

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD
MEETING MINUTES

8th Meeting of the Racial and Identity Profiling Advisory (RIPA) Board

March 29th, 2018, 10:00 a.m.

The seventh meeting of the California Racial and Identity Profiling Advisory (RIPA) Board was held on Thursday, March 29, 2018 at 10:10 A.M.

Members Present: Angela Sierra, Warren Stanley, Andrea Guerrero, Sahar Durali, Micah Ali, Chief Edward Medrano, Reverend Ben McBride, Honorable Alice Lytle, Mariana Marroquin, Oscar Bobrow, Brian Marvel, Doug Oden

Members Not Present: J. Edgar Boyd, Tim Silard, David Robinson, Timothy Walker, Jennifer Eberhardt, Alex Johnson

California Department of Justice (DOJ) Staff Present: Kelli Evans, Special Assistant Attorney General, Executive Office; Nancy A. Beninati, Supervising Deputy Attorney General, Civil Rights Enforcement Section (CRES); Shannon K. Hovis, CRES; Kelsey Geiser, CRES; Audra Opdyke, Assistant Bureau Chief, Bureau of Criminal Identification and Investigative Services, California Justice Information Services Division (CJIS) Erin Choi, Manager, Client Services Program, Charles Hwu, Manager, Criminal Justice Information Technology Services Bureau, Kevin Walker, CJIS.

1. Call to Order and Welcoming Remarks

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

Board Co-Chair McBride began by acknowledging the frustration and pain felt by Californians following recent police shootings. He called for Californians to listen to each other in search of solutions and justice.

Co-Chair Medrano echoed Co-Chair McBride's call for collaboration to identify and implement solutions.

2. Approval of the December 19, 2017 Board Meeting Minutes

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

APPROVAL: The minutes were approved with all members in attendance voting “Yes” and no members voting “No.” There were no abstentions.

3. Update from the California Department of Justice on 2018 Report Release and Next Steps for the 2019 Report

Ms. Hovis discussed the release of the inaugural 2018 report on racial and identity profiling in law enforcement. The report provided baseline information about what is currently known about disparities in enforcement actions and the existing policies and practices to prevent bias and profiling, and outlined the agenda and vision for the future work of the Board, which will contain an analysis of stop data and citizen complaint data.

➤ Board Member Comments

- Co-Chair Medrano commented that the Board struggled with how to produce a report without data (the largest law enforcement agencies will commence collecting the stop data in July 2018). The initial reports will focus on the creation and implementation of a framework for collecting and analyzing data.

Ms. Evans thanked the attendees on behalf of the Attorney General and encouraged members of the public to view the video that was released as part of the 2018 RIPA Board report. The video illustrates the purpose of the RIPA Board and highlights the work that has been accomplished to date through comments from members of the Board and the public on the need for the Board

4. Presentation by the California Justice Information Services Division (CJIS) on Stop Data Collection

Ms. Opdyke, Ms. Choi, and Mr. Hwu from the DOJ presented an update on the stop data collection system (the presentation materials are available online). Ms. Choi provided an overview of the three methods law enforcement agencies (LEAs) can use to submit the collected stop data to the DOJ: 1) Secure File Transfer Protocol (SFTP), 2) System-to-System Web Services, and 3) DOJ Hosted Web Application. The SFTP and Web Services are already available and allow for agencies to collect the data locally using their own preferred format (Excel, CSV, XML, or JSON). The DOJ Web Application allows officers to input data and submit to the DOJ in real time via a secure network and will be compatible with multiple web browsers and an off-line solution is being developed.

➤ Board Member Comments

- Co-Chair McBride asked if there will be an electronic record to track any changes made to the data collection process or the data itself to ensure transparency and clarity.
 - Ms. Choi explained that the data cannot be edited or changed once it is submitted to the DOJ.

