CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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POST TRAINING AND RECRUITMENT SUBCOMMITTEE MEETING MINUTES

August 19, 2024 11:00 a.m. – 1:00 p.m.

Subcommittee Members Present: Member Manjusha Kulkarni, Member Angela Sierra, Member Darren Greene, Member Sean Thuilliez, Co-Chair Ronaldo Villeda, Member LaWanda Hawkins, Member Rich Randolph

Subcommittee Members Absent: Member Brian Kennedy

1. INTRODUCTIONS AND WELCOME

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

2. APPROVAL OF JUNE 6, 2024, SUBCOMMITTEE MEETING MINUTES

Co-Chair Villeda motioned to adopt the meeting minutes and Member Kulkarni seconded. Deputy Attorney General (DAG) Kendal Micklethwaite assisted with the roll call vote:

- **AYE**: Member Kulkarni, Member Sierra, Member Greene, Member Hawkins, Member Randolph, Member Thuilliez, Co-Chair Villeda
- **NAY**:
- **ABSTAIN**:

With seven Ayes, the meeting minutes were approved.

3. UPDATE BY THE DEPARTMENT OF JUSTICE

DAG Danielle Elliott stated the first POST workshop was held in May and the second POST workshop will be held in Sacramento on October 8-9, 2024. Member Kulkarni, Member Kennedy, Member Hawkins, and Co-Chair Villeda plan to attend. The next full RIPA Board Meeting will be on October 16, 2024.

4. DISCUSSION OF POST RESPONSE TO 2024 REPORT RECOMMENDATIONS

Co-Chair Villeda read the POST responses to the 2024 Report Recommendations:

POST supports recommendation one: Adopt Protocols and Publish Separate Training Guidelines Independent of the Curriculum.

POST does not support recommendation two: Adopt the process and publish timelines for board and community review of trainings. It concluded its community stakeholder input is sufficient and POST lacks the resources to address further recommendations such as assigning a community engagement coordinator.

POST partially supports recommendation three: Allow time for meaningful feedback throughout curriculum updates and development, including community sourcing of subject matter experts. POST agreed to provide verbal updates for curriculum related updates for the Board and to share non-curriculum updates with sufficient time to review.

POST partially supports recommendation four: Measure course effectiveness on POST RIPA certified courses. POST agreed to request the Museum of Tolerance to include more in-depth review of RIPA data and MOT Train-the-Trainer courses. POST does not collect data and lacks legal authority to collect data on individual peace officer actions and performance unless it is related to serious misconduct. POST believes measuring the effectiveness of this specific training should fall to the local law enforcement agencies and the communities they serve.

POST supports recommendation five: include individual officer and supervisor accountability and reporting as a required training topic in all RIPA courses. They will make a recommendation to the Museum of Tolerance to further incorporate the importance of accountability throughout the Racial and Identity Profiling Train-the-Trainer course, specifically to highlight officer peer behavior and supervisor accountability. They will ensure that this topic is included.

Member Sierra asked with respect to the fourth recommendation, if POST would be able to provide guidance or best practices for local law enforcement agencies to measure effectiveness beyond RIPA data.

Meagan Poulos of POST responded that she does not have an answer, but it could be discussed in the future.

Member Sierra stated that it could be included next year as a topic.

Member Thuilliez stated that an officer can be sent to training but still be unprepared. Therefore, measuring effectiveness is a big undertaking.

Member Sierra stated that later in the chapter there are studies measuring effectiveness not on an individual basis but on the agency as a whole. She agrees that it is a complicated area and would be interested in further exploration.

DAG Elliott stated that the draft POST section covered academic articles and programs implemented by other cities on how to measures on implicit bias. The two ways to measure implicit bias is by individual officer perception to ideas and changes in behavior, of which RIPA is interested in the latter, because that would ultimately lead to changes in RIPA data. DAG Elliott gave an example of a study done of implicit bias training in Chicago.

Member Sierra stated that last year speakers to the Subcommittee benefited their understanding of topics. Next year, speakers could present at a Board meeting to help the Board understand the effectiveness of training.

