

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD
<https://oag.ca.gov/ab953/board>

POST TRAINING AND RECRUITMENT SUBCOMMITTEE
MEETING MINUTES

July 27, 2021

Subcommittee Members Present: Chair Melanie Ochoa, Brendon Woods, La Wanda Hawkins, Amanda Ray, Edgar Hampton, Steve Raphael, Ammar Campa-Najjar, and Ronaldo Villeda.

Subcommittee Members Absent: None

Introductions

Chair Melanie Ochoa called the meeting to order at 2:00 p.m. This meeting was held by video conference with a quorum of members present.

Chair Melanie Ochoa introduced and welcomed new Member Steve Raphael to the POST Training and Recruitment Subcommittee.

New Member Ammar Campa-Najjar introduced himself to the Subcommittee. Member Campa-Najjar stated that he was looking forward to working with everyone and would very much like to attend the POST Principled Policing in the Community course.

1. Approval of March 23,2021 POST Subcommittee Meeting Minutes

MOTION: Member Edgar Hampton made a motion to approve the March 23, 2021 subcommittee meeting minutes.

The minutes were approved by the subcommittee without objection or abstention.

2. Election of New POST Subcommittee Co-Chair: Subcommittee Chair Melanie Ochoa nominated Member Woods as Co-Chair of the POST Subcommittee. Member Woods accepted the nomination. Member Woods was unanimously approved by all subcommittee members present as the new Co-Chair.

3. Discussion of Proposed Subcommittee Work

DOJ Update:

Aisha Martin Walton, Retired Annuitant of DOJ, opened the discussion with the reminder to subcommittee members that AB953 reflects the values of California which focuses on

the elimination of racial and identity profiling. She stated that the statute indicates that law enforcement training is an important factor to carrying-out this goal and because POST is the primary agency responsible setting standards, their courses should provide the necessary tools and skill sets required for all law enforcement officers to be successful in preventing racial and identity profiling. She added that the course under review by the POST subcommittee today is “Principled Policing in the Community LD3, and unlike earlier courses, this training course was designed by POST specifically for new recruits/cadets. She added that the subcommittee will provide feedback to POST to ensure that the spirit of AB953 is captured in the course material and is reiterated with clarity for instruction purposes.

Deputy Attorney General, Domonique Alcaraz, with DOJ presented a power point overview of the LD 3 “Principled Policing in the Community” course material provided to the subcommittee by POST. She stated that POST’s goal in designing the course is to provide law enforcement the tools to resolve policing problems through community partnership. The course is 26-hours long, is taught at 40 different POST Certified academies throughout the state of California, and consists of six chapters. Ms. Alcaraz then summarized the POST course Workbook Series Outline.

- Chapter 1 Community Policing**
- Chapter 2 Community Partnership**
- Chapter 3 Problem Solving**
- Chapter 4 Principled Policy**
- Chapter 5 Historical and Current Events**
- Chapter 6 Implicit Bias**

Ms. Alcaraz advised the subcommittee that the course material provided by POST is in outline format and does not include a facilitators guide.

- 4. Principled Policing in the Community Course- Subcommittee Comments/Concerns:** Co-Chair Melanie Ochoa opened the course-review discussion by asking if there are any overall general questions or concerns to be addressed.

General Course Comments Overview by Subcommittee:

Member Raphael asked if once the LD3 course student workbook activities are completed, would attendees be able to have a classroom discussion and/or receive feedback from In-Service Seasoned Officers on individual responses to the workbook activities in the course?

Raymond Nanadiego, from POST, was able to respond to this question. He indicated that the course activities in the workbooks are for an adult learning environment and critical thinking, so the workbooks do not supply answers, however, a discussion of possible answers occur between cadets and the instructors, who are sometimes in-service seasoned officers. He added that the cadets are expected to review the workbooks prior to the course and bring the questions to the class with them to be addressed for discussion purposes

Co-Chair Woods wanted to know the thought process for not having a facilitator's guide and are there thoughts to having one. Also, in reviewing one of the sections, for example, he stated that there is not much content or context to the historical and current events listed in the workbook such as Jim Crow Laws, Redlining, Segregation etc. He also expressed that without information behind each of these topics it's difficult to know how they are being presented and therefore they are difficult to evaluate.

Mr. Nanadiego stated that the material in the workbooks are not intended to be like an academic textbook in a classroom. He added that the course is designed in brevity and in outline format to allow participants to work together in small groups and from the instructors presentation they have dialog in an adult learning format. Also, the concepts in the historical events section are also mentioned in LD1 and LD42 to reinforce the concepts throughout the academy.

