

CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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

MEETING MINUTES

July 28, 2022 11:00 a.m. - 3:00 p.m.

Subcommittee Members Present: Co-Chair Steven Raphael, Co-Chair Melanie Ochoa, Lily Khadjavi, Manju Kulkarni, Bill Ayub, Amanda Ray, Rich Randolph, LaWanda Hawkins, Brian Kennedy, Tamani Taylor, Andrea Guerrero, William Armaline, Ronnie Villeda

Subcommittee Members Absent: Ammar Campa-Najjar, Abdul Pridgen, Cha Vang, DJ Criner

1. Introductions

Co-Chair Raphael called the meeting to order at 11:00 a.m. Each Board Member (herein Subcommittee) introduced themselves. Co-Chair Raphael concluded introductions with a welcome to all attending the meeting.

2. Approval of March 30, 2022 Meeting Minutes

Co-Chair Raphael opened asking if any members would like to discuss or amend the March 30, 2022 draft meeting minutes. Co-Chair Raphael moved to adopt the minutes, which Member Guerrero seconded. All members voted “Yes,” there were no “no” votes, and no abstentions.

3. Update from Department of Justice

Nancy Beninati, Supervising Deputy Attorney General (SDAG) with the California Department of Justice (DOJ), provided an update on RIPA regulations. She stated that the Office of Administrative Law received the new regulations and were reviewing them. She stated that the DOJ requested the data collection sections of the new regulations to become in effective on January 1, 2024, and that regulations regarding researcher requests be in effect upon filing with the Secretary of State.

Allison Elgart, Deputy Attorney General (DAG) with the California Department of Justice, provided an update on the 2023 report. She stated that the DOJ developed a rough draft of the report utilizing content from recent subcommittee meetings. She asked that the Board review the draft sections and share any comments with the DOJ. DAG Elgart shared that the DOJ will be scheduling the next set of subcommittee meetings and that the next full Board meeting will be on October 12, 2022.

Erin Choi, Staff Service Manager (SSM) with the California Department of Justice, provided an update on the Stop Data Collection Systems, a statewide repository of stop data submitted by LEAs. SSM Choi stated there has been a substantial increase in reporting agencies from 18 agencies in 2020 to over 400 agencies by July 25, 2022. They stated that it is up to the agency on how frequently the agency submits data to the Stop Data Collection Systems, but that there is a deadline of April 2023. SSM Choi stated that approximately 80-90% of agencies have already started some form of data submission. SSM Choi stated that their team’s top priority is outreach and error resolution while agencies submit their data. SSM Choi stated that they have hosted six

“Lessons Learned” sessions with reporting agencies and vendors, updated resource materials and FAQs, and planned for technical changes related to pending regulations.

Co-Chair Raphael asked for clarification on the role of vendors with the Stop Data Collection Systems. SSM Choi stated that vendors are responsible for creating applications to help law enforcement officers collect and report data in real-time.

SDAG Beninati introduced two new DOJ employees, Jennifer Soliman and Yasmin Manners, who will be working on the RIPA program, and thanked two summer interns, Lauren O’Grady and Caroline Hunsicker, for their contributions with the draft report.

4. Guest Speakers, Presenters, and Discussion Regarding the Use of RIPA Data

Co-Chair Raphael welcomed the first presenter.

Dr. Deepak Kumar introduced himself as a Research Fellow in Criminal Justice with Public Policy Institute of California (PPIC). Dr. Kumar began their presentation with background on how PPIC has collected policing data. Dr. Kumar stated that data was limited to large local law enforcement agencies or state patrol agencies, and was only recently expanded in 2015 with the Stanford Open Policing Project, which made record requests to 29 state patrols and 29 municipal police departments covering over 150 million stops across the country. Dr. Kumar shared that with the expansion of RIPA data collection in California, researchers now have access to comprehensive data on stops and can accurately analyze police and civilian interactions, racial disparities, and policing practices generally.

Dr. Kumar stated that PPIC has conducted a handful of projects to explore racial disparities and that two projects were released in October 2021, “Racial Disparities in Law Enforcement Stops” and “Police Use of Force and Misconduct.” He stated that the report insights are helping to identify racial disparities and analyze disparities across time of day and type of law enforcement agency. He also shared how RIPA data helps explore how policing strategies or police-civilian interactions have shifted during COVID-19.

