

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

<https://oag.ca.gov/ab953/board>

MEETING MINUTES

March 22, 2024 10:00 a.m. – 12:30 p.m.

Board Members Present: Co-Chair Angela Sierra, Co-Chair Andrea Guerrero, Member Rich Randolph, Member Sean Thuilliez, Member Brian Kennedy, Member DJ Criner, Member Bill Armaline, Member Cha Vang, Member Lily Khadjavi, Member Manju Kulkarni, Member John Dobard, Member Ronaldo Villeda, Member LaWanda Hawkins

Board Members Absent: Member Chad Bianco, Member Sean Duryee, Member Tamani Taylor

1. CALL TO ORDER BY BOARD CO-CHAIRS

Co-Chair Guerrero called the meeting to order.

2. WELCOME AND INTRODUCTIONS

Each RIPA Board Member (Board) introduced themselves.

3. APPROVAL OF NOVEMBER 28, 2023 FULL BOARD MEETING MINUTES

Co-Chair Guerrero opened the agenda item and asked if any members would like to discuss the November 28, 2023, draft meeting minutes before entertaining a motion to approve the draft meeting minutes.

Member Villeda moved to approve the minutes, which Member Khadjavi seconded. Deputy Attorney General (DAG) Kendal Micklethwaite of the California Department of Justice (DOJ) proceeded with the roll call vote:

- AYES: ARMALINE, CRINER, DOBARD, GUERRERO, HAWKINS, KENNEDY, KHADJAVI, KULKARNI, RANDOLPH, SIERRA, THUILLIEZ, VANG, VILLEDA
- NAYS:
- NO RECORDED VOTE:

With 13 members voting Ayes and zero Nays votes the meeting minutes were approved as amended.

4. HIGH LEVEL VISION FOR 2024 REPORT AND BOARD DISCUSSION

Co-Chair Guerrero opened the floor to discuss the 2025 outline of the Report. She stated the goal of the 2025 Report is to synthesize the work undertaken and present understandable data, given the full reporting in 2024 across all the state of California with more than 500 agencies. With the data, she states the report can incorporate a theme and focus on youth.

The 2025 outline of the Report begins with an executive summary and introduction, and proceeds through STOP Data, policies, Accountability and Civilian Complaints, POST Training and

Recruitment, and concludes with relevant legislation enacted in 2024. Provided is a high level outline of each section:

- STOP Data section: introduction, STOP data demographics, test for disparities, test for disparities in youth data
- Policies section: policing policies in youth; would cover four topics: (1) demographics of youth interacting with police in CA, (2) quality of interactions with youth and police, (3) policies that increase potential for police interactions in youth, (4) youth and policy recommendations.
- Accountability and Civilian Complaints section: introduction, Senate Bill (SB) 2 and decertification, civilian complaints, policy recommendations related to topics of accountability and civilian complaints
- POST Training and Recruitment section: introduction, report on POST process for developing racial and identity profiling guidance, guidelines, emerging research of efficacy on anti-bias training, policy recommendations

Co-Chair Sierra commented that the 2025 Report will be the Board's 8th report, and incorporating a new theme would give the Board an opportunity to dive deeper into the RIPA data through the lens of youth and focusing on youth data. Furthermore, it would give them an opportunity to have more presentations to subcommittees and the Board. She noted that the next full Board meeting, they were planning to have a variety of individuals speak on panels. She stated that working within a theme would allow them to think deeper, consult experts, and create solutions. She encouraged Board members to attend subcommittee meetings and volunteer as subcommittee members. Co-Chair Sierra reminded Board members to provide as much input to DOJ staff about availability and to please attend subcommittee and Board meetings because of difficulties in establishing quorum. She stated that she really wants to hear from all Board members and if there are differences in opinion, she wants to make sure the Board hear from one another.

Co-Chair Guerrero asked the Board for comments and suggestions regarding the outline. Member Randolph asked to clarify the RIPA Board's involvement with SB 2 as it is a law and process that is operating well. Co-Chair Sierra responded that one of the grounds of SB 2, which allows decertification for officers found to have conducted serious misconduct, is an accusation of bias, and that the Board is interested in learning from POST on how the statute would be implemented. This would be done through information gathering and gaining an understanding of how POST is implementing their regulations and guidelines so that the Board can understand their approach. Moreover, the Board could recommend additional ideas once they understand POST's approach with SB 2. DAG Micklethwaite thanked Co-Chair Sierra's for her summary.