Member Edgar Hampton shared his classroom experience at the San Bernardino Sheriff's Academy. He stated that the attendees were arranged into small groups and each had to give an oral presentation of assigned topics such as Tamir Rice, George Floyd, Jim Crow etc. Course attendees were encouraged to share their individual experiences during group discussions and work through the issues.

Co-Chair Ochoa asked if in the absence of a facilitators guide does that mean the information presented is based on the presenters own knowledge? Mr. Nanadiego stated that presenters are not gives a comprehensive guide, but rather a list of different resource materials including a video on how to teach adult learning. Presenters will ask cadets to research a topic on their laptop and then make a presentation to the class to fill in the gaps, and to be resourceful. The instructor also draws on the cadets own diverse life experiences.

Co-Chair Ochoa stated that one over-arching concern she had was that the material does not seem to consider the diverse experiences with police. Community policing is a philosophy and that not all communities want and that not all communities will respond

the same law enforcement approaches. Not all communities feel safe when they see the police. The course material should reflect the individual communities they police by partnering with each community and considering the needs of that community. This concept should be a clearly stated building block in the LD3 training. Mr. Nanadiego responded that the Academy LD classroom courses are the minimum and the building blocks for cadets. When cadets complete the Academy and become certified they transfer to the twelve month Field Training Program and get to practice these principles including how to establish relationships with communities.

Member Hawkins believes there is a difference in treatment based on the community that is policed and made the following statements. Sometimes the communities being served by the police are victimized by those police. The training standards aren't always applied equally. Community input is needed into the design of the policing practices and should be addressed in the training. An example is when officers decide to search everyone who happens to be in a car club for hanging out and because police have the authority to ask questions and search everyone, they make the decision to do it.

Member Steve Raphael suggested scenarios that could be included in the course material providing examples of social activities and integrating scenarios into the courses with an eye towards avoidance of unjust policing. The same social activity is policed differently in different communities (i.e., Car Shows). Member Hawkins added that car shows are responded to by police to differently in different communities. It is unjust when people are harassed and degraded by being told to get out of the car, told to raise their t-shirts and photos are taken of their bodies.

Mr. Nanadiego agreed with the concerns of addressing community diversity when responding. He added that the course is the bottom building-block for addressing the different communities. Other alternatives can be included once the officers are grounded in the basic approach.

Discussion re: Chapter 1 Community Policing

Co-Chair Ochoa stated that to member Hawkins earlier point, certain activities are viewed as criminal in some communities and not others. She added the following points. This is disparate treatment or biased based policing. Cultural competencies/biased examples should be addressed from a philosophical perspective and supported by the entire department so that it is taught, accepted, and practiced in day-to-day policing. Alternative interventions should be interwoven throughout the course. Police should be given the framework that they cannot solve all public safety and health concerns. They should be deferring or connecting to appropriate agencies. This will also show that

officers are vested in the health and safety of the community, how they see their role. This should be included in the beginning of the course.

Co-Chair Ochoa stated that in the “What makes Officers Effective” section policing communities should not be enforcing all the laws especially when lowest level crimes lead to fees, fines and penalties that hurt members of the community, are discretionary and when applied to certain communities and not others results in people feeling less safe. She added the following comments. This is especially true when different communities are criminalized more than others. The recurring notion that being polite gives an officer the right to continue inappropriate behavior should be removed from all course material. The notion in this section suggests that community safety means carrying out laws to the maximum and should therefore not be suggested in this course. This section suggests that a pre-crime approach or predictive turns into suppression policing and is inconsistent with serving the community. If embraced it should not be done in a way that is not excessive and harmful. An example can be found in the Los Angeles Police Department’s program. On Page 1-12, maintaining order for the quality of life should be recognizing that there are certain ways a community expresses itself like a car show or chooses to use its own public space and that is not disorder. On page 1-14 she is concerned that the stated relationship that rural to urban crime leads to increased calls for service is unclear, the suggestions that early release from jail leads to increased crime and loss of respect is unclear. Also because they are not based on fact, these statements are therefore potentially problematic and stigmatizes previously incarcerated people and the idea that they need to remain removed from the community. This is not the view of community health that should be taught. The stated relationship between immigration patterns and negative images to law enforcement was also unclear. Co-Chair Woods, referencing page 1-12, asked what is the definition of Community Policing. He then made the following statements. Shouldn’t it be the effort to improve relations within the community as opposed to encourage communities to help the police solve crimes or to motivate the identification of crime and arresting people rather than bringing the community together in partnership? The examples suggest that police intervention is the solution. Why is policing the only solution? This is one example where a Facilitators Guide would be helpful. Page 1-7 would also be a perfect place to address the history of slave patrols and its impact on communities. Not doing so is a missed opportunity. On pages 1-12 the action to control the community in a highly visible manner is problematic and is not viewed by many that it makes people feel safer. In some of the safest communities there are no visible police. Therefore, in some communities people feel more policed and not more safe. There is a need for alternate intervention solutions other than policing to be incorporated throughout the course. Increased policing does not necessarily equate to safer communities. He agreed with Co-Chair Ochoa on several of her concerns. Co-Chair Woods asked what will happen to the

