

# CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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

## MEETING MINUTES

**October 16, 2024, 1:08 p.m. – 5:00 p.m.**

**Board Members Present:** Co-Chair Sierra, Member Thuilliez, Member Kulkarni, Member Randolph, Member Dobard, Member Smith, Member Khadjavi, Member Bianco, Member Qazi, Co-Chair Guerrero, Member Greene, Member Criner, Member Diallo, Member Hawkins, Member Kennedy, Member Vang

**Board Members Absent:** Member Villeda, Member Armaline

### 1. CALL TO ORDER BY BOARD CO-CHAIRS

Co-Chair Sierra called the meeting to order at 1:08 p.m.

### 2. WELCOME AND INTRODUCTION OF NEW BOARD MEMBER

Co-Chair Sierra introduced new Board Member Souley Diallo. Member Diallo thanked Co-Chair Sierra for the introduction and expressed honor and excitement to work on the board.

Each RIPA Board Member (Board) introduced themselves.

### 3. APPROVAL OF JUNE 24, 2024, FULL BOARD MEETING MINUTES

Co-Chair Sierra opened asking the members to review the draft meeting minutes from the June 24, 2024, Full Board Meeting. Co-Chair Guerrero entertained a motion to approve the minutes and Member Khadjavi seconded.

- **AYE:** Member Bianco, Member Criner, Member Dobard, Co-Chair Guerrero, Member Hawkins, Member Khadjavi, Member Kulkarni, Member Qazi, Member Randolph, Co-Chair Sierra, Member Smith, Member Thuilliez
- **NAY:**
- **ABSTAIN:** Member Diallo

With twelve Ayes and one Abstain, the meeting minutes were approved as presented.

### 4. UPDATE BY THE DEPARTMENT OF JUSTICE

California Department of Justice (DOJ) Deputy Attorney General (DAG) Doreathea Johnson presented on how to handle motions in accordance with Robert's Rules.

A motion can only be made when there are no other pending motions. A Board member other than the chair of the meeting needs to be recognized by the Chair to make a motion.

There are steps that must be taken when making a motion: (1) the member who made the motion is entitled to speak first, (2) every member has the right to speak, (3) discussion continues until all members agree (consensus) or a member "calls for the previous question", (4) the chair determines the readiness to vote.

A subsidiary motion to amend is a motion made by a member during a debate or discussion to change what the main motion states. The member asks for recognition in making this motion and moves to add/delete/substitute the wording in the primary motion. The chair must ask for a second to that amendment and they must provide for discussion on that amendment. Discussion continues with respect to that amendment until all members agree to end the debate (consensus) or a member calls for the previous question. If that is done, then the vote is taken on the amendment. After the vote is taken on the amendment, if the amendment passes, it is included on the main motion, and the Chair goes back to the main motion, and they discuss the motion as amended. There may not be any discussion at that point. If there is no discussion, the chair will ask again if there is any further discussion and if they are ready for a vote. If by consensus no one answers for further questions, the chair can proceed to the vote and the chair can proceed to the main motion previously by asking the staff to call the roll to ascertain the vote.

At that point, there will be a motion on the floor that is amended, and the vote will be taken on the main motion, which will resolve the issue regarding that motion. The main motion remains in its modified form and is pending until it is dealt with.

If the motion to amend is rejected, then the pending motion on the floor will remain there as it is worded as it was before the amendment was moved. The original motion will be voted on.

It is important to recognize that a member's vote on the amendment does not obligate them to vote in a particular way on the main motion. The member is to vote as they please on the main motion regardless of it being amended.

A motion cannot be amended unless the member who wants to amend has been duly recognized by the chair.

In brief, amendments are treated like a regular motion.

The chair determines the readiness of the motion for a vote. A debate can be ended by consensus and the chair moves for a vote on the motion. If, on the other hand, the discussion has been ongoing and a member on the Board wants to end debate, they can alert the chair and make a motion to move the previous question, which would end discussion. Before ending discussion, the motion to move to the previous discussion must be followed and it must be seconded. This motion is not debatable, meaning there will be no discussion. After the motion to end discussion is seconded, it is directly moved to a roll call vote taken by the staff. Since this is a vote to cut off the rights of members who may want to talk, a supermajority (two-thirds vote of the body) is required to pass the motion. Once the chair has called for the vote, and the vote is given, the chair will announce the vote and whether it has been passed. If two-thirds of the body have voted affirmatively to end the debate, the chair returns to the main motion and continues to vote on that motion. If two-thirds of the body have failed to vote affirmatively to end the debate, the Board will continue to discussion. The chair will continue to ask to end discussion until there is consensus or a member calls the previous question.