Co-Chair Kulkarni stated she and Co-Chair Villeda are participating in the POST workshops. She said effectiveness could be measured by fewer racially motivated stops and if the trainings covered topics that RIPA covered.

Co-Chair Villeda stated that he measures the course of effectiveness if the data trends downwards.

Member Thuilliez stated that the data may not be true data, as officers and deputies may stop proactive policing, which would be a disservice to the neighborhoods. He stated that an officer that undergoes training may be rotated through different units and not have the same contact with the community as they previously did. Member Thuilliez has concerns that trending downwards does not mean LEAs are doing a job well.

Member Randolph stated that credibility is pertinent for RIPA. He invited the Subcommittee and DOJ to go on a ride-along. He states that the Subcommittee are not experts. Furthermore, he expresses a concern to cite agencies and trainings conducted in states other than California. He states Chicago is not analogous to California.

DAG Elliott stated that trending downwards is one example of an effect of how communities perceive racial and identity profiling in their field. She states that there was a study done of implicit bias training and their effects on the Chicago Police Department, but it is not a comparison of their crime rates. Lastly, she put in the chat a resource from the National Conference of State Legislators to compare trainings between states: Microsoft Power BI. She states that the details to measure effectiveness of courses should be left to experts.

Member Kulkarni stated that there are commonsense ways to measure course effectiveness. She gives an example that if people training to bake a cake made from spaghetti, clearly the training is ineffective. Therefore, there are ways non-experts can perceive effectiveness. She states that addressing crime and not engaging in racially motivated stops are not mutually exclusive.

Co-Chair Villeda stated that the resource from the National Conference of State Legislators is a good tool to see what other states are doing in terms of course trainings: Microsoft Power BI.

5. BOARD DISCUSSION OF RACIAL AND IDENTITY PROFILING GUIDELINES DEVELOPMENT

Co-Chair Villeda re-stated that the second POST workshop will be held in Sacramento on October 8-9, 2024. He, Member Kulkarni, Member Kennedy, and Member Hawkins plan to attend.

6. BREAK

In the interest of time, the Subcommittee skipped the break and moved to the next agenda item.

7. DISCUSSION OF POST SECTION OF THE DRAFT 2025 REPORT

DAG Elliott went over the POST section of the Draft 2025 Report. She stated that the DOJ is waiting to fully incorporate Board member comments until after the second POST workshop.

Member Sierra stated that in the first part of the chapter regarding trainings versus guidelines from POST would benefit from concrete examples of policies. She is uncertain of what a guideline being discretionary vs. mandatory means.

Furthermore, the second part of the chapter regarding recommendations from researchers with policies from agencies that reinforce the trainings would benefit from what policies they may be.

DAG Elliott stated that they are still waiting to hear back from POST and hope that after the second workshop POST can clarify what discretionary vs. mandatory guidelines mean.

Co-Chair Villeda asked what the deadline would be to submit edits for the draft.

DAG Elliott stated the Board is voting on the Report draft on the next Full Board Meeting on October 16, 2024. Therefore, edits would be welcomed by the end of September.

DAG Elliott discussed the recommendations for POST on the POST section of the Draft 2025 Report.

A. Recommendations to the Legislature

(1) Expand the POST Commission to add additional public members that include members from the public and non-sworn community, including victims and impacted communities, health and mental health professionals who serve vulnerable communities, and experts in adult education and scientific research.

Member Thuilliez expressed concern that if POST becomes a split between community members and policing, then it becomes unclear who law enforcement officers are receiving advice from. He expressed that "victim" should be clarified and would not be a resource to him as a police chief.

Member Randolph expressed concern that the DOJ is using RIPA to move police positions outside of the POST Commission. He stated that the POST Commission is currently balanced. Member Randolph stated the Assembly is a resource and disagrees with this recommendation.

Member Sierra asked how long-ago SB 399 – which expanded the POST Commission to 18 members – was. Did it predate the Little Hoover Commission's review?

