

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD

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STATE AND LOCAL RACIAL & IDENTITY PROFILING POLICIES
SUBCOMMITTEE MEETING MINUTES

November 1, 2018 – 1:00 p.m. – 3:00 p.m.

Subcommittee Members Present: Commissioner Warren Stanley, Andrea Guerrero, Micah Ali, David Robinson

Subcommittee Members Absent: Mariana Marroquin, Tim Silard, Oscar Bobrow

1. Call to Order and Introductions

The fourth meeting of the State and Local Racial and Identity Profiling Policies Subcommittee was called to order at 1:05 p.m. by Kelsey Geiser from the California Department of Justice (DOJ). The meeting was held by teleconference with quorum of members present.

2. Approval of September 6 Subcommittee Meeting Minutes

MOTION: Member Ali made a motion to approve the September 6, 2018 subcommittee meeting minutes. Co-Chair Stanley seconded the motion.

APPROVAL: All subcommittee members in attendance voted “yes,” no “no” votes, and no abstentions.

3. Update from the Department of Justice

Ms. Geiser provided an overview of the proposed subcommittee work for the annual report including a list of best practices for bias-free policing policies.

Ms. Geiser reviewed the recommendations that the subcommittee included in the 2018 annual Board report and reviewed the initial research and compilation of best practices proposed for inclusion in the 2019 report. Ms. Geiser emphasized that this is a draft list, created with the intention of facilitating discussion. Ms. Geiser reminded the subcommittee that this list is not intended to be an exhaustive compilation of every best practice, but rather the standard components that the Board believes should make up the policy or procedure of every agency in California, no matter the size or resources of that agency.

4. Discussion of Proposed Best Practice Recommendations

Ms. Geiser reviewed the proposed best practice topic areas, emphasizing that the specific recommendations would be created in light of the current conversation and included in the full report draft to be discussed at the next Board meeting. Ms. Geiser noted that the wording in the disseminated meeting discussion document would not be the final wording to be included in the report draft.

➤ *Subcommittee Member Discussion: Stand-alone Bias-Free Policing Policy Best Practice Recommendations*

Co-Chair Stanley suggested that the Board include cross-referencing, and potentially linking to, other relevant department policies such as civilian complaints or supervisory review within the stand-alone policy as a best practice.

Co-Chair Stanley suggested that the Board include making the policy accessible on the agency's website as a best practice.

Co-Chair Guerrero commented that she appreciated the breadth of topics covered under the suggested best practices.

Member Ali and Member Robinson agreed with the best practices recommendations included in the update document.

Ms. Geiser commented that the subcommittee previously requested that DOJ look into best practices for other policies that are related to racial and identity profiling policies outside of a standalone bias-free policing policy such as investigative stops, reasonable suspicion, probable cause, searches, body worn cameras, and supervisory review. Ms. Geiser commented that the DOJ created draft best practices that pertained specifically to racial and identity profiling under the general categories of initial contact and accountability. Ms. Geiser emphasized that these best practice suggestions were not intended to be comprehensive and include all topics that should be covered in the relevant policies, rather the best practices pertain solely to the portion of the relevant policy dealing with profiling.

➤ *Subcommittee Member Discussion: Initial Contact Best Practice Recommendations*

Member Robinson suggested including broad language for using training and experience with de-escalation techniques as a best practice.

Co-Chair Stanley recommended including training civilians or professional staff, as well as officers, on bias-free police training as a best practice.

Member Ali and Co-Chair Guerrero agreed with all recommendations.

Kevin Davis from the California Highway Patrol asked if the recommendation that officers provide appropriate documentation for the basis for the stop refers specifically to the stop data narrative field. Mr. Davis suggested that this be made more specific.

➤ *Subcommittee Member Discussion: Accountability Best Practice Recommendations*

Co-Chair Guerrero suggested including best practices around how a supervisor or an agency responds when they do encounter biased policing. Co-Chair encouraged the Board to include specific best practice recommendations on how bias is being identified within supervisory review and what is being done to correct it.

Co-Chair Stanley commented that a best practice would be for agencies to say in the stand-alone bias-free policing policy that any instance of biased policing would investigated and disciplinary action would be taken.

Co-Chair Guerrero agreed with this recommendation and commented that the community is looking to see that the agencies and officers are being held accountable to their policies and procedures.

Co-Chair Guerrero suggested adding language on usage standards and privacy standards of the video under best practices for body worn cameras.

Co-Chair Stanley commented that this should cover in car cameras as well. Co-Chair Stanley commented that, given AB 748, the recommendation should be that agencies follow standards required by current legislation to ensure consistency across the state.

Co-Chair Guerrero agreed on including reference to this new legislation.

Member Robinson agreed with all recommendations made.

5. Public Comment

Kalyn Dean from PICO California suggested explicitly mentioning LGBTQI and cultural differences in the best practices. Ms. Dean commented that training on bias-based policing should be extended to dispatch as well. Ms. Dean suggested including considering the tenants of procedural justice and keeping procedural justice training in mind when interacting with the public as a best practice. Ms. Dean suggested expanding the best practice to not use demographic, geographic location category, etc. as basis for a stop or search to include racial profiling in terms of accusations of gang activity. Ms. Dean commented that agencies will be looking for what they can do at the local levels once they have the data and suggested including best practices for agencies that wish to analyze their racial and identity profiling data beyond the analysis that is produced by the Board and the DOJ. Ms. Dean suggested adding specific language about muting of sound on body worn camera footage and commented that the new legislation does not go into the usage of body worn cameras.

Melanie Ochoa from the ACLU of Southern California suggested the Board include research on existing evidence of bias and how it manifests particularly when talking about things officers should not do. Ms. Ochoa suggested including best practices around auditing of data collected under RIPA to address concerns with accuracy of the data. Ms. Ochoa suggested adding specific guidelines for discipline for officers who have violated the bias-free policing policy. Ms. Ochoa suggested including information about bias in predictive policing tools.

Michele Wittig from the Santa Monica Coalition for Police Reform commented the subcommittee emphasize contextual stops and investigatory searches and specifically cover consent. Ms. Wittig commented that law enforcement agencies should partner with community members in the development of their policies. Ms. Wittig suggested that the Board include information about civilian oversight in its annual report. Ms. Wittig suggested the Board suggest all agencies to post physically and electronically post their policy manuals and file the policies with the RIPA Board.

6. Adjourn

Co-Chair Stanley adjourned the meeting at 2:25 p.m.