

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD

<https://oag.ca.gov/ab953/board>

POST TRAINING AND RECRUITMENT SUBCOMMITTEE
MEETING MINUTES

March 23, 2021

Subcommittee Members Present: Sandra Brown, Angela Sierra, La Wanda Hawkins, Melanie Ochoa, Amanda Ray, Brendon Woods, Edgar Hampton, John McMahon and Ronaldo Villeda.

Subcommittee Members Absent: None

1. Introductions

Co-Chair Sandra Brown called the meeting to order at 2:03 p.m. The meeting was held by videoconference with a quorum of members present.

Member Angela Sierra announced that the March 23 meeting would be her last. She indicated that Attorney General Becerra appointed her to the governing board of the new California Privacy Protection Agency. She stated that she has served on the RIPA Board as the AG's designee since the Board's inception and it has been a rewarding experience.

Co-Chair Sandra Brown also announced that the March 23 meeting would be her last because she is relocating out of state. She said she was appointed by the Senate Pro Tempore and appreciated being a part of the important national conversation on policing and training in particular.

2. Approval of October 7, 2020 Subcommittee Meeting Minutes

MOTION: Co-Chair Ochoa made a motion to approve the October 7, 2020 subcommittee meeting minutes.

APPROVAL: There were no "no" votes and no abstentions. The minutes were adopted.

3. Discussion of Proposed Subcommittee Work

DOJ Update:

A. Deputy Attorney General Domonique Alcaraz gave an update on the AB 953 POST Certified Course taught by DOJ. She advised that four courses were taught in 2020. The course had become so popular, it was going to be offered twice as often in 2021. She reported that to date, there have been 146 participants and 116 received Certified Professional Training credit. Ms. Alcaraz invited Board Members to observe the course and provided the upcoming schedule.

B. Meagan Catafi of POST gave an update on the RIPA Board Training recommendations presented to the POST Commission at its February 24 meeting. She advised that the nine recommendations below were presented to Commissioners as information items on consent and no action was taken by the Commission. Ms. Catafi stated that POST staff however are considering all of the recommendations except numbers two, eight and nine and will continue to work with the Board as it develops training and updates. Recommendation number two, to use video of actual events in training courses, will not be adopted by POST, because POST does not know the outcome of actual events and POST does not believe it would be good precedent to single out an agency for training purposes. She also stated that POST can be held liable by other states for using You Tube videos of law enforcement agency incidents. Regarding the recommendations number seven and eight, Ms. Catafi stated that to make the Principled Policing course mandatory for all officers and requiring Racial and Identity Profiling and for Cultural Awareness courses to be required more frequently than every five years, would require regulation and or statutory changes. The RIPA Board's list of nine recommendations can be found on page 154 of the RIPA 2021 Board Report located on the Attorney General's website at <https://oag.ca.gov/ab953>

C. Ms. Martin-Walton, Retired Annuitant of DOJ, provided the subcommittee an update on their AB 953 POST training course reviews.

Ms. Martin-Walton advised that POST developed five courses to meet the AB 953 mandate; two courses for new recruits and three courses for seasoned officers, one of which is for supervisors. To date RIPA Board subcommittee members have reviewed two courses for the seasoned officers. She stated that in previous meetings and reports the Board expressed continuing its course reviews of the Implicit Bias Course for Supervisors, and the two Academy courses entitled Principled Policing in the Community LD 3 and Cultural Awareness and Discrimination LD 42.

Ms. Catafi advised that POST would be seeking Board input on the supervisor's online course most likely in April or May of this year.

Deputy Attorney General Elgart stated that the Board could consider reviewing both Academy courses which are structured differently from the online and video training courses previously reviewed. She further advised that POST would like to have one or two members be a point person for their staff. Co-Chair Brown expressed concern that while one or two members could be the point, it is very important that all Board members be able to review all relevant courses and provide comments because of their various backgrounds, experiences and ideas are valuable. Board member Villeda and Hampton volunteered to serve as reviewers. Member Hampton suggested that it would be important for a dispatch component to be included in the LD 3 course. Ms. Elgart

advised that the RIPA Calls for Service subcommittee will be reviewing dispatch training.

Co-Chair Ochoa asked clarifying questions about the POST academy course and whether there was additional course materials to go with the student workbooks. Ms. Catafi indicated that there are training and testing specifications for both LD 3 and LD 42 to go with each workbook that recruits are tested on, however this cannot be changed. Ms. Catafi added that every academy is required to provide an expanded course outline of more detail to receive a POST course certification. She offered to share the College of Siskiyou Academy training course as an example of what is being taught in the academies. Member Hawkins indicated she would also like to review the courses decided upon by the subcommittee.