Dr. Kumar stated that the two PPIC reports revealed disparities in stops, searches, and experiences with stops. Specifically, Dr. Kumar stated that police were two times more likely to search Black Californians than white Californians, but less likely to yield contraband or evidence; Black people were overrepresented in stops not leading to enforcement; and that Black people were overrepresented in use of force relative to population share. Dr. Kumar mentioned that the disparities narrowed when controlling for contextual factors that led to the stop, but those racial disparities persisted and were most common with local law enforcement agencies. Dr. Kumar recommended reducing stops for equipment/non-moving violations such as improper display of a license plate. Dr. Kumar shared how some local law enforcement agencies have worked to reduce or shift the number of these stops with alternative practices such as mailing or leaving tickets on cars.

Dr. Kumar summarized his findings and stated that confidential RIPA data could add further insights on police and civilian interactions, racial disparities, and policing practices. Dr. Kumar recommended four specific data points: Granular Location, Officer IDs, Officer Experience, and Officer Assignment.

Co-Chair Raphael thanked Dr. Kumar for his presentation and asked for questions from the Board. Members did not have questions. Co-Chair Raphael asked for the next presenter.

Chelsea Helena, an attorney with Neighborhood Legal Services of Los Angeles County (NLSLA), and Professor Stephen Graves, a professor of geography at California State University, Northridge (CSUN), introduced themselves. Ms. Helena presented on their joint report, “Not Just Stops: Mapping Racially Biased Policing in the Antelope Valley,” which was developed in partnership with CSUN to explore racial disparities in policing using Los Angeles County Sheriff’s Department (LASD) RIPA data. Ms. Helena shared that the report found disproportionate policing of people of color in the Antelope Valley. She stated that there is a history of racial segregation and policing in the Antelope Valley by the LASD, and that the LASD is currently under investigation due to racially biased policing in the region.

Ms. Helena stated that the LASD stopped Black people 136% more than their population’s expected share, and were detained, searched, handcuffed, cited, and arrested at higher rates than any other race. Further exploring this disparity, Professor Graves demonstrated how RIPA stop data layered into GIS mapping helped compare stop rates in relation to a neighborhood’s overall population, population density, median income, and ethnic/racial breakdown. Ms. Helena stated that two areas, a mile apart, in the City of Lancaster displayed significantly different rates of police contact. She stated that one area had an overall population of 1,461, population density of 5,074, medium income under \$60,000, White population of 47%, and Black population of 14%. She stated that the second area had a lower overall population of 1,100, lower population density of 3,800, lower median income of \$25,096, lower White population of 17%, and higher Black population of 33%. She stated that the first area had 433 contacts and the second area had 3391 contacts, which is 785% higher than the first area. Ms. Helena attributed this difference to the fact that the first area has 358% more White people and a medium income nearly double that of the second area.

Ms. Helena presented a GIS map that layered the 20 census blocks with the highest non-traffic contact rates and stated that nine of these blocks border or contain a K-12 school in the Antelope Valley.

Professor Graves presented a GIS map that layered LASD-reported crime data on assault and burglaries over a three-year period and compared that to rates of police contact. He stated that the presumption was that residents would expect more police contact in areas that experience more assault or burglary crimes, but in Lancaster and Palmdale, the contact rate was far greater than assault or burglary rates in some areas and far lower in others. He stated that contact rates in the Lancaster and Palmdale seemed to depend on if there was a community of color near a white

community. He stated there was less police activity in communities of color if they experienced high assault and burglary rates but did not border a white community. He also stated that there was more police activity in communities of color if they experienced high assault and burglary rates and did border a white community.

Ms. Helena shared that NLSLA has worked closely with community groups in the creation and publication of the “Not Just Stops: Mapping Racially Biased Policing in the Antelope Valley” report. She stated the Youth Development Project Freedom Arts Squad has presented at school board meetings and have led know your rights presentations utilizing data from the report.

Co-Chair Raphael thanked Ms. Helena and Professor Graves for their presentation. He then opened up the discussion to questions from the Board.

Member Hawkins thanked the presenters for their work in the Antelope Valley, given concerns she has heard about the LASD.

Co-Chair Raphael asked the presenters about the influence of bias by proxy and if calls for service contributed to any of the over-policing in the Antelope Valley since RIPA data can distinguish between officer-initiated stop and responses to calls. Professor Graves stated that report bundled non-traffic stops together but that calls for service did not likely influence the amount of policing.

