

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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MEETING MINUTES

November 19, 2024, 12:00 p.m. – 4:00 p.m.

Board Members Present: Co-Chair Angela Sierra, Co-Chair Andrea Guerrero, Member Randolph, Member LaWanda Hawkins, Member Sean Thuilliez, Member Ameena Qazi, Member John Dobard, Member Darren Greene, Member Chad Bianco, Member Brian Kennedy, Member Manjusha Kulkarni, Member Souley Diallo, Member Lily Khadjavi, Member Chauncey Smith, Member DJ Criner, Member William Armaline

Board Members Absent: Member Ronaldo Villeda

1. CALL TO ORDER BY BOARD CO-CHAIRS

Co-Chair Guerrero called the meeting to order.

2. WELCOME AND INTRODUCTIONS

Co-Chair Guerrero welcomed everyone. Every RIPA Board Member (herein Board) introduced themselves.

3. APPROVAL OF OCTOBER 16, 2024, FULL BOARD MEETING MINUTES

Co-Chair Sierra motioned to approve the October 16, 2024, Full Board Meeting Minutes.

Co-Chair Guerrero amended the motion to add the meeting minutes to restate the motions voted on. Co-Chair Sierra seconded the amendment.

Member Khadjavi amended the motion to add in the Stop Data recommendations to the meeting minutes. She recommended to replace the sentence “Recommendations were made for future reports” with “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.” Co-Chair Sierra seconded the amendment.

Member Kulkarni seconded the motion as amended.

Deputy Attorney General (DAG) Kendal Micklethwaite of the California Department of Justice (DOJ) assisted with the roll call vote:

- **AYE:** Member Bianco, Member Armaline, Member Criner, Member Diallo, Member Dobard, Member Greene, Co-Chair Guerrero, Member Hawkins, Member Kennedy, Member Khadjavi, Member Kulkarni, Member Qazi, Member Randolph, Co-Chair Sierra, Member Thuilliez, Member Smith
- **NO:**

- **ABSTAIN:**

With sixteen Ayes, the motion passed as amended.

4. UPDATE BY THE DEPARTMENT OF JUSTICE

DAG Kendal Micklethwaite provided the update from the DOJ. Statutorily mandated tables have been disaggregated by numbers and percentages. this change was made to help researchers and other members of the public who would like to use the data and make it more accessible.

Board members can provide edits to the draft during the meeting or by close of business by the end of the day.

5. BOARD DISCUSSION OF THE 2025 REPORT

Co-Chair Guerrero asked the Board for additional suggestions regarding the Report. Hearing none, Co-Chair Guerrero moved onto a discussion of the RIPA Board Recommendations regarding Civilian Complaints.

They continued their conversation from last Board Meeting on recommendations made for youth complaints.

The original recommendations were presented since the last Board Meeting:

Youth Policy Recommendations

- (1) The Legislature amends Penal Code 13012 to require law enforcement agencies to report the number of civilian complaints reported by youth disaggregated by or on behalf of youth who are 17 and younger and youth who are 18 to 24. This reporting requirement would include complaints filed by a third party.
- (2) Municipalities and law enforcement agencies modify their complaint forms to include the age of the complainant and a drop-down box to record if the complainant is 17 and younger or 18 to 24 years old.
- (3) POST modifies the complaint form used to file complaints under SB 2 to allow the complainant to indicate whether the allegation arises from an incident involving a person 17 and younger or between the ages of 18 and 24.
- (4) The Legislature amends Penal Code section 13510.8 to require consideration of the complainant's age as part of the totality of the circumstances in determining if a peace officer's conduct rises to the level of serious misconduct, warranting decertification.
- (5) The POST Commission amends Regulation 1205 to require consideration of the complainant's age in determining if a peace officer's conduct rises to the level of serious misconduct that warrants decertification.

Co-Chair Sierra referenced that in the last Subcommittee meeting they discussed these recommendations and asked if they would be reflected in the above recommendations.

DAG Jennifer Gibson stated that the edits discussed in the last Full Board Meeting are not included as they were not voted on.

Co-Chair Guerrero stated that it would be better if the Board could bring forward their thoughts on these recommendations as forwarded by the committee.

Member Thuilliez stated that “the Board recommends” is misleading as the law enforcement members of the Board do not support recommendations one through five. He recommends that the language changes to “the split Board recommends” or “a majority of the Board recommends.”

Co-Chair Guerrero stated that the Report would reflect that the recommendations are of a majority, so it does not need to be restated. She stated they needed to understand if Board members had suggestions for improving these recommendations before taking a vote.

Member Thuilliez recommended to table recommendations 1-5.

Co-Chair Guerrero asked Member Thuilliez to expand on his recommendation.

Member Thuilliez stated that anybody that can buy cigarettes or alcohol, or can vote, or can serve their country, are probably not youth. Member Thuilliez stated that these recommendations place undue burden on law enforcement groups to change their forms to state the youth’s age.

Co-Chair Guerrero clarified he was concerned with capturing data on youth under 17 and youth 18-24.

Member Thuilliez stated that it was equivalent to using force on someone over 65 and equating that to elder abuse. He stated that Recommendation 5 [directing POST to amend Regulation 1205 to require consideration of the complainant’s age in determining whether a peace officer has committed serious misconduct] is a very broad stroke, as the Penal Code already differentiates between crimes committed by a peace officer based on the victim’s age.

Member Kulkarni stated that she supports recommendations 1-5 and said it is important to understand that individuals 17 and younger are not adults. It is important to know if there are actions taken and to record that.

Member Bianco said that words have impact and that 18 is the legal definition of an adult. He stated that 18–24-year-olds are not youth and may almost beyond the extent of the Board’s scope.

Co-Chair Guerrero stated that as part of their mandate, they are charged with looking at Civilian Complaints.

Member Randolph stated that when doing a RIPA entry the data is already collected. He expressed concern with placing more tasks and modifications on law enforcement when the data is already being collected. He said that law enforcement agencies would perceive this of RIPA putting more tasks on them.

Co-Chair Guerrero clarified that this is regarding civilian complaints and not stop data. She said that she understood their understanding of this as a burden.

Member Randolph stated that this is not a burden, but about how to shine to the Legislature. He said that the RIPA Board steps into arenas that are beyond the scope.

