

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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MEETING MINUTES

November 28, 2023 10:00 a.m. - 12:30 p.m.

Board Members Present: Chair Andrea Guerrero, Member Angela Sierra, Member Chad Bianco, Member DJ Criner, Member Sean Thuilliez, Member Manju Kulkarni, Member John Dobard, Member Sean Duryee, Member Tamani Taylor, Member Rich Randolph, Member William Armaline, and Member Ronaldo Villeda

Board Members Absent: Member Brian Kennedy, Member Khadjavi, Member Melanie Ochoa, Member Cha Vang, and Member LaWanda Hawkins

1. Call to Order and Introductions by Co-Chairs

Co-Chair Guerrero called the meeting to order at 10:04 a.m. Each RIPA Board Member (herein Board) introduced themselves.

2. Approval of October 11, 2023 Meeting Minutes

Co-Chair Guerrero opened the agenda item and asked if any members would like to discuss the October 11, 2023, draft meeting minutes before entertaining a motion to approve the draft meeting minutes. Member Dobard asked that the meeting minutes be amended to have his name added to the Board Members Present section.

Member Sierra moved to approve of the minutes, which Member Duryee seconded. Supervising Deputy Attorney General (SDAG) Nancy Beninati of the California Department of Justice (DOJ) proceeded with the roll call vote:

- **YES:** ARMALINE, BIANCO, CRINER, DOBARD, DURYEE, KULKARNI, RANDOLPH, TAYLOR, THUILLIEZ, VILLEDADA, GUERRERO
- **NO:**
- **NO RECORDED VOTE:** SIERRA

With 11 members voting Yes and zero No votes the meeting minutes were approved as amended.

3. Update from Department of Justice

Co-Chair Guerrero opened the floor for the DOJ presentation. Deputy Attorney General (DAG) Allison Elgart presented on DOJ updates. She informed that the Board would have the following action items for today's meeting:

- Approving recommendations tabled from the Board's last meeting
- Approving the full report
- Allowing the Chair to work on the report for final wordsmithing

DAG Elgart informed that changes made to the report as a result of the Board's discussion today would be reflected in the final report and associated documents (i.e., Best Practices, Executive

Summary, etc.). She encouraged the Board to submit edits that modify the text but informed that due to time constraints larger changes outside of today's discussion could not be incorporated.

DAG Elgart also informed the Board on the status of the DOJ letters sent to 92 law enforcement agencies (LEAs) regarding data anomalies identified by the Department of Justice Research Services (DOJRS). She stated that of the 92 letters sent the DOJ has received responses from two-thirds of LEAs. She noted that the subject is briefly covered in the report and that once the remaining responses were received the DOJ would fully brief the Board. Member Thuilliez informed DAG Elgart that some LEA chiefs perceived the letters to be threatening due to its advisement to remedy data anomalies with internal affairs investigations or use of disciplinary powers. He also sought clarification on why some of the letters did not include that language and why there were two versions of the letter circulated. SDAG Beninati responded that the intent of the letters were not to intimidate but rather aimed at informing LEAs of the data anomalies that need to be addressed. She also stated that the two template letters sent were exactly the same and shared with the Board, and only differed in what data anomaly was discovered for that particular LEA; the letters either addressed a data anomaly whereby zero stops were reported for a given time period or that there was a high variance in stops reported in a given time period. She noted that the letters did not say take discipline. DAG Elgart added that the letter's reference to internal investigation was that it only be used should LEAs determine that the failure to report required stop data to the DOJ was deliberate, purposeful misconduct and not in specific reference to addressing data anomalies themselves. Member Randolph also informed the DOJ that LEAs received calls in regards to fluctuations in their reporting data and sought clarification on whether this was an additional approach used to inform the 92 LEAs who received letters. SDAG Beninati informed that there were calls from LEAs seeking further clarification but that calls to LEAs were not utilized as the letters proved more efficient.

SDAG Beninati informed the Board on the following streamlined voting procedures that will be implemented moving forward:

- The Chair will open the floor to discussion prior to voting
- The vote will be conducted via alphabetical roll-call with the last member voting being the Chair
- Abstentions do not count as No's during a vote

SDAG Beninati also informed the Board that the DOJ will put out a press release to supplement the report's release in January. She encouraged the Board to engage with press inquiries but reminded them to differentiate between their personal opinion and the Board's opinion when answering questions. She noted that when speaking on behalf of the Board, responses must be reflected by the Board's report. She also invited the Board to reach out to the DOJ should they require assistance. Member Kulkarni inquired whether a communications strategy should be considered to facilitate further outreach. SDAG Beninati informed that communication efforts that will be taken for the report would include getting quotes from the chairs; sending the report to the legislature and public safety committee; and sending it to the listserv and community contact list. Member Kulkarni appreciated the community-focused delivery of the report but also asked the DOJ to consider facilitating press interviews to amplify the report through mainstream media.

