

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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ACCOUNTABILITY AND CIVILIAN COMPLAINTS SUBCOMMITTEE MEETING MINUTES

February 12, 2025, 10:00 a.m. – 12:00 p.m.

Subcommittee Members Present: Co-Chairs Lawanda Hawkins and D.J. Criner, and Members Cha Vang, William Armaline, Angela Sierra, Chauncey Smith, and Andrea Guerrero

Subcommittee Members Absent:

1. CALL TO ORDER BY BOARD CO-CHAIRS

Co-Chair Criner called the meeting to order.

2. WELCOME AND INTRODUCTIONS

Each Accountability and Civilian Complaints Subcommittee (herein Subcommittee) member introduced themselves.

3. APPROVAL OF SEPTEMBER 5, 2024 MEETING MINUTES

Co-Chair Criner asked the members to review the draft meeting minutes from the Subcommittee's September 5, 2024 meeting. Co-Chair Hawkins motioned to approve the meeting minutes and Member Armaline seconded.

Deputy Attorney General (DAG) Yasmin Manners of the California Department of Justice (DOJ) proceeded with the roll call vote:

- **AYE:** Member Armaline, Co-Chair Criner, Member Guerrero, Co-Chair Hawkins, Member Sierra, Member Vang
- **NAY:**
- **ABSTAIN:**

With four Ayes, the meeting minutes were approved as presented.

4. UPDATES BY THE DEPARTMENT OF JUSTICE

Deputy Attorney General (DAG) Rebekah Fretz of the California Department of Justice (DOJ) presented the DOJ update. DAG Fretz reminded the Subcommittee that five recommendations from the draft Accountability and Complaints sections of the 2025 RIPA Report were tabled by the full RIPA Board:

Civilian Complaints (Youth Policy Recommendations)

1. POST modifies the complaint form used to file complaints under SB 2 to allow the complainant to indicate whether the allegation arises from an incident involving a person 17 and younger or between the ages of 18 and 24.

2. The Legislature amends Penal Code section 13510.8 to require consideration of the complainant's age in determining if a peace officer's conduct rises to the level of serious misconduct warranting decertification.
3. The POST Commission amends Regulation 1205 to require consideration of the complainant's age in determining if a peace officer's conduct rises to the level of serious misconduct that warrants decertification

Accountability

1. The Board recommends that the Legislature consult with POST, law enforcement agencies, experts, researchers, and community groups about harmful conduct by officers that may not fit within the nine categories of serious misconduct that serve as the basis for POST to suspend or revoke certification but is still incompatible with the duties of a peace officer. The Board further recommends that the Legislature make findings and amend Penal Code section 13510.8 to add any additional categories of serious misconduct that are harmful to the public and incompatible with a peace officer's duties.
2. The Board recommends that the Legislature amend Penal Code section 13510.8, subdivision (d) to expand the authority of the POST Executive Director to continue an immediate temporary suspension of an officer where the circumstances indicate that the officer continues to pose a danger to the public even if one of the statutory grounds for imposing the immediate temporary suspension has been resolved.

DAG Fretz stated that if the Subcommittee does not move to reconsider any of these tabled recommendations for another vote during the next full board meeting, the recommendations will be considered dead. The Accountability recommendations related to SB 2 were tabled because the Board felt that there was not sufficient SB 2 data related to police decertification at this point and it was premature. At the next Full Board Meeting, there will not be additional data to report.

Member Sierra asked that if the subcommittee does not vote to re-examine these recommendations at the next Board Meeting, whether they would be able to do further work on those topics. DAG Manners confirmed that the subcommittee could do further work on those topics.

DAG Fretz next presented topic areas the Subcommittee could consider for the Complaints and Accountability sections of the upcoming 2026 RIPA Report.

In the Complaints section of the Report, the Subcommittee could:

- Examine law enforcements agencies' investigation process for complaints and what shapes a robust complaint process;
- Assess to what degree robust investigation is both cost and resource effective, although this would most likely require the involvement of experts to help develop

recommendations regarding how to improve the complaint process since there are currently no best practices available for law enforcement complaint processes;

- Track the effect of deterrent language in law enforcement complaint forms and look at how adding or removing deterrent language has impacted the number of complaints that are submitted to law enforcement agencies; or
- Examine regional differences and the number of complaints submitted related to RIPA. For example, looking at the difference between law enforcement agencies and the number of complaints received in Southern California versus Northern California.

Accountability

- Dig deeper into SB 2 and updated SB 2 decertification action data.

