

# CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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## MEETING MINUTES

**October 12, 2022 10:00 a.m. - 1:30 p.m. – Via Video Conference**

**Board Members Present:** Co-Chair Steven Raphael, Co-Chair Melanie Ochoa, Amanda Ray, Andrea Guerrero, Brian Eric Kennedy, Cha Vang, LaWanda Hawkins, Lily Khadjavi, Manju Kulkarni, Rich Randolph, Ronnie Villeda, Angela Sierra, Tamani Taylor, William Armaline, Bill Ayub, DJ Criner

**Board Members Absent:**

### **1. Introductions**

Co-Chair Raphael called the meeting to order at 10:05 a.m. Each Board Member (herein Subcommittee) introduced themselves. Co-Chair Raphael introduced and welcomed returning Board Member Angela Sierra. Co-Chair Raphael concluded introductions with a welcome to all attending the meeting.

### **2. Approval of July 28, 2022 Meeting Minutes**

Co-Chair Raphael opened asking if any members would like to discuss or amend the July 28, 2022 meeting minutes. Member Hawkins moved to adopt the minutes, which Member Criner 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), introduced new Associate Governmental Program Analyst, Jeremy Payne, and provided an update on the RIPA data collection statute. She stated that Assembly Bill 2773 amended Government Code Section 12525.5, and will go in effect on January 1, 2024. She stated that the amendment adds a statutory data collection element on the reason given to the person stopped at the time of the stop. She stated that the DOJ already collects a similar data element and will look to see if a full regulatory process is needed or if a different process can be implemented to conform to the statute.

SDAG Beninati announced that amended regulations were approved by the Office of Administrative Law and put in effect. She stated that a portion of the new regulations took effect immediately on August 5, 2022. She shared that the new regulations include a new protocol for researchers to access confidential stop data that is more transparent and accessible. She also shared that the new regulations include a provision that officers must now attest that they have searched their RIPA data to determine that there is no personal identification information (PII) or unique identifying information (UII) when transmitted to the DOJ. She also shared that the new regulations clarify that agencies are not to ask the DOJ or refer Public Record Acts (PRA) requesters to the DOJ for their own data. She stated that every law enforcement agency (LEA) is responsible for responding to their own PRA requests. She stated that regulations on data

collection, new definitions of terminology, and things excluded from being collected do not go in effect until January 1, 2024.

Co-Chair Ochoa asked for clarification on the differences between AB 2773 and what the Board asks for in regards to the reason given for stops and information collected during stops. SDAG Beninati answered that AB 2773 requires the officer to provide the reason given to the person at the time of the stop. She stated that the DOJ does collect more follow up, including actions taken during the stop and the basis for the search. DOJ Research Data Supervisor (RDSup) Kevin Walker confirmed that there is only a slight difference in data between the primary reason for the stop and the reason given to the person stopped. Co-Chair Ochoa said they have heard of people not being given the reason for their stop or given a reason that is for a different type of law enforcement purpose. Co-Chair Ochoa stated that the reason given to the person stopped is valuable data and should include a field that says, “did not provide information.” She asked if there was a way to expedite the regulatory process since it is a valuable distinction to include. SDAG Beninati agreed that it is slightly different and DOJ is still exploring whether it can be done with a narrative field or will need to develop data values.

SDAG Beninati provided an update on Co-Chair Ochoa’s request to explore whether the Board could file an Amicus Brief in the Police Protective League case that involves the admonition under Penal Code section 148.6 regarding civilian complaints. She stated that in reviewing the request and researching the scope of the Board’s authority under the statute creating the Board and does not believe that the Board has authority to file an amicus brief, take any type of legal action, or retain counsel to do so on the Board’s behalf.

Co-Chair Ochoa asked if individuals who are members of the Board could sign on as individuals with outside amicus briefs. SDAG Beninati confirmed that Board Members could join a brief in their individual capacities, but not as a RIPA Board member. Any Board action requires approval by a majority of the Board through a vote, but as noted above the Board cannot take such action.