4. Board Discussion of the 2024 RIPA Report

Chair Guerrero opened the agenda item by acknowledging the subcommittees' and DOJ's efforts in developing the report. She directed the Board to discuss recommendations yet to be voted on and reminded the Board that any wordsmithing edits can be submitted directly to the DOJ. Before the Board discussed and voted on potential recommendations, she opened the floor to general discussion on the report.

General Discussion on 2024 RIPA Report

Member Randolph acknowledged the DOJ's hard efforts in both its development and delivery of the report but informed that the documents were difficult to thoroughly review as board members have other full-time duties in addition to their role on the Board. He asked the Board to consider a motion to require documents of this nature be made available to the Board at least two-weeks before the meeting, which would allow the Board to have a more informed discussion and to increase productivity at meetings. Chair Guerrero opened the floor to the DOJ to provide clarification on meeting material delivery periods. SDAG Beninati informed the Board that meeting materials are perpetually revised as feedback and edits are received from various sources (e.g., 17 board members, experts, graphic designers, etc.), which results in the logistical challenge of circulating the most up-to-date drafts within a reasonable amount of time. Chair Guerrero then asked whether the motion could be legally made given that the Board is subject to the Bagley Keene Open Meeting Act. SDAG Beninati noted that the motion could be made.

Member Randolph moved to require all documents that the Board discusses to be made available at least two-weeks prior to the meeting, which Member Duryee seconded. Chair Guerrero then asked SDAG Beninati to proceed with the roll call vote:

- **YES:** ARMALINE, BIANCO, CRINER, DOBARD, DURYEE, RANDOLPH THUILLIEZ
- **NO:** KULKARNI, TAYLOR, SIERRA, VILLEDADA, GUERRERO
- **ABSTENTIONS:**

With seven members voting Yes, four members voting No, and no abstentions the motion passed.

Member Sierra thanked the DOJ for their extensive work on the report. She had particular praise for the quick facts document and executive summary. She stated that the aforementioned documents would be extremely helpful to policy makers and the public as it distills the report's most salient data points.

Member Taylor inquired on the Board's capacity to address purposeful intent of skewing required RIPA reporting data by law enforcement officers (LEOs). She raised concern that in addition to the data anomalies, purposeful intent to falsify required RIPA data has already occurred which can affect the validity of future RIPA reports. She acknowledged that while the Board has made efforts to address data anomalies, that it would be in the Board's best interest to also address this issue. Chair Guerrero assured Member Taylor that issues on data integrity and accountability have been considered since the inception of the RIPA Board by both community and law enforcement leaders. She also stated that the increased occurrences could be attributable to the increased number

of LEAs reporting. Chair Guerrero then opened the floor to the DOJ to readdress data integrity and accountability concerns for newer board members and the public. SDAG Beninati informed that in addition to sending LEAs letters to inform of data anomalies, the DOJ reached out to LEAs with discrepancies in reported use of force incidents between their RIPA data and AB 71 data. Staff Services Manager III Erin Choi (SSM III Choi) of the DOJ's California Justice Information Services informed the Board that there is a dedicated team committed to contacting LEAs. SSM III Choi stated that the assigned team is in regular contact with agencies regarding their RIPA related data submissions, generates monthly reports on the status of submissions, and follows up with LEAs regarding missing data to ensure data submission is as timely as possible. Research Data Supervisor III Dr. Tiffany Jantz of the DOJRS informed that the DOJRS reviews data to identify patterns of anomalous activity that would flag errors were made. Dr. Jantz also informed that in addition to performing analyses per the Board's direction, the DOJRS performs logic checks to identify potential qualitative deficiencies and relays such findings to the associated LEA.