Co-Chair Guerrero stated that civilian complaints are part of their mandate.

Co-Chair Sierra proposed to amend Recommendation One to add “or on behalf of.”

Co-Chair Guerrero asked for a member of the Civilian Complaints subcommittee to expand on capturing data for 18–24 year-olds.

DAG Gibson stated that the team that looked at this wanted to ensure that transitional youth (aged 18–24) are also captured because the definition of adolescence has expanded to include these individuals as well. She stated that this is based on discussion during the Subcommittee meeting.

Member Armaline stated that it should be clear that transitional youth are young adults. He stated that it in child and adolescent development adolescence lasts longer, but he does not know if that is a strong enough argument to label young adults as youth. At the same time, there is another reason to look at young adults, because this is a transitional age for system-involved youth to have transitional support. He stated that there is value in seeing the extent the young adults are in the system. He stated that he supported being precise about why.

Co-Chair Guerrero stated that she understood Member Armaline’s suggestion as to use the age categories instead of the label of “youth.”

Member Armaline confirmed and stated that it makes sense for research, but he does not know if that is the argument for collecting this data. He reaffirmed being precise about language.

Member Qazi recommended to clarify if they are asking to collect age at the underlying time at incident or at the current age.

Co-Chair Sierra recommended to replace “youth” with “complainants” in Recommendation One.

Co-Chair Guerrero stated that she and Co-Chair Sierra had an opportunity to meet with the POST leadership team about the implementation of SB 2. She stated it was clear to her that POST was in their early stages of implementation. Co-Chairs Guerrero and Sierra had a productive conversation with POST about the work ahead. She wondered if it is too early to make these recommendations when they are still putting together their guidelines and programs. She specified this applies particularly to Recommendation Three, Four, and Five as possibly premature. Given that there was a report on Youth, it seems natural to see reporting information about young adults and youth. She stated that if it is important to them, Recommendations One and Two should be voted by the Board.

Member Thuilliez said that, as to Recommendation Two, they do not have an electronic platform, so they may need to change the language of a drop-down box. He recommended to table one through five.

Co-Chair Sierra stated that recommendations three through five should be tabled if one and two are also tabled. However, she does not feel strongly about tabling recommendations one and two.

Member Kennedy asked that it may not be the complainant's position to fire an officer, but he said that recommendations one and two are valuable. He stated that younger people should be clearly identified and protected as much as possible. He asked if it was okay to leave in one and two.

Member Thuilliez stated complaints need to be taken anonymously. He asked if age is not collected, if age needs to be identified. He stated that he is not in support of Recommendations One and Two as written.

Co-Chair Guerrero stated that the Board could benefit from more thought on these recommendations outside of the meeting, as the recommendations are not written to analyze and address civilian complaints.

Member Smith asked if an anonymous complaint exception could be added to nullify the issue. He recommended to add "if known at the time the complaint is submitted" to recommendation one.

Co-Chair Guerrero recommended to change "if known at the time the complaint is submitted" to "if age is known or volunteered at the time the complaint is submitted."

Member Kennedy stated that age cannot be verified when submitted anonymously. However, he stated that law enforcement agencies should know if they are getting an unusual number of complaints from a specific age group. He asked what the harm is to collect this information.

Co-Chair Sierra stated that some of the data is already collected, however not in the extent that may be helpful.

Co-Chair Guerrero asked help to understand if the current complaint forms ask about age.

DAG Gibson stated that they do not. She stated California Penal Code section 13012 lists information that must be reported to DOJ for complaints: number of complaints received, complaints alleging criminal conduct (felony or misdemeanor), complaints alleging racial or identity profiling. Age is not collected. She stated the value of collecting the data is monitoring information to track the quality of interactions between law enforcement and youth. She stated there is limited data to track the quality of those interactions and this would allow additional data for more precise policy-making decisions.

Co-Chair Guerrero stated that what was listed does not capture demographic data. Therefore, it inserts a demographic capture into a reporting system that is set up as a type of reporting. She stated that it is worth thinking more about.

Member Thuilliez stated that regarding policy recommendations based on RIPA data, they investigate all citizen complaints because it is the law. When they come with findings they respond to them in writing. He stated there is not a problem with collecting data, but he is concerned about turning over aggregate data. He is concerned with a policy to turn over anonymous aggregate data. He stated that 800 police enforcement officers are taken off the streets in California every year due to the collection of RIPA data.

Co-Chair Guerrero made the distinction that it is the complainant who is offering the information, which becomes part of the aggregate reporting.

Member Qazi asked if they could make a recommendation to the Legislature to explore amended Penal Code 13012 to flag this as a concern and state that they have not resolved how to proceed but merits additional discussion by the Legislature and involved discussion and exploratory committees.

Co-Chair Sierra agreed with this approach, and stated that using an exploration approach for Recommendation One may mean that Recommendation Two is not needed, and agencies can follow from Legislation, if any.

DAG Gibson stated that information about complaints is collected by law enforcement and reported to the DOJ. The statute required the DOJ to receive that information on complaints from law enforcement agencies, but the DOJ does not generate this information.

Co-Chair Guerrero asked if she meant law enforcement agencies are already submitting information about ages.

DAG Gibson responded no, that law enforcement submits information about the number of complaints received, whether complaints allege felony or misdemeanor conducts, and whether the allege racial profiling. Racial profiling is collected with a drop box on complaint forms.

Co-Chair Guerrero stated that the concern is about demographic data collected instead of type of complaint.

Renewed Recommendations regarding Definition of Complaints and Deterrent Language that the Subcommittee Voted to send to the Full Board for Vote:

- (1) The Board reiterates its past recommendation that the Legislature amend Penal Code section 832.5 to define “civilian complaint” using [this definition]:

(1) Complaint means either of the following:

(A) any issue brought to a department or agency where the complainant perceives that a department or agency employee engaged in criminal conduct, abusive or discriminatory behavior, inappropriate or discourteous conduct, or violation of any law or rules, policies, and regulations of the department or agency; or

(B) disagreement solely with the policies, procedures, or services of the department or agency and not with the performance of any personnel. If during the course of investigating this type of complaint, conduct is discovered that could be the basis of a complaint under subdivision (1)(A), the investigator shall report this conduct to a supervisor, which should be logged, tracked, and investigated separately from the original complaint.