Member Thuilliez asked if the two-thirds requirement meant two-thirds of the Board or two-thirds of the quorum.

DAG Johnson answered it would be two-thirds of those who are present and voting.

There needs to be a quorum to start the meeting, which is set by statute and is either a majority or set by Robert's Rules (a majority of the members appointed to the Board). If voting on a matter does not require a two-thirds supermajority, a majority is required. It is important the person calling the vote calls the member's name and the repeats the member's vote. A member not voting is reported as an abstention or not voting. At the end of the vote, the person will announce the number of votes. The chair will announce if there is a quorum present and the outcome of the vote. Once the chair announces the outcome of the vote, the chair will move to the next agenda item.

Co-Chair Sierra asked that if a debate is ended by consensus, whether the chair must call for a vote on ending the debate.

DAG Johnson responded no, because if there is consensus, it means no one objects to ending debate. However, if one person objects, then there needs to be a call of question.

## **5. SUBCOMMITTEE REPORTS**

Each subcommittee reported to the Board on their most recent updates.

### Stop Data Analysis Subcommittee

Member Khadjavi reported that the subcommittee met on September 3, 2024, and they discussed the current RIPA data. The materials shared at the meeting gave the subcommittee an overview on youth and emerging adult stops. The data demonstrated that Black youth experience heavier policing in almost every aspect. There is heavy policing on civilians with disabilities and those identified as transgender. Suggestions on conveying information to the public, de-escalation, and disparate use tactics were made. Recommendations were made for future reports, including a look at how consent search practices have changed – or not – at specific agencies that have discussed making change; to focus on areas for which the Board has made past recommendations (or current ones), possibly with a table summarizing relevant legislation and when the legislation took effect; and to consider data around duration of stop.

Member Smith asked about the statewide data dashboard.

Member Khadjavi stated data is available, but it should be more accessible.

DAG Micklethwaite said the dashboard was taken down due to an issue with the vendor. However, the DOJ will take the suggestions regarding the data dashboard.

### POST Subcommittee

Member Kulkarni said members attended the MOT Training and the Guidelines Workshop at POST headquarters. At the workshop, POST stated the guidelines would not set standards for existing RIPA courses. The committee had three primary concerns:

1. Specific tools and strategies for evidence-based policing should be used instead of tools and strategies that give rise to bias-based policing.

2. Tools for local agencies to gain perspectives of diverse local communities and experts on particular racial and identity cultural police-local relations.
3. Development and dissemination of “guidelines” and trainings should clearly lay out a California’s legal prohibition against profiling. The curriculum and instructions on race are outdated and should be reviewed by academics working in the field of race and ethnic studies.

Additionally, at the workshop POST informed the Board that POST legal staff had yet to review the MOT trainings or the legal standards within those trainings. POST legal staff was not included in the development of course materials unless there was a concern flagged for their review. Given that some of their materials reflect outdated legal standards and guidelines, it is prudent that POST legal staff review legal standards in training before certification as well as any guidelines and materials promulgated with Penal Code section 13519.4 with an intent to give those guidelines and materials the Legislature’s intended effect.

Furthermore, subcommittee members learned that officers do not understand RIPA data is collected and made available in the aggregate. Officers were concerned that they would be individually accountable. They attempted to clarify for officers how data is collected.

#### Policies Subcommittee

Member Dobard stated the subcommittee met on September 12, 2024, where they introduced new Board member Diallo. They discussed the draft of the Policies section of the 2025 Report. Public comment was made, and recommendations were voted on, where they approved four recommendations included in the Policies section of the Draft RIPA Report. He noted the recommendations were approved unanimously.

#### Complaints Subcommittee

Member Criner stated that at the September 5, 2024, subcommittee meeting the subcommittee members reviewed the Civilian and Complaints chapters for the 2025 RIPA draft. The subcommittee voted for recommendations to be forwarded to the Full Board.