Member Taylor also sought clarification on how the multi-racial data point of the ethnic category is defined. She stated that the term heavily connoted people of color rather than other multi-racial demographics (such as people of mixed European descent) and raised concerns on whether the term has an established well-understood definition that LEAs and the community associate it with. Chair Guerrero clarified that the term allows for LEOs to input their perception of a stopped person's racial identity as honestly as possible. She invited both the DOJ and Board members with such knowledge to facilitate further discussion. Member Randolph responded that recruits are taught about cultural diversity and people of multiple races in the Cultural Diversity course. He informed that the course extends multi-racial identity to connote more than a person's skin color and equips recruits to consider cultural practices. SDAG Beninati clarified that the regulations do not have a multi-racial category. Dr. Jantz shared that the Research Center uses multi-racial to describe a stopped person that an officer perceives to be of two or more races. She stated that multi-racial is not a category that an officer can select and that the officer has seven data points to select from and can select multiple data points in the ethnic category to best relay their perceptions.

Discussion on Recommendations

Chair Guerrero then directed the Board to discuss potential recommendations yet to be voted on. She stated that the RIPA report analyzed 4.5 million stops by 535 California LEAs in 2022 and developed a number findings that determined there were disparities. The report then provides recommendations to address these disparities.

Youth Contact with Law Enforcement Recommendations

Chair Guerrero informed the Board that a number of disparities were identified, which included the following:

- Individuals perceived or known to have a disability had the highest percentage of stops reported as reasonable suspicion across all age groups, compared to individuals perceived to not have a disability.

- Officers reported that 1.2 percent of stops made in 2022 were consensual encounters that resulted in a search. Youth between the ages of 10 and 14 with a perceived disability had the highest percentage of stops reported as a consensual encounter resulting in a search (12%) compared to youth not perceived to have a disability, followed by youth with a perceived disability between the ages of 15 and 17 (11.5%).
- In California, public schools refer students with disabilities to law enforcement at a higher rate than most other students. Only Black students are referred at a higher rate. If the school has an assigned law enforcement officer, the rate of referral for students with disabilities quadruples.

She also mentioned that the section is complemented by researcher and advocate recommendations urging LEAs and communities to prioritize a care-first model, reduce which can reduce unnecessary criminal justice intervention or law enforcement response in favor of a sustained community response. She continued through the section and asked the Board to also consider data findings within the Youth in Schools subsection when considering the recommendations to be discussed and voted on. She then asked the Board for their comments, questions, and concerns about the Law Enforcement and Youth section and directed the Board to the following recommendations:

- 1) Based on the findings in the Board's 2023 Report and the present Report demonstrating racial bias in policing in schools, the Board recommends that the Legislature repeal the part of Education Code Section 38000 authorizing school districts to operate their own police departments.
- 2) The Legislature should explore identifying specific student behaviors or statutory violations that constitute disciplinary issues that should be handled by school staff, and for which law enforcement officers should not be involved. This review should include making clear the responsibility of schools to respond to behavioral matters without relying on police and the related responsibility of police not to respond to behavioral issues in schools.
- 3) School districts should adopt policies that require staff to obtain approval from an administrator prior to reporting a student to law enforcement with respect to nonemergency matters. Districts should set clear policies that staff are only permitted to contact law enforcement without prior approval in circumstances involving an immediate threat to school safety or imminent risk of serious physical harm to students or staff. Districts should clearly define those situations that would qualify as an emergency and require staff to document the reasons law enforcement was contacted.
- 4) The Legislature should more clearly define how suspected offenses related to fighting, assault and battery without injury or threats of assault and battery and marijuana possession by students on K-12 campuses should be treated by school staff and whether or not they should be referred to police.

- 5) The Legislature should prohibit law enforcement officers from pursuing or using force in an effort to detain, apprehend, or overcome resistance of students who are fleeing relating solely to low-level disciplinary conduct.
- 6) The Board recommends that school districts adopt policies establishing that under no circumstance should law enforcement use force against students that is not legitimate, necessary, and proportionate.

Member Sierra shared her concern on recommendation #1 and asked the Board to table the recommendation as it merited further discussion. She sought clarification on whether the data findings regarding student referrals for students with disabilities quadrupling and the number of stops made based on the K-12 public school assignment type only accounted for the 19 school district-administered California police departments. California Department of Justice Civil Rights Enforcement Section (CRES) Associate Government Program Analyst (AGPA) Anna Rick informed that number of stops statistic accounted for any type of law enforcement agency, which included the 19 school district-administered California police departments. CRES DAG Jennifer Gibson responded that the stops statistic sourced from Whitaker¹ did not specify whether the statistic accounted for schools with their own police departments or for schools with assigned police officers. Member Sierra then asked the Board to consider inviting school districts to testify on the efficacy of the various models of law enforcement presence. Member Randolph agreed with Member Sierra's request and stated that having school districts provide comment will help the Board in its decision.

