CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD

<u>MEETING MINUTES</u>

13th Meeting of the Racial and Identity Profiling Advisory (RIPA) Board

<u>April 8, 2019, 10:00 a.m.</u>

San Francisco Public Library
Main Library, Koret Auditorium
100 Larkin Street
San Francisco, CA, 94102

The thirteenth meeting of the California Racial and Identity Profiling Advisory (RIPA) Board was held on Monday, April 8, 2018 at 10:00 A.M. in the San Francisco Public Library, Main Library, Koret Auditorium.

Members Present:, Andrea Guerrero, Angela Sierra, Ben McBride, David Robinson, David Swing, Douglas Oden, J. Edgar Boyd, Oscar Bobrow, Sahar Durali, Tim Silard, Timothy Walker, LaWanda Hawkins

Members Not Present: Micah Ali, Sandra Brown, Warren Stanley

California Department of Justice Staff Present: Nancy A. Beninati, Supervising Deputy Attorney General, Civil Rights Enforcement Section (CRES); Kelsey Geiser, CRES; Jenny Reich, Chief, Bureau of Criminal Identification and Investigation Services (BCIIS), California Justice Information Services (CJIS); Randie Chance, Program Manager, Bureau of Criminal Identification and Investigation Services, CJIS; Kevin Walker, CJIS.

1. Call to Order and Welcoming Remarks

The meeting was called to order at 10:11 A.M. by Co-Chair Robinson.

Co-Chair Robinson welcomed the Board and the members of the public to the meeting. Co-Chair Robinson then thanked Judge Alice Lytle for her service to the RIPA Board. Co-Chair Robinson then introduced new Board Member, LaWanda Hawkins.

> ➢ **Introduction of New Board Member, LaWanda Hawkins**

Member Hawkins thanked everyone for the warm welcome. Member Hawkins is from Justice for Murdered Children, a Los Angeles-based organization that assists families who have lost a loved one to murder, from the crime scene through the entire criminal justice system. Member Hawkins recognized that this week is National Crime Victims Week, and that she was honored to serve and looks forward to working with the entire RIPA Board.

Co-Chair Robinson noted Co-Chair Guerrero was delayed in her arrival, and so the Board could not approve minutes until she was present. Item 3 Approval of Minutes delayed.

2. Update from the Department of Justice (Part 1)

> ➢ **Remembrance of Board Member Honorable Alice Lytle**

Ms. Geiser and Ms. Beninati echoed Co-Chair Robinson's tribute to Judge Lytle and proposed a moment of silence in Judge Lytle's memory.

3. Approval of the December 10, 2018 Board Meeting Minutes

Co-Chair Robinson noted that Co-Chair Guerrero had arrived, allowing the Board to review and approve the past meeting's minutes. Co-Chair Robinson asked if anyone had any proposed amendments. Member Oden asked if the end time of 10:10 AM was accurate. Ms. Beninati clarified that the December meeting was conducted via teleconference and ended early.

MOTION: A motion was made to approve the minutes by Member Swing. The motion was seconded by Member Post. No objections were raised.

APPROVAL: The minutes were approved with all members in attendance voting "Yes", no "No" votes, and one abstention by Co-Chair Guerrero.

4. Update from the Department of Justice (Part 2)

Ms. Geiser updated the Board on the video that the Board asked the DOJ to create that addressed data collection submissions and integrity protocols. Ms. Geiser commented that the project team has already interviewed six individuals: two professors, two law enforcement officers, and two community members. The video is about five minutes long.

[video plays]

> ➢ **Comments by the RIPA Board**

> > The Board Members provided comments and feedback on the video.

> > Member Boyd commented that he did not believe that the video conveyed the Board's intent on how the data would be used, and whether law enforcement agencies were responsive to the Board. Member McBride commented that the video was discouraging and was too favorable toward law enforcement. Member McBride commented that he felt uncomfortable with the video and wanted to know whether advocacy partners or community organizations were consulted.

> > Member Oden asked how the video would be disseminated. Member Oden also suggested that the Board if there are subsequent videos, the Board should take

care to screen and involve more community partners to improve the quality in the messaging. Member Swing asked what the purpose of the video was for.

Ms. Beninati clarified that DOJ was asked by the Board to create a video focusing on data integrity; the focus was to communicate how police agencies and Cal DOJ would ensure the public's trust in this data. This was done in collaboration with our expert from Stanford. Ms. Beninati commented that the purpose of the video was to communicate to the public that there are processes to ensure that once the data is reported by the law enforcement agency and then to the DOJ its integrity will be secured.

