

CALIFORNIA RACIAL AND IDENTITY PROFILING BOARD

POST TRAINING & RECRUITMENT SUBCOMMITTEE: MEETING
MINUTES

Thursday, October 27, 2017, 11:00 AM.

Teleconference Locations: California Department of Justice Offices

Sacramento

1300 "I" Street
Sacramento, CA 95814

Los Angeles

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

Oakland

1515 Clay Street
20th Floor, Suite 2000
Oakland, CA 94612

Other Teleconference Locations:

Kings County Sheriff's Office

4443 30th Street, 1st Floor
Administration Building
Hanford, CA. 93230

Alliance San Diego

1444 W. Lacey Blvd,
San Diego, CA 92112

Subcommittee Members Present: Mariana Marroquin, Honorable Alice Lytle, Sheriff David Robinson, Reverend Ben McBride

Subcommittee Members Absent: Micah Ali, Mike Durant, Warren Stanley

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

1. Call to Order

The second meeting of the POST Training & Recruitment Subcommittee was called to order around 11:03 a.m. by Shannon Hovis from the California Department of Justice (DOJ). The meeting was held by teleconference with a quorum of members present.

2. Comments from Manuel Alvarez and Joyce Dudley

Manuel Alvarez, Executive Director of the Commission on POST, thanked the subcommittee for holding the meeting and inviting POST representatives. Mr. Alvarez commented that he hoped this meeting could cover some of the topics on training platforms and future training ideas that have not been discussed in previous board and subcommittee meetings.

Joyce Dudley, Commissioner Chair of the Commission on POST, commented that this is a critical issue at a critical time in California and appreciated everyone's involvement.

3. Update from Department of Justice

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 as an expert consultant to the board, Lt. (Ret.) Sandra Brown.

➤ **Introduction of Lt. (Ret.) Sandra Brown**

Ms. Brown provided an overview of her background in law enforcement for 29 years. Since retirement, Ms. Brown has worked with Fair and Impartial Policing. Ms. Brown emphasized that her involvement with the Board is independent. Ms. Brown mentioned that she testified before President Obama's Task Force on 21st Century Policing in 2015.

Ms. Brown commented that we must look at the process of how we present this type of training so as to not lose law enforcement officers. Ms. Brown encouraged the board to focus on implicit bias to help engage with the communities.

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 direction. Ms. Hovis emphasized that for the 2018 board report, Ms. Brown is assisting the board in analyzing POST's expanded/refresher course training that meets the training mandate under AB 953 (Penal Code section 13519.4)

4. Update from the Commission on POST

Ralph Brown from the Commission on POST detailed the scope of POST, its responsibilities, and its work.

Member Lytle asked what brought POST into existence. Mr. Brown said that POST was established by legislation.

Mr. Brown asked the board to consider that POST is far from perfect, but it does the best it can with continual training and local engagement trying to combat human error. Mr. Brown explained that when an oversight or omission error is made in law enforcement it's usually dealt with by counseling and correction. If a more severe error has been made, it goes on to a formal affairs office. If there are issues even more egregious that come into a felonious or criminal nature, then POST works with the local District Attorney's Office.

Mr. Brown commented that the training needs of law enforcement vary across the state, based on the geographic location and makeup of the communities. POST establishes the minimum standards for training; local academies can build on top of that based on their needs.

➤ **Subcommittee Member Questions**

Member Lytle asked if recruitment of law enforcement officers occurs before an officer enters the academy.

Mr. Brown responded that officers can be hired prior to entering the academy but some academies will take people who are self-sponsored or non-affiliates.

Ms. Ysrael asked how many agencies do not participate in POST training.

Mr. Brown said that 20-25 agencies do not participate in the POST program. About 600 agencies participate in the POST program.

Co-Chair McBride asked what standards agencies that choose not to participate POST are held to.

Mr. Brown responded that agencies have to abide by case law decisions, state law, city and county ordinances. Charles Evans from the Commission on POST noted that participating agencies are listed on the POST website and encouraged the board to look at the open data section of the POST website.

Co-Chair McBride asked the DOJ to get a finalized number of how many agencies there are in the State of California to get a sense of how many do not participate in POST and of those how many are required to submit stop data for AB953.

Judge Lytle asked if POST has any mechanism to empirically evaluate the quality, efficacy, and use of the training.

Mr. Brown responded that on a monthly basis the local sheriff and police chiefs have a meeting to discuss training issues. Each agency has their own internal affairs unit that reports to the executive who then reaches out to POST to request additional training. Mr. Brown highlighted that complaints are made against less than .01% of the total number of officers.

Mr. Alvarez commented that all 39 academies are reviewed every three years for facilities, trainers, and content and auditors may be sent if there are larger issues. In two or three years, three academies have been taken offline because they did not meet the legislative standards for training.

