

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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CIVILIAN COMPLAINTS SUBCOMMITTEE MEETING MINUTES

August 23, 2023, 1:29 p.m.

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

Subcommittee Members Absent: Member Andrea Guerrero

1. Introductions

Co-Chair Criner called the meeting to order at 1:29 p.m. Each Civilian Complaints Subcommittee (herein Subcommittee) member present introduced themselves.

2. Approval of May 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 four Ayes, zero Nays, and zero Abstentions and the February 17, 2023 meeting minutes were approved as presented.

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

Co-Chair Criner opened the agenda item and the floor to Deputy Attorney General (DAG) Yasmin Manners of the Civil Rights Enforcement Section (CRES) to present. DAG Manners informed that the Subcommittee's draft section is nearly finalized and has been circulated prior to the meeting for their review. The draft section now included:

- 2022 complaint data analyzed by the Department of Justice Research Center (DOJRC)
- A recommendation to the Legislature to have a standardized definition of the term civilian complaint, which is the same as in prior drafts
- Expanded the body worn footage section to include the recommendation to law enforcement officers to review all sources of camera video footage for the complaint investigative process
- A more developed discussion on root cause analysis

She also presented actionable steps and discussion for the subcommittee members. She informed that the Subcommittee would need to consider approving of the recommendation that law enforcement officers review all camera footage and whether the subcommittee would make a formal recommendation that root cause analysis be affirmatively implemented in the civilian complaints process. The alternative would be to encourage law enforcement agencies to do this but not making a formal recommendation. She also asked the Subcommittee to consider under what circumstances root cause analysis should be applied and informed that research indicates that

its application works best for commonplace events that are not high impact or newsworthy. She then closed her presentation by asking the Subcommittee to consider what topics their draft section of the report would cover next year.

Co-Chair Criner opened the floor for the Subcommittee's discussion and asked them to consider the recommendation that law enforcement agencies should incorporate root cause analysis in complaint procedures. Member Sierra stated that upon review of the relevant topic it is difficult to recommend a flesh-out recommendation to apply root cause analysis to certain circumstances as any potentially trending behavior may manifest differently for each agency. She instead proposed for consideration that the recommendation is that law enforcement agencies should have a policy on root cause analysis. She stated this would help law enforcement agencies adopt this analysis in a way that makes sense for them and that at the minimum, the recommendation could be to encourage agencies to consider whether root cause analysis would be useful in the preliminary stages of a civilian complaint investigation. Member Sierra suggested that agencies should have some discretion in when they are applying root cause analysis. She also stated that an adjacent topic that would complement root cause analysis well would be early intervention systems for next year's report. Co-Chair Hawkin's favored passing the recommendation and expressed that law enforcement agencies should look at this.e. Member Armaline also agreed with sentiments to adopt root cause analysis but differed from Member Sierra's suggestion. He stated that the Board should provide guidance on how frequent and when to utilize root cause analysis should be given to law enforcement agencies as the Subcommittee and its supporting entities (CRES and DOJRC) may have more knowledge on the its application. He also stated that this issue was more related to research methodology as opposed to substantive and that the Subcommittee's recommendation could include clear instruction and guidelines on how and when to apply root cause analysis.

Co-Chair Criner asked DAG Manners to provide comments to better assist the Subcommittee's discussion. DAG Manners informed the Subcommittee that root cause analysis is a relatively new subject as it relates to the law enforcement field and that to provide a recommendation with specific guidance may prove challenging as there are no established best practices in the law enforcement and complaints context. She stated that if the Subcommittee's recommendation were to list specific circumstances as to when the analysis should be applied, the DOJ could consult with experts but noted that there may not be a one size fits all recommendation and also time restrictions could prevent the topic from being fully developed. DAG Manners asked the Board to consider the topic to be an introduction to root cause analysis with further development in next year's report. Member Sierra amended her recommendation to encourage agencies to adopt a policy that recognizes the components of root cause analysis at a high level.

Co-Chair Hawkins asked the Subcommittee to hear from members of the public before voting to ensure their considerations were heard. Hearing no objections to Co-Chair Hawkins' suggestion, Co-Chair Criner opened the floor for public comment.

Michele Wittig provided comment and understood the nuance that the Subcommittee must navigate for the application of root cause analysis. She asked the Subcommittee to adopt a simplified version of the analysis as it would make root cause analysis' application more practical.

Member Sierra also asked for the Subcommittee to change their recommendation from a directive to a suggestion to adopt root cause analysis as the Subcommittee would continue to explore the topic in next year's report whereby a more robust recommendation can be developed. Members Armaline and Hawkins agreed with Member Sierra's suggestion. Hearing no additional comments, Co-Chair Criner stated that he would entertain a motion.

Member Sierra moved to encourage law enforcement agencies to adopt a root cause analysis policy with added language that the RIPA Board intends to include further recommendations on the subject matter in next year's report. Member Armaline seconded the motion. There were four Ayes, zero Nays, and zero Abstentions. The motion passed.

Co-Chair Criner moved the Subcommittee to consider another root cause analysis topic. He asked the Subcommittee to identify under what circumstances root cause analysis should be applied to. Member Sierra shared that the subcommittee's prior motion was sufficient to address this component. Co-Chair Criner asked whether any other members had comments and upon hearing none, opened the floor for public comment. Hearing no public comment, he then moved the potential action item for discussion.

Co-Chair Criner moved the Subcommittee to consider the conclusion of their report and to discuss of any topics they would like to include in next year's report. Co-Chair Hawkins stated that a continued review of root cause analysis is needed for next year's report. Member Sierra asked the Subcommittee to consider covering early intervention systems in next year's report. She also asked them to consider data relating to complaints for next year's report to identify additional topics and possible conclusions that could be developed. Co-Chair Criner agreed and stated that cursory review of the data showed some years where reported complaints are low or some years in which complaints increased, and the Subcommittee could explore the cause and best practices. Co-Chair Criner then opened the floor for public comment on the discussed item.

Michele Wittig asked the Subcommittee to consider that low frequency of complaints may not necessary infer an agency is exemplary in its conduct. She stated that the result could also be a reflection of underreporting. She expressed that a review of the frequency of complaints should be cross-examined with other adjacent data sets to better understand whether the frequency is caused by best practices or by underreporting. She also asked the Subcommittee to consider the possibility that the public's cynicism and faith in law enforcement may disincentive them from filing a complaint. Wittig also said there is a growing cynicism from law enforcement agencies about the

RIPA Board in that it asks for impossible expectations and seem to over broach the rule of law. Hearing no additional substantive comment, Co-Chair Criner then asked for DAG Manner's comments.

DAG Manners thanked the Subcommittee for their recommendations and for their suggestions for next year's report. She stated that procedurally all potential action items were discussed and that no other actionable tasks were needed. Co-Chair Criner thanked DAG Manners and the DOJ Team for their excellent work and moved to the next agenda item.

4. Public Comment

Co-Chair Criner opened the floor for public comment but hearing no additional comments moved 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. Hearing none, Co-Chair Criner asked DAG Manners for her input on the Subcommittee's next steps. DAG Manners shared that the DOJ will continue its work on the draft section and include the recommendations voted at today's meeting.

6. Adjourn

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