

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD
<https://oag.ca.gov/ab953/board>

POST TRAINING AND RECRUITMENT SUBCOMMITTEE
MEETING MINUTES

May 28, 2020 – 10:06 a.m. – 12:23 p.m.

Subcommittee Members Present: Sandra Brown, Damon Kurtz, Melanie Ochoa, Dave Robinson, Angela Sierra, Warren Stanley

Subcommittee Members Absent: Micah Ali

1. Introductions

Allison Elgart from the California Department of Justice (DOJ) called the meeting to order at 10:06 am. The meeting was held by videoconference with a quorum of members present. Ms. Elgart welcomed Member Ochoa to the Board and the subcommittee. Member Ochoa shared that she is a staff attorney with the ACLU of Southern California and that she had attended previous RIPA Board meetings. She added that before working with the ACLU, and in other positions in the legal field, she earned her Ph.D. in Sociology and Social Policy.

2. Approval of Subcommittee Meeting Minutes

Ms. Elgart clarified that members who were absent from an earlier meeting are not required to abstain from voting on the minutes of the meetings they did not attend.

MOTION: Member Robinson made a motion to approve the June 12, 2019 subcommittee meeting minutes. Member Sierra seconded the motion.

APPROVAL: The five subcommittee members present voted “yes”; there were no “no” votes and no abstentions.

MOTION: Member Sierra made a motion to approve the November 14, 2019 subcommittee meeting minutes. Member Stanley seconded the motion.

APPROVAL: The five subcommittee members present voted “yes”; there were no “no” votes and no abstentions.

3. Election of Subcommittee Co-Chairs

Ms. Elgart stated the subcommittee did not currently have co-chairs and needed to elect co-chairs.

MOTION: Member Brown made a motion to nominate Member Ochoa to serve as Subcommittee Co-Chair. Member Kurtz seconded the motion.

APPROVAL: The five subcommittee members present voted “yes”; there were no “no” votes and no abstentions.

MOTION: Member Sierra made a motion for Member Brown to serve as Subcommittee Co-Chair. Member Robinson seconded the motion.

APPROVAL: The five subcommittee members present voted “yes”; there were no “no” votes and no abstentions.

Nancy Beninati from the DOJ thanked the Subcommittee Co-Chairs for serving.

4. Update about AB 953 Training

Anna Rick from the DOJ stated that the DOJ had received questions about reimbursement for data reporting from LEAs, and the Commission on State Mandates had recently partially approved a Test Claim for RIPA Reimbursement. She stated that proposed recommendations and comments on the Draft Reimbursement Parameters and Guidelines could be filed with the Commission by June 12, 2020, and details were available on the Commission’s website. Member Robinson stated that he would discuss the Test Claim with Captain Jeffrey Jordan of the San Diego Police Department and could share feedback at the next Subcommittee meeting.

Ms. Elgart stated that the Civil Rights Enforcement Section (CRES) at DOJ was working with the DOJ Client Services Program (CSP) to develop a training on AB 953 that was certified by POST for Continued Professional Training (CPT) credit. Kimberly Newport-Hewitt from the DOJ stated that the course, An Overview of the Racial and Identity Profiling Act, would be taught by CRES and CSP and would be offered twice each month. She stated that the four-hour course would include the history and mandates related to the reporting requirements, and it would address supervisory review to ensure uniform data reporting. She explained that law enforcement personnel are the target audience, including supervisors, trainers, IT, and administrative staff. She stated that course implementation was projected to begin in September 2020 and explained that the training would prepare participants to assist their agencies to implement stop data reporting. Ms. Newport-Hewitt stated that the course includes stop scenarios and a data reporting demonstration using the DOJ-hosted web application. She added that the instructors would introduce how to access the Board Reports and provide an overview of their contents.

Member Ochoa requested an explanation of how the DOJ-developed course relates to the POST-developed courses that several Board members reviewed. Ms. Elgart stated that POST would discuss the trainings that they developed in the next agenda item, but that this training was one that was developed by DOJ and certified by POST. Ms. Elgart stated that the DOJ would like to do a pilot presentation of the DOJ-developed course for

Board members in the next month or two. Member Kurtz stated that he would like to view the training and asked if it would be possible to share the training and allow for feedback from the Peace Officer's Research Association's Executive Committee. Ms. Beninati stated that it should be possible to include several people from the Association in the testing of the training to provide additional input. She added that many of the scenarios included in the training are based on questions received from law enforcement, and it would be helpful to receive feedback to ensure the training is effective in engaging officers and addresses officers' areas of concern. Subcommittee Co-Chairs Brown and Ochoa and Member Sierra confirmed that they would like to participate in the review of the training.