Larry Ellsworth of the Commission on POST mentioned that there are consortiums of those in charge of the states academies that meet three times a year to get feedback from the agencies they serve about problems in the field to bring back to the academies and evaluate if the process must be changed. Mr. Ellsworth mentioned that they also follow up with those that have failed field training to determine why they did not pass and if there is a correlation with the academy. A macro approach is

taken, and regional consultants are used on a daily basis and serve as an early warning detection system.

Ms. Hovis inquired whether there are any empirical studies on course efficacy currently being completed.

Mr. Brown stated that there are not, and mentioned that they are going through a state audit and discussing how to quantify how well the trainings are working.

Jan Myyra of the Commission on POST gave an overview of the POST's new online training and refresher course being developed to meet the mandate in 13519.4. Ms. Myyra said the online course would be an option for agencies, particularly small or rural agencies facing budgeting or travel difficulties. Ms. Myyra provided an overview on the process that POST engages in to create a course like this, commented that they are in the early stages of the development of the course and emphasized that POST is soliciting the board's help in the developing the course. Ms. Myyra mentioned she'll follow up with subcommittee members and potentially have a few subcommittee members on their development committee as subject matter experts.

Member Lytle offered to participate and emphasized the importance of doing the training within a cultural historical context.

Co-Chair McBride commented that the subcommittee could help ensure that the community input POST receives is from directly impacted community members.

Mr. Evans commented that community members are also attending the fair and impartial policing training which could also serve as a source of community input.

Co-Chair McBride mentioned the principled policing course's approach of including a community member actually training law enforcement.

Member Robinson pointed out that there is a basic number of the minimum of hours in the academy but most academies are going well over the number of hours that are required.

5. Review and Explanation of Drafted Subcommittee Section Outline

Ms. Brown commented that any course on bias and profiling must first lay the foundation by providing a definition of what bias is, instead of introducing negative images and stereotypes. The trainings must explain that biases are common to all people and impact perceptions and interactions every day. Ms. Brown explained that biases can be dealt with only once they have been identified. She emphasized that the trainings must separate the "them versus us" mentality because police cannot do their job without the community and vice versa.

Ms. Brown commented that the training has to teach officers how to accept accountability and responsibility and given them the tools to turn a bad contact into a positive contact. The

training must set the standard to identify what bias is, how to recognize it, and how to address it.

Ms. Brown encouraged POST to explain what implicit bias at the beginning of the training and include community members in the training.

6. Discussion of Subcommittee Section Outline and Proposed Contents

Member Lytle commented that the speakers in the POST training video did not emphasize research that has already been done in this area. Member Lytle encouraged the training to emphasize that the history and culture of the country creates these biases.

Co-Chair McBride mentioned that much of what is being talked about is found in the principled policing training and questioned if that training should be analyzed as well.

Ms Hovis commented that the principled policing training covers many of the components that would meet the mandate under 13519.4.

Co-Chair McBride agreed but commented that there are some nuances with regard to the history that must be added to that training, including additional community stories to connect the history to the present. Co-Chair McBride added that trainings on these topics must also address the conversation around power because while everyone has implicit biases, there is an imbalance of power between law enforcement and the community. This power imbalance requires additional accountability on the part of law enforcement.

Member Marroquin emphasized the importance of community stories and relationships to include in the training.

Ms. Brown suggested that the training is missing videos of actual officers talking about real experiences when their biases impact them.

Mr. Alvarez echoed Co-Chair McBride's comment about the procedural justice course and mentioned that as a part of the course individual officers give examples of how bias has impacted them on the job.

Ms. Hovis suggested that POST could designate the principled policing training as a way for agencies to fulfill the mandate of 13519.4.

Mr. Evans commented that the two course are not equivalent with regard how the nuances of the law are dealt with: the principled policing course is a voluntary course; the original racial profiling course is a matter of law. Mr. Evans suggested meeting with Ms. Brown offline about the Principled Policing training as well as the Fair and Impartial Policing training.

Member Robinson commented that funding must be included in the report.

7. Public Comment

Michele Witting of the Santa Monica Coalition for Policing Reform commented on the challenges with the fact that officers will have to collect on the perceived demographic information of the people they stop. She commented that that in the absence of an actual description of a suspect or perpetrator, the stops that the officer will be recording will be effective by their perception of an individual, and the perception piece should be addressed in training.

Peter Bibring of the ACLU of Southern California agreed that there should not be a stigma with discussing bias but commented that this should not be confused with justifying bias. Mr. Bibring encouraged the committee to not limit itself to Learning Domain 42 when looking at training but rather look at the way bias is taught and addressed across different trainings. Mr. Bibring encouraged the board to complete a comprehensive analysis of POST trainings more broadly in future reports.

Lee Lawrence of the League of Women Voters of California asked if de-escalation training is incorporated in the training.

Mr. Brown responded that de-escalation techniques are included in all domains of the academy training and are required for professional skills training.

8. 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 the DOJ.

9. Adjournment

The meeting was adjourned at approximately 1:00 p.m.