Ms. Helena responded to a written question about the possible correlation between school zones having more contact in the presence of School Resource Officers. She answered that there is bias in officer-initiated contacts with students and bias present in school administrative referrals to law enforcement. Member Kulkarni asked if there is a disproportionate number of Black students in these schools with high contract rates. Ms. Helena confirmed that this was true and stated that Antelope Valley High School has the highest rate of contact and has largest population of Black students in the Antelope Valley region. She stated that the number of police contacts goes down as the number of White students increases in a school. She provided an example of Quartz Hill High School, which is in a wealthier, White community in the Antelope Valley and has very little police contact but has disproportionate number of contacts surrounding the community.

Member Guerrero asked if there was isolated causality data that could refute the claim that effective policing contributed to higher contact rates in low crime areas. Professor Graves stated that the report could not isolate causality given limitations in their tools and mentioned that it is difficult to develop a metric of what constitutes over-policing. He stated that the effective policing theory might be plausible but that the data showed conflicting trends in areas outside of Lancaster and Palmdale.

Co-Chair Raphael thanked Ms. Helena and Professor Graves again and called for the next presenter.

Hilary Rau, Vice President of Policy and Community Engagement at the Center for Policing Equity (CPE), and Tracy Kawabata-Perrett, Data Operations Manager at CPE, introduced themselves. Ms. Rau and Ms. Kawabata-Perrett presented on their publicly accessible resource, “JusticeNavigator.org,” that collects police department data, including RIPA data, so that the public may identify and reduce the harmful disparities observed in policing.

Ms. Rau stated that CPE provides analyses through a number of statistical techniques such as population benchmarking by neighborhood and regression analysis to control for factors like neighborhood crime and poverty levels. She stated that prior to RIPA data the lack of data standardization and incompleteness of data among law enforcement agencies has been a key challenge with their work. She stated that RIPA data standards has mitigated these challenges by requiring LEAs to provide clean, complete, and ready-to-analyze data. She stated that because of RIPA standards, CPE could analyze and isolate calls for service, stops, and other contacts to identify disparities. She also shared that RIPA data contributed to the development of public assessments for a number of cities and counties throughout California, including the City of Sacramento and City and County of San Diego.

Ms. Rau shared that CPE’s research has resulted in key takeaways. She stated that widespread cultural stereotypes influenced encounters between officers and members of the public, cognitive depletion – the phenomenon when our limited mental resources for processing information, making decisions, and controlling behavior are reduced – led to increased use of force incidents and ethics complaints among officers, individual level factors decreased or increased risks of disparate policing such as one’s desire to limit prejudice or support social hierarchies, and promotion of equity, through organizational changes, set or enforced clear, unambiguous expectations on officer behavior.

Ms. Rau concluded her presentation by sharing four strategies for California to address pretextual stops based off policy interventions in other states. One, prohibit pretextual stops. Two, prohibit consent searches. Three, prohibit questions unrelated to original stop reason. Four, prohibit stops based solely on low-level equipment and registration violations.

Co-Chair Raphael thanked Ms. Rau and Ms. Tracy Kawabata-Perrett for their presentation and asked for any questions from Board Members. Board Members did not have any questions. Co-Chair Raphael called for a 15-minute break.

5. Update from Subcommittees

Co-Chair Ochoa turned to the next item on the agenda which called for updates from the subcommittees, beginning with the Civilian Complaints subcommittee.

DAG Elgart provided an update for the Civilian Complaints subcommittee since the co-chairs of that subcommittee, Member Hawkins and Member Criner, were not present. She stated that the subcommittee asked the DOJ Research Center to present on agencies that have used deterrent

language around Penal Code 148.6 to see if there is an impact on the number of civilian complaints. DAG Elgart shared the DOJ Research Center's findings, which were that agencies that used deterrent language reported fewer complaints, employed less officers per complaint, and made fewer stops per complaint than agencies without deterrent language in 2020. DAG Elgart stated that the subcommittee also received a report of a new appellate case in California with the Los Angeles Police Protective League, which resulted in the appellate court ruling that Penal Code 148.6 was not a violation of 1st Amendment rights. She shared that the subcommittee will continue to monitor this case to see if there is an appeal given that there is a discrepancy between state and federal law about if LEAs can remove Penal Code 148.6 from their complaint forms. DAG Elgart shared that the subcommittee discussed the ongoing research on the complaints process and is looking at the process holistically to ensure the process is accessible, fair, and transparent. She stated that the subcommittee is specifically looking at intake and access to the process, complaint forms, timeline of complaints, tracking of complaints, communication with complainants, investigations and audits, and early intervention systems.

