CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD

Evidence Based Research and Best Practices Subcommittee Meeting Minutes

2nd Meeting of the Racial and Identity Profiling Advisory (RIPA) Board Citizen Complaint Subcommittee, CA

October 30 2017, 1:00 a.m

Sacramento	**Los Angeles**	**Oakland**
1300 "I" Street Sacramento, CA 95814	300 S. Spring Street 1st Floor Reception Los Angeles, CA 90013	1515 Clay Street 20th Floor, Suite 2000 Oakland, CA 94612

Other Teleconference Locations:

Stanford University	Alliance San Diego	City of Gardena Council
Jordan Hall, Room 106 450 Serra Mall Stanford, CA 94305	4443 30th Street, 1st Floor San Diego, CA 92112	Chambers 1700 W. 162nd Street Gardena, CA 90247

Members Present: Jennifer Eberhardt, Oscar Bobrow, Andrea Guerrero

Members Not Present: Chief Edward Medrano, Timothy Walker, Pastor J. Edgar Boyd.

California Department of Justice Staff Present: Catherine Z. Ysrael, Deputy Attorney General, CRES; Shannon K. Hovis, CRES; Kelsey Geiser, CRES; Randie Chance, Program Manager, Bureau of Criminal Identification and Investigation Services, CJIS; Alison Luneta, CJIS, Kevin Walker, CJIS.

1. Call to Order and Welcoming Remarks

The second meeting of the Citizen Complaints Subcommittee was called to order at 1:05 P.M. by Shannon Hovis from the California Department of Justice (DOJ). The meeting was held by teleconference without a quorum of members present. No votes were held.

2. Update from the DOJ

Ms. Hovis provided the subcommittee with a review of what DOJ staff and the subcommittee board chairs have worked on since the September 27, 2017 RIPA Board meeting. Ms. Hovis then laid out the general agenda for the meeting.

Ms. Hovis introduced an independent expert consultant to the board, Rebecca Hetey.

3. Review and Explanation of Drafted Subcommittee Section Outline

Ms. Hovis provided an overview of the draft subcommittee section outline that was distributed to the subcommittee members and the public. Ms. Hovis clarified that the outline is meant for discussion and the subcommittee members should provide feedback on content, flow, and overall direction of the content.

Ms. Hetey commented that the background section aims to contextualize the history and framing to acknowledge that there are various vantage points and stakeholders when it comes to how people conceive of the problem of profiling. The plan for this section is to highlight the dominant narratives for thinking about this problem – the bad apples narrative which suggests that there are a select few officers who are consciously engaging in deliberate racial and identity profiling. A separate narrative suggests that there are larger systemic and institutional forces are at play, which can create disparities in policing outcomes. Ms. Hetey mentioned that the section will review empirical evidence to explore these narratives.

Ms. Hetey commented that this groundwork is important because how we understand problems shapes how we go about finding solutions. Ms. Hetey emphasized that we all want police to live up to equal and fair treatment under the law and by ushering in a new data-driven approach we can asses if some groups are bearing the brunt of policing activities, and can begin to make changes where necessary.

Ms. Hetey commented that the section will also cover why it is important to have a neutral, objective starting point and focus on the use of data to move from emotions and perceptions and instead document change over time and measure if new policies, trainings, and reform efforts are effective.

Ms. Hetey emphasized that this is not a compliance exercise and should not be seen as punitive but rather offers an opportunity to embrace the data-driven approach as an empowering way of running operations. Ms. Hetey clarified that law enforcement agencies already collect very detailed data but this should be applied more broadly to improve transparency and community relations.

Ms. Hetey commented that this section will incorporate a discussion about how the media and the public can use the data to avoid misinterpretation and sensational reporting about stop data.

- **Subcommittee Member Comments**

  Co-Chair Bobrow commented that the framing of the issue at the beginning appears to be already conclusory that the bad apples theory is not causing the problem but rather it is due to a larger institutional issue. He questioned whether the stop data reported to the DOJ will indeed reveal this.

Co-Chair Eberhardt commented that it would be good to lay it out as different possibilities of what can be found. Co-Chair Eberhardt suggested the addition of the narrative that there is no problem.

Co-Chair Bobrow commented that in his experience, there are bad apples in policing as a pattern but we do not know what our evidence will show.

Ms. Hetey clarified that the intent was not to say that bad apples do not exist but rather to say that the bad apples narrative is incomplete to explain the systemic issues seen more generally.

Member Guerrero suggested that the board keep in mind the larger issue of accountability in the framing portion and whether it exists in a way that can identify racial and profiling and do something about it. Member Guerrero voiced a concern over individual actor versus institution being a distraction for the reader and was not sure if it is the right question to be asking because how it is answered differently depending on the agency.

Co-Chair Eberhardt commented that accountability is covered in the portion that describes why adopting an evidence based approach is important and suggested that this section be moved up to earlier in the section. Co-Chair Eberhardt suggested that the discussion of the theory on bad apples should go towards the end after the case has been made for why it is important to collect and track data over time at all.

Member Guerrero commented that agencies with fewer allegations of racial and identity profiling than other agencies are not necessarily better agencies, and reiterated that it is necessary to understand the agencies' accountability systems. Member Guerrero suggested leading into the section with language about the need to build trust in order to maximize public safety.

Co-Chair Bobrow commented that data collection should include how law enforcement agencies track actions of and internal promotions of officers that have complaints filed against them to begin to regain trust in law enforcement.

3. Continued Review and Explanation of Drafted Subcommittee Section Outline

Ms. Hetey reviewed the stop data section of the outline including a discussion of best practices that agencies might use to collect and leverage stop data and other data. She also discussed the different methodologies that can be used to analyze and understand stop data. Ms. Hetey expressed that the goal of this section is to make clear that this data collection is an opportunity for law enforcement rather than an exercise in compliance.

Co-Chair Eberhardt suggested that the next phase of the report include a methodological tutorial including best practices for analyzing and using the data.

Mr. Kevin Walker commented that the way that agencies collect this information will be limited by what is mandated in the regulations.

Co-Chair Eberhardt commented that there could be some support for agencies that want to go beyond the regulations and leverage the data even more.

Ms. Hetey emphasized that this is a way to empower law enforcement agencies to imagine themselves as data driven agencies, focus on the benefits, and focus on long-term research partnerships as examples. Ms. Hetey commented that the section should include a discussion on how to keep the public informed and keep them as an active participant and stakeholder.

4. Public Comment

Kristen Powell from the Center for Policing Equity (CPE) commented that other partnerships between law enforcement agencies and researchers include Austin Police Department as well as the National Initiative for Building Trust and Justice which includes Stockton, Minneapolis, Fort Worth, Pittsburg, and Gary, Indiana.

Co-Chair Eberhardt mentioned that these examples would be potentials for inclusion in the the implementation showcase.

5. Discussion of Deadlines and Approval of Next Steps

Ms. Hovis provided an overview of the draft deadlines and encouraged subcommittee members to submit comments on the outline to DOJ staff.

6. Adjourn

The meeting was adjourned at 2:27 p.m.