Allison Elgart, Deputy Attorney General (DAG) with the California Department of Justice, provided an update on the legislative briefing held in July 2022. She stated that DOJ gave the briefing to members of the California Legislature and their staff. She stated that the briefing discussed the 2022 RIPA Report’s recommendations, data, and topics for the 2023 RIPA Annual Report. She shared that all members of the Legislature received a copy of the 2022 RIPA Annual Report earlier in the year. For the 2023 RIPA Annual Report, DAG Elgart mentioned that if the Board approves the RIPA Annual Report at the November 29 Board Meeting, the DOJ will hold another legislative briefing by early December. She shared that Member Andrea Guerrero expressed interest in being part of the briefing. DAG Elgart stated that because of Bagley-Keene, the DOJ would only be able to have two Board Members present at the briefing. She asked the Board to consider if they would like to have two Board Members attend, and, if so, who. She shared that the Board’s desire has been to push the recommendations with POST and the legislature and that the DOJ is glad to have the opportunity to brief them on the recommendations ahead of the next legislative session. Co-Chair Raphael asked if selecting a Board Member to attend should be a discussion item. DAG Elgart answered in the affirmative.

DAG Elgart stated that the next Board meeting will be November 29, 2022 and will be the time to vote to approve the final report, look at the report’s executive summary and quick facts, and

vote for new Co-Chairs. She asked that if Board Members were interested or would like to nominate a Board Member, to contact the DOJ. Lastly, she shared that the DOJ is switching virtual meeting platforms to Microsoft Teams by the next meeting.

RDSup Walker introduced the DOJ Research Center's newest staff member, Dr. Marshall McMunn,

Co-Chair Raphael thanked the DOJ for their updates.

#### **4. Subcommittee Reports**

Co-Chair Raphael turned to the next item on the agenda, which called for updates from the subcommittees, beginning with the Stop Data Analysis subcommittee.

Co-Chair Raphael provided an update on the Stop Data Analysis subcommittee, which met on October 4, 2022 and focused on presentations from RDSup Walker and Research Data Specialist (RD Specialist), Marshall McMunn. Co-Chair Raphael stated that the presentations contained new comparisons that showed tabulations of use of force, RIPA data, and other data collected in compliance with AB 71. He stated they are still seeing situations where use of lethal force and firearm discharge totals are not matching between RIPA and AB 71. He stated that RDSup Walker and his team are doing additional work on other force types, including baton use, chemical spray, canine, and impact projectile. He also stated that there were instances where AB 71 reported more force use and others times where RIPA reported more force use. He shared that there was a lengthy discussion about changes in regulations and the way RIPA data takes actions taken after a stop and separates use of force from other actions. He stated that the DOJ presented a potential ordering of instances to make it less likely for an officer to choose the wrong use of force category. He stated that it is the subcommittee's hope that when the new regulations go into place that there is more accurate RIPA data that aligns with AB 71 data. He stated that RDSup Walker presented revised definitions of moving violations, non-moving violations, and equipment violations for the purpose of DOJ staff to go through traffic violation codes and categorize them into these three mutually exclusive groupings for subsequent data analysis. He stated that RD Specialist McMunn presented on contextual stops with tabs on the likelihood that people were asked, searched, and discovered with contraband during a consent search, supervision only searches, and youth stops, which was a new section. For youth stops, Co-Raphael stated that youth were more likely to be stopped for suspicious activity and to agree to a consent search. He shared that RD Specialist McMunn presented tabs on race disparities for youth, which were largest for 15-17 years old, and that fields cards were more likely to be filled out for youth relative to stops for others. Co-Chair Raphael stated that the rest of the meeting was used to vote into discussion the use of force with the content of the two presentations and next steps and future ideas for data analysis.

Co-Chair Raphael concluded and called for the next subcommittee update – Civilian Complaints.