Ms. Catafi added that both the academy course workbooks and the related testing specifications are available on the POST website and both courses have legislative requirements that pertain to RIPA. She further advised that the student workbooks for these two courses are live so feedback could be provided anytime.

Supervising Deputy Attorney General Nancy Beninati of DOJ reminded the subcommittee that they could schedule an additional meeting to review the course. The consensus of the subcommittee was to review the Implicit Bias Course for Supervisors and try to review the Principled Policing in the Community Course LD 3 this year. The subcommittee agreed to review the Cultural Awareness and Discrimination course LD 42 next year.

Member Sierra agreed that a separate follow-up subcommittee meeting to review the course will help provide POST with consistent responses and comments about the Principled Policing in the Community Academy course.

D. AB 846

Senior Legal Analyst Anthony Jackson with DOJ provided an update on AB 846. He stated that the legislation passed in September 2020 and focused on the psychological screening and evaluation in the hiring process of new recruits. He explained that the statute requires POST to study, review and update regulations to include screening and evaluations for explicit and implicit bias, relating to emotional and mental abilities. He added that California agencies are now required to review job descriptions and AB 846 requires POST to take a lead in law enforcement agencies review of their job descriptions to ensure that they emphasize community based policing and deemphasize the militarization part of the job.

Mr. Jackson summarized that the goal of AB 846 is for POST to review screening evaluations among other psychological categories and take the lead on reviewing officer job descriptions. He shared that there is a subject matter expert panel on implicit and

explicit bias is being formed by POST and RIPA is looking to POST to determine how they can assist.

Mr. Jackson advised that RIPA can also continue to explore ideas discussed at previous subcommittee meetings about hiring and best practices for changing law enforcement culture and diversity in hiring. Mr. Jackson reminded the subcommittee that topics discussed were congruent and incongruent relationships between police officer and individual, Black and Blue policing in organizational makeup and critical mass in the hiring context at a sufficient number to begin to shift the culture in law enforcement from bias to openness. Mr. Jackson invited Ms. Catafi from POST to speak more about AB 846.

Ms. Catafi advised that February was the first meeting of the subject matter expert panel, March was the second and April would be the third. The experts are Dr. David Quarry, Dr. Karen Amendola, Jack DaVidio, and Calvin Leah. Melanie Singly is the POST project manager. She shared the following task lists compiled by the experts:

- 1) Identify targeted constructs predictive of bias behavior, attitudes and personality.
- 2) Identify aggravating facilitating factors and mitigating factors within the context of background investigations, psychological interviews and written instruments.
- 3) Draft a new chapter section of the POST Psychological Screening Manual to address the assessment of peace officer bias in candidates.
- 4) Explore other competencies and attributes that may moderate the effects of bias.
- 5) Develop tools and resources for assessing and identifying inter-cross cultural screening psychologists competencies.
- 6) Review sociology and other related fields to identify bias.
- 7) Gather information on hate group membership characteristics, symbols etc.
- 8) Identify stakeholder groups and members to review recommendations.

Member Hampton indicated that his agency, the Anaheim Police Department, just amended its job description to comply with AB 846 and would like to know what other agencies have done the same. Mr. Jackson asked if Member Hampton could share the job descriptions pre and post AB846. Member Hampton agreed to provide Mr. Jackson his agency's job descriptions. Co-Chair Brown reminded the Board that POST does not hire. She suggested that the Board would benefit from knowing that there could be a standard state process for hiring and it would be great if POST could standardize the process for all agencies. Ms. Catafi stated that POST provides standards for training and eligibility. AB 846 will add bias to POST's screening process. She does not have a direct answer to Co-Chair Brown's question about standardizing a state hiring process.

Member Hampton stated that Anaheim uses a community advisory panel in its hiring process and promotion processes. Member Hawkins stated there is the same problem of different hiring practices in county law enforcement agencies.