### **6. BREAK**

The Board adjourned for a break at 2:01 p.m. and re-established quorum at 2:11 p.m.

### **7. BOARD DISCUSSION OF DRAFT REPORT AND RECOMMENDATIONS**

Co-Chair Guerrero opened the discussion for the 2025 RIPA Report draft. She stated the data informed them that youth perceived to be people of color are more likely to be stopped, searched, and subjected to force.

Reasonable suspicion is associated with proactive policing. Three-quarters of all loitering stops are youth under seventeen perceived to be Black or Latino. Three-quarters of disturbing the peace stops, three-quarters of vandalism stops, and two-thirds of pedestrian road violation stops, and two-thirds of trespassing stops are of people perceived to be Black or Latino. This raises questions of why this profiling is happening and what can be done.

She also raised the concern of use of force, where four out of every ten people perceived to be Black under the age of seventeen are subjected to force.

Member Thuilliez asked Co-Chair Guerrero if it is a good or bad thing if a youth is stopped and not given a citation.

Co-Chair Guerrero stated that their role is not to interpret, but to highlight discrepancies in data.

Member Randolph asked if there was a determination if calls for service were distinguished as call for services or officer initiated. Furthermore, he asked how many of the four out of ten people perceived to be Black under the age of seventeen subjected to force lead to an arrest.

Co-Chair Guerrero stated she was restating the data in the 2025 RIPA Report draft.

Co-Chair Sierra stated that the 2025 RIPA Report draft broke the data down by types of force. She stated the duration of stops was interesting in looking at why some stops took longer than others. Lastly, she stated the data supported the subcommittees' prior recommendations, which were previously discussed. She encouraged the Board to limit discussion on prior recommendations as to avoid the impression that they are de-prioritized.

Co-Chair Guerrero recommended to the DOJ to order ethnicity in the 2025 RIPA Report draft and readme files that will be published. Likewise, she recommended standard deviations be explained. For example, page 10 could benefit from an explanation on how to read standard deviations.

Co-Chair Sierra stated that a lay person would benefit from real-world examples. She also had a comment that the chapter on POST with respect to guidelines and training appeared to have a lot in flux and unearthed issues. That aspect of the report could be streamlined to focus on the main concerns.

### Stop Data Section

Member Khadjavi had two comments: (1) the introduction was strong and (2) more structure and labeling will make it easier for people to navigate the report.

Co-Chair Guerrero had three suggestions:

1. At the beginning of the section, DOJ should discuss why the age range of youth is defined as one- to twenty-four year and suggested moving the discussion from the Policies Section (page 17) to this section.
2. On page 22, there is a figure that juxtaposes why someone gives consent for duration of stop. It would be helpful for combined information to exist for all agencies and all age-groups and demographics.
3. She stated that the colors of charts should be accessible for people with disabilities. She recommended that DOJ run the report through a disability best practice protocol to ensure charts are readable and accessible.

Member Smith stated that the data visual on page 6 does not adequately reflect the disparities mentioned in the second paragraph. He recommended that the data visual either be replaced with

a different data visual that shows the disparities or be paired with another data visual that demonstrates the disparities.

### Policies Section

Co-Chair Guerrero opened the discussion to the Policies recommendations on page 138. There were no comments by Board members.

### POST Section

#### Recommendations to the Legislature

Member Kulkarni agreed with Co-Chair Sierra's recommendation that the POST section with respect to guidelines and training be shortened to focus on the recommendations and rationale behind them. She also agreed with Member Khadjavi to make the report more structured and user-friendly.

Co-Chair Guerrero recommended that each section end with recommendations.

Co-Chair Guerrero opened the discussion to the POST recommendations on page 175.

Co-Chair Sierra commented on the third recommendation that the phrase "evidence-based training" can be interpreted in several ways. She suggested it to be direct. She theorized the original meaning intended to be a reference to RIPA data.

Member Khadjavi stated she took evidence-based training as training that is grounding in effective methods.

Member Thuilliez stated "evidence-based" was added to narrow down "training" options. Furthermore, he stated RIPA is not evidence-based as it is statistical but has not been tested. He stated evidence-based should be tested and repeated.

Member Kulkarni stated that "evidence-based" was included to be expansive.