Member Criner provided an update on the Civilian Complaints subcommittee, which met on September 12, 2022 and focused on a presentation by DOJ Deputy Attorney General (DAG) Yasmin Manners on best practices and recommendations for civilian complaints. He stated that the first subsection was on the statutory definitions of complaints and that the section restates the Board's prior recommendation to define civilian complaints in Penal Code 832.5 to ensure uniformity among LEAs. He turned to subsection two, civilian complaints procedures, and stated that this section sets forth a flowchart of the civilian complaints process with best practice recommendations for every step of the process. He turned to subsection three, intake and access to complaint procedures, and stated that this section sets the best practice to make complaint forms understandable and accessible such as writing the complaints at a 7<sup>th</sup> to 9<sup>th</sup> grade reading level and using size 14-font. He stated that this subsection also restates the Board's prior recommendation that Penal Code Section 148.6 to amend or delete the provision requiring complaints to sign a written acknowledgement that false complaints may be subject to a criminal prosecution. He turned to subsection four, timeline of the complaint process, and stated that this section recommends that LEAs establish clear and publicly available deadlines for each step of the complaint process and for LEAs to stick to these deadlines. He stated that while LEAs may have some discretion to set the deadlines depending on available resources, LEAs should still acknowledge complaints within 24 hours from the time the complaint is received by the appropriate person within the agency. He turned to subsection five, tracking complaints, and stated that this section recommends LEAs to use a uniform process for accepting, documenting, investigating, and reporting individual complaints and have it automated, wherever possible, with notifications for deadlines about to expire. He turned to subsection six, communication through the complaint process, and stated that this section recommends LEAs to communicate regularly on a monthly basis with complainants throughout the entire complaint process and provide as much information as allowed by law to ensure the complainant understands the investigation process and reasons for the outcomes of their complaints. He turned to section seven, investigation complaints, and stated that this section recommends that the purpose of an investigation be to understand what happened during the incident and to identify any systematic issues within an agency that needs to be addressed. He stated that this section also includes several key lines of inquiry that LEAs should address in every investigation. He turned to section eight, complaint dispositions, and stated that this subsection recommends LEAs to provide complainants with sufficient information to understand the outcome of their complaints. He stated that this section also recommends LEAs to notify the complainant a summary of the investigative steps taken, the specific findings, reasons for the findings, copies of the documents, evidence relied on in the investigation, and whether any disciplinary actions were taken as a result of the complaint. He stated that some of this information might arguably be protected from disclosure and thus there is a recommendation that the legislature reviews the issues to ensure complainants are given enough information to actually understand the outcome. He turned to subsection nine, auditing the complaint process, and stated that this section addresses how complaint data can and should be used to identify systematic issues within LEAs and provide an opportunity to strengthen relationships within the community by improving transparency. He turned to the last subsection, complaints in early intervention systems, disciplines, and trainings,

and stated that this subsection discusses the importance of collecting and tracking complaint data at the individual and agency level.

Co-Chair Raphael thanked Member Criner and called for the next subcommittee update – POST Training.

Co-Chair Ochoa provided a report out on the POST Training section of the RIPA Annual Report, which focused on recommendations to Learning Domain 42. She stated that these recommendations include general review and comments about the overall tone, goals, and context of the training, particularly the exclusion of any discussion of the ineffectiveness of profiling. She stated that the current framing of profiling in POST trainings is that it is wrong for legal reasons, not because of its ineffectiveness. She stated that the report provides recommendations on the learning objectives' vocabulary and definitions, including describing human rights and anti-discrimination laws as principles entitled to everyone and not just special protections for certain groups. She stated that the report provides recommendations on the “Civil Rights Lessons Learned” section, including adding more context to the history and evolution of what is perceived as appropriate and acceptable policing methods and factual incidents that have led to the civil rights movement today. She stated that the Museum of Tolerance provided updates at the last POST Training subcommittee meeting and provided discussion of the new training content that is on track to be completed by the end of the year. She stated that there was a promise for more frequent updates from the Museum of Tolerance (MOT) so that the POST Training subcommittee could more actively engage in the upcoming year. She stated that the subcommittee has reviewed seven courses over the history of the report and that the data suggests that the current training is not effective at combatting racial bias and profiling. She stated that this an area that the subcommittee would like to pursue in the next report in terms of trying to identify some measures of effectiveness. She stated that the subcommittee endorsed specific recommendations from various entities including the Legislative Analyst's Office (LAO) and Little Hoover Commission, who are also seeking to identify effectiveness.

Member Kulkarni asked Co-Chair Ochoa what efforts POST has made to identify outside subject matter experts and how the public could apply. She stated that during the Calls for Service Subcommittee she learned that there was an opportunity in September 2022 for members outside of law enforcement to attend a dispatcher training. She stated that a member of her office attended a training, but was the only non-law enforcement official present. Co-Chair Ochoa stated that others have shared a similar frustration with her about the exclusion of non-law enforcement experts and asked if a member of POST was present to speak on it. Megan Poulos from POST stated that that they sent out several emails to the Calls for Service subcommittee and DOJ requesting subject matter experts. They stated that they did contact those that applied and that this process was the same for every course. Co-Chair Ochoa stated that understanding more of the process would be of interest to the Board for future development.