Co-Chair Ochoa recommended that the Civilian Complaints Co-Chair write an amicus letter on the appellate case if taken up for review expressing the Board's position and the data collected on the matter. SDAG Beninati stated that the DOJ is not able to serve as council to the Board, provide legal advice, or draft an amicus letter on behalf of the Board or subcommittees. Co-Chair Ochoa asked if the DOJ could see if the Board can use outside council or frame the amicus letter without a legal argument. SDAG Beninati stated that DOJ would look into it for the Board. Co-Chair Ochoa asked that the Board raise this again for an update at the next Full Board Meeting on October 12, 2022 and called for the next subcommittee update - Policies.

Member Guerrero provided an update on the Policies subcommittee, which met on June 13, 2022 and focused on accountability mechanisms, youth interaction with law enforcement, and pretext stops. Member Guerrero stated that the DOJ presented research on oversight mechanisms with the subcommittee, including administrative, criminal and other oversight mechanisms like civilian review boards. She shared that that subcommittee also believes RIPA data completion is an important part of accountability, especially since there has been a number of problems with inconsistencies, inaccuracies, and incomplete data. She also wants accountability to include consequences for misconduct, which shall include mechanisms for correcting officer behavior, disciplining officers, and/or bringing criminal charges where warranted. For youth interaction with law enforcement, Member Guerrero stated that the DOJ presented research and history on school officers in California with the subcommittee. She stated that school officers traditionally came about because of integration and fear of black students, and in that context school policing arisen and continues today. She shared that the subcommittee and DOJ has data to begin analysis on this topic. Member Guerrero stated that the DOJ presented research on how jurisdictions are handling the elimination of pretextual stops to the subcommittee. She stated that because pretext stops are not centered around public safety, the Board could develop best practices around ending pretext stops, creating policies or legislative recommendations around pretext stops, and developing new approaches to addressing non-public safety concerns like expired registration and licenses.

Co-Chair Ochoa called for the next subcommittee update – Calls for Service.

Member Kulkarni provided an update on Calls for Service subcommittee, which she stated has been interested in critical response, intervention, and crisis teams, bias by proxy, and mental health calls for service. Member Kulkarni stated that San Francisco Department of Public Health Street Crisis Response Team (SCRT) provided a presentation to the subcommittee on their alternative approach to behavioral health crises. Member Kulkarni shared that SCRT receives calls through 911 and then sends a response team of a community paramedic, behavioral health clinician, and peer counselor. She stated that SCRT has an additional team called the Office of Coordinate Care, which provides care coordination during the 24-48 hour period that follows a crisis. Member Kulkarni mentioned that SCRT has seen an increase in volume of calls, responding to over 10,000 calls and only needing a police response 2% of the time. Member Kulkarni stated that the subcommittee also discussed community outcome measurements to see if there is a decrease in crime or the use of force, outreach endeavors, and cost savings from alternative approaches like SCRT. Member Kulkarni stated that the subcommittee looked into the POST Dispatcher Training, which is undergoing updates on explicit/implicit bias, wellness management, cultural diversity, gang awareness, hate crimes, terrorism, and mental health intervention. She shared that POST is looking for subject-matter experts as they revise the POST learning domains, and encouraged the public to apply as subject-matter experts to provide feedback. Member Kulkarni stated that federal legislation has mandated a 988 emergency number to address mental health crises.

Co-Chair Ochoa called for the next subcommittee update – Stop Data Analysis.

