

CALIFORNIA RACIAL AND IDENTITY PROFILING BOARD
STATE & LOCAL POLICIES AND ACCOUNTABILITY
SUBCOMMITTEE: MEETING MINUTES

Thursday, October 31, 2017, 12:00 PM.

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

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

Subcommittee Members Present: Oscar Bobrow, Andrea Guerrero, Sheriff David Robinson, Commissioner Warren Stanley.

Subcommittee Members Absent: Micah Ali, Alex Johnson, Tim Silard

California Department of Justice Staff Present: Catherine Z. Ysrael, Deputy Attorney General, Civil Rights Enforcement Section (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 State & Local Policies and Accountability Subcommittee was called to order at 12:09 p.m. by Shannon Hovis from the California Department of Justice (DOJ). The meeting was held by teleconference with a quorum of members present.

2. 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 explained to whom the survey to law enforcement was sent.

Member Robinson inquired whether the DOJ's Division of Law Enforcement was included in the survey.

Ms. Hovis clarified that the Division of Law Enforcement is not subject to the stop data collection and reporting requirements under AB 953, and therefore did not complete the survey, since the goal is to create a consistent universe of agencies across which the board is able to look at stop data, citizen complaint data, and polices/practices, etc.

3. Review of LEA Survey Results

Ms. Hovis provided the subcommittee with a specific update about the distribution and initial results from the survey sent by the Board to California law enforcement agencies (LEAs) that will also be required to submit stop data to the DOJ. Ms. Hovis explained that at the time of the meeting, the DOJ had received complete responses from approximately 118 agencies. Ms. Hovis clarified that the results are still being pulled and sorted because the survey deadline was extended.

Ms. Hovis reviewed the summary graphs of survey results that were distributed to board members and members of the public.

4. Review and Explanation of Drafted Subcommittee Section Outline

Co-Chair Guerrero suggested that this section of the report include a summary of survey results by tier categories (one group being the Tier 1 agencies and another group being the Tier 2 and Tier 3 agencies, and then a third group being the Tier 4 agencies), an agency-specific chart that lays out agency responses to the survey questions, and then specify that complete answers would be available to the public upon request.

Co-Chair Guerrero noted that a majority of agencies provided Lexipol policies and suggested that the board could potentially recommend reaching out to Lexipol to ensure that their policies reflect AB953. Co-Chair Guerrero commented that an additional potential recommendation could be to send out a follow up survey to get a better understanding of how agencies are thinking about racial profiling.

Co-Chair Stanley commented that a next step would be to identify best practices and develop recommendations for policies and trainings.

5. Discussion of Subcommittee Section Outline & Proposed Contents

Member Robinson asked if there has been an evaluation of the funding when discussing training.

Member Bobrow commented that it is important to understand the policies or trainings to agencies have to improve community relations and the costs associated with those efforts, versus agencies that do not have those trainings or practices. He suggested that understanding

what other agencies are doing would help with regard to recommendations for future funding and evaluation of trainings.

Co-Chair Guerrero suggested a potential recommendation that there be a deeper analysis or consideration of a future analysis of cultural diversity training including available funding and ability to address any future training needs.

Ms. Hovis clarified that training would also be addressed by the POST training subcommittee.

Member Robinson commented that some agencies may have missed that the Lexipol use of force policy mentions racial and identity profiling.

Co-Chair Guerrero asked whether members were surprised by the results pertaining to use of data and early warning or risk management systems.

Co-Chair Stanley commented that he was surprised by the relatively few agencies that indicated that they had policies to improve law enforcement-community relationships.

Member Robinson commented that some of the agencies could have misunderstood or interpreted the question about early warning systems differently. He mentioned that his agency doesn't have computer systems to identify at-risk officers, but he does have systems to do so.

Ms. Hovis mentioned Oakland PD's early warning system, which links multiple databases to understand an officer's behavior more broadly – stops, uses of force, complaints, etc.

Member Bobrow suggested that the subcommittee make a recommendation that agencies use these types of systems and make a reference to the one that Oakland used.

Member Robinson commented that it is very unlikely that there will be a one system fits all and there will need to be some flexibility, especially for smaller agencies who won't have these types of technological resources.

Member Bobrow commented in regards to the results on use of body worn cameras, that some agencies may have indicated that they use body worn cameras but not all officers are necessarily provided with the cameras.

Member Robinson commented that there is a huge cost involved with body worn cameras and data storage.

Co-Chair Stanley noted that the CHP is currently conducting a pilot study in Stockton and Oakland on body worn camera use.

6. Public Comment

Melanie Penny Ochoa with the ACLU of Southern California commented that it is important to include accountability in terms of tracking the penalties that are available to an agency, and how in policy and practice that is born out. Ms. Ochoa asked if there will be a determination of a policy that satisfies a particular threshold for accomplishing this and if the data is being used to determine effective policing.

Co-Chair Guerrero responded that given the report's short timeline the goal for the board was to get an initial survey out and follow up with additional inquiry into the policies and accountability at a later date. Co-Chair Guerrero clarified that all of the policies and survey results are public domain.

Ms. Ochoa recommended that future surveys ask specifically about the disciplinary actions taken by different agencies.

Ms. Hovis highlighted that lots of agencies responded to this year's survey, and commented that the board will want to craft surveys in a way that encourages agencies to participate.

Member Robinson commented that there could be a lot of generic explaining about how disciplinary actions work and emphasized that the final decision on these topics often goes through the attorney's division and internal affairs division.

Co-Chair Stanley commented that there is a right to appeal to the state board as well, which could ultimately change the penalty.

Co-Chair Guerrero commented that the issue of accountability and how we get at it is a topic for further exploration for the next report.

7. 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 1:18 p.m.