Board members discussed this idea and the differences in hiring by agencies. Mr. Jackson asked Ms. Catafi if AB 846 includes cultural competence as one of the dimensions when evaluating bias. Ms. Catafi stated she would inquire and get back to DOJ. Ms. Catafi encouraged the Board to review POST hiring information on their website. Mr. Jackson further added that background investigations begin before recruits go to the POST academy and greater agency consistency is required in the hiring process. Co-Chair Brown stated that Facebook and Instagram should be checked by all 600 agencies as a hiring best practice. Member Hawkins believed the POST Academy should occur prior to the individual being hired by an agency. Co-chair Brown suggested that a law enforcement representative should be added to POST's subject matter expert panel established to address AB 846. Ms. Elgart suggested that the Board think about best practices that they would like DOJ to follow-up on that POST has not already suggested. Co-chair Ochoa asked for the subcommittee to receive the subject matter expert list allowing time for reflection and additional ideas.

4. Public Comment

Sophia, a case manager for the Transgender and Intersectional Justice Project asked the POST representative whether the psychological assessment test has always been used or has it been recently updated? Her comment to the Board was to suggest that the assessment used by POST be similar to assessments used to recruit elite forces in the military in order to ensure that hires are the best of the best.

5. Discussion of Proposed Subcommittee Report Contents and Next Steps with Post

Member Hawkins asked if the Board is going to receive information about California law enforcement's treatment of people during the protests following the George Floyd murder. Member Hawkins received comments from Los Angeles community that law enforcement made a lot of errors and profiled community members. Member Hawkins requested data and information gathered by the state on this issue. Ms. Beninati thanked Member Hawkins for raising this issue and stated that there was lots of troubling information in the news, and stated that CRES would confer with the stop data subcommittee and the Research Center to determine how we could do this given the way the data is collected and the complexity of narrowing down whether an event was a protest.

8. Adjourn

Ms. Beninati thanked both RIPA Board Members Sandra Brown and Angela Sierra for their service on the Board. She stated that she met Member Brown in 2017 when she first served as an expert for DOJ and the Board during the drafting of the first report, and that Member Brown would be missed. Ms. Beninati stated that she has known Member Sierra since 2005 and that Member Sierra was Ms. Beninati's direct supervisor in the Civil Rights Enforcement Section of DOJ when the RIPA Board was developed. Appointed to sit on the Board by then Attorney General Harris Member Sierra continued in that capacity. Ms. Beninati stated that member Sierra would also be missed.

Ms. Martin-Walton also thanked Board Members Brown and Sierra for their contributions to the Board as follows:

Former Lieutenant Sandra Brown, has worked with the Racial and Identity Profiling Act Advisory Board since October 2017. Because of her background as a California Police Officer, Sheriff Deputy, Law Enforcement Executive and a Master National Instructor on Implicit Bias, Former Lt. Brown was initially retained by the Department of Justice to provide consulting services to the Board. In that capacity, she provided invaluable assistance in structuring the Board's early participation in and evaluations of the initial racial and identity profiling training courses being developed by POST. Former Lieutenant Brown became RIPA Board member Brown when in April 2018 he was appointed by the Senate. She did this while continuing to provide Implicit Bias training courses nationally for the Fair and Impartial Policing Organization, in over 300 law enforcement agencies. Board member Brown served as Co-Chair of both the Peace Officer Standards and Training (POST) Subcommittee and the Calls for Service Subcommittee. Board Member Brown's knowledge of law enforcement and passionate commitment to training as a way to eliminate racial and identity profiling thru education has been inspiring. Her work with fellow Board members is contributing to the quality of the racial and identity and implicit bias training being offered to California Peace Officers. Sandra we thank you for your commitment to your fellow Board members, the Department of Justice and to the people of California.

Angela Sierra served on the Racial and Identity Profiling Act Advisory Board as the Attorney General's designee. She was appointed to the RIPA Board in 2016 while serving as a Senior Assistant Attorney General of the Civil Rights Section of the California Department of Justice and was one of the original Board members. Member Sierra served as Co-Chair of the Calls for Service Subcommittee, the Civilian Complaints Subcommittee and as a member on the POST Training and Recruitment Subcommittee. Attorney Angela Sierra has had a long career in the Department of Justice. As a Civil Rights Attorney, Board Member Sierra was very knowledgeable on issues related to law enforcement and community relations. Board member Sierra provided leadership, made important contributions to discussions while moving issues forward toward inclusion in

the annual reports. Additionally, she was committed to the work of the Board never hesitating to assist whether it to offer policy insight, frame an issue, review POST training courses, or nominate other board members to chair subcommittees. Angela, we want to thank for your commitment and work to eliminate racial and identity profiling in California and we wish her all the best.

Co-Chair Brown adjourned the meeting at 3:50pm