- (2) Given the continued uncertainty regarding the enforceability of section 148.6, the Board reiterates its recommendation, that, pending a ruling in Los Angeles Police Protective League, law enforcement agencies accept complaints even when a complainant has not

signed the advisory required by section 148.6. This recommendation is also consistent with Senate Bill 2, which allows POST to accept anonymous complaints and does not require complainants to identify themselves when attesting to the truthfulness of their allegations.

- (3) The Board commends the Legislature for introducing legislation related to the Board's concerns regarding lack of a uniform "civilian complaint" definition and the inclusion of potentially deterrent language on civilian complaint forms. However, as no legislative amendments have passed, the Board again reiterates its past recommendations that the Legislature amend Penal Code sections 832.5 and 148.6 in accordance with the discussion above.

Co-Chair Guerrero recommended that the Board do not take votes on these recommendations as they are from prior reports and do not need to be acted on again.

ACCOUNTABILITY/SB 2

- (1) The Board recommends that the Legislature enact legislation to fund a statewide public awareness campaign to inform the public about SB 2 and, more specifically, the public's ability to file civilian complaints directly with POST. The Board recommends that these funds not be made available to law enforcement agencies, directly or indirectly. The funds should be distributed to community-based organizations that have a demonstrated experience serving as trusted messengers for communities most impacted by issues of police misconduct.
- (2) The Board recommends POST work with the RIPA Board to identify how SB 2 and POST's decertification process can be strengthened, including making recommendations to the Legislature, law enforcement agencies, experts, researchers, and community groups about harmful conduct by officers that may not fit within the nine categories of serious misconduct that serve as the basis for POST to suspend or revoke certification but is still incompatible with the duties of a peace officer. The Board further recommends that the Legislature make findings and amend Penal Code section 13510.8 to add any additional categories of serious misconduct that are harmful to the public and incompatible with a peace officer's duties.

While California law identifies nine categories of serious misconduct that serve as the basis for POST to suspend or revoke certification, these categories do not encompass all areas of misconduct officers may engage in that are harmful to the public and incompatible with their duties as peace officers. One type of misconduct could be described as a dereliction of duty, which does not meet the definition of an act that violates the law and is sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of the public in Penal Code section 13510.8, subdivision (b) (6). The circumstances to which this ground for decertification would apply may vary. The common thread, however, would be the careless or intentional failure to perform one's responsibilities as a peace officer, where the failure to do so resulted in harm to the public.

- (3) The Board recommends that the Legislature amend Penal Code section 13510.8, subdivision (d) to expand the authority of the POST Executive Director to continue an immediate temporary suspension of an officer where the circumstances indicate that the officer continues to pose a danger to the public even if one of the statutory grounds for imposing the immediate temporary suspension has been resolved.

In some circumstances where POST issues an immediate temporary suspension for an officer who commits a crime, the officer may later be placed in a diversion program. In that situation, the criteria needed to continue the immediate temporary suspension would be removed, and the Executive Director would be required to withdraw the suspension. POST would have no means to suspend the officer from serving as a peace officer while investigating the officer for serious misconduct even if the officer poses a significant danger to vulnerable populations. Expanding the Executive Director's authority to continue an immediate temporary suspension during the investigation could protect the public if the officer continues to pose a danger.

- (4) The Board further recommends that the Legislature enact legislation requiring law enforcement agencies throughout California to modify their disciplinary policies defining serious misconduct to align with the categories in Penal Code section 13510.8, subdivision (b).

Research indicates that law enforcement agencies use their agency policies to bring disciplinary actions against officers. Where an agency's policies do not match those in section 13510.8, POST could have difficulty assessing whether an investigation was adequate, one of its duties under SB 2. The Board recommends that the Legislature amend Penal Code section 13510.8 to require agencies to align their policies defining serious misconduct with the categories in section 13510.8, subdivision (b).

- (5) Relatedly, the Board recommends that POST develop guidelines to assist law enforcement agencies in developing procedures to conduct adequate investigations into the complaints of serious misconduct the agencies receive and the ones that POST forwards to the agencies to investigate under SB 2. In developing the guidelines for investigating complaints about demonstrating bias, POST could consult with the Board.
- (6) To provide protection for officers who report serious misconduct of fellow officers and to encourage a culture of accountability, the Board recommends that the Legislature amend Penal Code section 13510.8 to include whistleblower protection for peace officers and other individuals within a law enforcement agency who report serious misconduct by fellow peace officers.

California has a public policy of encouraging employees to notify an appropriate government or law enforcement agency, the person with authority over the employee, or another employee with authority to investigate, discover, or correct a violation when a public employee violates a law or policy. SB 2 does not contain any specific protection for whistleblowers within law enforcement agencies who report serious misconduct,

including racial bias, by fellow officers. Lack of protections for reporters and fear of retaliation may prevent officers from reporting serious misconduct. Including the specific public policy of whistleblower protection for officers who report misconduct harmful to vulnerable populations would help engender a culture of accountability in law enforcement agencies statewide.

Co-Chair Guerrero stated that she and Co-Chair Sierra had an opportunity to meet with POST leadership and pondered that these recommendations may be premature but may not be best to weigh on. POST is still staffing and implementing guidelines for SB 2. She expressed a sentiment to give space and room and the RIPA Board has policy and practices for training. She stated that when making recommendations to POST regarding decertification, they should focus on those related to racial and identity profiling.

She recommended that the Board table Recommendation One, which mentions making a statewide public awareness campaign, as it may be premature to ask for more legislation on top of legislation already being enacted.

Member Thuilliez stated video for body worn cameras are only kept for a certain amount of time. By the time POST reacts, the law enforcement agencies may have already purged the body worn footage. If the public is encouraged to come to law enforcement agencies and to POST, at least body worn footage is kept. Furthermore, community-based organization do not have oversight and may mispend money often. He stated public funds need to be accounted for.

Member Kennedy asked if research was done to provide more accountability before putting Recommendation One in place. He stated he has been in the Sheriff's office and reviewed body worn cameras in various cases, especially cases with police misconduct or firing a weapon, which have established the Sheriff's decision to hold an officer accountable or pardon an officer. He recommended more research for body worn cameras to have accountability on both sides for community and law enforcement.

