

# CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD

## Citizen Complaints Subcommittee Meeting Minutes

### **2<sup>nd</sup> Meeting of the Racial and Identity Profiling Advisory (RIPA) Board Citizen Complaints Subcommittee**

**October 24, 2017, 11:00 a.m.**

The second meeting of the California Racial and Identity Profiling Advisory (RIPA) Board Citizen Complaints Subcommittee was held on Tuesday, October 24, 2017 at 11:00 A.M. at various teleconference locations.

**Members Present:** Mike Durant, Sahar Durali, Douglas Oden, Sheriff David Robinson, Tim Silard.

**Members Not Present:** None

**California Department of Justice Staff Present:** Catherine Z. Ysrael, Deputy Attorney General, CRES; Shannon K. Hovis, CRES; Kelsey Geiser, CRES; Randie Chance, Program Manager, Bureau of Criminal Identification and Investigation Services, CJIS; Alyson Lunetta, CJIS, Kevin Walker, CJIS.

#### **1. Call to Order**

The second meeting of the Citizen Complaints Subcommittee was called to order at 11:05 A.M. by Shannon Hovis from the California Department of Justice (DOJ). The meeting was held by teleconference with a quorum of members present.

#### **2. Update from the DOJ**

Ms. Hovis provided the subcommittee with a review of what DOJ staff and the subcommittee board chairs have worked on since the September 27, 2017 RIPA Board meeting. Ms. Hovis then laid out the general agenda for the meeting.

#### **3. Review of Law Enforcement Agency Survey Results**

Ms. Hovis provided the subcommittee with a specific update about the distribution and initial results from the survey sent by the Board to the California law enforcement agencies (LEAs) that will also be required to eventually submit stop data to the DOJ. Ms. Hovis explained that at the time of the meeting, the DOJ had received complete responses from 104 agencies and 61 partial responses, some of which are overlapping with the agencies that submitted complete responses. There were around 62 citizen complaint forms uploaded in response to the survey which were

distributed to the subcommittee members prior to the meeting. Ms. Hovis clarified that the results are still being pulled and sorted because the survey deadline was extended.

#### **4. Review and Explanation of Drafted Subcommittee Section Outline**

Ms. Hovis explained that the DOJ has been working on the deadlines associated with the report outline based on the November 27<sup>th</sup> and December 19<sup>th</sup> dates of the upcoming RIPA Board meetings. Ms. Hovis clarified that DOJ will be compiling and editing the sections to ensure that there is one unified voice for the report. Much of the contents of this year's report will serve as a baseline for where we are, the importance of citizen complaint data, the data we currently collect, what we know about citizen complaint processes and forms at the local level based on survey results, what general recommendations can be laid out now in terms of data collection, and a path forward and vision for future reports. Ms. Hovis clarified that the extended outline may include some duplicative information that will require reorganization and should serve mainly as a framework for the subcommittee members to deliberate on during this meeting.

Co-Chair Durali detailed the section outline as follows:

- The section will start with a discussion on the importance of citizen complaint information to the broader community, how AB 953 altered data that needs to be reported on citizen complaints to now include racial profiling, and to discuss how citizen complaints are an important mechanism to bridge the gap and build trust between LEAs and the community.
- The second section will overview current citizen complaint data and the analysis of the complaint data statewide including an agency-level snapshot.
- The third section is an overview of the LEA survey and why it was sent out as well as a summarization of the survey results, including a discussion of any variation in different complaint procedures that could be observed.
- The fourth section will detail general recommendations including, for example, increasing accessibility of complaint forms and procedures, processing all complaints received, adopting training and policies around investigations, allowing complaints to be filed in a variety of ways, developing a statewide uniform complaint form, using neutral complaint procedures and appeals process. Co-Chair Durali clarified that these are potential recommendations set forth by herself and Co-Chair Robinson, but the recommendations are up for discussion with the rest of the subcommittee. The recommendations in the draft outline are not final.

Co-Chair Robinson provided detail on the section on the vision for future reports including but not limited to: developing a uniform statewide citizen complaint form that includes general guidelines and best practices; a discussion and analysis of funding; a uniform training on the topic across different levels of peace officers; further analysis of demographic compositions of different geographic areas; further exploration of best practices, common policies, community examples, and comparing use of force data to stop data and complaint data. Co-Chair Robinson clarified that these are only ideas for future reports and are up for discussion and additions.

Co-Chair Durali added that standardizing the procedures might be a legislative recommendation. Co-Chair Robinson suggested adding a clarification to the report that emphasizes that the board is advisory and the suggestions would have to then be put in place.

Mr. Walker provided an overview on the analysis of current complaint data and the plan for the report. The section will give an overview of the data, how it is collected, the limitations of the data collection to provide the readers background information to keep in mind while reviewing the analyses. The section will also provide statewide analyses of the data collected for the 2016 calendar year and an agency-specific snapshot that will show racial and identity profiling-related complaints, number of calls for service, etc. from a sampling of agencies of different sizes. The purpose will be to give readers an understanding of the way the data is structured and how the data can be viewed. Mr. Walker commented that the section will also include a discussion of how readers might interpret the data given additional factors that might influence the numbers of complaints an agency receives.

## **5. Discussion of Subcommittee Section Outline & Proposed Contents**

Co-Chair Durali asked that the agency level data tables be broken down as much as possible to ensure they are easy to read and understand.

Member Oden mentioned that it is important to indicate if the complaints are being reviewed by an internal review process or by a citizen review board.