DAG Micklethwaite stated that the recommendations were based on the Little Hoover Commission's recommendations, but also other state agencies and boards. For example, the medical board has a majority of public members. This recommendation would not remove law enforcement positions but would gain community member perspectives.

DAG Elliott stated SB 399 was enacted in 2019.

Member Sierra asked if this recommendation would not alter the proportion but rather add new seats.

DAG Elliott confirmed.

Member Sierra asked if recommendations in prior reports were reiterating this if stated in this year's report as well.

DAG Elliott confirmed.

Member Kulkarni asked about the ratio of community members on the medical board.

DAG Micklethwaite stated she could dig up prior research and provide it to the Board.

Member Kulkarni stated that it would be a helpful, as it is a recommendation and not a mandate. Since it is a medical board, it could be analogous to RIPA. Doctors, like officers, have training that community members do not possess.

Member Kulkarni stated the medical board of California has fifteen members, eight who are physicians and seven who are members of the public.

Member Greene asked if there were brief trainings for community members appointed to the medical board or the POST Commission.

Meagan Poulos of POST responded that there are briefings for newly appointed members of the POST Commission, but they are procedural in nature and not law enforcement related; it is commission regulations.

> (2) Require LEAs adopt a policy to prohibit racial and identity profiling that includes accountability and consequences of non-compliance based on the POST guidelines (ex. SB 2).

Member Thuilliez stated that SB 2 is in place and the Legislature can expand SB 2. He stated another reporting system is not necessary.

Member Sierra asked if law enforcement agencies are already required to have a racial and identity profiling policies.

DAG Elliott said no. She stated that this recommendation is to have the accountability and consequences be clarified in the agencies.

Member Sierra stated that her understanding was that SB 2 required law enforcement agencies to report biased and serious wrongdoing complaints within ten days, therefore this would be a policy to restates the law. She stated this would not be new but would be providing information to their officers about the law.

DAG Elliott confirmed.

> (3) Require more frequent, evaluated and evidence-based training on racial and identity profiling than once every five years.

Member Thuilliez agreed that three years is agreeable, however if it is more than three years, then it should be conducted online. He stated that it is not ideal for an officer to lose more days in the field doing training.

Member Randolph stated that if the state pays for more police trainings, then he agrees with it.

Member Greene stated that a training more than three years would be difficult. Three years is a sweet spot for him.

> (4) Require law enforcement supervisors and field training officers receive specialized training on eliminating racial and identity profiling within their departments.

(5) Require POST and MOT courses on racial and identity profiling to be updated annually with the latest RIPA Data, current events, and community input.

Member Kulkarni stated that last year there were parts of the MOT training that were outdated for many years. She asked if this was correct and the justification for this recommendation.

DAG Elliott confirmed.

(6) Require POST and MOT courses on racial and identity profiling be revised to include ways to prevent behavior that could lead to officer decertification for serious misconduct under SB 2.

(7) Amend the law to increase funding and allow for a more diverse group of stakeholders, beyond the MOT, to present additional options of the racial and identity profiling training to law enforcement officers.

(8) Require body-worn camera footage or highly publicized incidents be used in the racial and identity profiling training in lieu of, or in addition to, staged scenarios.

(9) Fund an independent a study, under the guidance of the RIPA Board and conducted by academic researchers, that assesses the actual effects of POST's training on officers' attitudes, prejudices, and enforcement outcomes.

(10) Require POST to report annually on specific training outcome and performance measures. POST should consider looking at implicit bias metrics before and after the trainings to measure its effect.

Member Sierra asked if funding is more needed for recommendation ten than recommendation nine. She asked if research is for funding and measures or activities. If it is the later, then it needs funding. Furthermore, if recommendation nine is recommended, then recommendation ten may be premature.

Co-Chair Villeda stated that he liked the recommendations but especially recommendations one, seven, eight, nine, and ten. He liked recommendation one because of its community involvement. He stated recommendation nine was his favorite.