Member Taylor shared her concern on the second recommendation's use of the word "behavior". She stated that the word had a negative connotation when used to refer to people of color. She asked the Board to consider replacing the word with "conduct".

Member Randolph asked whether the statistics used in the report section were sourced from the California Department of Education relating to student populations. He shared concern that sole reliance on the California Department of Education's data may not be current given that a school population varies throughout the academic year and recommended that the data should include the year it was collected. AGPA Rick informed that the statistics used were from both RIPA data and statewide data reported by school districts to the California Department of Education regarding referrals of students to law enforcement.

Member Randolph also shared his concerns on the sixth recommendation. He stated that the sixth recommendation could prevent LEOs from assisting in self-harm occurrences that require use of force to prevent the harm and protect students. Chair Guerrero clarified that the recommendation does not change the federal standard for use of force and that use of force is permissible so long as it is legitimate, necessary, and proportionate.

¹ 3 Whitaker et al., No Police in Schools: A Vision for Safe Supportive Schools in CA (Aug. 2021) ACLU, p. 14 < https://www.aclusocal.org/sites/default/files/field_documents/no_police_in_schools_-_report_-_aclu_-_082421.pdf > [as of Nov. 15, 2023].

Member Taylor inquired on the fourth recommendation's specific reference to marijuana and asked why the recommendation did not expand its coverage to other drug possession. AGPA Rick informed that the recommendation reflected the findings that the bulk of suspicious stops were for suspicion of marijuana possession or fighting. Member Thuilliez also shared his concern that the fourth recommendation could impose logistical responsibilities to schools that they may not be legally equipped to handle; he stated that should schools redirect referrals away from LEOs for marijuana possessions that schools will have to consider how to legally handle and subsequently dispose of confiscated contraband like marijuana. He asked for the Board to consider supplemental clarification be provided should the recommendation be approved. Chair Guerrero then directed the Board to entertain motions for the aforementioned recommendations.

Member Kulkarni moved to adopt recommendation #4 with an amendment to replace the word "marijuana possession" with "drug possession," which Member Taylor seconded. SDAG Beninati then proceeded with the roll call vote:

- **YES:** ARMALINE, BIANCO, CRINER, DOBARD, DURYEE, KULKARNI, RANDOLPH, SIERRA, TAYLOR, THUILLIEZ, VILLEDA, GUERRERO
- **NO:**
- **ABSTENTIONS:**

SDAG Beninati tallied the votes and announced the result. With 12 members voting Yes, zero voting No, and zero Abstentions, the motion passes unanimously. Chair Guerrero then asked the Board to entertain a motion to adopt recommendation #2.

Member Kulkarni moved to adopt recommendation #2 with an amendment to replace the word "behavior" with "conduct," which Member Dobard seconded. On discussion of the motion, Member Taylor and Thuilliez recognized that further editing of the language was required as the word "behavior" was used throughout the recommendation. SDAG Beninati asked the Board to consider the following friendly amendment:

The Legislature should explore identifying specific student conduct or statutory violations that require disciplinary action that should [sic] be handled by school staff, and for which law enforcement officers should not be involved. This review should include making clear the responsibility of schools to respond to conduct requiring disciplinary action without relying on police and the related responsibility of police not to respond to disciplinary issues in schools.

Members Kulkarni and Dobard accepted the friendly amendment proposed by Member Thuilliez and Taylor but articulated by SDAG Beninati. SDAG Beninati then proceeded with the roll call vote:

- **YES:** ARMALINE, BIANCO, CRINER, DOBARD, DURYEE, KULKARNI, RANDOLPH, SIERRA, TAYLOR, THUILLIEZ, VILLEDA, GUERRERO
- **NO:**
- **ABSTENTIONS:**

SDAG Beninati tallied the votes and announced the result. With 12 members voting Yes, zero voting No, and zero Abstentions, the motion passed unanimously. Chair Guerrero then asked the Board to consider potential action on recommendation #1 and directed the Board to readdress concerns prior to entertaining a vote.

Member Randolph agreed with Member Sierra's concerns that adoption of the recommendation may be premature. He asked the Board to consider testimony from both school districts and LEAs on the matter before reconsidering the recommendation. Member Thuilliez also shared his concerns on the recommendation. He stated that to remove Education Code Section 38000 police departments could create inefficiency. He shared that without school district police departments, the substituting LEA would need to acquire institutional knowledge relating to juvenile rules and laws, community and student relationships, and familiarity with school-specific protocols, which would lead to unintended consequences. Member Bianco wanted to emphasize that they make efforts to assign LEOs to schools due to their passionate interest to serve their communities in this particular capacity, recognizing that there are specific LEOs who want to work in the school context and does not want to take away those opportunities.