- Member Lytle asked whether the security protecting these systems and applications are robust in terms of preventing unwanted or unauthorized data coming in or data being accessed by malicious third parties.
 - Ms. Choi explained that this data can only be accessed through approved devices connected through the DOJ's secure service.

➤ **Public Comments**

- An unidentified member of the public asked how data accuracy will be ensured.
 - Ms. Choi answered that once the information has been recorded and sent to DOJ, it will be made public through OpenJustice. In this way, the public can ensure the accuracy of this information.

Ms. Choi showed sample screenshots of the data entry process and explained the steps required by the regulations, highlighting that each question on the page contains an explanation connecting it back to the regulations. Ms. Choi noted that officer information can be pre-populated and the LEA's can do a bulk upload to streamline the process. Ms. Choi commented that errors or missing answers will be highlighted and will prevent the officer from progressing to the next page, noting that if an officer is interrupted by an urgent event, the information can be saved to be completed later.

➤ **Board Member Comments**

- Co-Chair McBride asked if the officers will be alerted if they have a pending record that must be completed.
 - Ms. Choi answered that whenever an officer checks their account, they will be able to see that they have a pending record. Supervisors can also check to see if there are any pending records that need to be completed by any officers. Each record will have a unique identification number assigned by the DOJ.
- Co-Chair Medrano asked if the accounts are regularly checked by supervisors.
 - Ms. Choi answered that the DOJ will be training agencies about how to set up local procedures on how to implement and regulate this information.
- Member Guerrero asked if it was possible to compel the officer to complete a pending record before starting a new one.
 - Ms. Choi answered that officers are not forced to close out pending forms before starting a new one.
- Co-Chair McBride followed up asking if it is possible for officers to avoid completing the forms for certain cases by just leaving them pending and, if so, how to ensure that oversight is not solely left to local departments.
- Co-Chair Medrano provided some context about what happens when an officer is interrupted while filing a report in existing systems. In the existing system, if an officer does not complete a report, the system will mark the fact that a report is pending until the report has been completed.
- Member Guerrero noted that this system will be implemented in a number of different ways and mentioned that, in its report this year, the Board could ask

about incomplete questionnaires and the ability to track any gaps that may become a trend.

- Member Stanley asked if the system would send a notification to DOJ if an officer who has a pending report logs out of the system.
 - Ms. Choi answered that the officer can logout but those records will always be there. DOJ has analysts assigned to work directly with each of the agencies to make sure there are no gaps. If there are any pending forms at the end of the collection period, they will still be available for the DOJ to check when the LEA is audited.
- Co-Chair Medrano noted that DOJ does not shy away from reminding agencies about reporting responsibilities.
- Co-Chair McBride emphasized the importance of a transparent and open procedure on reports that are not being filed.
- Member Guerrero wanted to clarify whether the DOJ will be alerted if there are incomplete records.
 - Ms. Choi responded that DOJ will only know what is reported. If a report was initiated on the DOJ Web Application, DOJ will have access to it in real time. Using the other two methods, DOJ will have access to any initiated reports once a batch of data is sent to DOJ. Ms. Choi noted that the regulations require batches to be sent for submission at least yearly, but the agencies can send them in more regularly as well.
- Member Guerrero asked if agencies are required to send any other data to DOJ and at what frequency.
- Co-Chair Medrano responded that agencies are required to send other data to DOJ and that it would be in the agencies best interests to use the DOJ Web Application as it is the easiest way to collect data. Co-Chair McBride noted that some rural areas may not have the ability to use this DOJ Web Application, but almost every agency has a system for internally keeping track of this information.
- Member Guerrero asked how many agencies are likely to use this DOJ Web Application.
 - Ms. Opdyke answered that one agency from the first reporting wave is scheduled to use the DOJ Web Application, five agencies are scheduled to use Web Services/SFTP, and two agencies are still determining their preferred method.

➤ **Public Comments**

- A member of the public asked how the DOJ or the public could ensure that the officer is telling the truth.
- Co-Chair Medrano noted the question but responded that there will be a time for public comment later in the meeting.