Ms. Beninati stated that the training developed by CRES, CSP, and the DOJ Research Center focused on ensuring consistency in how stop data is recorded. Ms. Newport-Hewitt explained that this training would be crucial in preparing the 400 agencies that will begin data reporting in Wave 4 because CSP will not be able to visit each of these agencies before their reporting begins. Subcommittee Co-Chair Ochoa asked if agencies are required to provide training about compliance with stop data reporting or if this would potentially be the only training that officers would receive. Ms. Elgart stated that the LEAs are all doing onboarding and training on how to use the data collection system with support from CSP. She added that CSP had already conducted Kick-Off Meetings with all of the Wave 3 LEAs, which would allow the agencies six to nine months to complete systems testing and staff training to begin reporting data on January 1, 2021. Ms. Beninati stated that POST does not provide this type of training, which is an expansion of a presentation that the DOJ provided to Wave 1, 2, and 3 agencies. She stated that the POST certification would allow officers to get credit for the training.

5. Overview of POST and Board Collaboration Work Plan and Training Update

Aisha Martin-Walton from the DOJ stated that AB 953 required POST to develop additional guidelines and training courses for peace officers on racial and identity profiling and cultural diversity, in consultation with the RIPA Board. She stated that the required training includes a basic-level course on racial identity and culture, and refresher training, at minimum, every five years following the initial training. She stated that POST had completed the development of two courses at the basic-level and a refresher course video, and had an online self-paced refresher course in development. Ms. Martin-Walton stated that POST had also contracted with the Museum of Tolerance to provide another option for officers to receive the training. She shared that the subcommittee had invited POST Learning and Technology Resources (LTR) Bureau Chief Rosanne Richeal and her team to provide background information, updates, and suggest opportunities for Board members to be more involved in POST's training development.

Ms. Richeal shared that POST has a staff of 135 people that support the training of California's 96,000 officers and dispatchers. She stated that LTR is responsible for producing videos and self-paced courses that meet legislative mandates, in addition to overseeing the use of force and law enforcement driving simulators. She stated that over the past several weeks, LTR had discussions with the DOJ about how to collaborate on training development so that the Board would be more involved earlier in the process. Ms. Richeal stated that she joined LTR in October 2019, at a point when many videos were in late stages of development. She explained that there was some Board involvement in the development of these trainings, but not as much as POST would like to see moving forward.

Ms. Richeal stated that the next contract for video production would begin in July 2020, and this would be an ideal time to start work with Board members as subject matter experts. She explained that some POST trainings were being developed by LTR and the Training Program Services Bureau was developing others, including the basic training course.

Subcommittee Co-Chair Ochoa asked about the trainings that would begin production in July 2020, and if these would replace the video that was being finalized. Mike Barnes, a POST consultant who oversees the video production unit, stated that the unit produces two- to four-minute "Did You Know?" videos, similar to Public Service Announcements, focused on a single topic. He stated that the unit also produces full-length, up to two-hour, training videos that allow participants to earn CPT. He explained that this training format requires a facilitator or instructor, and if a learner participates individually, the participant's learning would be reviewed by a supervisor or a training manager. He stated that each course includes a training guide with an assessment and a facilitator guide. Mr. Barnes added that each training video presents four or five scenarios that are explored through learning points, activities, and questions. He stated that in addition to the "Did You Know" and training videos, his unit produces special programs in either long- or short-format. He added that the special-subject videos are produced for specific audiences and for subject areas that are lacking good videos, for example, Report Writing and Academy Directors and Coordinators.