Member Dobard understood the concerns behind the recommendation but informed the Board that the topic allowed them the opportunity to consider alternative solutions for school safety in future discussions. He noted that the Los Angeles Unified School District removed school police and provides other types of support that do not rely on law enforcement like support programs, school advocates, and additional resources to protect its students as an example. Member Taylor shared a similar position as Member Dobard. She stated that studies have never concluded that police in schools make schools safer. Chair Guerrero then asked to entertain a motion regarding recommendation #1.

Member Taylor moved to adopt recommendation #1 as presented which Member Villeda seconded. SDAG Beninati then proceeded with the roll call vote:

- **YES:** ARMALINE, CRINER, DOBARD, KULKARNI, TAYLOR, VILLEDADA
- **NO:** BIANCO, DURYEE, RANDOLPH, SIERRA, THUILLIEZ
- **ABSTENTIONS:** GUERRERO

SDAG Beninati tallied the votes and announced the result. With six members voting Yes, five voting No, and one Abstention, the motion passes. Chair Guerrero then directed the Board to the remaining recommendations (nos. 3, 5, and 6). She stated that since they were not flagged during general discussion that she would entertain a motion to approve the referenced recommendations as a slate.

Member Kulkarni moved to adopt recommendations nos. 3, 5, and 6 as presented which Member Taylor seconded. SDAG Beninati then proceeded with the roll call vote:

- **YES:** ARMALINE, CRINER, DOBARD, KULKARNI, SIERRA, TAYLOR, VILLEDADA, GUERRERO
- **NO:** BIANCO, DURYEE, RANDOLPH, THUILLIEZ
- **ABSTENTIONS:**

SDAG Beninati tallied the vote and announced the result. With eight members voting Yes, four voting No, and zero Abstentions, the motion passed.

Stop Data Reporting by Law Enforcement in Schools Recommendations

Chair Guerrero directed the Board to discuss the following recommendations that they could potentially adopt:

- Law enforcement agencies should implement practices to ensure the accurate and complete reporting of RIPA stop data among primary and secondary school-aged children and youth. Agencies should provide training to clarify the requirements for reporting stops of students.
- The Board recommends incorporating data, disaggregated by identity groups, about all law enforcement stops of students and the outcomes of these stops into California's existing school accountability system as an indicator of school climate.

She opened the floor for Board discussion but upon hearing none invited a motion that would adopt the recommendations referenced.

Member Kulkarni moved to adopt the recommendations as presented, which Member Sierra seconded. SDAG Beninati then proceeded with the roll call vote:

- **YES:** ARMALINE, BIANCO, CRINER, DOBARD, DURYEE, KULKARNI, RANDOLPH, SIERRA, TAYLOR, THUILLIEZ, VILLEDA, GUERRERO
- **NO:**
- **ABSTENTIONS:**

SDAG Beninati tallied the votes and announced the result. With 12 members voting Yes, zero voting No, and zero Abstentions, the motion passed unanimously.

Student Threat Assessment

Chair Guerrero directed the Board to discuss the following recommendations that they could potentially adopt:

- The Legislature should develop due process protections for student threat assessment processes and mandate that incidents involving only self-harm may not be assessed as threats.
- The Legislature should require that schools involve law enforcement in threat assessment processes after a threat has been deemed credible by the threat assessment team of educators and counselors (which does not include law enforcement).
- The Legislature should require local education agencies to collect and report case-level data regarding threat assessments including student age, race/ethnicity, disability status, gender, and impetus and result of threat assessment.

- Researchers should study threat assessment outcomes to evaluate whether they are consistent, align with the programs' guidelines, and are effective at reducing violence and improving student experiences.
- The Legislature should require schools to inform parents and students of threat assessment processes on an annual basis by including information on it in the school's policies and orientation materials and on its website.

She opened the floor for Board discussion.