Ms. Choi continued with the tour, explaining how the offense codes will be selected and how more specific actions taken during the stop will be recorded. She also enumerated the additional information required when the officer makes a stop at a K-12 school.

Ms. Opdyke outlined the next steps for this process, mentioning that from April to May 2018, agencies will conduct User Acceptance Testing., and Train the Trainer sessions and User Onboarding will occur throughout May and June 2018. The first wave agencies will start collecting data on July 1, 2018.

Ms. Beninati mentioned that Attorney General Becerra's office will be conducting its first presentations for first wave LEAs within the next couple of weeks. The second wave LEAs will start collecting data on January 1, 2019. She also noted that Attorney General Becerra's office issued two law enforcement bulletins about the implementation of the California Values Act and the California Truth Act that specify what data LEAs need to report when they make arrests under joint task forces, including incidents where the arrestees were taken in for immigration related violations. Ms. Beninati mentioned that LEAs will also need to report any transfers of arrestees to ICE.

5. Discussion of RIPA Board 2019 Annual Report Contents

Member Lytle noted the importance of analyzing the data in its proper context with a general rather than narrow framework.

Co-Chair Medrano noted that the Board will be working with and advising POST on the development and implement an effective training regimen.

Member Guerrero commented that even without the initial data, there are many other components to improving police accountability.

Member Sahar Durali noted that it is important to analyze the stop data at schools and to compare it to data about discipline rates at schools.

Member Oden commented that there is no real way to ensure the officer is telling the truth unless targets of the stops report their stop data to internal affairs or other entities. Member Oden emphasized that data collection is a tool but it is not the answer to police accountability.

Member Bobrow brought up the policing shooting of Stephon Clark and suggested the Board support legislation to ensure that body camera information is automatically transferred to a database and officers are disciplined when they discharge their firearm without the camera on. Member Bobrow also suggested that future RIPA reports begin with a tribute to the victims of police shootings.

Member Ali highlighted the importance that POST have the resources necessary to develop and implement effective training regimens and advocated that law enforcement have increased educational requirements. Member Ali suggested that the Board work collaboratively to draft a joint letter in support of increasing appropriations for training and recruiting purposes.

6. Public Comment

Laurie Valdez from San Jose, CA, stated that she is not confident that the Board will address the trauma faced by children who see or are affected by police shootings. The families affected by police shootings need to have access to trauma care. She also requested the Board to look into the police shooting of Antonio Guzman Lopez and ask why videos or any other information haven't yet been released.

Sefis Johnson asked the Board to keep their ears and hearts open for the stories from the community. Mr. Johnson, the uncle of Oscar Grant, explained the circumstances of Mr. Grant's death in a BART station in Oakland following a police involved shooting. Mr. Johnson called for accountability and transparency. He mentioned that a number of bills that been introduced and implemented to address the issue of police brutality and lack of accountability, but they have not been effective. Mr. Johnson asked that the Board look at data collected from AB 71 from 2015 onwards and to incorporate that information going forward with this new data collection process.

Theresa Smith, the mother of Caesar Cruz, explained the circumstances of Mr. Cruz's death in Anaheim following a traffic stop. Ms. Smith urged the Board to include the statistics about people who are killed by officers at traffic stops in its report. She also mentioned that the trauma faced by the families and community left behind after a police shooting is never addressed by the state.

Darlene Atkins accused a teacher of verbally abusing her son in class at Centennial High School within the Compton School District. She expressed the fear that her son could have walked out of the classroom in emotional distress into the hands of an officer who is not properly trained, posing a danger to her son.

Kimberly Phillips from Silicon Valley De-Bug explained the circumstances of the death of her son, AJ Philips, following a police involved shooting. Kimberly Phillips stated that after she gave the police department her own digital footage of the incident and 4 hours of relevant footage went missing.