DAG Elliott stated "evidence-based" comes from the statute directly. It is consistent with the report's discussion regarding measuring effectiveness of training, which should be informed by sets of data that reflect practices in California in the RIPA data. It is training that it is evaluated and well-researched.

Co-Chair Sierra asked who would provide the training mentioned in the fourth recommendation.

DAG Elliott stated that it is not specific because agencies have discretion to provide more trainings above POST standards. Agencies are more motivated to take POST certified courses because it is accredited and count towards credit in state agencies. It can be POST certified or authored, but the agencies can decide.

Member Bianco stated that all training provided by his law enforcement agency are POST certified.

Co-Chair Sierra stated that the intention of the fifth recommendation was not to update courses every two years but have POST to do a full workup every two years with the community. Her recommendation was to amend the recommendation to have an update with the current RIPA data and current legislative changes every two years.

Member Kulkarni stated it was not their intention that all be updated by appropriateness with new data or changes in new legislation. Even at the workshop, there was a strong interest in community member input.

DAG Elliott stated this was consistent with previous RIPA reports after reviewing POST and MOT courses. RIPA data is not integrated in trainings put on by MOT and certified by POST. This recommendation was to ensure it was included in the course content and not meant to be a full workup but a mandatory required updated information for law enforcement officers that can also be incorporated into the periodic five-year two-hour course that is required. This also addresses the concern with the 20-year gap between updates in the MOT course.

Co-Chair Sierra asked if POST did not update the courses.

DAG Elliott stated that POST states that they update them consistently but there is no requirement or visibility into that process.

Co-Chair Sierra asked if they asked POST about the feasibility to update every two years and why the number was two years.

DAG Elliot said the original recommendation was annual but decided that was too cumbersome and amended it to be two years. POST had not weighed in on the issue of frequency.

Co-Chair Sierra asked if this is something to engage with POST and expressed concern with the feasibility of this.

Member Kulkarni stated their concern was the MOT training materials had not been updated over 20 years. They wanted to have guidelines where the materials were updated, which would benefit POST and MOT. They felt every two years was not a burdensome requirement.

Member Randolph agreed that the MOT curriculum was outdated. He stated members of the Board have failed to sit in on the curriculum development in academies. He stated the Board would be more credible if they went and observed the academy trainings themselves.

Member Smith stated the scope of RIPA data is extremely large. Since there is a large amount of RIPA data, he thinks it is better to put broad strokes on which data they are talking about to make it more manageable. If they are not ready to offer that suggestion, then it should be in consultation with DOJ, so that it is not open-ended.

Member Qazi stated that she has participated in the Riverside County Sheriff's Department anti-bias training. She stated having reports updated is extremely important. She said community input should be maintained. Likewise, the Legislature would do their own research and communication with POST; therefore, as far with the Board's own role, she believed that this recommendation was adequate.

DAG Elliott stated that the intention of the recommendation was for the Legislature to have this conversation with POST and MOT.

Co-Chair Guerrero recommended that the recommendation be amended to state: “We recommend that the Legislature explore requiring...” to emphasize the Legislature’s role.

Co-Chair Sierra agreed and added that funding could also be included.

Member Khadjavi recommended the recommendation change “RIPA Data” to “RIPA findings.”

Member Qazi stated on page 166 that this recommendation is clear that it is made to the Legislature.

Co-Chair Guerrero asked if Member Qazi suggest they change “We recommend that the Legislature explore requiring” to “Explore requiring...”

Member Qazi agreed.

Co-Chair Sierra recommended that the phrase “in lieu of” in Recommendation Eight be removed.

Co-Chair Sierra recommended that the word “academic” in Recommendation Nine be removed.

Member Thuilliez asked for an example of a non-academic researcher.

Co-Chair Sierra said that there could be subject matter experts or training experts not associated with an academic institution.

Co-Chair Guerrero suggested they leave in “academic” but add in “subject matter experts.” She gave an example of the Police Executive Research Firm (PERF), which are subject matter experts but not affiliated with an academic institution.

Co-Chair Sierra agreed.

Member Thuilliez agreed.

Member Kulkarni stated that subject matter experts are not subject to requirements held and followed by academic researchers. This loses the standardization required when academic researchers provide their evidence. The POST Subcommittee believed that “academic” is pertinent.