Member Thuilliez asked a question regarding the Policies section, specifically the second subsection (b) "quality of interactions with youth and police" measure. He asked how they would determine quality of interactions, given that it is a subjective measure. He understands that the RIPA Board looks at quantity of interactions, rather than quality. DAG Micklethwaite responded that the DOJ welcomes any wordsmithing from the Board and provided some potential examples of how quality could be measured through different types of interactions. In prior years, the report has looked at Actions Taken, including handcuffing, sitting on the curb, or sitting in a patrol car.

There are different types of interactions the Board can look at, particularly as they relate to youth. The DOJ is open to edits and feedback from the Board, including whether they would like to use another word or specific data points and areas to look at with respect to the types of interactions, including positive and negative interactions with youth.

Member Thuilliez asked if they were looking at proactive stops or calls for service. Co-Chair Guerrero stated the focus of their work historically has been on discretionary stops rather than calls for service and maybe the word should be “type of interactions” Member Thuilliez suggested the word “purpose” instead of “quality;” to change from “quality of interactions” to “purpose of interactions.” Co-Chair Guerrero asked DOJ to consider the suggestion. Co-Chair Sierra stated she circulated articles to the Board that Michelle Whittig (member of the public) had provided to the Board, one of which addresses quality of approaches and disparities that exist that could lead to erosion of public trust; she encouraged Board members to keep an open mind to this issue. Co-Chair Guerrero stated that everyone is welcome to join the Policies subcommittee and the outline was more digestible than the outline from last year.

Member Randolph raised questions he received from other Chiefs regarding the stops in the youth data section. There was a discussion regarding properly identifying whether handcuffs were used. He explained that in the previous RIPA report, the report stated that hundreds of children were placed in handcuffs and that this was inaccurate. Member Randolph stated that the Chiefs asked if there would be clarification on this issue of whether handcuffs were used. Ninety percent of the agencies Chief Randolph spoke to explained that these were citations that were issued, which is considered an arrest and that is why the officers entered an arrest. Therefore, the data is kind of misleading. He would like some clarification on this from the DOJ.

Co-Chair Guerrero stated that this is a good issue to bring into the stop data, that is, how data is analyzed and reported out. She also raised that the data reported out and the mandated tables use numbers and percentages in the same fields, which makes it difficult to work with. She has heard this from researchers and has encountered issues with analyzing the data herself. She suggested that the Board report data in numeric fields to make it more accessible for the public without having to request the disaggregated data from the DOJ.

Member Khadjavi thanked Co-Chair Guerrero for her suggestions regarding the data being reported and appreciates the focused theme of youth for the 2025 Report.

5. UPDATE BY THE DEPARTMENT OF JUSTICE

Co-Chair Guerrero opened the floor for the DOJ presentation. DAG Jennifer Gibson presented on DOJ updates. She informed that the 2024 Report was published on January 1 and on January 19, Co-Chair Guerrero briefed the Legislature on key recommendations of each section of the 2024 Report. DAG Gibson then informed the Board that Melanie Ochoa resigned from the Board effective February 16, 2024, as she was appointed by Governor Newsom to the Los Angeles County Superior Court. DAG Gibson thanked Ms. Ochoa for her service to the Board as a member of the POST and State and Local Policies Subcommittees. With Ms. Ochoa’s resignation, the Board count stands at sixteen.

DAG Gibson explained that DOJ provided an update to the Board on January 23 that the Sacramento County Superior Court issued a temporary restraining order in *Marvel v. State of California* precluding the collection of officer gender data. Since then, the court has granted the parties' request to stay the dates in the proceeding, pending the parties' settlement discussion and resolution of the case. For now, the DOJ will not be requiring the collection of officer gender data and will keep the Board updated as the matter progresses.

The STOP Data Subcommittee was adjourned on March 4 because of an inability to establish quorum. The DOJ provided adequate notice to the public regarding adjournment.

The specific topic of Accountability has switched from the State and Local Policies Subcommittee to the Civilian Complaints Subcommittee. DOJ explained to the Subcommittees regarding the change and the Subcommittees were unanimous in their support of the switch.

The next round of subcommittee meetings is approaching and DOJ will be reaching out to Board members regarding their availability and asked that members respond so that quorum can be established for all the subcommittee meetings. Furthermore, DOJ will also send out notices regarding availability for the next two full Board meetings. DOJ is looking at the weeks of June 24 and October 14.

DAG Gibson asked for questions; seeing as there were none, she turned the floor back to Co-Chair Guerrero. Co-Chair Guerrero echoed the recognition of Melanie Ochoa and encouraged everyone to try to ensure they can make the subcommittee meetings.