Dena Abelo spoke of the death of her husband James Nate Grier following a police involved shooting. She stated that she doesn't trust Internal Affairs or the District Attorney's office to conduct these investigations. Ms. Abelo requested that the public to have access to the stop data that will be collected according the AB 953 to ensure accuracy. Ms. Abelo requested that all use of force incidents be flagged in the database so that members of the public can conduct their own investigations.

Sandy Sanchez spoke about the death of her son, Anthony Nunez following a police involved shooting. Ms. Sanchez called for accountability for police officers.

Rosie Chavez spoke about the death of Jacob Dominguez following a traffic stop and police involved shooting.

Yolanda Banks Ream spoke about the death of her son Sahleem Tindle in a West Oakland Bart Station by a Bart Police Officer following a police involved shooting. Ms. Ream called for for transparency and accountability for police officer misconduct.

Afia Chambers spoke against the way the DOJ handles police shootings. She called for the Board to stand up and get justice for the victims of police shootings.

Aaron Foster, a resident of Compton, asked if the officers can edit the report after they it has been filed.

Teru Williams, of Black Lives Matter, Youth Justice Coalition, and Los Angeles Community Action network, advocated for the abolishment of the police or, at a minimum, the disarmament of the police and removal of police from schools. Mr. Williams asked how much data is necessary to hold police accountable. Mr. Williams said the Attorney General, the District Attorney, and the police departments are incompetent and cannot be trusted to hold one another accountable. Mr. Williams claimed that police officers are tampering with evidence without any repercussions.

Anne Bernett, of Interfaith Community Organization with PICO California, spoke about her experience as a teacher being held accountable by the state and asked why police officers, as public servants, are not expected to be held accountable for their actions on the job. Ms. Bernett approved of the collection of data, but called for the identification and discipline of bad actors on the force. Ms. Bernett emphasized that families need to know the names of the officers who killed their loved ones and what disciplinary actions were taken. Ms. Bernett commented that communities do not trust officers to hold themselves accountable.

Maria Antonio spoke on behalf of all women who have lost sons to police violence. Ms. Antonio mentioned that she is constantly scared that her son will come into contact with the police and be deported. Ms. Antonio commented that if police want the community to cooperate with them, they have to cooperate with the community as well.

Alexa Castellon from Long Beach asked how the police are investigated. Ms. Castellon explained a personal story in which she was profiled as a trans-woman of color and stopped by the police without cause. Ms. Castellon commented that that much of the trans community is afraid to go to the police when they are the victims of a crime.

Antone Ramos spoke about the ongoing investigation of the police shooting of her brother Angel Ramos by Officer Zachary Jacobson. Ms. Ramos commented that the police traumatized her nephew who is now has to seek mental health treatment because of the trauma.

7. Break

The Board recessed and reconvened with a quorum of members present.

8. Continued Discussion of RIPA Board 2019 Annual Report Contents, Subcommittee Meetings, and Next Steps

Co-Chair McBride gave a short history of how the creation of the Board, emphasizing the fact that this bill was passed only because of community support with a coalition of Black Lives Matter, Youth Justice Coalition, and PICO California among other groups and individuals. The Board was created in order to aid the implementation of the data collection process initiated by this bill. The members of the Board were nominated to represent various stakeholders, including public defenders, civil rights attorneys, law enforcement representatives, community members, and others. All meetings of the Board happen in public and they welcome all voices.

➤ Report from the Citizen Complaints Subcommittee

Member Durali thanked members of the public for sharing their stories and suggested including an interpreter for future meetings. She suggested that the Board identify best practices for civilian complaint processes and create a model complaint form, emphasizing that as it stands, there is no legislatively mandated complaint form or process. Member Durali requested resources from experts and community members to use as reference when developing such a form. Ms. Durali asked the Board about the best way to workshop these best practices such as stakeholder meetings, discussion in public forums, or other approaches.