Co-Chair Guerrero stated that subject matter experts such as PERF are rigorous institutions but not academic.

Member Kulkarni stated she would like to see a qualifying word as she has seen subject matter researchers that are not as rigorous as researchers.

Co-Chair Sierra stated that her assumption would be the Board would select the authors of the study. She recommended to add “identified by the RIPA Board” in the recommendation.



Member Thuilliez said that a qualifier needs to be added to subject matter experts, such as court-recognized or identified by POST.

Co-Chair Guerrero recommended to amend the recommendation to add “and other recognized subject matter experts identified by the RIPA Board.”

Member Thuilliez stated “identified by the RIPA Board” was not suitable for him as members of the Board are not technical experts themselves.

Co-Chair Guerrero suggested that “identified by the RIPA Board” be removed from the recommendation.

Member Kulkarni expressed reservations with “and other recognized subject matter experts” as not every subject matter expert can conduct an independent peer-reviewed study.

Member Qazi agreed with Member Kulkarni’s concerns. She stated there is a cottage industry of experts who have harmed the Muslim-American community. She stated this is re-inventing the wheel that has not worked before and that there are enough academic researchers to conduct the study.

Co-Chair Sierra recommended that “and other recognized subject matter experts” be removed from the ninth recommendation.

#### Recommendations to POST

Co-Chair Guerrero recommended that “LD 3 and LD 42” in recommendation three be spelled out for the public.

#### Complaints

##### Recommendations regarding Youth

Co-Chair Sierra recommended that the first recommendation be amended to “by youth disaggregated by or on behalf of youth who are 17 and younger” instead of “by youth disaggregated by youth who are 17.” Likewise, the last sentence should be amended to “This reporting requirement would include complaints filed by a third party” instead of “This reporting requirement would include complaints filed by a third party on behalf of someone 24 or younger.”

Member Smith asked why the person could not provide their age instead of needing a drop-down category in Recommendation Two.

DAG Gibson stated that this assists in the collection of the data. Currently, law enforcement agencies need to report complaint data. This recommendation would allow them to report data for age groups. It is not about backtracking data but making it more easily evaluated.

Member Randolph asked if this would require the 400 law enforcement agencies to modify their data collection, while the DOJ has not modified their own data collection in terms of arrests.

DAG Gibson stated complaint data currently has a box for racial profiling, therefore a drop-down box for youth would not be substantially more difficult. However, this would allow easier tracking of complaints by youth.

Member Randolph stated he has been persistent about understanding if there was a use of force, how did that use of force happen, and whether there an arrest. He has pitched for that data to be collected.

DAG Gibson stated that at one of the subcommittee meetings there was a graph that included what occurred during a stop; this is also included in the 2025 RIPA Draft Report.

Member Smith asked again if it would be more helpful for the age to be included instead of the categories.

DAG Gibson asked Member Smith if he wanted to amend the second recommendation.

Member Smith agreed to add “the age of the complainant and” to the recommendation.

Co-Chair Sierra asked if law enforcement agencies are already required to accept complaints by minors.

Member Bianco stated that it is a requirement for his agency to accept all complaints, including anonymous complaints. They also do not turn away complaints.

Member Smith stated that a parent may fill out a complaint form, so the relevant age is the complainant age.

Member Bianco stated, regarding the Fourth Recommendation, that the totality is taken into consideration when deciding if something warrants decertification. The factors considered include time of day, location, officer, etc. If it is just the complainant’s age, then height and weight should also be included as they are other external factors. The height and weight as a factor should be not included.

Co-Chair Guerrero stated that she does not interpret age to be mutually exclusive to totality but suggested that the recommendation be amended to emphasize totality. She amended to include: “as part of the totality of the circumstances.”

Member Kulkarni stated that adultification of youth exists in disproportionate of stops in Latin American and Black youth. She suggested to add language to give credence to adultification or stick to the current language now.

Co-Chair Guerrero stated totality of circumstances would still stand, if written or not.

Member Thuilliez stated the law is clear about accepting complaints and reporting misconduct on behalf of officers.

Co-Chair Guerrero said consideration of complainant’s age would occur if the complainant submitted a complaint.

Member Thuilliez stated that the recommendation of the complainant's age would be used as a factor in determining serious misconduct. He expressed disapproval with the recommendation as determining serious misconduct should be based on officer conduct. He said that officers may not be aware of age during incidents.