Co-Chair Guerrero asked if Member Kennedy wanted to amend, table, or supporting recommendation one.

Member Kennedy stated he supports tabling Recommendation One while gathering more research for the effectiveness of body worn cameras. He asked if Recommendation One would take money away from law enforcement.

Co-Chair Guerrero answered no and that Recommendation One was a recommendation to the Legislature to find a statewide public awareness campaign. She suggested to table Recommendation One as SB 2 is only now being implemented and that there is a statewide budget deficit, which means it would likely land flat.

Member Kennedy stated that he is concerned with sending people to POST.

Co-Chair Guerrero stated that Recommendation One is about the Legislature funding a statewide public awareness campaign. She stated given the conversation she and Co-Chair Sierra had with

POST, the current budget deficit in California, and the novelty of SB 2, she suggested to table Recommendation One.

Member Hawkins stated that she understands Member Kennedy. She stated that the community in California are not aware of SB 2 and without public awareness they would continue to be unaware. She stated public awareness is to inform the people of California about the passing of SB 2.

Member Smith stated that he does not see much harm in Recommendation One, and thinks it could be beneficial to inform the public.

Co-Chair Guerrero stated that Recommendation One asks the Legislature to appropriate money during a budget deficit and would be allocated to community-based organizations and not law enforcement. She stated that it is not practical and most likely not get anywhere with the Legislature this year. She stated that it would be better to wait to see how SB 2 plays out.

Member Qazi stated that she works for a non-profit organization and reports to a Board of Directors, which gives them oversight. She stated she receives state funding and the funding requirements for contracts are more onerous and thorough than law enforcement agencies. She asked Co-Chair Guerrero and Sierra about what in the conversation with POST is premature.

Co-Chair Guerrero stated that SB 2 is new and the implementation is currently underway. She stated a public awareness campaign would be helpful, but after seeing where POST is in their stage of implementation, it seems early to have the Legislature do more with POST than they have already done with SB 2. She worries with spending more time with the Legislature, they should come with demonstrated need.

Co-Chair Sierra stated by continuing to work with POST, they will have more data to target a public awareness campaign and more ability to get traction with the Legislature.

Member Kennedy stated that the more information the public has, the better. He asked what “the public’s ability to file civilian complaints directly with POST” in Recommendation One means.

Co-Chair Guerrero stated that the public’s efficacy to file complaints is worth exploring, but in the interest of time may need to be explored in the next report. She stated that in her experience with Legislative bodies, it is better to go with data that shows the need. She stated that it may not be likely but possible.

Member Kennedy recommended to remove “and, more specifically, the public’s ability to file civilian complaints directly with POST.”

Co-Chair Guerrero stated that Recommendation One regards SB 2.

Member Kennedy stated that this misleads and sounds as if the public can not file with law enforcement and instead file complaints directly with POST.

Co-Chair Guerrero stated that SB 2 allows this to happen.

Member Armaline stated that in the interest of time, they should move forward with the discussion. He stated that legislation will not be effective unless the public knows about it. He stated that community organizations make sense. He stated that tabling this recommendation makes sense as any recommendations with appropriation may be shut down.

Co-Chair Guerrero moved the discussion to recommendation two. She recommended that recommendation two be tabled as it seems premature to ask for amendments in a bill that was recently passed.

Member Qazi stated that SB 2 was signed into law by the Governor of California in September 2021 and became effective January 1, 2023. She stated three years into its passage and two years into its implementation is enough time to speed along its implementation and empowers the community by empowering the Legislature. She stated it is beneficial and that there may be another narrative of why it is taking a long time for it to be implemented.

Co-Chair Guerrero stated that the implementation is underway and that the program is large. In her work with the Legislature, amending Legislation that is in the roll-out process seems premature.

Member Thuilliez stated that it takes a long time. He said once funding becomes available, there needs to be hiring, background checks, and finding employees willing to move to Sacramento. He stated law enforcement is anxiously awaiting SB 2, but it takes a long time to prepare for SB 2.

Co-Chair Sierra stated that the Report does cover that SB 2 is being implemented, but it seems that if they recommended that SB 2 needs to be strengthened, they should provide a reasoning and in what ways the strengthening relates to the mission or RIPA. She stated this could be a good theme for the 2026 RIPA Report.

Member Qazi asked if accountability is a separate subcommittee.

Co-Chair Guerrero stated accountability is a part of RIPA since inception and that SB 2 is a new part of accountability.

Member Qazi asked if the recommendations from the Co-Chairs are to no longer push these recommendations from the subcommittee forward.

Co-Chair Guerrero stated that Members decide for themselves and that the Co-Chairs of the Board are not the Co-Chairs of the Accountability and Complaints Subcommittee.

Member Armaline stated that his only qualm about the recommendation is about the probability of getting appropriations and whether it would be more effective to move it forward next year.

Co-Chair Guerrero stated that recommendation two is different from recommendation one in that it does not ask for appropriation but rather is about amending the SB 2 legislation.

Member Smith stated that he supports moving the recommendations forward.

Co-Chair Guerrero moved the discussion to recommendation three. She stated that the Legislature just enacted Penal Code section 13510.8 and if it was too soon to ask the Legislature to amend it as it was being rolled out.

Member Randolph asked if the Board trusts the director of POST instead of the 580 police chiefs and sheriffs throughout the state to make the determination of relieving police officers on duty. He stated police chiefs have to do what they have to do.

Co-Chair Sierra stated that the concerns applicable to the first two recommendations are applicable to recommendation three. She said she would be in favor of tabling Recommendation Three.

Co-Chair Guerrero stated that the RIPA Board has an important role in monitoring the implementation of SB 2, and that future work could benefit from seeing what is happening, digging in, and asking hard questions during its roll-out.

Co-Chair Guerrero moved the discussion to Recommendation Four. She stated that she supports Recommendation Four and believes it is in line with helping agencies align their policies, which in turn helps POST understand whether the policies are sufficient or not. She believes POST has a challenging job to locate over 500 agencies and determine if they are conducting SB 2 investigations appropriately. She stated that POST has expressed if agencies do not have policies that align with SB 2 disciplinary categories, it makes that much harder for them to rely on local agency investigations for SB 2 issues.