Mr. Barnes stated that the training video program operates on a two-year contract with a production company. He added that the next contract would be in place over the summer and should provide for at least 16 types of videos. He stated that this would typically include four full-length training videos, and a variety of long, short, and "Did You Know?" videos. Mr. Barnes stated that POST would determine the types and subjects for the new videos within six to nine months of initiation of the contract. He explained that video production takes nine to fourteen months. He stated that project learning objectives are developed through production workshops. He added that typically in the second meeting of the production workshop, scripts would be developed, reviewed, and finalized. He stated that subject matter experts and POST staff provide commentary and correction on-set as needed. He added that

interviews with subject matter experts are the third piece of video development. Mr. Barnes stated that the facilitation component of the videos features a trained facilitator who can elicit meaningful responses about the subject area in a squad room-type scenario with law enforcement officers who have not seen the video previously. He stated that the goals of this component are to expose the audience to other perspectives and provide a model for newer facilitators who will facilitate discussions in squad settings. He stated that during post-production, POST develops the learner and facilitator guides, subject matter experts review and provide edits to the content, and, lastly, POST announces the release of the video and posts it on their website.

Mr. Barnes stated that the development of the soon-to-be released Bias and Racial Profiling video began in early 2019 and included three multi-day meetings, scenario filming days, and group facilitation. He stated that subject matter experts participated in the first meeting and developed the objectives, content, and scripts. He explained that the subject matter experts included several prosecutors that focus on bias, religious leaders, staff from the Museum of Tolerance, law enforcement bias and diversity educators, department executives, LGBTQ advocates, line officers with various backgrounds, and RIPA Board member Judge Lytle. Mr. Barnes stated that the ACLU, the Anti-Defamation League, and the Oakland Police Department were also invited to the meeting but were unable to attend. Lastly, he explained that Board members and DOJ staff provided feedback on the facilitator guide, and POST is establishing a process to ensure earlier and expanded collaboration with the Board in the future. Ms. Richeal expressed the Learning Technology Resources Bureau's appreciation for the feedback received on the facilitator guide.

Subcommittee Co-Chair Ochoa asked if there is a course-specific train-the-trainer component or if the same facilitator training is used for all courses. Ms. Richeal stated that trainers for racial profiling and hate crimes subjects must participate in a Regulation 1070 course taught by the Museum of Tolerance. Mr. Barnes explained that the facilitator guides also include questions that facilitators may anticipate during the training, along with learning activities for instructors to elicit more information from participants about each of the scenarios presented. He stated that POST has agreed to share the Bias and Racial Profiling facilitator guide with the Board.

Catherine Bacon, instructional designer for POST, stated that self-paced training courses and additional resources are available to law enforcement agencies through POST's learning portal. She explained that subject matter experts for the self-paced course content development include instructors who received the Regulation 1070 training, RIPA Board members, Museum of Tolerance staff, and community leaders and organizations. She stated that this training format does not include an instructor-facilitated session. Ms. Bacon explained that the course incorporates topics mandated by Penal Code section 13519.4,

which were used to define the course learning objectives with input from subject matter experts, officers, and supervisors. She shared a demonstration of the course that was still in development. She stated that members of the RIPA Board, community members, and DOJ staff reviewed the pre-alpha version of the course that included placeholder content and conveyed the type of learning activities that will be included. She explained that in addition to recommendations of community members to include in the subsequent reviews and feedback regarding content, POST received ideas about how to group the training content. Ms. Bacon stated that POST would continue to work with community members and officers to develop content based on situations that have occurred. She added that the course includes a panel of coaches, with a District Attorney perspective, a community member perspective, and an officer perspective to incorporate multiple viewpoints in each of the scenarios and support learner engagement. She stated that over the next month, POST would incorporate all of the course content, and then request an additional review before final media is added. She thanked the reviewers for providing robust and thoughtful feedback, and for connecting POST with community leaders.

Subcommittee Co-Chair Brown asked if there was an estimated date for the finalization of the self-paced course. Ms. Bacon stated that the projection was to have the full version ready for review in July for an anticipated August 2020 release. Subcommittee Co-Chair Brown asked if the current social movement would be reflected in how any of the video topics are introduced, particularly in addressing officer duty to report. Ms. Bacon stated that her team would work with subject matter experts to make the duty to report topic current, while also being sensitive in how this is addressed.