Member Randolph shared his concerns on recommendations nos. 2, 3, and 5 as someone who has experience with threat assessment reviews. He questioned the rationale of having law enforcement involved only after a threat assessment is deemed credible. He also noted that the recommendation for schools to collect demographic data may prove challenging and that the recommendation requiring schools inform parents of threat assessment processes are already implemented by both schools and relevant LEAs. Chair Guerrero provided clarification that some of the recommendations may be duplicative to ensure consistency of such practices be implemented statewide. Member Bianco agreed with Member Randolph's concerns. He stated concerns that excluding law enforcement from the threat assessment process will limit the ability to properly evaluate threats as they can utilize additional tools and methods that schools do not have. He noted that schools and school administrators do not have the ability to investigate threats. He also shared that the absence of law enforcement involvement in the process can lead to assessments ending prematurely and mentioned instances relating to mandated reporting in his jurisdiction where law enforcement will be arresting school administrators for failures to report after a school's initial investigation.

Member Taylor asked the Board to consider refining the language for recommendation #2 as she had a different understanding than Members Bianco and Randolph. She interpreted the recommendation would obviate needless involvement of law enforcement in situations that could be appropriately handled by school staff given their familiarity and knowledge of their student population and not that the recommendation implicated mandated reporting. Chair Guerrero asked the DOJ for additional clarity on what the term threat assessment means contextually. AGPA Rick informed that the recommendation is largely borne out of advocates' concerns regarding the lack of due process rights for students. She stated that due process rights during disciplinary proceedings are formalized and parents and students are aware of these rights; the same cannot be said of student threat assessment processes and there is a lot of variation regarding how processes are handled across the state and country. AGPA Rick provided an example; in Virginia, law enforcement is not involved in the threat assessment process, and in California, to a great extent, law enforcement is involved. She stated that the recommendation is designed to provide legal clarity on due process rights during these processes. Member Thuilliez raised concerns that recommendation #2 could unintentionally create delay where immediate intervention is required; he stated that even in instances where intent to harm others is only verbally relayed, that the proper

response should be towards ensuring the school's safety first. Chair Guerrero then entertained a motion for adoption.

Member Thuilliez moved to adopt all referenced recommendations (nos. 1, 4, and 5), excluding recommendations nos. 2 and 3, which Member Randolph seconded. SDAG Beninati then proceeded with the roll call vote.

- **YES:** BIANCO, DURYEE, RANDOLPH, THUILLIEZ
- **NO:** TAYLOR, VILLEDA
- **ABSTENTIONS:** ARMALINE, CRINER, DOBARD, KULKARNI, SIERRA, GUERRERO

SDAG Benianti tallied the votes and announced the result. With four members voting Yes, two voting No, and six Abstentions, the motion passed.

Use of Restraints

Chair Guerrero directed the Board to discuss the following recommendations that they could potentially adopt:

- The Legislature should prohibit law enforcement officers and school security personnel from using mechanical restraints on all students unless the student poses a serious risk of harm to themselves or another person. This is especially the case for students with a perceived or known disability or a student having a mental health crisis.
- The Legislature should prohibit law enforcement officers and school security personnel from using electronic control weapons against students or individuals who reasonably appear to be minors in K-12 schools.
- The Legislature should prohibit the use of all chemical agents, including but not limited to OC spray, against students or individuals who reasonably appear to be minors in K-12 schools.

She opened the floor for Board discussion.

Member Bianco stated that he would not be voting for the recommendations. He stated concerns that uses of non-lethal uses of force prevent the need to use lethal force. He noted that during the last legislative session, the Legislature considered a similar bill relating to the general use of electronic control weapons, essentially Tasers, and that bill died, as the Legislature concluded that when you take away the use of non-lethal uses of force, you are forcing someone to resort to last use of force. Member Duryee asked that the Board appreciate the nuance of properly implementing the appropriate level of force. He stated that there is no blanket policy that effectively works, as an appropriate use of force is dependent on factors specific to the situation, for instance, it is dependent on the size of both the LEO and individual. AGPA Anna Rick clarified that handcuffs are a type of mechanical restraints. Chair Guerrero then asked to entertain a motion on the aforementioned recommendations.

Member Taylor moved to adopt all referenced recommendations, which Member Villeda seconded. SDAG Beninati then proceeded with the roll call vote.

- **YES:** ARMALINE, CRINER, DOBARD, KULKARNI, SIERRA, TAYLOR, VILLEDA, GUERRERO
- **NO:** BIANCO, DURYEE, RANDOLPH, THUILLIEZ
- **ABSTENTIONS:**

SDAG Beninati tallied the votes and announced the result. With eight members voting Yes, four voting No, and zero Abstentions, the motion passed.