Co-Chair Guerrero moved the discussion to Recommendation Five. She recommended amending Recommendation Five to add “complaints alleging bias and guidelines that assist law enforcement agencies with aligning their policies with Penal Code Section 13510.8. The guidelines should include policies on how to educate the public ways in which a complaint can be filed” and delete “the complaints of serious misconduct the agencies receive and the ones that POST forwards to the agencies to investigate under SB 2.” She stated that this would tailor the recommendation to RIPA, as SB 2 is broader than the scope of RIPA.

Co-Chair Guerrero moved the discussion to Recommendation Six. She stated that there are already whistleblower protections in state law and would not want to inadvertently undermine them. She thought if they could allude to the existing ones. She recommended amending Recommendation Six to add “The Board recommends that POST issue guidance apprising officers and law enforcement agencies about the anti-retaliation and work place protections afforded to an officer who files a complaint against a fellow officer or their agency or who cooperates with an investigation into an allegation of serious conduct.”

6. PUBLIC COMMENT

Co-Chair Guerrero opened the floor to public comment.

Richard Hylton stated that he disagreed and said that, in 2018 POST made it plain during a presentation at San Diego that there is no racial profiling. He stated that POST should not be relied on and should be defunded. He stated data is pertinent and the data is not good. He stated

Member Bianco and Member Hawkins also said so last year. He stated the data should be fixed. Further, he stated the Board members are ignorant about what data exists and what data does not exist. He stated that data discussions are irksome. He took particular exception with the DOJ and has been awaiting for data from them since August.

Cephus Johnson stated that he is a Board Member of the Peace Officer Standards Accountability Advisory Board. He stated that AB 71 the Use of Force Data Collection was passed in 2015. In 2016, AB 953, the Racial Identity Profiling Act, passed. He stated in 2018, the Right to Know Legislation and SB 16 passed. AB 932 passed. SB 2 passed. He stated that as to Recommendation One, regarding funding a public awareness campaign, many complaints are not filed because the community is not aware. He stated many do not go to agencies because they are not trusting them. He said SB 2 passed in 2021 and the first Board meeting was in December 2023. However, the community is unaware of SB 2 and bringing complaints to them. He said the reason is because a process was not put forward to putting avenues in making these complaints. He said the community has to be comfortable with making complaints without retaliation. He said a campaign of public awareness is critical to make AB 953 work. It is critical to know those who are under 17 and people aged 17–24 are the people who are the most impacted, and when the information is not known, then it cannot be solved. He said that legislators should consider funding that does not go to agencies, because the only way to get the community involved is to disengage police agencies. He stated that he hopes the RIPA Board would move recommendation one forward. He said that the bridge between police and community is made by making them aware of the resources they can utilize. Furthermore, he expressed dismay with how the community is not physically present for the meetings or aware of the meetings. He said that the Board members are online because of COVID, but there needs to be an avenue for them to come out. He said that people are disconnected with helping the Board move forward. He said a campaign should be done for the RIPA Board to exist and is doing work. He said that if the community is not involved, nothing is done, and the wheels will just be spun.

7. BREAK

The Board took a five-minute break.

8. FINAL ACTION ON 2025 RIPA REPORT

Youth Policy Recommendations

Member Thuilliez motioned to table Recommendations One through Five as amended:

- (1) The Legislature explore amending Penal Code section 13012 to require law enforcement agencies to report the number of civilian complaints reported by or on behalf of complainants who are 18 to 24, at the time of the underlying incident, if age is known or volunteered at the time the complaint is submitted. This reporting requirement would include complaints filed by a third party.
- (2) Municipalities and law enforcement agencies modify their complaint forms to include the age of the complainant and a drop-down box to record if the complainant is 17 and younger or 18 to 24 years old.

- (3) POST modifies the complaint form used to file complaints under SB 2 to allow the complainant to indicate whether the allegation arises from an incident involving a person 17 and younger or between the ages of 18 and 24.
- (4) The Legislature amends Penal Code section 13510.8 to require consideration of the complainant's age as part of the totality of the circumstances in determining if a peace officer's conduct rises to the level of serious misconduct, warranting decertification.
- (5) The POST Commission amends Regulation 1205 to require consideration of the complainant's age in determining if a peace officer's conduct rises to the level of serious misconduct that warrants decertification.

Member Hawkins seconded. DAG Micklethwaite reiterated that the motion was to not move forward with Recommendations One through Five. Member Hawkins then withdrew her second. Member Randolph then seconded the motion. DAG Micklethwaite assisted with the roll call vote:

- **AYE:** Member Bianco, Member Greene, Member Kennedy, Member Randolph, Member Thuilliez
- **NO:** Member Armaline, Member Criner, Member Diallo, Member Dobard, Co-Chair Guerrero, Member Hawkins, Member Khadjavi, Member Kulkarni, Member Qazi, Co-Chair Sierra, Member Smith
- **ABSTAIN:**

With five Ayes and eleven Nos, the motion failed.

Co-Chair Sierra motioned to adopt the Recommendation One as amended:

- (1) The Legislature explore amending Penal Code section 13012 to require law enforcement agencies to report the number of civilian complaints reported by or on behalf of complainants who are 18 to 24, at the time of the underlying incident, if age is known or volunteered at the time the complaint is submitted. This reporting requirement would include complaints filed by a third party.

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

- **AYE:** Member Armaline, Member Criner, Member Diallo, Member Dobard, Member Greene, Member Hawkins, Co-Chair Guerrero, Member Kennedy, Member Khadjavi, Member Kulkarni, Member Qazi, Co-Chair Sierra, Member Smith
- **NO:** Member Bianco, Member Randolph, Member Thuilliez
- **ABSTAIN:**

With thirteen Ayes and three Nos, the motion passed as amended.

Member Smith asked if they needed to vote to consider Recommendations Two through Five in the future.

Co-Chair Guerrero said no, and that Board members could make a motion to vote on them now.

DAG Micklethwaite stated that the Board previously failed to adopt a motion to table recommendations one through five.

Member Smith asked if Recommendations Two through Five could be revisited in the future.

Co-Chair Guerrero said that a motion could be entertained now.

Member Smith stated that Board members are receptive to Recommendations Two through Five but are not ready to vote on them now.

Co-Chair Guerrero stated that they could only vote on the recommendations for the 2025 Report today.