Boards Comments. Where will they go at the end? Will the subcommittee's comments go to the full board for recommendations? Ms. Elgart advised that DOJ will compile the comments, provide that to POST, and wait to hear from POST about how they plan to incorporate the feedback. The Full Board in the October meeting will see the comments and can decide whether to endorse them, and ask questions. POST can also explain at this meeting how they plan to incorporate the comments.

Chapter 2 Community Partnership

Co-Chair Ochoa stated that most often, police invoke the criminal solution rather than a more appropriate alternative solution. These decisions tend to be based on how they view the community in question and will be managed differently based on their individual and/or community bias. On page 2-29, the police need to be able to identify when alternative solutions should be considered however they may not be trained to identify alternative solutions. Because there are varying degrees and views of quality of life, police presence does not always mean people feel safer. Rather than just taking a public relations approach to partnership and try to convince people that things are different, law enforcement agencies should make things different. In an early version of a POST online course emphasized being polite that and it did not really matter that the action was illegal or driven by bias. The second version of POST was improved. Different communities require partnerships that will aid in the relationship of being a positive interaction rather than a negative one.

Member Hawkins provided one example of Co-Chair Ochoa's observations to be how the homeless community is often treated like criminals by law enforcement regardless of the call for service. Co-Chair Woods stated that on page 2-15 the nonverbal danger signals, such as poor eye contact and the fact that a person can leave who is being detained are normal actions any teenager would take and should not be considered danger signals. Co-Chair Ochoa recommended that these nonverbal minor social cues should be intertwined with the discussion of bias, because it is not the action of the individual but the perception of the action by the officer with the person they are engaging. Bias training teaches officers to be more consistent in how to interpret these behaviors because if not, biases become the driving force of their decisions and actions. The RIPA data on consent search outcome data is a prime example of implicit cues by officers being wrong. Acknowledging this as a reality of policing in the training is important.

Chapter 3 Problem Solving

Member Raphael expressed the following concerns. The course material presented in the "Broken Window" section implies that disorder in the community might be an identifier that there is also a crime problem and this could have a negative impact and cause the

members to think that their community is not a good place to live. The research on broken window suggests that there is not as much value in this theory as a crime fighting strategy so it is concerning that the theory is being presented to young trainees in this course with certainty when the research is just not there. Especially if it leads to the philosophy that officers should crack down on everything they see no matter how minor. As a result, it will have a residual impact of stopping a lot of people and searching a lot of people then there may be a short term gain in law and order, but a long term loss of community trust. Member Raphael recommends that this theory be presented with caution as opposed to in black and white and asks instructors to think carefully about talking about the world in a broken windows way.

Co-Chair Ochoa stated that the goal of the course should be for officers to bring pride to their community so that problem solving is a team effort. She asked do police officers really have the tools and training necessary to make these assessments? She then added the following comments. In many instances, these assessments just result in fees or fines that ultimately impact the perception of police in the community. Referrals to other agencies should be addressed in this problem solving section, especially those regarding the homeless. POST should alter the way the material is being presented and should include ways that the individuals and agencies take ownership of creating false perceptions of the community. POST could include examples that show the differences between law and liberties that are taken when implicit or explicit biases are involved. Member Raphael questioned whether the use of the Scanning, Analysis, Response and Assessment (SARA) model of problem solving in problem oriented policing is effective in how to address long term problems a community might face and finds it hard to apply it to real problems. He wondered what is the classroom content versus the real world application and how to make these problem solving tools real for students.