Training and Funding

Chair Guerrero directed the Board to discuss the following recommendations that they could potentially adopt:

Training

- The Legislature should mandate an update to the training provided by POST, which is currently mandated for officers employed by a school district-administered police department. The Legislature should also mandate that any law enforcement officer receive this training who is working an assignment that may require responding to a school.

Funding

- The Legislature should limit or prohibit the use of funding to pay for school-based police, school-based probation department staff, and school security officers, and reinvest funding to resources that improve services to students.
- The Board recommends that government agencies prioritize grant and other funding that focuses on educational and supportive programs like counseling as opposed to funding law enforcement presence in schools.

She opened the floor for Board discussion.

Member Dobard stated that funding recommendation #1 could benefit from added language and asked the Board to consider the following amendment:

- The Legislature should limit or prohibit the use of funding to pay for school-based police, school-based probation department staff, and school security officers, and reinvest funding to resources **that promote safe environments and improves services to students.**

Member Dobard stated that the recommendation can also list specific student services as an example (e.g., family resource navigators, basic needs access, school climate advocates, etc.). Member Dobard also asked whether the second funding recommendation adequately represented the amendment he asked the Board to consider. AGPA Rick confirmed that the recommendation reflected Member Dobard's proposal but deferred to the Board on whether the proposal was warranted.

Member Thuilliez asked whether the recommendations numbers 1 and 3 were appropriate given the Board's vote to repeal Education Code section 38000. He was not sure if the Legislature approves how much the school districts receive funding for police departments. He stated that he does not stand behind the recommendation discussed. AGPA Rick explained that the prior Board approved recommendation in its Youth Contact and Law Enforcement section to repeal Education Code section 38000 is exclusive to the 19 school districts that have their own police department and that the recommendations on the floor would affect schools without its own police departments. Member Sierra stated that the discussed recommendations should still be considered

given that the recommendation to repeal the relevant code section may not go forward once in the legislature and that, at a minimum, the discussed recommendations would provide some instruction.

Member Randolph agreed with Member Thuilliez's position and cautioned that the Board's recommendations could imply an anti-law enforcement stance and that he supports numbers 1 and 2. Chair Guerrero responded that the Board's positions and recommendations are not adversarial in nature. She explained that the Board's intentions behind its decisions are to promote accountability as supported by the data and information available.

Chair Guerrero then asked the Board to consider changing the first recommendation to reflect AGPA Rick's explanation (i.e., make the first recommendation inclusive of all police departments that operate on schools rather than just school district administered police departments). She invited the Board to make a motion on the first recommendation.

Member Sierra moved to adopt the training recommendation with the following amended language, which Member Taylor seconded:

- **In the event the Legislature does not repeal Education Code section 38000, the Legislature** should mandate an update to the training provided by POST, which is currently mandated for officers employed by a school district-administered police department. The Legislature should also mandate that any law enforcement officer receive this training who is working an assignment that may require responding to a school.

SDAG Beninati then proceeded with the roll call vote.

- **YES:** ARMALINE, CRINER, DOBARD, DURYEE, KULKARNI, SIERRA, TAYLOR, THUILLIEZ, VILLEDA, GUERRERO
- **NO:** BIANCO, RANDOLPH
- **ABSTENTIONS:**

SDAG Beninati tallied the votes and announced the result. With 10 members voting Yes, two No, and zero Abstentions, the motion passed.

Chair Guerrero then asked the Board to make a motion on the funding recommendations discussed.

Member Thuilliez moved to strike the first funding recommendation but adopt the second recommendation, which Member Randolph seconded. SDAG Beninati then proceeded with the roll call vote.

- **YES:** BIANCO, DURYEE, RANDOLPH, THUILLIEZ
- **NO:** DOBARD, KULKARNI, TAYLOR, VILLEDA, GUERRERO
- **ABSTENTIONS:** ARMALINE, CRINER, SIERRA

SDAG Benianti tallied the votes and announced the result. With four members voting Yes, five voting No, and three Abstentions, the motion did not pass. Chair Guerrero then invited other motions for consideration.

Member Taylor moved to approve the funding recommendations with the added language under the first funding recommendation of examples of specific student resources and agencies that Member Dobard referenced. Member Kulkarni seconded the motion and SDAG Beninati then proceeded with the roll call vote.

- **YES:** ARMALINE, CRINER, DOBARD, KULKARNI, SIERRA, TAYLOR, VILLEDA, GUERRERO
- **NO:** BIANCO, DURYEE, RANDOLPH, THUILLIEZ
- **ABSTENTIONS:**

SDAG Beninati tallied the votes and announced the result. With eight members voting Yes, four voting No, and zero Abstentions, the motion passed.