Member Qazi stated that she would be making an amended motion in the next section incorporating the points in the youth policy complaints.

Co-Chair Guerrero again invited motions regarding Recommendations Two through Five.

Member Hawkins motioned to adopt Recommendation Two:

- (2) Municipalities and law enforcement agencies modify their complaint forms to include the age of the complainant and a drop-down box to record if the complainant is 17 and younger or 18 to 24 years old.

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

- **AYE:** Member Armaline, Member Hawkins, Member Kennedy, Member Smith
- **NO:** Member Bianco, Member Criner, Member Diallo, Member Dobard, Member Greene, Co-Chair Guerrero, Member Khadjavi, Member Kulkarni, Member Qazi, Member Randolph, Co-Chair Sierra, Member Thuilliez
- **ABSTAIN:**

With four Ayes and twelve Nos, the motion failed.

Member Diallo motioned to table Recommendations Three through Five:

- (3) POST modifies the complaint form used to file complaints under SB 2 to allow the complainant to indicate whether the allegation arises from an incident involving a person 17 and younger or between the ages of 18 and 24.
- (4) The Legislature amends Penal Code section 13510.8 to require consideration of the complainant's age as part of the totality of the circumstances in determining if a peace officer's conduct rises to the level of serious misconduct, warranting decertification.
- (5) The POST Commission amends Regulation 1205 to require consideration of the complainant's age in determining if a peace officer's conduct rises to the level of serious misconduct that warrants decertification.

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

- **AYE:** Member Bianco, Member Criner, Member Diallo, Member Dobard, Member Greene, Co-Chair Guerrero, Member Kennedy, Member Khadjavi, Member Kulkarni, Member Qazi, Member Randolph, Co-Chair Sierra, Member Thuilliez, Member Smith
- **NO:** Member Armaline, Member Hawkins
- **ABSTAIN:**

With fourteen Ayes and two Nos, the motioned passed.

ACCOUNTABILITY/SB 2

Member Diallo motioned to table Recommendations One through Four:

- (1) The Board recommends that the Legislature enact legislation to fund a statewide public awareness campaign to inform the public about SB 2 and, more specifically, the public's ability to file civilian complaints directly with POST. The Board recommends that these funds not be made available to law enforcement agencies, directly or indirectly. The funds should be distributed to community-based organizations that have a demonstrated experience serving as trusted messengers for communities most impacted by issues of police misconduct.
- (2) The Board recommends POST work with the RIPA Board to identify how SB 2 and POST's decertification process can be strengthened, including making recommendations to the Legislature, law enforcement agencies, experts, researchers, and community groups about harmful conduct by officers that may not fit within the nine categories of serious misconduct that serve as the basis for POST to suspend or revoke certification but is still incompatible with the duties of a peace officer. The Board further recommends that the Legislature make findings and amend Penal Code section 13510.8 to add any additional categories of serious misconduct that are harmful to the public and incompatible with a peace officer's duties.
- (3) The Board recommends that the Legislature amend Penal Code section 13510.8, subdivision (d) to expand the authority of the POST Executive Director to continue an immediate temporary suspension of an officer where the circumstances indicate that the officer continues to pose a danger to the public even if one of the statutory grounds for imposing the immediate temporary suspension has been resolved.
- (4) The Board further recommends that the Legislature enact legislation requiring law enforcement agencies throughout California to modify their disciplinary policies defining serious misconduct to align with the categories in Penal Code section 13510.8, subdivision (b).

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

- **AYE:** Member Bianco, Member Diallo, Member Greene, Member Randolph, Member Thuilliez
- **NO:** Member Armaline, Member Criner, Member Dobard, Co-Chair Guerrero, Member Hawkins, Member Kennedy, Member Khadjavi, Member Kulkarni, Member Qazi, Co-Chair Sierra, Member Smith
- **ABSTAIN:**

With five Ayes and eleven Nos, the motion failed.

Co-Chair Sierra motioned to adopt Recommendations Four through Six as amended:

- (4) The Board further recommends that the Legislature enact legislation requiring law enforcement agencies throughout California to modify their disciplinary policies defining serious misconduct to align with the categories in Penal Code section 13510.8, subdivision (b).
- (5) Relatedly, the Board recommends that POST develop guidelines to assist law enforcement agencies in developing procedures to conduct adequate investigations into complaints alleging bias and guidelines that assist law enforcement agencies with aligning their policies with Penal Code Section 13510.8. The guidelines should also appraise law enforcement agencies how to educate the public ways in which a complaint can be filed. In developing the guidelines for investigating complaints about demonstrating bias, POST could consult with the Board.
- (6) The Board recommends that POST issue guidance apprising officers and law enforcement agencies about the anti-retaliation and work place protections afforded to an officer who files a complaint against a fellow officer or their agency or who cooperates with an investigation into an allegation of serious conduct. To provide protection for officers who report serious misconduct of fellow officers and to encourage a culture of accountability, the Board recommends that the Legislature amend Penal Code section 13510.8 to include whistleblower protection for peace officers and other individuals within a law enforcement agency who report serious misconduct by fellow peace officers.

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

- **AYE:** Member Armaline, Member Criner, Member Diallo, Member Dobard, Co-Chair Guerrero, Member Hawkins, Member Kennedy, Member Khadjavi, Member Kulkarni, Member Qazi, Co-Chair Sierra, Member Smith
- **NO:** Member Bianco, Member Greene, Member Randolph, Member Thuilliez
- **ABSTAIN:**

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

Member Qazi motioned to adopt Recommendation Two as amended:

- (2) The Board recommends that the Legislature consult with POST, law enforcement agencies, experts, researchers, and community groups to identify how SB 2 and POST's decertification process can be strengthened, including 1) modifying the POST complaint form to capture whether the complainant is a youth 2) considering the complainant's age as a part of the totality of circumstances in determining if a peace officer's conduct rises to the level of serious misconduct, and 3) identifying harmful conduct by officers that may not fit within the nine categories of serious misconduct that serve as the basis for POST to suspend or revoke certification but is still incompatible with the duties of a peace officer. The Board further recommends that the Legislature make findings and

amend Penal Code section 13510.8 to add any additional categories of serious misconduct that are harmful to the public and incompatible with a peace officer's duties.

