOURN

Co-Chair Sierra thanked members of the public for their attendance and the DOJ for its support. She adjourned the meeting at 12:42 p.m.