6. SUBCOMMITTEE REPORTS

Co-Chair Criner and Co-Chair Hawkins of the Accountability and Complaints Subcommittee gave a report of the subcommittee meeting on March 1, 2024. Co-Chair Criner stated the subcommittee had unanimous support to move the topic of Accountability to the subcommittee, and discussed topics for the 2025 report. The subcommittee discussed that subcommittee will continue to develop specific recommendations so law enforcement agencies can develop root cause analysis for civilian complaints procedures. Furthermore, the subcommittee will identify trends in civilian data for areas of further recommendation and the role of youth in complaints.

The Board will continue to examine Assembly Bill (AB) 2923 and SB 2 and potentially write a letter to the Legislature regarding the language of AB 2923. Regarding SB 2, the subcommittee will look at how the SB 2 decertification complaints process works and make recommendations to POST regarding outreach to the community on how to file complaints with POST. Regarding AB 2923, the Board will continue recommending standardizing civilian complaints and to remove complex language from their complaint forms. The subcommittee will discuss these ideas at a later date after examining AB 2923 and SB 2 more in depth.

Co-Chair Hawkins asked the Board for comments, and seeing as there were none, Co-Chair Sierra moved to POST Training and Recruitment Subcommittee.

Co-Chair Villeda and Co-Chair Kulkarni of the POST Training and Recruitment Subcommittee gave a report of the subcommittee meeting on February 26, 2024. Co-Chair Villeda stated they

reviewed racial and identity-profiling training courses over the past few years. There exists disparities in the treatment of Black, Hispanic, and transgender individuals during traffic stops. Their recommendations to POST include developing independent guidelines for training involving community feedback early in the first development and establishing training mechanisms for training effectiveness. This past August, the POST executive director confirmed the agreement to develop separate guidelines for this training, showing a positive step forward in collaborative goals. This focus extends to the Board's consulting on these guidelines and enriching the 2025 Report with emerging issues on research and bias training. Looking ahead, the subcommittee anticipates POST's written response to the 2024 recommendations. Their ongoing dialogue aims to refine training standards and enhance accountability within law enforcement practices. Co-Chair Villeda concluded that by collaborating between the Board and POST, they are hopeful to reduce racial and identity profiling and strive to achieve equitable law enforcement training for everybody.

Member Randolph asked Co-Chair Villeda who was designated to meet with POST for the curriculum, Co-Chair Villeda said that the decision would be made by the DOJ team and he had volunteered himself. Aisha Martin-Walton of the DOJ answered that POST was currently in the process of drafting instructions and an invitation to the Board. Once Board members know the workshop schedule, the Board will be able to identify members who have the capacity to join in. POST would prefer two people to stay throughout the entire process. Therefore, it is currently a wait and see scenario.

Co-Chair Guerrero and Co-Chair John Dobard of the State and Local Policies Subcommittee gave a report of their subcommittee meeting on March 14, 2024. Co-Chair Guerrero informed the Board that the subcommittee nominated and selected the second co-chair John Dobard.

Co-Chair Guerrero stated they discussed how law enforcement agencies were addressing the issues of pretext stops. The subcommittee heard from two law enforcement agencies (California Highway Patrol and Los Angeles Police Department) that presented information about their policies and discussed the effectiveness of their policies. Assistant Chief Chris Armstrong of the California Highway Patrol (CHP) explained that CHP has a search policy that limits the discretion of officers to ask for consent to search; it requires officers to have a specific articulable suspicion before asking for consent to search. As a result of that policy, CHP has less than 1% (0.04%) of their stops include consent searches. The few consent searches that occur are because they have identified a particular articulable reasonable suspicion or for officer protection. The subcommittee asked questions about the effectiveness of the policy and how CHP trains officers to implement the policy, how it provides supervision to ensure the policy is being complied with, and how CHP obtains consent. Assistant Chief Armstrong explained that consent is obtained through a form and CHP utilizes body worn cameras in training. CHP offered to be a resource to learn more about limiting discretion, reducing the pre-text stops, and reducing bias.

Next, the subcommittee heard from Los Angeles Police Department (LAPD) Director Lizabeth Rhodes and Commander Steve Ramos. LAPD also adopted a policy to address pretext stops, although it does not limit discretion in the same way on consent searches. LAPD requires officers to state what the code violation is when they are stopping someone and reinforces in its policy the

need to have probable cause to engage in a search that is not consent based. This policy was recently enacted, so not all the data is available, but when asked on the impact of this policy, the LAPD responded that disparities are going down; moving violations are going up while equipment violations are going down. LAPD also obtains consent and uses body-worn cameras as a principal tool for obtaining consent. LAPD's policies are newer so more time is needed to realize the full extent of the policy, but the subcommittee and LAPD had a rich discussion and members of the public contributed as well. The discussion made clear that it is important to limit or curtail discretion and that officers have to ask questions around consent in particular, as this seems to be a major factor in what happens in the course of a stop.