Co-Chair Raphael thanked Co-Chair Ochoa and called for the next update – State and Local Policies.

Member Guerrero provided an update on the State and Local Policies subcommittee, which met twice and focused on three issues: pretext stops, youth in and out of school, and accountability. She stated that the pretext section builds upon the previous RIPA Board recommendation of policymakers and law enforcement to consider ways to eliminate pretext stops to reduce the harm that arises from it. She defined pretext stops as when a law enforcement officer uses a minor infraction to investigate an unrelated hunch such as stopping someone for a taillight infraction and asking if they are probation or parole. She stated that the data shows a significant racial and identity disparity in the way stops are used, which has led to profiling, trauma, and harm. She stated that the subcommittee and DOJ examined emerging approaches to eliminate pretext stops and conducted an extensive review of the ways specific jurisdictions are addressing pretext stops. She stated that the report provides three recommendations. One, limit discretionary stops that officers make that amount to pretext stops. Two, consider a probable cause standard for the kind of stops that lead to the disparate impact on particular communities. Three, prohibit suspicion-less stops such as consent searches and supervision inquiries.

For youth outside of schools, Member Guerrero stated that the report provides first time information about the impact of law enforcement stops on youth. She noted that more than 25% of youth, nationally, have reported being stopped, frisked, and searched by police and been the subject of harsh or racist language. She stated that RIPA data shows significant racial and identity disparities and that implicit and explicit bias towards youth of color, particularly Brown and black youth, leads to greater uses of force, as was seen by Tamir Rice, a 12 year old who was killed playing with a toy gun in a park by a law enforcement officer. For future reports, Member Guerrero stated that the subcommittee would analyze the data further, look at issues around limiting law enforcement interaction with youth without the presence of an attorney or without probable cause, and recommend specific use of force policies with regard to youth.

For youth in school, Member Guerrero shared that the subcommittee is just starting to get data in and will have more data in future years. She stated that a survey was conducted on law enforcement interactions with students in schools, and that the limited data does show a disparate impact and contact between law enforcement and students of color and law enforcement and LGBTQ+ students. She stated that School Resource Officers refer black students to law enforcement four times the rate of white students, and Native American students two times the rate of white students. She stated that the subcommittee's recommendation was to deepen the review of school policing data including suspension and exclusion data.

For accountability, Member Guerrero stated that the subcommittee conducted a survey of the internal and external accountability mechanisms currently in use. She stated that internal accountability mechanisms could include establishing a culture of accountability, the role of supervisors, internal affairs, and data analysis. She stated that external accountability mechanisms could include the Attorney General's oversight, civil litigation, criminal investigation and prosecution, civilian review boards, police commissions, departments of accountability, and audits. She stated this year the subcommittee focused on surveying these

mechanisms and in future years, the subcommittee will review the efficacy and limitations of these mechanisms. She also stated that the subcommittee looked into how LEAs and their oversight bodies can employ measures to respond to members participating in extremist groups.

Co-Chair Raphael thanked Member Guerrero and called for the next update – Calls for Service.

Member Ayub provided an update on the Calls for Service subcommittee, which met on August 23, and focused on reviewing the analysis report from the POST commission. He stated that the subcommittee had a discussion on the role of dispatchers as a first contact, the next generation of 9-1-1, the role of 9-8-8 and how that will fit into the emergency response paradigm, and the outcomes of and funding for crisis team models and the use of 2-1-1. He shared that takeaways from the report could be used to help POST craft their new dispatcher training. He also stated that subcommittee discussed the State Auditor’s report, Report # 2021-105, on LEAs not adequately guarding against bias conduct. Member Ayub stated that the subcommittee included four recommendations in the RIPA Annual Report centered on bias and its intersection with dispatcher training, recruitment, and retention.

Co-Chair Raphael thanked Member Ayub and concluded Subcommittee Reports.