Chair Guerrero then moved to the next agenda item.

5. Public Comment

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

Richard Hilton shared concerns that the Board's efforts are undermined due to data integrity and underreporting. He stated that the DOJ had a responsibility to allow third parties to validate the data themselves and expressed disappointment with the DOJ's lack of cooperation on this issue.

Vee thanked the Board for its transparency, which opens them up to criticisms.

Hearing no additional comments, Chair Guerrero moved on to the next agenda item.

6. Break

In the interest of time, Chair Guerrero continued to the next agenda item.

7. Final Action on RIPA Report

Chair Guerrero opened the agenda item and stated she would entertain a motion to approve of the RIPA report. Member Sierra moved to approve of the RIPA report which Member Kulkarni seconded. SDAG Beninati asked the Board that they consider amending the motion with a provision to allow the Chair to wordsmith the RIPA report after its approval.

Member Sierra amended her motion to allow Chair Guerrero the ability to make appropriate edits and wordsmithing to the RIPA Report which Member Kulkarni seconded.

SDAG Beninati then proceeded with the roll call vote.

- **YES:** ARMALINE, CRINER, DOBARD, DURYEE, KULKARNI, SIERRA, TAYLOR, VILLEDA, GUERRERO
- **NO:** BIANCO, RANDOLPH, THUILLIEZ
- **ABSTENTIONS:**

SDAG Beninati tallied the votes and announced the result. With nine members voting Yes, three voting No, and zero Abstentions, the motion passed.

8. Election of New Co-Chairs for 2024

Chair Guerrero opened the agenda item and encouraged the Board to provide nominations for the two 2024 Co-Chair positions.

Chair Guerrero nominated Member Sierra, which she accepted.

Members Sierra, Randolph, and Thuilliez nominated Chair Guerrero for another term, which she accepted.

Member Randolph nominated Member Thuilliez, which he declined.

Member Thuilliez nominated Member Randolph, which he declined.

Hearing no additional nominations, Chair Guerrero asked the Board to entertain a motion to elect the 2024 Co-Chair positions. Member Kulkarni moved to elect Chair Guerrero and Member Sierra for the 2024 Co-Chair positions, which Member Villeda seconded. SDAG Beninati then proceeded with the roll call vote.

- **YES:** ARMALINE, CRINER, DOBARD, DURYEE, KULKARNI, RANDOLPH, SIERRA, TAYLOR, THUILLIEZ, VILLEDA, GUERRERO
- **NO:**
- **ABSTENTIONS:**

SDAG Beninati tallied the votes and announced the result. With 11 members voting Yes, zero voting No, and zero Abstentions, the motion passed unanimously.

Co-Chairs Guerrero and Sierra thanked the Board before Co-Chair Guerrero opened the floor to the DOJ to announce next year transitions.

SDAG Beninati thanked everyone for their work on the 2024 RIPA Report. She announced that she and DAG Elgart will be transitioning off the RIPA Board project to work in the DOJ's Police Practices section. She thanked DAG Elgart for being the lead DAG and for her immense work contributions that exceeded what was required of her.

SDAG Beninati then introduced the new team members that will be assisting the Board in 2024. She announced that Supervising Deputy Attorneys General Christine Chuang and Joel Marrero will be co-supervisors next year. SDAG Chuang has been with the DOJ's Bureau of Children's Justice and has a background in disability rights and private litigation. SDAG Marrero recently joined the DOJ from the New York Attorney General's Office where he led patterns and practice investigations.

SDAG Beninati also introduced Deputy Attorneys General Jennifer Gibson and Kendal Micklethwaite as DAG co-leads for next year. DAG Gibson ran an appellate practice prior to joining the DOJ and has assisted the Board with its Youth and Disabilities report section. DAG Micklethwaite has been with the DOJ since 2020 and has worked on a variety of police practice

matters and has contributed extensively throughout the RIPA report (e.g., regarding the Fourth Amendment, Pretext, Community-based Crisis Intervention models, etc.).

DAG Elgart thanked SDAG Beninati for the kind words. She stated that her work with the Board has been an honor and a privilege. She thanked the Board for their work especially given their respective roles.

Member Kulkarni thanked SDAG Beninati and DAG Elgart for their work and collaboration in this endeavor.

9. Adjourn

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