Member Bianco said that a person's age should not come into play when determining decertification of an officer. Their age is not relevant, as the only relevant factor is officer conduct. He asked that they determine if the officer did something wrong and if that warranted decertification. The actions of the time, event at the time, and other factors are also relevant. He expressed concern with unintended consequences. He stated the word age would be zoomed in on and scrutinized too closely.

Co-Chair Sierra stated that she interpreted that there are different perceptions on youth and that age would be considered but not the only factor considered. In some circumstances, age may not be relevant but in other circumstances age may be relevant. Age is considered but may not always result in a different outcome.

Member Qazi asked DOJ whether there was a specific modification in the Penal Code the recommendation would include age.

DAG Gibson replied that it would apply to all the grounds of decertification in that chapter and not any specific ground.

Member Qazi asked if it would apply to Subsection B.

DAG Gibson confirmed.

Co-Chair Guerrero stated there may be concerns about recommendation five given the concerns about recommendation four.

Member Thuilliez re-stated his concerns about recommendation four for recommendation five.

#### Renewed Recommendations

In the interest of time, Co-Chair Guerrero skipped reviewing the renewed recommendations.

#### Accountability/SB2

Co-Chair Sierra stated that recommendation two be amended to "The Board recommends POST work with the RIPA Board to identify how SB2 and POST's decertification process can be strengthened, including the recommendations to the Legislature" instead of "The Board recommends that the Legislature consult with POST."

Member Thuilliez stated that SB2 may be out of RIPA's purview. He believes the Board should stick to stop data.

Co-Chair Guerrero said POST has been a subject matter of RIPA since its inception.

Member Randolph agreed with Member Thuilliez. He said SB 2 has been voted into law and said this was an overreach.

Member Qazi asked if the Policies decertification recommendations could be moved to this section.

Co-Chair Guerrero stated since they were different sections of the Report, they needed to be separated. Similarly, the Board made multiple recommendations to DOJ to shorten and clarify the document.

Member Qazi stated that it would be better to combine the recommendations regarding decertification if possible.

Member Randolph stated that regarding recommendation three, an Executive Director can already suspend an officer. Furthermore, he stated that administrative leave is a mechanism for an officer who may cause immediate harm.

DAG Gibson stated the concern with the section is the ability to continue a temporary suspension. An example is an Executive Director issues a temporary suspension but for the duration of the suspension the officer would continue to present a danger to the public. The recommendation would allow the director to extend the temporary suspension while POST continued its investigation even if the technical grounds for the person to not be subject to an immediate temporary suspension no longer exists. It would be solely based on the Executive Director's judgement of the circumstances of the officer to provide an immediate danger.

Co-Chair Guerrero stated that in the interest of time, she recommended they pause on Accountability and proceed to public comment and voting.

#### **4. PUBLIC COMMENT**

Karen Glover, Associate Professor of Sociology, Criminology, and Justice Studies at California State University, San Marcos, stated that the RIPA data has integrity. There is numerous research on police practices, and it aligns with the RIPA data patterns. One of the methods scientists check validity is by doing cross-checks, which is finding other datasets and discerning what they created are in alignment with previous studies. This is the case with the RIPA data.

Richard Hylton from San Diego said that the discussions are out of left field. He said time should be spent to educate on the richness of the data already present and that there is enough data to do any analysis needed. However, he stated the data does not have integrity. There are no places for mixed-race people to exist and he does not see, except for Sacramento, a person cited or arrested as mixed race.

Hylton further references an Axios article that suggested that disparities are going down ([Racial disparities in San Diego police stops are declining by Andrew Keatts; September 20, 2024](#)). He believes is a mischaracterization. Hylton stated disparities are going up and disagrees that data is available, and that the DOJ has refused his multiple requests to see the data. This is above and beyond improper behavior that goes against the Attorney General's instructions to give what is obliged.

Dr. Gina Warren of Neighborhood Wellness Foundation stated that Neighborhood Wellness Foundation is a community-based organization that has done the work to improve training. She

has worked from the ground to the executive level. They have a relationship with law enforcement. She stated that to make changes, you must hear from those who have lived the experiences. Evidence based is not always best practices and best practices is not always evidence based. The endpoint is to improve interaction between the community and law enforcement and that cannot be done without understanding experiences and being innovative. Until they include community-based organizations, they cannot build relationships and have delivery of service.