Chapter 4 Principled Policy

Co-Chair Ochoa stated that chapter 4 is short compared to others with no indication of how the instructor presented the information and made the following comments. It doesn't support the importance of this section. Information presented in each class could be approached differently with different instructors. Class material should be supported by research and backed up by data. The study by Jennifer Eberhardt on bias should be incorporated here.

Co-Chair Woods stated that it is difficult to evaluate the course without a trainer's guide and made the following comments. The section is important yet the material presented is cursory. It suggests that procedural justice is the right form of justice without consideration to restorative justice. Also Chapter 5 seems to be a missed opportunity to

discuss the historical context of policing and how and why officers need to train and be trained on racial and identity profiling. Co-Chair Woods wanted to know if this course supplied the trainees' tools to self-identify biases when they are out in the community and opportunities to self-correct.

Member Hampton gave an overview of the instructor's facilitation method of the LD3 course he observed in San Bernardino. He stated that the cadets were getting out of their comfort zones. Each attendee was directed to write down all their known biases on a piece of paper, folded it up as if it was anonymous. Then the instructor required cadets to read what they wrote out loud. It forced the students to have uncomfortable conversations. Member Hampton found this approach to be very telling. The message was the effects of what you do no matter the city or state and is far reaching and that officers have to do better reaching out to the community. Member Hampton stated that he graduated from the academy in 1997 this type of training was non-existent. The instructors did a good job of discussing cause and effect. He emphasized that when officers make a bad decision they need to think about the effect on the community.

Chapter 5 Historical and Current Events

Co-Chair Woods stated that Chapters 5 and 6 are the most important chapters in the entire course yet they are extremely brief in content, thereby missing the historic context and discussion on policy and provided the following comments. It is concerning that both chapters lack depth, context, and specificity. There was not enough explanation and supporting data for the subjects such as, Slave Patrols, Black Codes, Jim Crow Laws, Redlining, Voter Suppression, etc. The topics are difficult to discuss they are not easy and he wondered if the instructors have the proper training and thought process to present these complex issues, he would like to know that the instructors have additional training in this area.

Co-Chair Ochoa stated that on page 5-3, the course mentions historical and contemporary events, yet no current events are mentioned. She provided the following comments. It should include more current even so the class would have a better understanding of these issues. The course needs facts to support the historical data. Also, while an individual officer incident may spur the community's response, the institutional response to that incident is equally important. When someone is killed and the legality is questioned an agencies actions can be viewed as endorsing that conduct. So law enforcement agencies should take ownership of how they contribute to community mistrust. The premise that law enforcement officers historically were required to enforce laws and suppress civil rights is not an accurate presentation of historical policing. There were no laws requiring dogs to attack schoolchildren or to take a black man out of jail to be lynched by a waiting mob. Having these laws on the books did not mandate officers to enforce all of these

laws. This should be recognized and incorporated into the training. In fact, RIPA exists to identify the bias in the ways people are approached and the ways the laws are enforced. The level of knowledge instructors have to teach these topics is unknown, and therefore underscores the need to have more facts about these topics in the workbook outline.

Member Raphael stated that he really liked the individual bank account metaphor he saw in a previous POST training course. He suggested that this concept could be expanded to the idea that everyone is sharing the same bank account where deposits and withdrawals affects the balance and impacts the entire account. Member Raphael stated this exercise could be further developed by supplying more insight into a shared investment.

CHP Commissioner Amanda Ray stated that she appreciated hearing the comments from the subcommittee members who were able to attend one of the LD3 classes and recognized the difficulty of evaluating an outline. Member Ray recommended additional subcommittee members attend the actual CHP Academy LD3 course so that they can get a better feel for the presentation and facilitation by the instructor. There will be a class available in August.

Chapter 6 Implicit Bias

Member Ochoa stated that this chapter is really short and should include the realization that implicit bias exists and should include how it influences everyday decisions. She added that there is not enough information, examples, and backup data provided in this chapter to truly address the implicit bias issue and may help officers. Member Ray stated that it is important to know that these concepts are taught throughout the CHP academy courses, and many of the issues raised are included in the classes. However, Member Ray stated she is here to listen with the goal of making the courses even better.