Co-Chair Medrano suggested the creation of a guidebook with information that can be easily implemented in a variety of types of LEAs to allow agencies to not have to start from scratch. Co-Chair Medrano commented that these guidebooks can cover how to intake a report, how to investigate a complaint, how to coordinate the complaint process and make it transparent, how to use body-worn camera footage, and how to communicate with the communities among other topics. Co-Chair Medrano also mentioned that the guidebooks could contain information and best practices from states other than California.

Member Oden emphasized the importance of knowing what happens to the complaint once it is filed and the necessary associated accountability. Member Oden commented that for the public to have confidence in what we are doing, there should be some analysis on the complaint process.

Ms. Beninati commented that the reporting requirements are specified by the penal code which specifies that LEAs are required to say whether the complaint was sustained, unfounded, not sustained, or exonerated. AB 953 required this complaint data to be desegregated to identify racial and identity profiling information which will be further broken down into the disposition categories.

Member Lytle asked if that law indicates that you cannot analyze the evidence supporting the conclusion or does it say you have to indicate what the final result was.

Co-Chair Medrano commented that agencies need to define what these disposition categories mean to the community but mentioned that LEAs are prevented from revealing all of the details from the investigation.

Ms. Hovis added that the only other requirement in the law is that agencies have a written procedure for how they are going to conduct a complaint investigation.

Member Durali commented that there is a great degree of variability for the procedures between agencies. Member Durali mentioned that it would be a good idea to have stakeholder meetings with experts, community members, and LEAs.

Member Sierra echoed Member Durali's call for stakeholder meetings, emphasizing the importance of hearing from these stakeholders particularly given the variability in processes and agencies.

Member Durali commented that a high number of complaints may indicate that the agency has a very transparent thorough policy while other agencies do not. Member Durali commented that it is difficult to analyze the data given the degree of variability.

Member Ali asked if these stakeholder meetings will be held in a public RIPA Board meeting or in a public RIPA Subcommittee meeting or if the Board can host a public hearing.

Co-Chair Medrano suggested that much of the work be done in the subcommittees and then report back key findings to the entire board for issues to be deliberated and voted on.

Ms. Hovis suggested that a full RIPA Board meeting be held that focuses on bringing in subject matter experts to present to the Board members.

➤ **Report from the State and Local Policies & Accountability Subcommittee**

Member Stanley mentioned that the subcommittee discussed tabling conducting a more in depth survey of law enforcement agencies until the end of this year and then analyzing the policies of agencies who will be required to report data to the DOJ first to accompany an analysis of their stop data to provide a comparison. Member Stanley commented that for the 2019 report, the subcommittee could compile existing best practices and research on a variety of policies such as stops, searches, use of force, body worn cameras and early warning systems.

Member Bobrow suggested that the use of force data should be expanded to include every time there is a shooting by a police officer resulting in either death or great bodily

injury and a number of times a weapon is discharged. Member Bobrow mentioned that the race of the person that was shot should also be included.

Member Guerrero commented that that may fall under the purview of the Stop Data Subcommittee. Member Guerrero mentioned that this year's report may focus on developing the best practice guides across subcommittees.

Co-Chair Medrano mentioned that most of the use of force data mentioned by Member Bobrow is already collected under AB 71 and the Board could suggest including an analysis of the AB 71 data in its report this year.

MOTION: A motion was made to include an analysis of AB 71 data in the 2019 report by Member Bobrow. The motion was seconded by Member Lytle. No objections were raised.

APPROVAL: The inclusion was approved with all members in attendance voting "Yes" and no members voting "No." There were no abstentions.

Member Lytle asked if police deployment practices are included under local policies.

Member Stanley responded that the subcommittee can look at that.

➤ **Report from the POST Training & Recruitment Subcommittee**

Member Lytle commented that the subcommittee has received presentations by Commission on Peace Officer Standards and Training (POST). Member Lytle suggested including training and recruitment in this year's report. Member Lytle suggested that training be expanded to include information from sociological research about power, disproportionate application of power within the framework of human behavior. Member Lytle mentioned that members of the subcommittee have been invited to attend trainings to not only see what is being taught but how it is being taught.