B. Recommendations to POST

(1) Evaluate the academic research underpinning trainings during its course certification process.

(2) Revise the process for evaluating law enforcement training, in course certification and its quality assessment plans, to include additional course criteria that incorporates training outcomes based on officer actions and behavior in the field.

Member Greene asked if there was a timeline between training and actions and behavior in the field. He asked if it was for certain events or officers, or for more background.

DAG Elliott says specifics would depend on the subject matter. She stated it was originally a recommendation tied to the Little Hoover Commission and could look up the specifics and provide it to the Subcommittee later.

Member Greene says there could be great training, but training could go out of the window. He says he would not want good training to be abandoned because of a bad officer or bad training to stick because of a good officer.

DAG Elliott stated that this comes from an idea that between two to three months after training, a survey is sent to officers about how helpful and useful they were in the field, and whether the tools were applied correctly. The idea is to have a feedback loop so there is more measurement and review.

(3) Evaluate LD 3 and LD 42 in the Regular Basic Course comprehensive module tests.

8. PUBLIC COMMENT

Richard Hylton from San Diego said the RIPA data has been unvalidated; he has validated the data himself and it is invalid. The data almost never is validated. It is so removed from reality that it is useless. The DOJ fakes requests for data. He says that multiracial is in no instance can any arrest record be matched against RIPA data where multiracial is concerned. He states that in most instances what is seen is inflated.

Michele Wittig from the Santa Monica Coalition for Police Reform stated that the recent votes of the commission are split. Those recommendations then have a difficult time being accepted by the POST Commission or the Legislature. There are words that are barriers to consensus. Racism is an influence from the data. Reports need to be clear about racial disparities and an inference of racism. Furthermore, the term racial profiling, which includes pretext stops and investigatory stops, have different connotations for different people. Law enforcement officers view it as proactive and beneficial to society. Racial justice advocates, on the other hand, view it as unfair, discriminatory, harmful, and alienating. Racial profiling means different things not only how it is measured but what is interpreted after it is measured. She advises to be mindful of connotations of words to move forward from split votes.

9. DISCUSSION AND VOTE ON POLICY RECOMMENDATIONS

The Subcommittee moved to move the recommendations forward to the Full Board

A. Recommendations to the Legislature
(1) Expand the POST Commission to add additional public members that include members from the public and non-sworn community, including victims and impacted communities, health and mental health professionals who serve vulnerable communities, and experts in adult education and scientific research.

Member Kulkarni moved to amend the language of recommendation one: "Expand the POST Commission to add additional public members – 33% would be members of the public - that include members from the public and non-sworn community, including victims and impacted communities, health and mental health professionals who serve vulnerable communities, and experts in adult education and scientific research."

Member Sierra asked Member Kulkarni if she meant "members of the public" or "non-law enforcement professionals."

Member Kulkarni moved to amend the language of recommendation one: "Expand the POST Commission to add additional public members – 33% would be non-law enforcement members - that include members from the public and non-sworn community, including victims and impacted communities, health and mental health professionals who serve vulnerable communities, and experts in adult education and scientific research."

Member Sierra seconded to move the amended recommendation to the Full Board.

Member Thuilliez stated that he is still unclear about the term "victim." He also asked to clarify "impacted communities."

Member Thuilliez amended to have the DOJ workshop and clarify impacted community and victims.

Member Kulkarni seconded.

The Subcommittee moved to advance recommendation one as amended – "Expand the POST Commission to add additional public members – 33% would be non-law enforcement members - that include members from the public and non-sworn community, including victims and impacted communities, health and mental health professionals who serve vulnerable communities, and experts in adult education and scientific research." – with the DOJ workshopping and clarifying impacted community and victims. DAG Micklethwaite assisted with the roll call vote:

- **AYE**: Member Sierra, Member Greene, Member Hawkins, Member Kulkarni, Co-Chair Villeda
- **NAY:** Member Randolph, Member Thuilliez
- **ABSTAIN:**

With five Ayes and two Nays, the motion passed as amended.