Member Swing commented that with the clarification that the video was to inform the public on data integrity, he felt that it was a well-done video, with strong use of academics.

Member Robinson suggested that when the video was released, a narrative format could be included, highlighting that the video was not a complete representation of what the Board did. Ms. Geiser commented that the original video created to introduce the board hopefully served that purpose – but she would try to add some narrative and connect the two videos together. Member Boyd and Ms. Beninati commented that this was a good idea.

Co-Chair Guerrero commented that this Board is trying to reflect the community in its work: that's what was great about the first video. However, context and community should be strong themes reflected in everything we do.
Member Oden asked how the video would be disseminated. Ms. Beninati stated that it would be published on YouTube and the RIPA page on DOJ's website, and would be promoted on social media. Ms. Beninati also encouraged that the board disseminate and share the videos.

Member Sierra commented that while linking videos gives context, she sees value in addressing the specific issue of data privacy – it's very tactful to focus on integrity, and she hopes the public will appreciate the work.

➢ **Presentation by the Research Center**

Ms. Erin Choi gave the Board a brief update on how the collected data would be used. Ms. Choi reported that last week, April 1, was the deadline for the eight "Wave 1" agencies to submit their police stop ("stop") records for 2018; coordination with "Wave 2" agencies is forthcoming. Ms. Choi reported that from the "Wave 1" data, between July and December 2018, agencies reported information for over 1.7 million stops, involving 1.8 million individuals. Ms. Choi commented that of these records, the system has flagged just over 19,000 records as potentially erroneous, which means that in terms of data reporting alone, Wave One agencies are reporting at a 98.9% success rate. Ms. Choi reported that of the 19,000 flagged records, errors included: missing data, an invalid combination (for example: "none of the above" was selected with an answer choice);

selection of a legal code that was repealed, and failing to include an explanation for a question when required (over 50% of the errors were of this variety).

Ms. Choi added that the Wave 2 data collection period, which includes the next seven largest law enforcement agencies, has already begun. Ms. Choi reported that as of last Friday, April 5, three cities, San Jose, Fresno, and Sacramento, had already begun reporting data. Of 45,000 records received so far, only 2 had an error status. Ms. Choi added that upcoming programs include a "Lessons Learned" session to improve data collection and interactions, initiatives to assist incoming staff at local law enforcement agencies with data collection, and outreach to Wave 3 and Wave 4 law enforcement agencies.

➢ **Comments by the RIPA Board**
In response to comments by the Board, Ms. Choi explained that familiarity with the process and education would be key to error reduction in the data collected from agencies. Ms. Choi noted that one adjustment made during the process was to prominently display a "dashboard" for officers to return after a stop and make adjustments and complete records to avoid partial data submission. There were not local trends among the 19,000 flagged records.

Dr. Jannie Scott thanked the Board for having her. Dr. Scott works as a Research Associate at the DOJ Research Center. Dr. Scott gave an overview of the Research Center. Dr. Scott commented that the Research Center team is composed of a diverse group of experienced researchers from a variety of social science fields – anthropology, economics, immigration, criminal justice – helping analyze data to make data-driven decisions. Dr. Scott then introduced the members assigned to the Research Center's Police Practice Research Lab that work with the RIPA Board reviewing the RIPA Board's stop data: Randie Chance (Director), Jamie Jannie Scott and Kevin Walker (Research Associates), and Tiana Osborne and Evelyn Reynoso (Research Analysts). Dr. Scott commented that the Research Center analyzes civilian complaint and police use of force data, clarifies evidence, and recommends best practices. They also contribute to the annual report.

➢ **Comments by the RIPA Board**
In response to questions from the Board, the Research Center confirmed that data analysis would not begin until after the end of a data collection period.

Co-Chair Guerrero asked for a brief summary of what the Research Center planned to do for the rest of the year. Mr. Walker explained that first, the Center is working with IT to sort through the received Wave 1 data. The Center is also identifying any potential errors that may have slipped through the cracks. Once that is consolidated, the Center will analyze and create a report; the RIPA Board will have a chance to provide feedback on the report and then it will be published.

In response to questions from the Board, DOJ confirmed that the goal was for the Board to review a preliminary report in the Fall. Some sections might still be incomplete but the Board will get to review as much as possible at its next meeting.

4. Recap of February 5, 2019 Roundtable and Discussion of Data Analysis Research Questions

Ms. Geiser explained that on February 5, there was a roundtable featuring the RIPA Board and academics, and researchers, allowing members to convey the questions they wanted answers to and the pros and cons of each approach.

