

# **CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD**

## **OUTREACH SUBCOMMITTEE MEETING MINUTES**

**Tuesday, September 27, 2016**

### **Teleconference Locations: California Department of Justice Offices**

#### **Los Angeles**

300 S. Spring Street  
5<sup>th</sup> Floor Conference Room  
Los Angeles, CA 90013

#### **Sacramento**

1300 "I" Street  
Conference Rm. 1540  
Sacramento, CA 95814

#### **San Diego**

600 West Broadway St.  
Suite 1800  
San Diego, CA 92101

**Subcommittee Members Present:** Subcommittee Chair Andrea Guerrero, Mariana Marroquin, Angela Sierra

**Subcommittee Members Absent:** Joe Farrow

**California Department of Justice Staff Present:** Nancy A. Beninati, Shannon Hovis, Rebekah Fretz, John Appelbaum, Kathy Radez, Glenn Coffman, CJIS

### **1. Call to Order and Introductions**

The meeting was called to order at 1:06 p.m. by Subcommittee Chair Andrea Guerrero. The meeting was held by teleconference with a quorum of members present. After the call to order, the subcommittee members, California DOJ staff, and members of the public present at each location introduced themselves.

### **2. Approve Minutes from Prior Meeting**

**MOTION:** Member Marroquin moved to approve the minutes from the prior subcommittee meeting. The motion was seconded by Member Sierra.

**VOTE:** The motion passed with Chair Guerrero and Members Marroquin and Sierra voting "Yes", no "No" votes, and no abstentions.

### **3. Follow up from Prior Meeting**

#### **a. Review Materials Drafted by DOJ Staff.**

Chair Guerrero opened the discussion by describe the one-page flyer prepared by the DOJ staff and opening the floor to comments.

In response to a question from Member Marroquin, DOJ Staff confirmed that the flyer would be available in both Spanish and English, and also noted that the AB 953 web site

includes a Spanish version and will include copies of future agendas in both English and Spanish.

Chair Guerrero suggested that the portion of the flyer explaining how members of the public could get involved might be strengthened by including bullet points explaining that the public can get involved by attending RIPA Board and Subcommittee meetings and by providing comment on the proposed regulation through the DOJ website portal. Noting that the Board does not have an outreach budget, Member Marroquin suggested that the flyer be distributed so that other organizations and coalitions can reproduce it to inform targeted communities. Member Sierra observed that it is effective having all of the information on a single piece of paper, and suggested that the information about the six subcommittees on the back of the flyer could be condensed, if necessary, in order to expand the explanation of how the public can get involved.

In response to a question about timing, Shannon Hovis/DOJ confirmed that both the English- and Spanish-language versions of the flyer should be available by next week. Chair Guerrero encouraged the DOJ to circulate the English-language version as soon as it is available without waiting for the Spanish translation; Ms. Hovis confirmed DOJ staff would do so.

Public Comment: Brian Peele/Orange County Sheriff's Department asked whether the statement on the flyer regarding the "collection of data regarding citizens complaints" referred to data collection by law enforcement agencies or the State. Member Sierra clarified that this bullet referred to a component of AB 953 that expands the information LEAs already provide to DOJ, and does not refer to the regulations under development

Kevin Vest/Riverside County Sheriff's Office commented that the term "traffic stops" seems to be law enforcement jargon that might require further definition, and suggested replacing the term "stop" with either "Vehicle Code enforcement" or "contact." Ms. Hovis agreed that the language should be clarified to refer to "stops" as defined in RIPA statute.

Brian Peele/Orange County Sheriff's Department asked whether questions about definitions be cleared up before or at October 24 meeting. Member Sierra acknowledged that there is a lot of activity happening at the same time, and that the RIPA Board's primary attention at its next meeting will be on proposed regulations and RIPA Board recommendations to the Attorney General, while the Outreach subcommittee will need to figure out timing for the flyer, etc.

**RECOMMENDATION:** The subcommittee directed DOJ staff to revise the flyer to include specific bullet points explaining how the public can get involved while still maintaining a single-sheet format. Further approval from the subcommittee is not necessary to implement those changes.

**NEXT STEPS:** DOJ staff will revise the flyers and circulate the revised copy for distribution as possible via email to the DOJ's distribution list (including RIPA board members). The email will include a message encouraging recipients to distribute the flyer widely to their own networks.

## **b. Messaging Regarding AB 953**

Chair Guerrero began the discussion by noting two concerns: first, that people do not yet understand what the RIPA Board is trying to do; and second, that the Board does not yet have buy-in from all relevant stakeholders. The Board needs compelling messaging explaining why both community stakeholders and law enforcement stakeholders need to care, and proposed that the Subcommittee consider some statements for why we should all move forward on this together, pulling together law enforcement and community stakeholders.