Co-Chair Guerrero stated that it was great to have a deep, robust discussion with presenters and it inspired the subcommittee to do that more frequently, as talking with stakeholders presents an opportunity beyond talking amongst themselves.

Co-Chair Dobard discussed the other main topic that emerged in the Subcommittee meeting, which was an outline for the 2025 report. He explained that they concluded the focus of the policy section should be on youth, specifically on demographics of youth interaction with police, quality of those interactions, policies that may increase interaction quality, and then issuing recommendations based on what they find. That said, based on Member Thuilliez's recommendation, "quality" of "quality of interactions with youth and police" needs to be re-examined. For future meetings, the State and Local Policies Subcommittee meetings will be heavily focused on those issues.

The STOP Data Subcommittee did not have a report as quorum was not established for the subcommittee meeting, which Subcommittee Co-Chair Khadjavi confirmed.

7. BREAK

Co-Chair Sierra adjourned the Board for a break at 10:56 a.m. and established quorum at 11:02 a.m.

8. BOARD DISCUSSION ABOUT 2025 PROPOSED OUTLINE

Co-Chair Sierra opened to floor for discussion from the Board about the 2025 proposed outline. Seeing as there were no comments, Co-Chair Sierra thanked the subcommittees for their effort and moved to the next agenda item.

9. PUBLIC COMMENT

Co-Chair Guerrero facilitated public comment and invited members of the public to provide their statements.

Karen Glover, Associate Professor of Sociology, Criminology, and Justice Studies at California State University, San Marcos, made a comment regarding the "quality of interactions with youth and police" in the Policies subsection. She stated that in her academic expertise studying law enforcement, both types of approaches are necessary to get full ground and meaning of these processes. She is developing a process of "doing" and "being" of racial profiling. Doing refers to quantitative measures while "being" refers to the community experience. She emphasized the need of qualitative data.

Hearing no additional comments, Co-Chair Sierra moved on to the next agenda item

10. DISCUSSION OF NEXT STEPS AND ANY ACTION ITEMS

Co-Chair Sierra discussed the next full Board meeting, which would have speakers to speak on a variety of panels. There will be two to three different panels to discuss topics identified in the report outline. She listed the examples of academics, advocates, youth/youth focused organizations, law enforcement representatives, and potentially school administrators. She invited the Board to submit their suggestions of panel members to the DOJ staff by April 5, as the DOJ team needs lead time to organize panels and give notice for meeting. Co-Chair Sierra states that she envisions the next Board meeting to be broken up into different panels and after each panel presents, there is time reserved for questions and public comment. DOJ staff will be time-keepers to ensure there is enough time for views from a variety of perspectives; DOJ will also coordinate with speakers in advance.

Co-Chair Guerrero supported Co-Chair Sierra's idea to bring in stakeholders for discussion. Co-Chair Sierra opened the floor to the Board for comments.

Member Randolph welcomes this approach and is energized with this Board. He expressed hesitation with bringing in groups to present to the Board, as in the past there have been groups that came in and provided anti-law enforcement data. He believes everyone on the Board wants to move forward and that potential speakers would need to be vetted appropriately. He wants to ensure that the public supports the Board's credibility. He suggested that speakers present to the subcommittee, and then subcommittees refer speakers to the Board.

Co-Chair Sierra responded that the purpose of groups is to present to the Board a collection of voices, although disagreements on the content can exist. She encourages all Board members to send their suggestions to the Board and DOJ regarding potential speakers. That said timing is sensitive given the notice required for Board meetings.

Co-Chair Guerrero explained that the Board would be selective of their presenters and would ensure that the groups are representative voices of lived experiences.

Member Villeda asked whether the speakers would present in one panel or multiple panels. Co-Chair Sierra answered multiple panels. Member Villeda asked about the date. Co-Chair Guerrero responded that the next Board meeting would be scheduled for the week of June 24, and they would need to be noticed well in advance because of statutory requirements. She encouraged suggestions be submitted to the DOJ team at their earliest convenience.

11. ADJOURN

Co-Chair Sierra thanked all for their attendance and adjourned the meeting.