

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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CIVILIAN COMPLAINTS SUBCOMMITTEE MEETING MINUTES

May 17, 2023, 12:02 p.m. – 12:39 p.m.

Subcommittee Members Present: Co-Chair D.J. Criner, Member Angela Sierra, Member Cha Vang, Member William Armaline, and Member Andrea Guerrero

Subcommittee Members Absent: Co-Chair Lawanda Hawkins

1. Introductions

Co-Chair Criner called the meeting to order at 12:02 p.m. Each Civilian Complaints Subcommittee (herein Subcommittee) member present introduced themselves.

2. Approval of February 17, 2023 Subcommittee Meeting Minutes

Co-Chair Criner opened asking if any members would like to discuss the draft meeting minutes. Co-Chair Criner then entertained a motion to adopt the meeting minutes. Member Sierra moved to adopt the minutes as presented which Member Armaline seconded. There were 4 Ayes, 0 Nays, and 0 Abstentions and the February 17, 2023 meeting minutes were approved as presented.

Deputy Attorney General (DAG) Yasmin Manners of the California Department of Justice (DOJ) asked to Subcommittee to consider a motion to approve the September 12, 2022 Subcommittee Meeting Minutes which were tabled at the last meeting. Co-Chair Criner opened asking if any members would like to discuss the draft meeting minutes. Co-Chair Criner then entertained a motion to adopt the meeting minutes. Member Sierra moved to adopt the minutes as presented which Member Guerrero seconded. There were 4 Ayes, 0 Nays, and 0 Abstentions and the September 12, 2022 meeting minutes are approved as presented.

3. Overview of Subcommittee Work by Department of Justice and Discussion of Subcommittee Section in 2024 RIPA Report

DAG Manners of the California DOJ provided an update on the Subcommittee's section for the 2024 RIPA Report. She stated that under the Subcommittee's direction from the last meeting that the Subcommittee's draft report section would cover the following topics:

- Data Analysis on Civilian Complaints;
- Use of Body Worn Camera Footage for Investigative Purposes;
- Root Cause Analysis Implementation for the Complaints Process;
- Early Intervention Systems (EIS); and
- Effectiveness of Civilian Review Boards

DAG Manners shared that draft sections covering the benefits of using body worn camera footage for investigations and benefits of root cause analysis implementation have been circulated for the Subcommittee to review. She stated that the sections on EIS, civilian review board effectiveness, and the data analysis section would be forthcoming as they are still in development. DAG Manners then summarized the developed topics that were circulated to the Subcommittee.

Body Worn Camera Draft Section

DAG Manners first covered the section on the use of body worn camera footage for investigations and its benefits. She stated that its use had benefits which included:

- Providing a source of objective evidence enabling complaint decisions to be more accurate;
- Research suggesting that its use could minimize racial disparities and complaint outcomes;
- Leading to quicker resolution of complaints;
- Providing law enforcement agencies (LEAs) an opportunity to go further than what the complaint alleged to identify additional events of misconducts or areas of improvement which would provide additional perceptions of legitimacy to LEAs.

In addition to summarizing its benefits, DAG Manners also stated that the report section would provide notations on observed findings. She mentioned that another benefit found was that use of body worn camera footage could lead to fewer complaints, but because the finding was inconsistent, that further exploration of this could be conducted later. She explained that the section could cover, particular to this benefit, the possibility that officer's behavior may be altered with the understanding that their actions are recorded and considered for the complaint process. Similarly it could may reduce the need to investigate complaints that are potentially frivolous.

DAG Manners shared with the Subcommittee that in addition to coverage of the topic, the report section would recommend review of any existing body worn camera footage in each complaint investigation with the consideration that its use should not generally be a replacement of other investigatory tactics or techniques such as interviewing witnesses.

Root Cause Analysis Draft Report Section

DAG Manners then covered the draft report section on root cause analysis implementation. She stated that the topic would first cover the background of the traditional complaint investigatory approach which generally focuses on individual complaints on individual officers with the goal of determining blame. She stated that some research has indicated that this investigatory approach may not be the best framework in identifying misconduct as officers may be reluctant to share information beyond the limited questions asked of them during the investigation.

DAG Manners shared that the draft report section would recommend approaching the complaints process from a holistic approach that could be used as a learning tool. She stated that

the draft report section would present root cause analysis as one method of satisfying the recommendation made. The report section would then explain that root cause analysis is an investigatory technique that would approach allegations as a learning opportunity and would follow the following steps:

- Perform a fact finding phase;
- Identify the issue/s; and
- Identifying its root cause through analysis

She stated that root cause analysis would be performed along the traditional investigatory process as its scope would be systemic rather than on individuals. As an example of its scope, DAG Manners shared that a root cause analysis finding may identify gaps in training or consistent repeatable errors that could be remedied through additional training and monitoring. She stated that the content related to issue-identification and causal analysis are still being developed. DAG Manners then invited the Subcommittee to provide their comments and feedback.

Discussion

Co-Chair Criner thanked DAG Manners for her detailed presentation and opened the floor for the subcommittee members to provide feedback. Member Sierra thanked DAG Manners and the DOJ staff for their efforts on the draft report section. She asked the Subcommittee and DOJ to consider keeping the draft section short and concise to engender engagement from both the community and law enforcement agencies. She also asked that the body-worn cameras report section provide concise context on how common its implementation is and to reasons why LEAs may normally not use camera footage during an investigation. DAG Manners thanked Member Sierra for her feedback. Board Member Guerrero shared her appreciation for the draft report section. Hearing no additional feedback, Co-Chair Criner then moved to the next agenda item.

4. Public Comment

Co-Chair Criner opened the meeting for public comment and invited members of the public to provide their comments.

Michele Wittig from the Santa Monica Coalition for Police Reform suggested that when the report is finalized that relevant report sections should be circulated to local LEAs as they could be helpful as a resource.

Karen Glover asked the Subcommittee to consider the use of drone footage when developing the report as its use may be governed by the same policies used for body-worn footage.

Richard Hilton expressed concern that the Subcommittee's efforts are not as productive as it could be. He shared that the civilian complaint processed is flawed as complaints can be mischaracterized and resolution can take a considerable amount of time. He closed his comment hoping that the Subcommittee consider his concerns and address them.

Hearing no additional comments, Co-Chair Criner moved the meeting to the next agenda item.

5. Discussion of Next Steps

Co-Chair Criner invited the subcommittee and DOJ to discuss next steps in light of the meeting's discussion. DAG Manners shared that the DOJ will continue revising the content in preparation for the next upcoming Full Board Meeting in June. Additionally, she shared that the DOJ would continue drafting the root cause analysis section and how agencies can implement it. She also asked the Subcommittee to consider whether the DOJ should be directed to review drone footage. Board Member Sierra stated that exploration in to the section is warranted but would be visited in the next report depending on staff's capacity this year. Board Member Vang agreed with Board Member Sierra's and added that the DOJ could determine how many departments utilize drones as a preliminary exploration into the topic. Co-Chair Criner agreed with Board Member sentiments on the topic.

7. Adjourn

Co-Chair Criner closed the meeting by thanking all those who attended for their appearance and public comments.