Ms. Richeal stated that the LTR Bureau is introducing force option simulators for use in an eight-hour course to support the development of critical decision-making skills through training. She added that this course will address all of the areas required by SB 230, including officer duty to intercede, the legal standards for use of force, the use of objectively reasonable force, implicit and explicit bias and cultural competency, low-frequency high-risk situations, and shoot/don't shoot real-time force option decision making. Subcommittee Co-Chair Ochoa recommended the inclusion of a civilian perspective in the immersive training. She stated that scenarios could be incorporated where force is used within seconds of officer arrival or within seconds of an officer giving a command, where officers give conflicting commands, and where a civilian is asked to drop something but doesn't have anything in their hands. She stated that including role-play where the trainees take on the civilian role would support officers' understanding of how civilians respond in these scenarios. Ms. Richeal said that she could discuss this request with the vendors that develop the technology. Mr. Barnes stated that these civilian perspectives would be valuable to include in the video training programs.

Subcommittee Co-Chair Ochoa asked how concepts from the racial bias training are included in other POST training courses, for example, courses about officer safety and risk assessment, use of force, suspicious activity reports, and racial disparities in this reporting. Ms. Richeal stated that none of these are stand-alone concepts, and POST is working to integrate implicit bias, explicit bias, and procedural justice concepts into a myriad of training areas. She stated that the Bureaus within POST and regional consultants collaborate to ensure consistency across the training areas. Subcommittee Co-Chair Ochoa expressed her concern that officers may not yet see the value of the stop data and recommended that training incorporate existing research about the impact of bias on policing and the importance of data reporting as a tool to identify areas where problems exist.

6. Public Comments

Michele Wittig from the Santa Monica Coalition for Police Reform stated that page 49 of the first annual RIPA Board report indicates that civilians should be a part of officer training. She added that the subcommittee and Board should recommend that each law enforcement agency revise its training to comply with AB 392 and evaluate if the private company named “Lexipol’s” training materials meet the standards of AB 392 or should be revised.

Richard Hylton stated that the RIPA Board meeting scheduled for March 2020 was canceled rather than postponed and that this meeting would have offered an opportunity to provide comments on the 2020 RIPA Board Report. He stated that the data analyses included in the 2020 Board Report are largely similar to his data analyses, although he believes that where the Report does not match his data analyses, it is due to falsities. He stated that he does not believe that training can produce respect for Black people by police officers, rather this change would result from accountability for officer misconduct. He stated that the training that POST develops should include the results of the RIPA data analyses and acknowledge racial disparities in stops. Mr. Hylton stated that the veil of darkness method of analysis is faulty because it does not account for the higher representation of Black and Hispanic people in occupations that require them to travel at night, which increases the proportion of Black and Hispanic people who are stopped at night.

Colleen Cusack shared that she has served as a criminal defense attorney in San Diego for 28 years and has taught at the traffic court clinic of a law school, in addition to teaching constitutional law, and developing curriculum for the University of Phoenix criminal justice program. She stated that she is concerned with the self-directed nature of the POST course because learners may engage in mocking of the materials, and educators will not become aware if this is occurring. She stated that she is concerned that learners may not complete the course themselves when taught in this format. She expressed concern that all of the police officers in the course demonstration were depicted as men, and were mostly White men. Ms. Cusack stated that video from body-worn camera recordings could be used in the trainings to

improve realism. She added that POST training materials need to be widely available to the public. She stated that these materials are relevant to officers' frequent reference to their training and experience when testifying. She said that in these situations, access to the training materials would improve the ability of members of the public to defend themselves in court.

7. Discussion of Next Steps

Subcommittee Co-Chair Brown stated that the subcommittee was looking forward to the AB 953 training demonstration and updates regarding the Self-Paced Refresher course. Ms. Elgart said that DOJ would work with POST to establish a calendar of opportunities for subcommittee members to serve as subject matter experts for the courses and trainings that would be developed. She stated that subcommittee members who would like to recommend community members who could also review the trainings could share the recommendations with DOJ staff or directly with Ms. Bacon.

8. Service Appreciation

Ms. Martin-Walton expressed the DOJ's appreciation for Member Ali's four years of service to the RIPA Board and the Board's State and Local Policies and Accountability and POST Training and Recruitment subcommittees. Ms. Beninati expressed appreciation for the perspective Member Ali brought to the work of the RIPA Board as a member of the Compton Unified School District Board.

Ms. Beninati shared that the DOJ would invite the Board members whose terms would end in July to attend the beginning of the September Board meeting to thank them for their service. She stated that the September Board meeting would likely be held by videoconference. Ms. Elgart thanked the Board members, presenters, and members of the public for their participation in the meeting.

9. Adjourn

Subcommittee Co-Chair Brown adjourned the meeting at 12:23 p.m.