Mr. Walker explained that the joint meeting was held in Oakland in a roundtable format; the point of the meeting was to hear from law enforcement agencies collecting data and from stakeholders. Mr. Walker reported that the event was well-attended: law enforcement agencies from all areas sent representatives, including Long Beach, San Francisco, Riverside, Sacramento, San Diego, San Jose, and the California Highway Patrol (CHP); and academics including specialists from the Stanford Policy Lab, UC Berkeley, and UC Irvine joined. Mr. Walker commented that law enforcement agencies provided useful feedback such as: how to fulfill both state and local stop data reporting requirements, how the CHP in particular should record stops, and giving additional time for officers to correct reports after a stop and supervisory review. This feedback will ensure police officers provide complete, accurate data. Mr. Walker also discussed what was brought up at the meeting about what third-party data researchers should use for comparison, the effects of data collection, and what standardized values to use within the report.

Co-Chair Guerrero commented that this was an excellent opportunity to discuss the challenges and opportunities of data collection, identifying the optimal but also the possible and practical course forward. Member Sierra commented that it was a great roundtable event to bring everyone together, and that research and law enforcement agencies should continue working to improve data and reports. Member Swing commented that there was a great diversity of opinion in the room, and applauded DOJ staff for bringing everyone together. He would like to hear from Wave 1 agencies to understand use of force and the impact of the form not allowing officer/deputy to enter use of force information such as why force was used. This is potentially problematic when trying to build trust with communities.

Ms. Geiser suggested and moved to have the two subcommittees, merged together; they worked well and there is a lot of overlap in membership.

MOTION: A motion was made (and seconded) to merge the STOP Data Subcommittee with the Evidence-based Research and Best Practices Subcommittee by Member Sierra. No objections were raised.

APPROVAL: The minutes were approved with all members in attendance voting "Yes", no "No" votes, and no abstentions.

5. Public Comment

None.

6. Break

The Board recessed for a break, reconvening with a quorum of members present at 11:48 AM.

7. Discussion of Proposed RIPA Board 2020 Annual Report Contents

Ms. Geiser distributed a copy of the draft outline, and explained that overall, it follows a similar layout like previous years: subcommittee groups submit different chapters and sections.

> ➢ **Comments by the RIPA Board**
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> The Board discussed the possibility of contracting with an outside research body. Ms. Beninati stated that it was within the Board's discretion to vote for an outside researcher to be retained to assist the Board with its report. She reported that some Wave 1 agencies, such as San Francisco, San Diego, and Los Angeles, are already working within departments or with pro bono groups to analyze data. Co-Chair Guerrero suggested and moved and Member Durali seconded that the DOJ contract with an academic expert to further the Research Center's work.

MOTION: A motion was made and seconded to explore options for contracting with a third-party institution to analyze research and data by Co-Chair Guerrero. No objections were raised.

APPROVAL: The motion was approved with all members in attendance voting "Yes", no "No" votes, and no abstentions.

> The Board had further discussion about agency-level analysis of the data. The Research Center is producing analyses for the entire state and for each agency, and that each agency can look at their data after submission to DOJ.

The Board asked about whether agencies could edit data prior to submission. DOJ clarified that agencies have a supervisory review, but that any perception-related data is not changeable, even if it has an error message. Supervisors may also not review perception-related data. However, for narrative and open fields, redactions are allowed for removal of personally identifiable information. Ms. Geiser commented that the 2020 report will also include civilian complaint data and information on training to help ensure standardization when inputting data.

8. Public Comment
None.

9. Discussion and Approval of Next Steps

Ms. Geiser reminded the Board that its next meeting will be September 18, with subcommittee meetings in June. Ms. Geiser added that she is creating outlines for subcommittees to hopefully improve productivity. Co-Chair Robinson asked that a list of subcommittee members be sent around. Ms. Beninati also suggested the opportunity be given for people to finalize their subcommittee assignments. Ms. Beninati advised that Mariana Marroquin is stepping down from the Board.

The Board discussed holding subcommittee meetings in the summer to review the data and sections of the report.

10. Closing Remarks and Adjournment

Co-Chair Guerrero concluded the meeting, thanking the Department of Justice, the Research Center, members of the public, and the board members for traveling and attending. Co-Chair Guerrero added that the team has come a long way and that this past April 1st was a milestone for the state. The RIPA Board looks forward to being able to analyze all the data and building on all the work done with community and law enforcement agencies and academia and other stakeholders.