Member Sierra agreed, emphasizing that building lines of communication and trust between community and law enforcement is important and is good for public safety as well. The information that will be generated by RIPA can help all of California assess things and look for ways to improve practices or counter misconceptions. Messaging should also show that a lot of stakeholders are putting a lot of thought and attention into this effort.

Member Marroquin noted that the quotes in the flyer from the Attorney General are effective and that she would like to see similar quotes from board members and other people to encourage a diversity in messaging. The other members agreed, and discussed various ways to accomplish this objective.

**MOTION:** Member Sierra moved for DOJ staff to email all RIPA Board members soliciting statements about “what AB 953 means to them,” with the intent to use this as outreach material for different communities; DOJ staff will then compile those statements and include them in the report from the subcommittee to the RIPA board. Chair Guerrero amended the motion to include the question of “why is it important to successfully implement AB 953?” The amended motion was seconded by Member Marroquin.

**VOTE:** The motion passed with Chair Guerrero and Members Marroquin and Sierra voting “Yes”, no “No” votes, and no abstentions.

**NEXT STEPS:** DOJ Staff will email all RIPA Board members to solicit comments per the motion above, compile those statements, and include them in the Subcommittee’s report to the RIPA Board.

## **c. Outreach Regarding Public Comment on the Proposed Regulations**

In response to a question about timing, Nancy Beninati explained that the Attorney General’s proposed regulations must first go to Office of Administrative Law before then can be posted for public comment. Once the regulations are ready, they will be posted for public comment along with a notice of the comment period and the date for any public hearings. Notice will be provided at that time to all interested stakeholders through the DOJ’s distribution list. It is possible that the proposed regulations may not be ready for RIPA Board review by October 24.

Chair Guerrero commented that the DOJ will distribute the flyer as soon as it is ready, and will encourage RIPA Board members to do the same, and then asked whether the

Subcommittee wanted to provide other recommendations to the RIPA Board concerning outreach.

Member Sierra asked whether the DOJ could ask recipients on the DOJ's distribution list to please forward the flyer to their own distribution lists and anyone who may be interested in this important information. Member Marroquin asked whether the DOJ intended to issue a press release either in advance of the public comment period or when the regulations are posted for comment. Ms. Beninati confirmed that the DOJ is considering a press release when the regulations are posted.

Public comment: Diana Vermeire/ACLU encouraged the subcommittee and DOJ staff to be sure the language in the announcement is accessible—including lay language, translations, etc.—so people understand their opportunity to engage in the regulations process. Member Guerrero suggested that any DOJ communication should put an invitation up top for the public to provide feedback during that window of opportunity.

Chair Guerrero asked for further recommendations to the full board regarding outreach once the public comment period commences. Member Sierra recommended that RIPA Board members do outreach to their own networks to supplement what the DOJ is doing; Chair Guerrero suggested that should specifically include stakeholder communities discussed by the Subcommittee in its last meeting, including communities of color, immigrants, youth, the LGBT community, and law enforcement communities.

Public comment: Diana Vermeire/ACLU asked whether the DOJ is considering holding separate public hearings on the regulations, or whether those meetings would be conflated with the RIPA Board meetings. Ms. Beninati clarified that the public notice of the posted regulations would include notice of the period for public comment and of the scheduled public hearings, which must be held at least 45 days from the date of public notice. Member Sierra commented that the DOJ has not fully decided the timing or locations of public hearings. A member of the public from San Diego asked whether RIPA messaging and outreach will be centered around proposed flyer for consistency sake. Chair Guerrero confirmed that the flyer would be used as a pivot point for all communications.

**RECOMMENDATIONS:** DOJ Staff should ensure that, when the flyer is circulated to the DOJ distribution list, it is accompanied by language encouraging recipients on the DOJ's distribution list to please forward the flyer to their own distribution lists and anyone who may be interested in this important information. The Subcommittee will reinforce that message by recommending to the Board that all members actively promote the public comment period in their own networks.

**NEXT STEPS:** DOJ Staff will circulate the flyers as soon as possible with the recommended message. In addition, DOJ Staff will check with the press office about issuing a press release when the regulations are posted for public comment, and possibly before. In the event the next RIPA Board meeting needs to be rescheduled, DOJ staff will correct the date on the flyer.

Public comment: Chris Wenzinger/Tulare County Sheriff's Office suggested either the RIPA Board or DOJ should contact chiefs and agencies to post on their web sites. Chair Guerrero agreed that this was an excellent idea.

#### **4. Adjournment**

The meeting adjourned at 2:26 p.m.