Co-Chair Criner thanked DAG Fretz for her presentation and opened the discussion to the Subcommittee.

Member Armaline stated that if the Subcommittee decided to push Civilian Complaints (CC) Recommendation #1 forward, then they need a strong argument for it. Member Armaline supports Recommendation #2 and does not have a strong feeling for Recommendation #3.

Member Sierra stated that she remembered a strong pushback for CC Recommendation #1. She suggested having someone talk to the Board about the recommendation. Member Sierra stated it would be preferable to get more information to present to the Board and continue to pursue them.

Member Armaline stated that the findings of the Report justify CC Recommendations #2 and #3. He stated that CC Recommendations #2 and #3 should not be controversial due to the data collected over the years. Member Armaline restated that they needed to have a reason to pass CC Recommendation #1. He stated that in the Full Board meeting there was not a substantive reason as to why a new data point was needed. Member Armaline proposed that a one sentence explanation be added.

Co-Chair Hawkins motioned to send CC Recommendations #2 and #3 to the full RIPA Board. Co-Chair Criner seconded.

Member Vang asked for the subcommittee to restate the problem with CC Recommendation #1. Member Armaline stated that CC Recommendation #1 lacks an articulated reason for needing an extra data point.

Member Vang asked if CC Recommendation #1 is asking a person to provide their age if they are a youth. Member Armaline responded negatively. He stated that previously, they only asked if the person was a juvenile (under 18) or adult (18 or older). CC Recommendation #1 would create a new category to ask if they are between the ages of 18 and 24.

Member Vang stated that the extra data point is valuable, but adds more burden on law enforcement. She stated that having transitional youth collected is a stepping stone for more age categories being collected – such as teenagers and adolescents.

Member Sierra reiterated that it would be important to hear from law enforcement and invite them to speak at a subcommittee. She stated it would be helpful to present to the Subcommittee about any downsides. Member Sierra stated that it would be helpful to explore all the recommendations with POST.

Member Armaline stated that as a sociologist, more data is always helpful. He recommended that CC Recommendation #1 could be amended to get their actual age so that on the backend, it could be stratified into any category.

Member Armaline asked if Member Sierra meant to invite POST to talk to the Subcommittee and help them make the case for the recommendations before making any decision on the three recommendations. Member Sierra stated that the POST representatives could also help explain the downsides of the recommendations so that they can be considered and evaluated. She thinks that could make a stronger case to the Board and whatever recommendations arrived at that point.

Member Armaline moved to invite POST representatives to come to speak at a future Subcommittee meeting regarding the proposed policy recommendations. Member Sierra seconded. DAG Manners assisted with the roll call vote:

- **AYE:** Member Armaline, Co-Chair Criner, Member Smith, Co-Chair Hawkins, Member Sierra, Member Vang
- **NAY:**
- **ABSTAIN:** Member Guerrero

With six Ayes and one Abstain, the motion passed.

The Subcommittee next discussed the tabled Accountability recommendations.

Member Armaline stated that it would be useful to have specifications for both recommendations to explain the reasoning behind them.

Member Sierra agreed and stated that the majority of Board members supported examining these recommendations. Member Sierra stated it would be important to review the next wave of information to be in a better position to review if there are gaps related to racial profiling. She stated that she was unsure if they needed a motion, but could move to consider the issues and explore them.

Member Sierra motioned to consider the issues in accountability recommendations one and two in the 2026 RIPA Report. Co-Chair Criner seconded.

DAG Manners assisted in the roll call vote:

- **AYE:** Member Armaline, Co-Chair Criner, Member Smith, Co-Chair Hawkins, Member Sierra, Member Vang
- **NAY:**
- **ABSTAIN:**

With six Ayes, the motion passed.

5. BOARD DISCUSSION OF PLANS FOR THE 2026 REPORT

Member Armaline proposed that the Subcommittee look at the discrepancy in initial data between Southern and Northern California. He stated that there are many successful complaints making it to decertification in Southern California and a low number of complaints making it to decertification in Northern California. He motioned to, as a subcommittee, to collect and analyze SB 2 complaints and decertification data, looking at data questions presented in the prior report.

DAG Manners stated that a motion was not required at this time, but rather a consensus among the Subcommittee regarding areas to explore in the 2026 Report.

Co-Chair Hawkins stated that she would like to see if there are disparities in the numbers of complaints between Northern and Southern California. Member Sierra stated that she supports looking at the disparities.

Member Armaline asked the DOJ about an informational session about implementation of AB 655 Clear Act. He stated that the Clear Act opens decertification for police officers who may or may not be members of hate groups. He stated that Board Members should be aware of AB 655 Clear Act.