(2) Require LEAs adopt a policy to prohibit racial and identity profiling that includes accountability and consequences of non-compliance based on the POST guidelines (ex. SB 2).

Member Greene moved to advance the recommendation to the Full Board; Member Kulkarni seconded. DAG Micklethwaite assisted with the roll call vote:

- **AYE:** Member Sierra, Member Greene, Member Hawkins, Member Kulkarni, Co-Chair Villeda
- **NAY:** Member Randolph, Member Thuilliez
- **ABSTAIN:**

With five Ayes and two Nays, the motion passed.

(3) Require more frequent, evaluated and evidence-based training on racial and identity profiling than once every five years.

Member Kulkarni moved to amend the language of recommendation three: "Require more frequent, evaluated and evidence-based training on racial and identity profiling more than once every five years, a minimum of every three years."

Member Randolph seconded. DAG Micklethwaite assisted with the roll call vote:

- **AYE:** Member Sierra, Member Greene, Member Hawkins, Member Kulkarni, Co-Chair Villeda, Member Randolph, Member Thuilliez
- **NAY:**
- **ABSTAIN:**

With seven Ayes, the motion passed as amended.

(4) Require law enforcement supervisors and field training officers receive specialized training on eliminating racial and identity profiling within their departments.

Member Kulkarni moved to advance the recommendation to the Full Board; Member Sierra seconded. DAG Micklethwaite assisted with the roll call vote:

- **AYE**: Member Sierra, Member Greene, Member Hawkins, Member Kulkarni, Co-Chair Villeda
- **NAY:** Member Randolph, Member Thuilliez
- **ABSTAIN:**

With five Ayes and two Nays, the motion passed.

(5) Require POST and MOT courses on racial and identity profiling to be updated annually with the latest RIPA Data, current events, and community input.

Co-Chair Villeda moved to advance the recommendation to the Full Board.

Member Greene amended the recommendation: "Require POST and MOT courses on racial and identity profiling to be updated every two years with the latest RIPA Data, current events, and community input."

Member Thuilliez stated that "current events" is a broad term.

Member Kulkarni seconded the amended motion.

DAG Elliott stated "current events" reflects statutory language of attorney requirements, based on board member feedback. Current events are with respect to police community relations.

Member Sierra amended the recommendation: "Require POST and MOT courses on racial and identity profiling to be updated every two years with the latest RIPA Data, current legislation, and community input."

Member Greene seconded. DAG Micklethwaite assisted with the roll call vote:

- **AYE**: Member Sierra, Member Greene, Member Hawkins, Member Kulkarni, Co-Chair Villeda

- **NAY:** Member Randolph, Member Thuilliez
- **ABSTAIN:**

With five Ayes and two Nays, the motion passed as amended.

(6) Require POST and MOT courses on racial and identity profiling be revised to include ways to prevent behavior that could lead to officer decertification for serious misconduct under SB 2.

Member Kulkarni moved to advance the recommendation to the Full Board; Co-Chair Villeda seconded. DAG Micklethwaite assisted with the roll call vote:

- **AYE**: Member Sierra, Member Hawkins, Member Kulkarni, Co-Chair Villeda
- **NAY:** Member Greene, Member Randolph, Member Thuilliez
- **ABSTAIN:**

With four Ayes and three Nays, the motion passed.

(7) Amend the law to increase funding and allow for a more diverse group of stakeholders, beyond the MOT, to present additional options of the racial and identity profiling training to law enforcement officers.

Member Kulkarni moved to advance the recommendation to the Full Board.

Member Thuilliez asked to clarify "more diverse group of stakeholders."

Member Kulkarni stated that currently MOT is the only organization allowed to provide this training, so the effort is to open it up to other entities or organization that may also be experts.

DAG Elliott confirmed and stated diversity means more than one.

Member Thuilliez amended the recommendation: "Amend the law to increase funding and allow additional groups of experts, certified trainers, beyond the MOT, to present additional options of the racial and identity profiling training to law enforcement officers."