Michele Wittig from the Santa Monica Coalition for Police Reform stated that academic work can be insufficient. Evidence-based training that was done in a lab does not always translate to law enforcement officers working on the job. This is not a reason to jettison training but to curtail expectations of it. Jack Glaser's research to curtail officer discretion sounds good but is a non-starter with most officer organizations. A better idea is responsible and justified discretion. This should be defined by dialogue by all the stakeholders. Wittig also referenced Jennifer Eberhardt's work with the Oakland Police Department. Eberhardt brings a cultural and institutional lens, which should be considered as a supplement to applying an individual officer lens. This is to supplement and complement, not replace it. Eberhardt's lens expands the boundaries of what needs to be fixed and who is responsible for fixing it.

## **5. BREAK**

In the interest of time, the Board skipped the Break and moved onto the next agenda item.

## **6. CONTINUED BOARD DISCUSSION OF DRAFT REPORT AND VOTE ON RECOMMENDATIONS TO BE INCLUDED IN THE REPORT**

Member Khadjavi motioned to adopt the first recommendation of the Policies recommendations:

1. The Legislature should convene a panel of experts to recommend standards, policies, and training for officers as it relates to the disparities and research set forth in the 2025 RIPA report with respect to youth, with a focus on use of force, de-escalation, and child development. Members of the panel should include, at a minimum, affected community members, experts in the development of use of force policies and trainings, child development experts, law enforcement experts, and human rights experts.

Co-Chair Sierra seconded. Co-Chair Guerrero called for a discussion. Hearing none, DAG Micklethwaite assisted the roll call vote.

- **AYE:** Member Bianco, Member Diallo, Co-Chair Guerrero, Member Kennedy, Member Khadjavi, Member Kulkarni, Member Qazi, Member Randolph, Co-Chair Sierra, Member Smith, Member Thuilliez, Member Vang
- **NAY:**
- **ABSTAIN:** Member Hawkins

With twelve Ayes and one Abstain, the motion passed as presented.

Member Diallo motioned to adopt the second recommendation of the Policies recommendations:

2. The Legislature should review the efficacy of existing deflection and diversion programs and explore the expansion to universal deflection or diversion for youth accused of a status offense, misdemeanor, or other low-level offense with a rebuttable presumption of eligibility that can be overcome with evidence-based considerations.

Co-Chair Sierra seconded. Co-Chair Guerrero called for a discussion.

Member Khadjavi asked if it was possible to bundle the motions and vote on them concurrently.

Member Bianco asked if it was likewise possible to vote on motions concurrently in the interest of time.

Co-Chair Guerrero stated that since a motion was already in progress, they should conclude this motion and implement this in the next motion.

DAG Micklethwaite assisted the roll call vote.

- **AYE:** Member Bianco, Member Diallo, Co-Chair Guerrero, Member Kennedy, Member Khadjavi, Member Kulkarni, Member Qazi, Member Randolph, Co-Chair Sierra, Member Smith, Member Thuilliez, Member Vang
- **NAY:**
- **ABSTAIN:** Member Hawkins

With twelve Ayes and one Abstain, the motion passed as presented.

Member Khadjavi motioned to adopt the third and fourth recommendations of the Policies recommendations:

3. The Legislature, agencies, and municipalities should explore how limiting officer discretion in stops could reduce racial disparities and make specific findings from their study to act on.
4. The Board recommends that law enforcement agencies reevaluate proactive policing practices that have a disparate impact and should collaborate with community-based organizations to find alternatives to increase public safety.

Member Bianco seconded. Co-Chair Guerrero called for a discussion. Hearing none, DAG Micklethwaite assisted the roll call vote:

- **AYE:** Member Bianco, Member Diallo, Co-Chair Guerrero, Member Kennedy, Member Khadjavi, Member Kulkarni, Member Qazi, Co-Chair Sierra, Member Smith, Member Vang
- **NAY:** Member Randolph, Member Thuilliez
- **ABSTAIN:** Member Hawkins

With ten Ayes, two Nays, and one Abstain, the motion passed as presented.