Supervising Deputy Attorney General (SDAG) Christine Chuang stated that the DOJ published a notice of proposed rule-making for AB 655. She encouraged members of the public to submit comments. The DOJ will hold two public hearings: (1) March 12, 2025 from 3:00-5:00 p.m. in Los Angeles; and (2) March 14, 2025 from 3:00-5:00 p.m. in Oakland.

Member Sierra stated that the Subcommittee should monitor the case before the California Supreme Court on the Penal Code provision with respect to deterrent language on complaint forms.

DAG Manners reminded the subcommittee that POST will host a workshop discussing SB 2. POST has invited Board Members to attend the AB 443 Workshop to gain additional information about the decertification process.

Member Smith proposed three recommendations for the RIPA 2026 Report:

- (1) Member Smith proposed looking at the consequences of pretextual stops and, specifically, people that are killed as a result of racial profiling and pretextual stops. Member Smith clarified that he is not talking about the typical scenarios of a minor traffic violation where use of force occurs, but rather people being killed as a result of vehicle collisions that are relatively minor at the outset of officers trying to call a person over. He stated that Black people are four times more likely to be killed than white people in fatal car crashes. Furthermore, these fatal car crashes disproportionately occur in neighborhoods with higher concentrations of Black folks or other folks of color. There is also national research that shows a significant amount of these fatal car crashes arise from traffic stops that officers are attempting to make for relatively minor traffic violations and the driver, for whatever reason, ends up not stopping. Member Smith

stated that, as a person of color, there are a host of reasons why someone may be afraid to stop when law enforcement tries to stop them. He stated that the situation escalates far beyond expected because officers end up chasing them. The state of Washington has been exploring and passing laws where if a person does not stop for something and does not create an imminent risk of safety, then you can apprehend them later, for example, if you get their license plate. Member Smith stated that 36% of deaths that occur in fatal car crashes are bystanders. The Federal Department of Justice in 2023 and the Peace Officer Executive Research Forum for the Police Executive Research issued recommendations in alignment with where these sorts of stops are occurring and where states and localities should be adopting policies to help address these concerns.

Member Sierra asked if this issue would be better to be housed in the Policies subcommittee, rather than the Accountability and Complaints subcommittee.

Member Vang stated that the Stop Data subcommittee could also talk about the issue Member Smith proposed.

Member Smith stated that he is open to whatever ideas people think are more reasonable. He continued with his recommendations:

- (2) Member Smith proposed looking at local civilian oversight bodies that members of the public can be a part of, that are established to oversee law enforcement agencies. From his experience, Member Smith understands that what occurs in civilian oversight bodies at the local level varies from jurisdiction to jurisdiction, and the powers of local oversight entities also vary from jurisdiction to jurisdiction. Member Smith proposed a landscape analysis of local civilian oversight bodies, particularly to traffic stops and profiling, to develop a better understanding and recommendations on how they should function.
- (3) Member Smith stated that another way racial profiling occurs may be with surveillance technologies, which may seem superficially innocuous but is still problematic. Member Smith stated that law enforcement agencies can place cameras, and the surveillance can have detrimental harms on communities. He proposed that the Board explore the evolution of profiling and the ways it can manifest in modern day society.

Member Sierra stated that a landscape analysis of local oversight bodies could be interesting, and she does not remember doing that before. Member Sierra stated that even if the first idea regarding fatal vehicle collisions does not fit within the Accountability and Complaints subcommittee, it would be important to bring up to the full Board Meeting.

Member Sierra asked the DOJ if they have done a landscape of civilian oversight bodies in the past. DAG Manners responded that DOJ has not, but there has been Board discussion in the past on best practices for civilian oversight committees, as well as general discussions of the broad categories for each type of civilian oversight body.

DAG Manners asked, on behalf of DOJ, what the subcommittee's priorities are in terms of areas of focus for the 2026 Report.

Member Smith inquired about the process from ideation to Board approval. DAG Manners stated that during the initial round of subcommittee meetings, the DOJ receives direction from members of the Board about where to begin their research. The next step is for the Subcommittee members to discuss these ideas at the full Board Meeting, which includes a report out from the Subcommittee Co-Chairs of what occurred in the Subcommittee. Then, there is a discussion among all Board members to reach a consensus about what areas the 2026 RIPA Report would cover. From there, the DOJ will continue researching the topics and present a draft at the second round of subcommittee meetings.