Member Kulkarni amended the recommendation: "Amend the law to increase funding and allow additional stakeholders, beyond the MOT, to present additional options of the racial and identity profiling training to law enforcement officers."

Member Thuilliez moved to advance the recommendation to the Full Board as amended; Co-Chair Sierra seconded. DAG Micklethwaite assisted with the roll call vote:

- **AYE**: Member Greene, Member Sierra, Member Kulkarni, Co-Chair Villeda, Member Randolph, Member Thuilliez, Member Hawkins
- **NAY:**
- **ABSTAIN:**

With seven Ayes, the motion passed as amended.

(8) Require body-worn camera footage or highly publicized incidents be used in the racial and identity profiling training in lieu of, or in addition to, staged scenarios.

Co-Chair Villeda moved to advance the recommendation to the Full Board; Member Greene seconded.

Member Thuilliez amended the recommendation: "Require body-worn camera footage, when available, or highly publicized incidents be used in the racial and identity profiling training in lieu of, or in addition to, staged scenarios."

Member Randolph seconded as amended. DAG Micklethwaite assisted with the roll call vote:

- **AYE**: Member Sierra, Member Greene, Member Hawkins, Member Kulkarni, Co-Chair Villeda, Member Randolph, Member Thuilliez
- **NAY:**
- **ABSTAIN:**

With seven Ayes, the motion passed as amended.

(9) Fund an independent a study, under the guidance of the RIPA Board and conducted by academic researchers, that assesses the actual effects of POST's training on officers' attitudes, prejudices, and enforcement outcomes.

Co-Chair Villeda moved to advance the recommendation to the Full Board; Member Sierra seconded. DAG Micklethwaite assisted with the roll call vote:

- **AYE**: Member Sierra, Member Greene, Member Hawkins, Member Kulkarni, Co-Chair Villeda
- **NAY:** Member Randolph, Member Thuilliez
- **ABSTAIN:**

With five Ayes and two Nays, the motion passed.

(10)   Require POST to report annually on specific training outcome and performance measures. POST should consider looking at implicit bias metrics before and after the trainings to measure its effect.

Member Sierra expressed that this recommendation should be an alternative if recommendation nine is not carried out.

Member Kulkarni stated that she thought recommendation nine and recommendation ten were two different recommendations.

Member Kulkarni moved to advance the recommendation to the Full Board.

Member Sierra amended the recommendation: "Provide funding to require POST to report annually on specific training outcome and performance measures. POST should consider looking at implicit bias metrics before and after the trainings to measure its effect."

Member Kulkarni seconded as amended. DAG Micklethwaite assisted with the roll call vote:

- **AYE**: Member Sierra, Member Kulkarni, Co-Chair Villeda, Member Hawkins
- **NAY:** Member Greene, Member Randolph, Member Thuilliez
- **ABSTAIN:**

With four Ayes and three Nays, the motion passed as amended.

B. Recommendations to POST

(1) Evaluate the academic research underpinning trainings during its course certification process.

(2) Revise the process for evaluating law enforcement training, in course certification and its quality assessment plans, to include additional course criteria that incorporates training outcomes based on officer actions and behavior in the field.

(3) Evaluate LD 3 and LD 42 in the Regular Basic Course comprehensive module tests.

Member Kulkarni moved to advance recommendations one through three to the Full Board; Co-Chair Villeda seconded. DAG Micklethwaite assisted with the roll call vote:

- **AYE**: Member Sierra, Member Greene, Member Hawkins, Member Kulkarni, Co-Chair Villeda
- **NAY:** Member Randolph, Member Thuilliez
- **ABSTAIN:**

With five Ayes and two Nays, the motion passed as amended.

10. NEXT STEPS AND VOTING ON ANY SUBCOMMITTEE ACTIONS

Co-Chair Villeda asked the subcommittee for comments. Hearing none, Co-Chair Villeda moved to the next agenda item.

11. ADJOURN

Co-Chair Villeda thanked the Subcommittee and ended the meeting.