Co-Chair Raphael provided an update on the Stop Data Analysis subcommittee, which met on July 31, 2022 and focused on California Justice Information Services' (CJIS) analysis of 2022 data, pretextual stops, stops of youth, and issues regarding data quality and research specifications in pretext stops. He stated that the subcommittee discussed racial disparities with different violation types including bicycle stops, jaywalking stops, loitering stops, and consensual searches. As for specific disparities, Co-Chair Raphael stated that African Americans accounted for a higher proportion of bicycle and jaywalking stops and that transgender people and individuals with disabilities accounted for a higher proportion of loitering stops. He stated that there was a subcommittee discussion on how to minimize the inconsistency between what officers reported as moving violations versus non-moving violations, and that the subcommittee and CJIS developed clearly defined definitions of moving and non-moving violations to ensure accuracy in the research. Co-Chair Raphael stated that DOJ Research Center also presented findings on youth stops made by school resource officers and stops made on school premises. Looking at the findings, Co-Chair Raphael stated that there was a pattern of school resources officers often making stops outside of school premises and not being the officer for stops made on school premises. Co-Chair Raphael stated that there is a running discussion on data quality, consistency checks, and situations where inconsistencies arise, and that the DOJ presented ideas for internal and external checks. He stated that there was discussion among subcommittee

members to add the duration of stops and the characteristics of the members of the public involved with a stop to the standard analysis for each stop.

Co-Chair Ochoa recommended that the Board spend more time considering what to do with LEAs that are submitting incomplete and inaccurate data, which the DOJ Data Center cannot crosscheck with external sources. She stated that the trends the Board is observing and reporting on might be accurate but that the incomplete data is obscuring the severity of stops. She referenced jurisdictions that have had their data audited by inspector general offices like the LASD, who did not report or underreported officer-initiated stops, consent searches, backseat detentions, and arrests. She stated that the audits also reveal racial disparities in reported and non-reported stops. Co-Chair Ochoa stated that Latine people account for 66% of all unreported stops in the LASD audit. She shared that the underreporting of stops was alarming for overall RIPA data integrity, especially since Neighborhood Legal Services of Los Angeles County reported that LASD stopped Latine people less than would be expected given their population share. She stated that in the Los Angeles Police Department audit that underreporting was most common in stops where there was alleged gang affiliation. She stated that RIPA stop data is significant because it will be the basis of litigation, policy change, and implementation of the Racial Justice Act, thus it should be accurate and complete. Co-Chair Ochoa stated that there has already been a case relying on statewide data to support the acquisition of discovery from an LEA, but that the Attorney General argued against using statewide data in favor of local data. Co-Chair Ochoa said if the Attorney General is arguing in favor of local data, it needs to be taking more affirmative steps to ensure local data is correct. She shared that the LASD was caught fabricating audits of their data and that the LASD claimed it was impossible for them to audit their own data. Co-Chair Ochoa recommended that the Board, moving forward, acknowledge that data is missing and indicate how missing data obscures the severity of stops. She also recommended that the DOJ take action since there is a sufficient evidence that officers are not complying with their responsibilities under RIPA.

Co-Chair Raphael asked if the DOJ knows which LEAs are using two separate systems like LASD where officers are clearing calls, entering Computer Aided Dispatch (CAD) data and then using a separate system to report RIPA data. SSM Choi stated that the DOJ gets high-level information from submitted, but cannot know if LEAs are using a CAD/RIPA integrated system or not. SSM Choi also stated that officers within a given agency might be using different systems to report data since it would depend on what the officer was doing and what equipment they had available to report.

Member Randolph recommended all Board Members to go on a LEA ride-along and view a RIPA data entry as he has done with 15 LEAs. He stated that RIPA data entry has a learning curve and can experience technical issues.

Member Hawkins stated that she was concerned over data integrity given that two of the largest agencies in California reported inaccurate data. Member Guerrero concurred with Member

Hawkins. Member Guerrero recommended that the Board consider why RIPA is inconsistent with data sent to other government agencies, and whether the inaccuracies are correctable.

Member Kulkarni asked if the Co-Chairs had recommendations on how the Board will address these discrepancies in data. Co-Chair Ochoa stated that the Co-Chairs have not discussed specific recommendations. She recommended having Policies and/or Stop Data Analysis subcommittee develop recommendations and to hear from the DOJ about what actions they could take. She stated that the report should substantially highlight the issues with data accuracy without undermining the data itself and the trends identified. Member Khadjavi concurred with Member Ochoa and stated that the data is telling us about police practices and trends, but that the Board needs to consider if they are getting as accurate of a picture as they can. Co-Chair Raphael asked if CAD data is usable as a benchmark to compare at least the number of RIPA stops or able to populate initial information for RIPA data entry.