Member Bianco motioned to adopt the recommendations to the Legislature in the POST chapter:

1. Expand the POST Commission to allow for additional public members, requiring a minimum of 33 percent non-law enforcement members. Include members from the public and non-sworn community, health and mental health professionals who serve vulnerable communities, and experts including individuals and communities impacted by profiling, in adult education and scientific research.
2. Require LEAs to adopt a policy to prohibit racial and identity profiling that includes accountability and consequences of non-compliance (e.g. SB 2) based on the POST guidelines.
3. Require more frequent, evaluated and evidence-based training on racial and identity profiling more than once every five years, and at a minimum of every three years.
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 every two years with the latest RIPA Data, current legislation, and community input.
6. Require POST-certified courses on racial and identity profiling to 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 additional stakeholders, beyond the MOT, to present additional options for the racial and identity profiling training to law enforcement officers.
8. Require body-worn camera footage, when available, or highly publicized incidents to be used in the racial and identity profiling training in lieu of, or in addition to, staged scenarios.
9. Fund an independent study, under the guidance of the RIPA Board and conducted by academic researchers, that assesses the efficacy of POST's racial and identity profiling training on officers' attitudes, prejudices, and enforcement outcomes.
10. Provide funding and 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 evaluate its effectiveness.

Co-Chair Sierra asked that since the first recommendation was a prior recommendation, she thought it would not be voted on.

Co-Chair Guerrero amended the motion to adopt the new recommendations to the Legislature in the POST chapter labeled two through ten, described above.

Co-Chair Sierra seconded.

Co-Chair Guerrero called for a discussion. Hearing none, DAG Micklethwaite assisted the roll call vote:

- **AYE:** Member Bianco, Member Diallo, Co-Chair Guerrero, Member Kennedy, Member Khadjavi, Member Kulkarni, Member Qazi, Member Randolph, Co-Chair Sierra, Member Smith, Member Vang
- **NAY:** Member Thuilliez
- **ABSTAIN:** Member Hawkins

With eleven Ayes, one Nay, and one Abstain, the motion passed as amended.

Co-Chair Sierra made a motion to adopt recommendations one to three in the Recommendations to the POST Commission:

- (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 incorporate training outcomes based on officer actions and behavior in the field.
- (3) Formally evaluate LD 3 and LD 42 in the Regular Basic Course comprehensive module tests.

Member Khadjavi asked that if “LD 3” and “LD 4” would be spelled out in recommendation three.

Co-Chair Guerrero asked if this was an acronym that was spelled out somewhere.

Co-Chair Guerrero amended the motion to adopt recommendations one to three in the Recommendations to POST with recommendation three replacing “LD 3” and “LD 4” with “Learning Domain 3” and “Learning Domain 4”:

- (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 incorporate training outcomes based on officer actions and behavior in the field.
- (3) Formally evaluate Learning Domain 3 and Learning Domain 42 in the Regular Basic Course comprehensive module tests.

Member Kulkarni seconded.



Member Thuilliez stated that voting can lead to confusion because the motion was amended without voting. He asked if the vote was to amend the changes to recommendation three or if the vote was to adopt recommendations one to three. He made a motion to vote on recommendations one through three as a slate and give DOJ authority to make any minor words cleanup:

- (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 incorporate training outcomes based on officer actions and behavior in the field.
- (3) Formally evaluate Learning Domain 3 and Learning Domain 42 in the Regular Basic Course comprehensive module tests.

Member Kulkarni seconded. Co-Chair Guerrero called for a discussion. Hearing none, DAG Micklethwaite assisted the roll call vote:

- **AYE:** Member Diallo, Co-Chair Guerrero, Member Kennedy, Member Khadjavi, Member Kulkarni, Member Qazi, Co-Chair Sierra, Member Smith, Member Vang
- **NAY:** Member Bianco, Member Randolph, Member Thuilliez
- **ABSTAIN:** Member Hawkins

With nine Ayes, three Nays, and one Abstain, the motion passed as amended.

## **7. NEXT STEPS AND ACTION ITEMS**

The Board did not have time to discuss this agenda item.

## **8. ADJOURN**

At 5:00 p.m., the Board ran out of time. Co-Chair Guerrero and Co-Chair Sierra thanked all for their attendance and adjourned the meeting.