Member Ronaldo Villeda stated that he attended the Principled Policing in the Community course in San Bernardino and offered the following insights into the course. He stated that he is a formerly incarcerated individual and had been in the juvenile justice system. It was triggering to be back in a place with law enforcement to observe the LD3 course. What stood out the most was the discussion of implicit and explicit biases. His instructor did a great job of explaining implicit and explicit bias. He then unfortunately allowed his implicit biases to permeate the course. He shared a story with the class that demonstrated implicit bias. He asked two female cadets what they would do if a 12-year-old boy who was looked like an adult were about to overpower them? Member Villeda was shocked when they both replied they would shoot the 12-year-old kid. When asked

why, they replied that they feared for their lives. In his opinion, based upon the scenario presented, he believed the cadets feared for their lives because of their implicit biases. He asked the broad question of how can the RIPA Board help officers look at things more objectively and to look for different options that can be used in these types of situations. Member Villeda recommended that the course instructors always have examples and role play because they lead to a more in- depth discussion. Dialog on appropriate responses to certain situations would be helpful as well.

5. Public Comment

Co-Chair Ochoa opened the meeting for public comment discussion.

Northern California: Jay Scofield, a retired Police Officer with the City of Stockton and taught at the police academy wanted the opportunity to discuss issues and problem areas in policing regarding use of force. He stated that traffic stops and poverty issues need to be reviewed. It is a lot easier to do policing in poor neighborhoods. It is harder for law enforcement to be implemented in wealthier neighborhoods and gave the example limited access to gated neighborhoods equals less policing.

Central California: Tiffany Carter, a member of All Voices, a Lived Experience Program with the Council of Criminal Justice and Behavioral Health, Sacramento expressed gratitude for the conversation and would love taking part in this effort in a meaningful way.

Southern California: Pam also from the Lived Experience Project applauded the efforts of the Subcommittee. The link ab93@doj.ca.gov was made available to Pam so she could sign up to receive ongoing information.

Bianca Gallegos expressed appreciation for the work that is being done and for allowing the public to attend. She was specifically looking for information on human and child sex trafficking. Co-Chair Melanie Ochoa explained that topic was not a part of LD 3 but is discussed in POST Academy LD-10. The link 953@doj.ca.gov was sent to Bianca.

Robert O'Brian, a Deputy Chief from the San Bernardino County Sheriff Department and oversees their Recruitment and Training Division thanked the committee for the work it has been doing and noted that the training is only successful if there is more than one perspective. Deputy Chief O'Brian stated that San Bernardino was one of the first agencies to pilot the Principled Policing Program with POST. He acknowledged Board members Edgar Hampton, Ronnie Villeda and DOJ Attorney Domonique Alcaraz for recently observing their LD3 course. He welcomed other members to come to San

Bernardino and to further discuss any of the issues being addressed. He also suggested that members attend the course to get an in-person experience with how the course is being taught and to know that trainers are open to constructive criticism. Co-Chair Ochoa asked if the sessions were recorded as an alternative to observing in person? Deputy Chief O'Brian stated not at this time, however he is willing to explore that request.

Michelle Wittig of Santa Monica stated that there needs to be more clarity in this statewide curriculum for a well-documented procedure on how to make an unbiased judgement during a traffic or pedestrian stop in a respectful way.

Discussion of Proposed Subcommittee Report Contents and Next Steps with POST

Co-Chair Melanie Ochoa asked if POST had a path forward based on today's meeting. Meagan Catafi with POST advised that POST would need to conduct a review and make decisions on the Subcommittee's comments.

Ms. Martin Walton affirmed that DOJ would be responsible for summarizing the questions, comments and concerns discussed in today's meeting and included in the July 27, 2021 POST Training and Recruitment Subcommittee minutes and 2022 RIPA Report for review and approval. Ms. Martin Walton advised that the Civil Rights Enforcement Section team is seeking law enforcement agencies in the Bay Area and southern Cal that are offering the "Principled Policing in the Community" course which member could observe. Co-Chair Melanie Ochoa asked Ms. Martin Walton to investigate the possibility of recording the training session in San Bernardino so that it can be reviewed. Ms. Martin-Walton agreed.

Deputy Attorney General Kendal Micklethwaite with DOJ, announced the dates for upcoming subcommittee meeting. They are:

Stop Data Subcommittee	July 30, 2021
Policies Subcommittee	August 19, 2021
Civilian Complaints	August 30, 2021
Calls for Service	TBD

Ms. Micklethwaite announced that the Calls for Service Subcommittee was in need of more members.

Allison Elgart, Deputy Attorney General with DOJ, suggested that the subcommittee should decide whether they need to extend their meeting time and to think about recommendations they may want to make to the Full Board at the next meeting. The subcommittee agreed to extend their September 9, 2021 meeting for 30 minutes.

7. Adjourn

Co-Chair Ochoa adjourned the meeting at approximately 3:50 p.m.