Ms. Hovis clarified that while the LEA survey did ask a broad question about the process for investigation into citizen complaints, it did not specifically ask if agencies use a citizen review board.

Co-Chair Durali asked that the agency data snapshot include key highlights of how agencies that are being analyzed are approaching the citizen complaint process.

Member Durant asked if data from a citizen review commission is encompassed in the data the agencies are being required to collect. This question was echoed by Member Silard.

Ms. Lunetta responded saying that this differentiation is not collected and the DOJ does not know what source the data comes from, though agencies are responsible for communicating to the DOJ the number of complaints that have been reported in that calendar year.

Co-Chair Robinson said that law enforcement is required by law to report the data so if the agency has a citizen oversight committee the assumption is that that committee would report their data to the law enforcement agency and then that data will then be reported to the DOJ as required by law.

Member Silard suggested that we ask these citizen complaint review boards for their data and then determine if it is duplicative of data received from agencies. Member Silard commented that this touches on the issue of public confidence in the way that these allegations are handled, and suggested that the board ultimately try to answer the question of whether having a civilian

review board is a best practice or not and whether and how the existence of such a board influences the public level of confidence in the process.

Co-Chair Durali agreed that looking into the effectiveness of having a third party investigations should be included as a potential recommendation.

Member Durant worried that law enforcement agencies would be against a third party investigation because it would take away confidence from people with elected or appointed positions to address any discrepancies within their agency.

Member Silard clarified that he was not recommending that every agency have a third party review board but rather that the RIPA board include goals in the report such as access, including providing citizen complaint forms in multiple languages; follow up and transparency; and ensuring a high degree of confidence in the thoroughness and effectiveness in the complaint process. Member Silard emphasized that these are goals and questions to address down the road about the most effective ways to achieve these goals. He commented that it is in the purview of the board to keep looking at and hopefully elucidate best practices.

Member Durant agreed that exposing best practices is a good goal to include in general in this report and future reports with additional data that will come in.

Co-Chair Durali asked if Member Durant and Member Silard were comfortable with including a discussion of neutral third party investigators and including them as a potential future recommendation and analysis.

Member Durant said that the board must first determine if civilian review board data is going to be included in the data reported to the DOJ.

Co-Chair Robinson suggested that the board ask law enforcement agencies if they use a citizen review board or not. Co-Chair Robinson voiced concern that if there are only a few agencies that use these boards, there will not be enough data to compare and determine these are a best practice.

Member Durant asked if the DOJ currently has data on the number of law enforcement officers who have been terminated.

Ms. Lunetta responded that CJIS does not have that data but the data may be reported to DOE.

Member Durant did not think that DOE has that information but commented that RIPA board members might be surprised by the number of officers that are removed by LEAs.

Ms. Hovis emphasized that the survey that went out did not ask targeted questions about how LEAs investigate complaints so this question will need to be asked in a follow up survey in the future.

## **6. Public Comment**

Peter Bibring from the ACLU of Southern California endorsed Member Silard's recommendation that the board examine public confidence and why there may be variations in rates of filing complaints. Mr. Bibring mentioned that every civilian review board he is aware of is part of the department's process for investigating or adjudicating complaints, which is necessary to keep officer records confidential as mandated by law. Mr. Bibring commented that there is huge variation in the processes of the civilian review boards across the state which may affect public confidence. Mr. Bibring encouraged the board to look at the issue but likely not for this first report.

Ramira, a student from Cal State San Marcos, commented that it would be important to have both the public and members of an agency weigh in together on the decisions around citizen complaints.

## **7. Discussion of Deadlines and Approval of Next Steps**

Ms. Hovis provided an overview of the work DOJ will be doing in the coming weeks including analyzing the citizen complaint data to populate the report's data tables discussed by Mr. Walker, pulling out survey responses and sharing information that pertains to this section, and working with the co-chairs on their sections. Ms. Hovis suggested that other subcommittee members discuss the outline and submit any comments on the outline after the meeting to the DOJ.

Member Silard suggested that the section of the report that covers the variety of citizen complaint processes be structured around the goals including citizen confidence, transparency, clarity, access, and language access among others. In future reports, the board will be looking into what seems to be working well and what is not working well given the range of ways these issues are processed across the state. Member Silard commented that a major goal of the report should be to explore how to increase public confidence in the process.

Co-Chair Robinson suggested the board send out another survey for future reports to establish which agencies use an entity other than their own investigation unit to investigate complaints. This data may provide more information that could lead to a best practice or other options for agencies to use.

Member Oden agreed that citizen review boards should be included in future reports.

Member Silard clarified that it is premature for the board to determine confidently what the best practices are very clearly but rather that these are questions to be explored.

Ms. Hovis detailed the following next steps for the Citizen Complaints Subcommittee:

- Subcommittee members will send edits to the outline to DOJ by October 27<sup>th</sup>.
- Subcommittee co-chairs will send first draft sections to the DOJ by November 8<sup>th</sup>
- DOJ will compile and edit the drafted sections and send the draft section to the subcommittee

- A full initial draft of all of the subcommittee sections will be sent to the full board before Thanksgiving for review before the next full meeting.
- Another draft will potentially be recirculated closer to the November 27<sup>th</sup> meeting.

**MOTION:** A motion was made to adjourn by Member Silard. The motion was seconded by Member Oden. No objections were raised.

**APPROVAL:** The motion was approved with all members voting “Yes”, no “No” votes, and no abstentions.

## **8. Adjourn**

The meeting with adjourned by Ms. Hovis at 12:47 p.m.