Member Smith asked if the subcommittee just has the discussion and then the DOJ takes the discussion and runs with it. DAG Manners responded affirmatively; based on today's discussion, the DOJ will provide an initial draft at the next round of subcommittee meetings, for the Subcommittee to discuss.

Member Vang asked whether the ideas Member Smith proposed could be added onto the other RIPA subcommittees. DAG Manners stated that they are welcome to attend the other subcommittees, but only as a member of the public and the comments would be provided during the public comment period. If they are not able to attend the other subcommittee meetings, then they can raise the ideas and discussion during the full Board meeting.

Member Sierra asked if continuing to examine SB 2 data, with the discrepancies between Northern and Southern California, doing further work on prior recommendations, and civilian oversight bodies is a doable amount of work for DOJ. Furthermore, she brought up best practices for investigations for a good complaint process.

Member Smith stated that he would like the DOJ staff to also look into the other two topics for purposes of developing preliminary research.

Member Sierra stated that, in light of that, maybe they should not start looking best practices for investigations for a good complaint process as it could be too arduous of a workload for DOJ.

Member Smith asked for clarification on the priorities for DOJ. DAG Manners stated that it would be ideal to have one priority topic for the Complaints section and one for the Accountability section, if the topics are more thorough. However, it depends on the breadth of the topics. A landscape analysis is a heavier lift and therefore would require fewer priorities.

Member Smith asked if there is capacity for high-level research on a particular problem. DAG Manners stated that with a high-level overview, the DOJ may have capacity to look at two topics per section. The DOJ could also conduct initial research to present at the second Subcommittee meeting to give more clarity on capacity.

Member Smith stated that it would be better to get, if possible, at least two topics. He offered to do preliminary research on his own to share with subcommittee and Board members to supplement the bandwidth realities of the DOJ.

Member Sierra asked if the DOJ could remind the Subcommittee what has already been done in best practices for oversight agencies so that they could receive more context on how they could

narrow down their review. She also suggested that for the Accountability section, the priority should be to further work on SB 2 and a review of data for the disparities regarding racial profiling complaints. This would help with relooking at the recommendation of whether there are areas of serious misconduct not covered. Member Vang and Co-Chair Hawkins agreed with Member Sierra.

Member Smith asked if they need to vote. Co-Chair Criner responded negatively.

Member Sierra stated that there is room to have a priority for the Complaints section. She stated that since the work with Accountability is considerably arduous, the Complaints section could continue to monitor the Penal Code litigation over deterrent language in the complaint process and, to the extent that there is time and resources, see if there can be an evaluation of the differences in complaint numbers between those law enforcement agencies that do include it and those that do not.

DAG Manners stated that she has heard from the Subcommittee a desire to focus more on Accountability and to reduce the research for the tasks on Complaints in this year's Report.

6. PUBLIC COMMENT

Richard Hylton of San Diego stated that he gets the impression he is not dealing with serious people. He expressed that the data is unreliable because it has not been verified. He suggested to verify the data before diving into it. Mr. Hylton stated that he has complained to the DOJ and POST, and when he attempts to receive information on the complaints, they say that the matters are subject to investigations and therefore they may not be disclosed. According to Mr. Hylton, San Francisco also states a variation on that – they state he has withdrawn his complaint.

Michelle Wittig from the Santa Monica Coalition for Police Reform submitted public comment in the MS Teams Chat Log due to technical difficulties. DAG Manners read her public comment. Ms. Wittig stated that there are two partial indicators of racial profiling: complaints and stops. Each have been criticized. She will send written comment detailing the issues and possible solutions.

7. DISCUSSION OF NEXT STEPS

DAG Manners stated that it would be helpful for the DOJ to receive direction from the Subcommittee regarding where to begin their research. Furthermore, this is what Co-Chairs Criner and Hawkins will be reporting out at the full Board meeting.

Member Sierra stated that some of the next steps for DOJ staff are to explore with POST the prior recommendations discussed, conduct further research with respect to SB 2 data, prioritize the Accountability section of the Report, and, if there are resources, look at monitoring complaint issues, monitor the litigation dealing with deterrent language in complaint form, and look at oversight bodies.

DAG Manners affirmed that DOJ see whether a representative from POST could attend the next subcommittee meeting, conduct further research on SB 2 data, monitor the case that is currently before the California Supreme Court regarding deterrent language in complaint forms, review the

Board's past work on civilian oversight committees, and develop proposals to further explore the efficacy of those entities.

8. ADJOURN

Co-Chair Criner adjourned the Subcommittee at 11:58 a.m.