Member Ray recommended an approach of analyzing the data first to identify common areas where inaccuracies are occurring and going back to see if it is a technical issue versus an accountability issue.

Member Taylor asked if the bulk of newly reporting agencies would be in the 2023 Report. Co-Chair Ochoa stated that these agencies would not be included in the 2023 Report. Member Taylor expressed concern over onboarding too many agencies on RIPA data entry at the same time without incorporating a consequence for misreporting data.

Member Ayub recommended not looking at data only at face value and stated that Ventura County Sheriff's Department documents more arrests than what the department submits as RIPA data because court ordered remands, warrants for people in custody, and in custody incidents that result in arrests are all arrests that do not trigger RIPA reporting. He also stated that CAD stop data or police reports might not align with stops as defined by RIPA or trigger RIPA reporting. He provided an example of an officer stopping to help a stranded motorist. Member Ayub shared that it is possible to audit data but given differences in CAD data versus RIPA data and the anonymized nature of RIPA data, it could be difficult to do so. Co-Chair Raphael asked if it is technically feasible for CAD to flag RIPA stops and then pre-populate the beginning of a RIPA report. Member Ayub stated that not all officers may be using CAD systems but in the instance of patrols where CAD is commonly used, an officer could code CAD data as RIPA to assist with RIPA reporting. He stated one stop might also result in multiple RIPA reports if for example there are multiple people searched or detained in one vehicle.

Member Khadjavi stated that LEA data compliance merits greater attention from the Board and asked if the Board should task a subcommittee with developing recommendations. Member Khadjavi also followed up on Member Taylor's concern about new LEAs reporting data, and stated that the new agencies will be smaller agencies who will unlikely undo trends and biases already identified.

Co-Chair Ochoa recommended asking the DOJ for information on their steps for affirmatively monitoring LEAs where there is not documented noncompliance to get a sense of trends. She asked if the Policies subcommittee would be willing to take on developing recommendations on the topic of LEA compliance and accountability. Member Guerrero accepted having the Policies subcommittee take on LEA compliance and accountability mechanisms, and recommended splitting responsibilities with the Stop Data subcommittee who could look at issues of streamlining data collection and identifying glitches with data processing. Member Raphael accepted having Stop Data subcommittee look at data collection and processing.

Co-Chair Ochoa called for the next subcommittee update – POST.

Co-Chair Ochoa provided an update on the recent POST Subcommittee meeting, which focused on the Museum of Tolerance (MOT) Racial Identity Profiling Train-the-Trainer Training Curriculum. She stated that subcommittee members expressed concern over POST and MOT downplaying the importance of the curriculum update. She stated that in addition to substantive suggestions, the subcommittee members recommended taking more time with the update, but there is an internal deadline of October for finalization and December for roll out. She stated that subcommittee members have not seen the substance of any updated materials, but may see updates at an upcoming meeting with POST and MOT. Co-Chair stated there were two regulations that they engaged on with POST – AB 846 and SB 2. For AB 846, she shared that the subcommittee made amendments to the regulations and POST should have finalized and voted on these regulations on May 25, 2022. For SB 2, she shared the subcommittee submitted a letter lodging comments on the regulation’s definitions of racial bias, which was submitted in advance of the regulations being published and re-submitted during the formal public comment period. Co-Chair Ochoa shared that the subcommittee will be doing a partial review of Learning Domain 42 that focuses on prejudice, discrimination, and profiling. Co-Chair Ochoa mentioned that that the subcommittee submitted a letter in opposition to AB 2285. She stated that the assembly bill did not move forward. Co-Chair Ochoa brought forward a new bill for Board consideration, AB 2457, which would require POST to create a uniform definition of bias that is the basis for all officer discipline. She stated that this bill is consistent with the Board’s prior recommendation that agencies adhere to the same standards. She expressed one concern that that the definition elements of AB 2457 currently does not include the definition of profiling under RIPA. She recommended a letter from the Board expressing support for the bill if including the RIPA definition of profiling. Co-Chair Ochoa stated that she drafted a letter for consideration.

Member Khadjavi expressed support for Co-Chair Ochoa’s drafted letter. Member Kulkarni asked if it was appropriate to make a motion on the letter. Co-Chair Ochoa stated that the Board can make and second a motion but must wait until after public comment to vote. DAG Elgart stated that this motion process is not a requirement but a preferred process.

