

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD

MEETING MINUTES

7th Meeting of the Racial and Identity Profiling Advisory (RIPA) Board

December 19, 2017, 10:00 a.m.

Video/Teleconference Locations: California Department of Justice Offices:

Sacramento

1300 "I" Street
Sacramento, CA
95814

Oakland

1515 Clay Street
20th Floor, Ste. 2000
Oakland, CA 94612

Los Angeles

300 S. Spring Street
1st Floor Reception
Los Angeles, CA 90013

Other Video/Teleconference Locations:

Kings County Sheriff's Office

1444 W. Lacey Blvd,
Administration Building
Hanford, CA. 93230

Dolores Huerta Foundation

1527 19th St, 4th Floor
Bakersfield, CA 93301

Alliance San Diego

4443 30th Street, 1st Floor
San Diego, CA 92112

The seventh meeting of the California Racial and Identity Profiling Advisory (RIPA) Board was held on Tuesday, December 19, 2017 at 10:00 A.M.

Members Present: Micah Ali, Pastor J. Edgar Boyd, Judge Alice Lytle, Mariana Marroquin, Brian Marvel, Reverend Ben McBride, Chief Edward Medrano, Sheriff Dave Robinson, Angela Sierra, Tim Silard, Commissioner Warren Stanley.

Members Not Present: Oscar Bobrow, Jennifer Eberhardt, Sahar Durali, Alex Johnson, Andrea Guerrero, Doug Oden, Timothy Walker.

California Department of Justice Staff Present: Kelli Evans, Special Assistant Attorney General, Executive Office; Nancy A. Beninati, Supervising Deputy Attorney General, Civil Rights Enforcement Section (CRES); Catherine Z. Ysrael, Deputy Attorney General, CRES; Shannon K. Hovis, CRES; Kelsey Geiser, CRES; Jenny Reich, Chief, Bureau of Criminal Identification and Investigation Services (BCIIS), California Justice Information Services (CJIS); Randie Chance, Program Manager, Bureau of Criminal Identification and Investigation Services, CJIS; Kevin Walker, CJIS.

1. Call to Order and Welcoming Remarks

The meeting was called to order at 10:14 A.M. by Co-Chair Ben McBride.

2. Approval of the November 27, 2017 Board Meeting Minutes

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

APPROVAL: The minutes were approved. Members Ali, Lytle, Marroquin, Marvel, McBride, Medrano, Sierra, Silard and Stanley voted “Yes”, no members voted “No”, and Member Robinson abstained from the vote. Member Boyd was not present for the vote.

3. Update from the California Department of Justice

Ms. Beninati provided an update on the outreach to law enforcement agencies regarding stop data collection and existing demos of the program interface. Ms. Beninati noted that the law enforcement officers were engaged and enthusiastic about initiating the stop data collection process.

Ms. Beninati stated that comments on the content of the 2018 RIPA Board report are welcome, but noted that the report will need to be finalized in the next few days to be able to meet the January 2, 2018 posting deadline, so that any comments should be sent quickly.

Ms. Hovis provided an overview of the structure of the meeting and an update on the video of board and public member comments that will accompany the 2018 report. Ms. Hovis noted that a link to the draft video will be sent to board members for review and feedback in the next few days. Ms. Hovis commented that a link of the final video will be embedded in the online report when it is released.

Ms. Hovis opened up the conversation to the board members for comments and feedback on the complete draft report.

➤ Board Member Comments

- Co-Chair Medrano requested that CJIS provide a demonstration of the form and product that law enforcement will use for data collection at a future meeting.
- Ms. Reich said this demonstration would be possible.

4. Board Discussion of the RIPA Report

Member Silard commented that the report draft is very rich for a first report, particularly one lacking data. Member Silard suggested the addition of language to the conclusion of the report that summarizes the various actions the Board indicated it will take in each topic area, as reflected at the end of each section of the report. Member Silard emphasized the importance of not limiting the future work of the Board to the items summarized in the draft that was circulated, since that summary does not include the full scope of work the Board stated it will undertake in each section of the report.

Member Silard said that the introduction is powerful but primarily focuses on the role of police in enforcing unjust laws over the course of history. Member Silard suggested adding language

that recognizes the long and difficult history of discriminatory police practices, separate from the enforcement of unjust laws. Member Silard emphasized that it is important to discuss discriminatory police practices to reflect the Board's broader focus on police practices, training, hiring, and other topics. Member Silard suggested adding powerful quotes from previous Board meetings.

Ms. Beninati noted that quotes from community members and Board members from the previous Board meetings will be inserted into the report.

Member Silard stated that he thinks that's good but believed there should also be a paragraph or two on police practices, stating that otherwise, the introduction could be read to explain the history of racial and identity profiling as only a function of underlying unjust laws, when we know this is not the case.