Member Thuilliez asked for clarification on the motion.

Member Qazi restated the motion.

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

- **AYE:** Member Armaline, Member Hawkins, Member Kulkarni, Member Qazi, Member Smith
- **NO:** Member Bianco, Member Criner, Member Diallo, Member Dobard, Member Greene, Co-Chair Guerrero, Member Kennedy, Member Khadjavi, Member Randolph, Co-Chair Sierra, Member Thuilliez
- **ABSTAIN:**

With five Ayes and eleven Nos, the motion failed as amended.

Member Khadjavi asked if there was a method to store the amended language for the future.

Co-Chair Guerrero stated that the Board could capture the language for future reports.

Member Dobard motioned to table Recommendations Two and Three:

- (2) The Board recommends POST work with the RIPA Board to identify how SB 2 and POST's decertification process can be strengthened, including making recommendations to the Legislature, law enforcement agencies, experts, researchers, and community groups about harmful conduct by officers that may not fit within the nine categories of serious misconduct that serve as the basis for POST to suspend or revoke certification but is still incompatible with the duties of a peace officer. The Board further recommends that the Legislature make findings and amend Penal Code section 13510.8 to add any additional categories of serious misconduct that are harmful to the public and incompatible with a peace officer's duties.
- (3) The Board recommends that the Legislature amend Penal Code section 13510.8, subdivision (d) to expand the authority of the POST Executive Director to continue an immediate temporary suspension of an officer where the circumstances indicate that the officer continues to pose a danger to the public even if one of the statutory grounds for imposing the immediate temporary suspension has been resolved.

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

- **AYE:** Member Armaline, Member Bianco, Member Diallo, Member Dobard, Member Greene, Co-Chair Guerrero, Member Hawkins, Member Kennedy, Member Khadjavi, Member Kulkarni, Member Randolph, Co-Chair Sierra, Member Thuilliez, Member Smith
- **NO:** Member Qazi
- **ABSTAIN:** Member Criner

With fourteen Ayes, one No, and one Abstain, the motion passed.

Member Smith motioned to adopt Recommendation One:

- (1) The Board recommends that the Legislature enact legislation to fund a statewide public awareness campaign to inform the public about SB 2 and, more specifically, the public's ability to file civilian complaints directly with POST. The Board recommends that these funds not be made available to law enforcement agencies, directly or indirectly. The funds should be distributed to community-based organizations that have a demonstrated experience serving as trusted messengers for communities most impacted by issues of police misconduct.

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

- **AYE:** Member Armaline, Member Dobard, Member Hawkins, Member Kennedy, Member Kulkarni, Member Qazi, Member Smith
- **NO:** Member Bianco, Member Greene, Member Randolph, Member Thuilliez
- **ABSTAIN:** Member Diallo, Co-Chair Guerrero, Member Khadjavi, Co-Chair Sierra

With seven Ayes, four Nays, and four Abstains, the motion failed.

DAG Micklethwaite reminded Board members that there was a portion of the recommendations relating to prior Board recommendations. The Board would not be moving forward with those prior recommendations.

Member Qazi asked what the effect of tabling is.

Co-Chair Guerrero stated that it is up for the 2025 Board to determine what to consider for next year and does not make it an automatic vote.

Member Hawkins asked if it would be possible to table Recommendation One.

Co-Chair Guerrero answered affirmatively.

Member Hawkins motioned to table Recommendation One:

- (1) The Board recommends that the Legislature enact legislation to fund a statewide public awareness campaign to inform the public about SB 2 and, more specifically, the public's ability to file civilian complaints directly with POST. The Board recommends that these funds not be made available to law enforcement agencies, directly or indirectly. The funds should be distributed to community-based organizations that have a demonstrated experience serving as trusted messengers for communities most impacted by issues of police misconduct.

Member Thuilliez asked for clarification on whether a recommendation can be voted on more than once.

Co-Chair Guerrero stated that since the motion is different, there can be multiple motions on one recommendation.

Member Thuilliez asked for the Department of Justice to opine on whether it is possible to bring Recommendation One back for a vote to table.

DAG Micklethwaite stated there is no effect in the vote of tabling the recommendation. Next year, the Board needs to determine what recommendations to bring forward. However, tabling is the same as a no vote.

Co-Chair Guerrero asked for a second for Member Hawkins's motion. Hearing none, the motion failed to pass.

Member Smith asked a question about revisiting an item from the past.

Co-Chair Guerrero stated that there are prior Board reports that included recommendations voted by the Board. Some of the recommendations were forwarded by committees to underscore them again. However, as protocol, the Board does not re-vote on recommendations. They can remind the Legislature they voted but there is no effect of re-voting.

Member Smith asked if this is a suggestion to re-vote on items voted in the past so they can be re-approved.

Co-Chair Guerrero stated that they do not re-approve things in the past. She stated that there is a concern the Legislature is not listening, so the Board attempted to vote on them again. However, the Board underscored that in the report, and there is no effect of a second vote.

Co-Chair Sierra stated that if the Board had any non-substantive edits, they could bring it up during the meeting or by email by the end of the day. She stated that all recommendations are acknowledged and that there is a concern about recommendations based on a majority of the Board and not the opinions of each Board member. To the extent that lawmakers are curious about the breakdown of the vote, that information is available.

Member Kulkarni motioned to approve the 2025 RIPA Report. Member Khadjavi seconded.

DAG Gibson assisted with the roll call vote:

- **AYE:** Member Armaline, Member Diallo, Member Dobard, Member Greene, Co-Chair Guerrero, Member Hawkins, Member Kennedy, Member Khadjavi, Member Kulkarni, Member Qazi, Co-Chair Sierra, Member Smith
- **NO:** Member Bianco, Member Randolph, Co-Chair Thuilliez
- **ABSTAIN:**

With twelve Ayes and three Nos, the motion passed.

Co-Chair Sierra made a motion for her and Co-Chair Guerrero to help finalize the 2025 Report to provide DOJ Staff with non-substantive edits and wordsmithing for clarity and update any data analysis that may arise before publication. Member Kennedy seconded.

Member Randolph asked Co-Chair Sierra to clarify wordsmithing and data analysis.

Co-Chair Sierra stated that wordsmithing would not change the meaning but modify to make the meaning clearer. They are minor and non-substantive.