Member Ali asked how POST is rolling out the Principled Policing training course across the state.

Charles Evans from POST commented that about 3,500 officers have undergone the principled policing 8-hour course involving approximately 300 agencies so far. The course emphasizes the use of voice, neutrality, respect, dignity, and trust. Mr. Evans invited Board members to attend the POST courses.

➤ **Report from the Evidence Based Research Subcommittee**

Member Bobrow drew the audience's attention to the potential deliverables laid out in the 2018 report including an electronic tutorial for the public on how to read stop data report, emphasizing that the public will have access to the data once it is collected.

9. Selection of New Co-Chair

MOTION: A motion was made to close nominations and select Member Guerrero as Board Co-Chair by Member Ali. The motion was seconded by Co-Chair Medrano. No objections were raised.

APPROVAL: The selection of Co-Chair Guerrero was approved with all members in attendance voting "Yes" and no members voting "No." There were no abstentions.

10. Public Comment

Yolanda Banks Ream commented that the officer who shot Sahleem Tindle was selected to be promoted to a mentor role, but this was put on hold.

Co-Chair McBride commented that the RIPA Board has no answers or impact on specific investigations.

America Vidal with Interfaith Community Organization detailed a police detention and racial profiling she experienced. Ms. Vidal asked how the police can provide a service in a language some community members do not understand. Ms. Vidal said she fears that the police will hand her over to immigration. Ms. Vidal asked for transparency and honesty from the police department of Long Beach.

Unnamed member of the public spoke about the death of her son Colby Friday following a police involved shooting. She asked for a cease fire across the country and that police use alternate methods of detaining and apprehending suspects. She stated that body camera footage is inaccurate and often not released. She said police brutality and bullying is not fair in any community stating that no one should be afraid, or hide from the ones who are held at a higher accountability standard to serve and protect our communities.

Dionne Smith Downes spoke of the death of her son James Rivera Jr. following a officer involved shooting. Ms. Downes commented that she will fight injustice no matter what.

Joey Williams with Faith in the Valley, Kern and PICO California represents families who could not attend the meeting including the families of James Delarosa, Jorge Ramirez, David Silva, Francisco Del Rio, Jason Alderman, and Francisco Serna. Mr. Williams said we need more than just tough talk from Attorney General Becerra on police accountability and we need to see more action now. Mr. Williams said if a department has the best trainings and equipment, it does not mean anything without accountability. Mr. Williams said they will get accountability and transparency. Mr. Williams asked how community members can file complaints with the same

departments they are afraid of and what the accountability piece is for officers submitting the complaint reports to the DOJ.

Ellie with the Youth Justice Coalition asked for a moment of silence for all of the families who have lost someone to police involved shootings. Ellie spoke of the death of her cousin following a police involved shooting. Ellie mentioned that once their family members are killed they have to do all of the work.

Joaquin from the Youth Justice Coalition requested real action from the Board. Joaquin commented that the Board should focus on the school environments as well. Joaquin commented that there are not enough youth voices on the Board.

Rosie de la Trinidad spoke of the death of her husband, Jose de la Trinidad following an officer involved shooting during a traffic stop. Ms. De la Trinidad said that she was not kept informed following the shooting and her family members were denied support from Victims of Crime because her husband was designated as a suspect. Ms. De la Trinidad asked the Board to use its power and to not turn a blind eye to the pain the community is suffering.

11. Closing Remarks and Adjournment

Co-Chair McBride welcoming members of the public to e-mail the Board with suggestions future meeting agendas.

Co-Chair Medrano commented that the meeting was his last and introduced his replacement, Chief David Swing.

The meeting was adjourned by Co-Chair McBride at 2:30 p.m.