Member Kulkarni proposed a motion to submit Co-Chair Ochoa’s letter as drafted on AB 2457. Member Hawkins seconded the motion. Co-Chair asked for public comment related to the motion. The public provided no public comments on the motion. Members Villeda, Ray,

Khadjavi, Guerrero, Kennedy, Ayub, Taylor, Hawkins, Ochoa, Raphael, and Kulkarni voted “Yes.” Member Randolph voted “No.” There were no abstentions. Co-Chair Ochoa asked that the DOJ submit the letter today from the Board co-chairs. SDAG Beninati confirmed that the DOJ would submit the letter.

6. Discussion of 2023 Report

Co-Chair Ochoa opened for Board Member discussion on the draft 2023 Report.

Member Guerrero stated that the Policies subcommittee would hold two additional subcommittee meetings to support the development of the Policies sections of the report. She thanked the DOJ for their support with the draft sections.

Co-Chair Ochoa asked to review pages 21 and 28 of the report, which has two different tables on actions taken during stops by age groups. She stated that one table indicates that young people are the most likely to have action taken and the second table indicates that young people are most likely not to have action. She asked if there was an error in these tables.

Co-Chair asked to review pages 37-40 of the report, which covers the use of force analysis. She stated that she has overall concerns about the accuracy of the use of force analysis given today’s discussion on LEA compliancy, recent audits of LEAs, and 2019 report data that showed some of the biggest LEAs reporting no use of force or deaths. She asked that the Board and DOJ caveat use of force analyses with this issue of data integrity.

Co-Chair Ochoa asked to review page 41 of the report, which is the introduction of pretextual stops. She recommended including more discussion about RIPA and its requirements, which imposes a higher standard of illegal profiling.

Co-Chair Ochoa asked to review page 68 of the report, which has a discussion on youth and law enforcement. She asked to incorporate RIPA data on the treatment of youth.

Co-Chair Ochoa asked to review page 88 of the report, which includes a complaint timeline. She asked for the section to include substance on what a complaint notification should be within the complaint timeline. She recommended that the Board push for the greatest amount of disclosure possible under the law or do not implicate personal privacy.

Co-Chair asked to review page 98 of the report, which has a discussion on the Little Hoover Commission recommendations. She stated that the report is unclear if the Board endorses or supports the recommendations. She also stated that there are two recommendations that she would like to discuss before fully endorsing.

Member Khadjavi thanked the DOJ for their analysis and contributions and shared that they look forward to the evolution of the report from year to year.

Co-Chair Ochoa expressed her appreciation and shared that the sections on pretextual stops will be invaluable.

Member Kulkarni expressed her appreciation as well and asked for the timeline on future subcommittee meetings and the report. DAG Elgart stated that the DOJ is currently scheduling the next batch of subcommittee meetings and plan to include additional data and revised drafts by each meeting. She shared that these subcommittee meeting will be an opportunity for Members to vote on new recommendations that they can bring to the next full board meeting in October.

Member Ray asked to review page 64 of the report, which lists specific charges as not a public safety threat such as driving without a license, drug possession, and traffic violations. She asked that these charges deemed not a public safety threat be up for discussion. DAG Kendal Mickelthwaite stated that this page contains a range of different policies and categorizations on pretextual stops from LEAs for Board consideration. DAG Elgart stated that the Policies and Stop Data subcommittees could discuss how LEAs are categorizing pretextual stops and how the Board would like to categorize pretextual stops.

7. Public Comments

Co-Chair Ochoa opened the meeting for public comment. Guiou Davis asked if there would be automated technology to collect RIPA data in real time. SSM Choi stated that there is variation from LEA to LEA on what technology an officer uses during a stop and that it differs within an agency depending on how an officer conducts a stop. Co-Chair Ochoa ended public comment.

8. Next Steps

Co-Chair Ochoa asked the Board that if they have recommendations for subject-matter experts on POST Dispatch Training to utilize the link shared by Member Kulkarni. She reminded the Board that the DOJ would send out the letter on AB 2457 as voted on. She stated the Board would have follow up on ways to engage on Penal Code 148.6 if it goes forward with additional litigation. She stated the Board would incorporate questions on data integrity in the Stop Data and Policies subcommittees.

9. Adjourn

Co-Chair Ochoa thanked everyone for attending and adjourned the meeting at 3:00 p.m.