Co-Chair McBride thought that the framing of some of the paragraphs in the introduction should be reworked, particularly the focus on the trauma of police rather than the impact on communities of color who have experienced unjust policing that has occurred over our country's history. Co-Chair McBride suggested framing the discussion around historical events and issues on how communities of color were impacted. Co-Chair McBride also encouraged re-framing and re-phrasing the discussion of the Black Lives Matter movement and the Blue Lives Matter movement to avoid the potential interpretation of a false equivalency.

Member Silard asked if the Board could vote to authorize the Board Co-Chairs to work with staff to wordsmith the report and approve final language.

Ms. Hovis said that the board can approve the report today with certain changes and an understanding that the Board Co-Chairs would give final approval.

Ms. Hovis informed the Board that the inclusion of a discussion on the Black Lives Matter and Blue Lives Matter movements was intended only to illustrate that the framework – where it is presented as if one movement is in opposition to the other – is problematic, and to highlight the necessity of working toward a more unified approach.

Co-Chair Medrano commented that it is critical for the Board to address these opposing tensions and suggested that he and Co-Chair McBride work with DOJ staff to wordsmith this section.

Member Ali commented that Blue Lives Matter should be defined as a counter-movement.

Member Silard suggested that the Board focus more on the tension and reaction to the Black Lives Matter movement, and the interpretation of that movement as anti-law enforcement, and emphasize this Board's work as illustrative of a way to move forward collaboratively. Member Ali suggested the deletion of any mention of Blue Lives and Black Lives Matter in favor of focusing on the historical context.

Member Robinson agreed with taking a more generic approach to focus on the tensions that got us to where we are today.

Member Lytle accepted the recommendation to take a generic approach and not name particular organizations.

Co-Chair McBride and Co-Chair Medrano will work with DOJ on finalizing the wording of this.

Member Silard commented that conclusion needs to be beefed up.

Co-Chair Medrano suggested further emphasizing the importance of the next steps for the board and adding additional detail to what law enforcement can expect from the seven suggested deliverables.

Ms. Hovis suggested re-summarizing the recommendations from each section in the conclusion.

Member Lytle commented that we should be careful not to create an electronic tutorial for the media meant to train journalists on how to handle statistics. given that not everyone needs this help. Member Lytle suggested that the tutorial for the media be joined with the tutorial for the public.

Ms. Rebecca Hetey, consultant to the Board, commented that it is not always the case that journalists know how to discuss research. Ms. Hetey clarified that the tutorial for the media could be used to avoid the amplification and misrepresentation of the data by simple word choice and the tutorial for the public will be focused more on how to become a consumer of this information.

Ms. Beninati informed the Board that it does not need to decide if these will be separate tutorials or combined at this point in time as these are all just suggested future actions and goals.

Co-Chair Medrano suggested the addition of a tutorial for law enforcement and elected officials on how to present this material to activate discussion and dialogue with community members in order to work collectively with the community to explain the information, acknowledge deficiencies and problems, and develop solutions.

Member Silard agreed with this suggestion and said it would encourage localities to use the data to engage in these kinds of conversations.

Member Lytle agreed with the recommendation and path forward.

Co-Chair McBride commented that there are some pieces missing from the Bias Based Policing training to have it meet the standards required in AB 953 as well as other problematic parts of the training. Co-Chair McBride asked if updating the Bias Based Policing training means that Board

is suggesting additions to the training or suggesting removing some of the problematic portions of the training.

Co-Chair Medrano suggested evaluating the current status of training and the intent of the training and the desired outcome.

Mr. Larry Ellsworth from POST commented that the Bias Based Policing video would be removed rather than updated. Mr. Ellsworth commented that POST is currently developing an online training program.

Co-Chair Medrano suggested changing the report to say evaluate and replace the Bias Based Policing DVD and make recommendations for modification to the training as well as future work with Board and POST.

Ms. Catherine Bacon from POST confirmed that POST will be offering a menu of authorized trainings to fulfill the mandate under 13519.4, including trainings created by POST as well as other POST-certified trainings (such as that provided by the Museum of Tolerance).

5. Public Comment

Rosa Cabrera from PolicyLink and the Alliance for Boys and Men of Color commented that the inclusion of the Black Lives Matter movement in this report is important particularly because this movement is what catalyzed the creation of AB 953. Ms. Cabrera suggested a reframing of some of the phrasing around the history of police practices. Ms. Cabrera commented that the tutorials should focus on changing the culture of law enforcement in favor of accountability.

Lee Lawrence a member of the League of Women Voters supported Ms. Cabrera's comments.

A member of the public in Los Angeles asked if other types of identity profiling are being considered in addition to racial profiling, namely profiling of motorcyclists.

Co-Chair Medrano responded that motorcyclists or any other group that would fit in this category have not been discussed yet.

Ms. Beninati commented that the scope of identity profiling is defined in the report and expanded on in the regulations but this will come into play more in future reports when there is data.

Ms. Hovis noted that the protected groups are designated in the law and that the stop data regulations have already been enacted, so the demographic categories on which data must be captured are already defined.