Co-Chair Guerrero stated that this is done every year. Since this is the last meeting of the year, but there still needs to be final edits to make it clear, this allows them to give the authority to sign-off to DOJ. This allows the Co-Chairs to do the final read to ensure the language is in order and nothing is missing and everything is clear. This is finalizing the language and making the content accurate.

Member Bianco asked to clarify what he heard as “adding.”

Co-Chair Sierra stated that the Research Center may have data that needs to be updated because of work they are continuing to do. They would only approve minimal changes but nothing added.

Co-Chair Guerrero stated that the motion could be re-stated to make it clear to the public and Board that the Report has been done for years and nothing major has been added.

Co-Chair Sierra restated the motion: The Board will give the Co-Chairs authority to work with DOJ staff to finalize the Report by providing non-substantive edits needed for clarity and update any data analysis that may arise before publication. She stated that the authority is for non-substantive edits for clarity.

Member Bianco stated that changing numbers would change something that they are already looking at.

Co-Chair Guerrero stated that there is no adding, but verification.

Member Bianco stated that changing something already reviewed is updating information. He does not understand why they do that.

Co-Chair Guerrero stated that there is a massive amount of data and they are verifying it. They are not bringing new data in and there are no new topics. It is data verification and language finalization, in the same way as editing a book.

Supervising Deputy Attorney General (SDAG) Christine Chuang of the DOJ stated that any finalization needs to be checked for accuracy. This is done in prior years to verify and update any numbers that need to be updated. The numbers would not be added to or changed significantly, but to verify before being published.

Member Qazi asked how the Board and public could track changes that would be made.

Co-Chair Guerrero stated that if members of the Board or public are concerned, the current draft could be compared to the final draft.

Member Khadjavi stated that she supported this motion.

DAG Gibson assisted with the roll call vote:

- **AYE:** Member Armaline, Member Bianco, Member Diallo, Member Dobard, Member Greene, Co-Chair Guerrero, Member Hawkins, Member Kennedy, Member Khadjavi,

Member Kulkarni, Member Qazi, Member Randolph, Co-Chair Sierra, Member Thuilliez, Member Smith

- **NO:**
- **ABSTAIN:**

With 15 Ayes, the motion passed.

9. DISCUSSION OF POTENTIAL THEMES FOR THE 2026 RIPA REPORT

Co-Chair Sierra motioned, in the interest of time, to table item nine until after item eleven is discussed or next year's report. Co-Chair Guerrero seconded. DAG Gibson assisted with the roll call vote:

- **AYE:** Member Armaline, Member Bianco, Member Diallo, Member Dobard, Member Greene, Co-Chair Guerrero, Member Hawkins, Member Kennedy, Member Khadjavi, Member Kulkarni, Member Qazi, Member Randolph, Co-Chair Sierra, Member Thuilliez, Member Smith
- **NO:**
- **ABSTAIN:**

With 15 Ayes, the motion passed.

10. DISCUSSION OF COMMUNITY OUTREACH EFFORTS FOR 2025

Co-Chair Sierra invited DAG Danielle Elliot to discuss the community outreach efforts for the 2025 Report.

DAG Elliot stated that based on Board feedback and the response from the youth summit, they would like to continue the Board's community outreach efforts with the goal of (A) raising awareness about the 2025 RIPA Report and their findings and (B) increase public and community participation in early 2025 to incorporate community ideas into the 2026 Report, especially since potential themes will not be discussed. To facilitate further outreach and engagement, the DOJ has been partnering with the Office of Community Awareness, Response, and Engagement (CARE) within the DOJ. CARE works directly with community outreach organizations, state and local elected officials, and members of the public to ensure that diverse perspectives are incorporated into the state's work. CARE works on cultivating these relationships with historically marginalized and underserved communities to serve the DOJ's commitment to diversity, equity, and inclusion in all aspects of their work. They have been working with CARE to secure a few events for community participation. A community briefing will be held on January 21, 2025, the National Day of Racial Healing. It will summarize key findings and how the public can stay engaged with the Board's work. Furthermore, the CARE Civil Rights Advisory Group will have a closed meeting on civil rights and how community members can engage with the Board. Lastly, they are creating ideas on how the Board can engage with the community with a goal of informing the public and getting potential themes for the 2026 Report.

11. ELECTION OF NEW CO-CHAIRS FOR 2025

Co-Chair Sierra motioned to nominate Co-Chair Guerrero to serve as Co-Chair for the 2026 Report. Member Dobard seconded.

Co-Chair Guerrero motioned to nominate Co-Chair Sierra to serve as Co-Chair for the 2026 Report. Member Khadjavi seconded.

The Board voted on the motion to have Co-Chair Guerrero serve as Co-Chair for the 2026 Report. DAG Gibson assisted with the roll call vote:

- **AYE:** Member Bianco, Member Diallo, Member Dobard, Member Greene, Co-Chair Guerrero, Member Hawkins, Member Kennedy, Member Khadjavi, Member Kulkarni, Member Qazi, Member Randolph, Co-Chair Sierra, Member Thuilliez, Member Smith
- **NO:**
- **ABSTAIN:** Member Armaline

With fourteen Ayes and one Abstain, the motion passed.

The Board voted on the motion to have Co-Chair Sierra serve as Co-Chair for the 2026 Report. DAG Gibson assisted with the roll call vote:

- **AYE:** Member Bianco, Member Diallo, Member Dobard, Member Greene, Co-Chair Guerrero, Member Hawkins, Member Kennedy, Member Khadjavi, Member Kulkarni, Member Qazi, Member Randolph, Co-Chair Sierra, Member Thuilliez, Member Smith
- **NO:**
- **ABSTAIN:** Member Armaline

With fourteen Ayes and one Abstain, the motion passed.

12. ADJOURN

Co-Chair Sierra thanked the Board, DOJ Staff, and members of the public for their help with the 2025 Report.

DAG Micklethwaite congratulated the Board for their work on the 2025 Report. She stated that it is as robust as the Board makes it and the Board represents the constituents. She stated that when Board members reflect on the report to the press, it reflects them as an individual or their organization. Lastly, the 2025 Report is the constituents' report, as the Board represents members of the public. She encouraged the Board to share the Report with the public.

Co-Chair Sierra adjourned the meeting.