Kayln Dean with PICO California commented that some of the language puts more responsibility on the public and it is a shared responsibility. Ms. Dean suggested the addition of

examples specific to California. Ms. Dean disagreed with removing mentions of both Black Lives Matter and Blue Lives Matter movements. Ms. Dean suggested that the Board encourage the training to include community members being the actual trainers. Ms. Dean suggested the inclusion of some of the stories and the testimonies heard in the meetings and subcommittee meetings as well as adding something in the conclusion that acknowledges the importance of the role of the community in the Board's work and activities.

Ms. Hovis commented that the video will help elevate the stories of community members.

Ms. Beninati commented that quotes made during the public comment will be included throughout the body of the report.

Karen Glover from Cal State San Marcos agreed with the inclusion of the Black Lives Matter movement as context for the report. Ms. Glover voiced concern over the training focus on implicit bias and procedural justice. Ms. Glover commented that accountability should be emphasized more throughout the report. Ms. Glover asked how the Board plans to proceed with the law enforcement agency survey given the level of response received.

Co-Chair Medrano responded that the survey had a short turn around and as we move forward we hope to have a much higher level of cooperation. For this year, the survey was just intended to provide a broad overview of the policies and practices already existing.

Member Stanley commented that the policies and accountability subcommittee is including further engagement with law enforcement agencies as a goal for future reports.

A member of the public echoed the need for language around community involvement. They recommended including a discussion on the frequency of trainings and the development of a method for a standardized regular training.

Members from the American Motorcycles Association suggested that the Board consider including groups such as motorcyclists in future data collection and Board discussions.

In response to public comment about frequency of trainings, Ms. Bacon from POST commented that the Penal Code requires a refresher training every five years.

Member Lytle commented that many law enforcement agencies have their own trainings that are given in conjunction with POST, but requested additional details on all of the trainings offered.

Peter Bibring from the ACLU Southern California suggested that the Board should take this report as a first step towards addressing these issues and continues to build on this. Mr. Bibring reiterated the concern about the introduction, emphasizing that the Board was born out of a concern about racial disparities in policing, and this process is one that can build towards evidence-based solutions without equating that to Blue Lives Matter.

6. Final Discussion of the RIPA Board Report 2018

Member Silard suggested adding language on accountability, hiring and promotional policies and practices.

Commissioner Stanley asked if there is a date specified in 13519.4 by which the updated training will have to be created.

Ms. Beninati said that there is no deadline in the statute.

Mr. Ellsworth said that he would need to look into the timeline, emphasizing that POST is in the beginning stages of this process.

Member Marroquin commented that LGBT training needs to be included in the new trainings.

Co-Chair McBride noted that the public comments regarding Black Lives Matter will be taken into account when the final edits are made.

MOTION: A motion was made by Member Silard for the Board Co-Chairs to work with DOJ staff to approve the final report language. The motion was seconded by Member Ali. No objections were raised.

APPROVAL: The motion was approved with all members in attendance voting “Yes”, no members voted “No”, and no abstentions.

7. Discussion of Report Video

MOTION: A motion was made by Member Silard for the Board Co-Chairs to work with DOJ staff to approve the final report language. The motion was seconded by Member Ali. No objections were raised.

APPROVAL: The motion was approved with all members in attendance voting “Yes”, no members voted “No”, and no abstentions. Member Marvel was not present for the vote.

8. Distribution of the Report

Co-Chair McBride suggested to members of the Board that they make an effort to ensure that all of their stakeholders have access to the report.

Ms. Beninati commented that when the report is released, there will be a press release and an electronic copy will be sent out to AB 953 e-mail distribution list. A link to the report will be put on Board’s webpage on the DOJ’s website.

Ms. Evans suggested that all of the Board members and members of the public share the report with their contacts to ensure that all of their stakeholders have access to the report.

Member Silard suggested that the Board Co-Chairs meet with Assemblymember Weber to discuss potential budget needs the Board may have for the future reports.

Member Ali voiced interest in the development of an engagement plan for the dissemination of and education about the report. Member Ali also requested that staff create and distribute talking points to the Board members.

Ms. Beninati commented that the report will also be disseminated to the legislature and the governor's office through the DOJ's Office of Legislative Affairs.

Member Boyd commented that Board members and DOJ staff need to dedicate time and energy to disseminating the report to fully inform the public on the outcomes and the process.

Ms. Beninati commented that DOJ staff will work with Board Co-Chairs on creating high level talking points, including explaining the creation of the Board, what the Board did this year and what it plans to do in the future, how the Board members have worked together, what the outcome of this report is, and what the future outcomes will be.

Co-Chair Medrano and the DOJ will work on talking points to be sent out before the new year.

Member Ali offered a location in Compton for the next board meeting.

9. Closing Remarks and Adjournment

The meeting was adjourned by Co-chair McBride at 12:00 p.m.