## **5. Public Comment**

Co-Chair Raphael opened the meeting for public comment. Dan Losen, Director of the Center for Civil Rights Remedies at UCLA’s Civil Rights Project, thanked the drafters of the RIPA Annual Report for including a summary of their preliminary findings on student stop data. Mr. Losen stated that student stops are highly racially disproportionate and underreport students with disabilities, which he highlighted as a problem with public perception and the shaping of public policy on policing. Mr. Losen requested that there be coordination with the California Department of Education and RIPA Board because there is a requirement that the state does not comply with that requires disaggregated data on referrals to law enforcement and school-based arrests in state and district report cards.

There were no other public comments. Co-Chair Raphael ended public comment and called for a scheduled 15-minute break.

## **6. Board Discussion of 2023 Draft RIPA Report**

Co-Chair Raphael reconvened the meeting and opened for Board Member discussion on the draft 2023 RIPA Annual Report. He requested going through the report section by section.

Beginning with “Mental Health Impacts of Being Policed on Communities Impacted by Racial Identity and Profiling,” Co-chair Raphael asked for any comments on this section. Member Khadjavi expressed appreciation for a section focused on mental health impacts and highlighted the importance of it. Co-Chair Raphael stated that there is growing literature on cortisol and

stress levels associated with police shootings in communities, and how police shootings differentially affects communities. He offered to generate a list if helpful to cite. He stated that he has been in conversation about the correlational research that looks at police presence and stress. He stated that in academic circles people add the question whether or not it reflects causation or if there some other factor correlated with police presence that contributes to high levels of stress. He reaffirmed that he would be willing to submit studies for the section. Member Guerrero expressed appreciation for describing profiling and adverse policing as a public health issue. There were no other comments for this section.

Co-Chair Raphael moved on to the next section, “Analysis of Stop Data” and highlighted that the data looked similar to previous years before he opened the floor to comments. Member Khadjavi stated that there are LEAs on record, including the LAPD, who say they will limit pretextual stops. She stated that next steps would be to see if those policies are being implemented and what impact they have. Member Guerrero commented that there are multiple years of data now and suggested a trend analysis to look at trends and analyze impact.

Member Kulkarni asked if the racial categories in the section are set up in the RIPA statute, and, specifically, how they are defined. Co-Chair Raphael stated that these categories were specified in the regulations and that RDSup Walker made a correspondence between census data categories and tried to make them fit the RIPA categories. RDSup Walker confirmed Co-Chair Raphael’s explanation and stated that within the regulations there is a definition of the perceived race or ethnicity of the person stopped. He stated that there are seven different categories and that there are definitions for each. Member Kulkarni thanked RDSup Walker for their explanation and asked how officers are instructed to distinguish differences and how that impacts degrees of variability within these categories. RDSup Walker stated that officers are instructed to answer based on their perception and that perception may differ from one officer to the next. SDAG Beninati confirmed RDSup Walker’s explanation and explained that the current iteration of racial categories will carry over from year to year, but if there are issues or problems with those categories DOJ would be happy to have those discussions.

Co-Chair Ochoa asked how this particular section could better highlight or flag the impact of missing data, which skews racial analysis. She emphasized the missing data from LASD, which disproportionally shows missing data on stops of Latinx people, and the missing data on if officers are pointing a gun at any person. Co-Chair Raphael agreed that these were important points and suggested using capture-recapture analysis to see if samples of an LEA’s CAD data aligned with RIPA data. SDAG Beninati mentioned that the Inspector General’s report looked at RIPA data from July 1, 2018 through June 30, 2019 and not 2020 data, which the RIPA Annual Report is looking at. Given the difference in years, SDAG Beninati asked Co-Chair Ochoa if she would want the report to highlight this or if it would be better in the Stop Data section. Co-Chair Ochoa asked for an acknowledgement of missing data since there has been no formal audit of the data used in this year’s analysis, there is no enforcement mechanism on LEAs who fail to submit data, and there has been no evidence that LEAs have addressed the missing data seen in previous years. Co-Chair Raphael stated that he did not have a specific recommendation to resolve this

concern, but suggested possibly making earlier reference to the Inspector General's report to come and highlighting the need of evaluating data collection by comparing to other sources. Member Sierra asked to have data sets recommended in the report that could be used for comparisons and what type of comparison models could be used to evaluate data. There were no other comments for this section.

Co-Chair Raphael moved on to the next section, "Pretextual Stops, Youth and Law Enforcement Outside of Schools, and Youth and Law Enforcement Addressing the Profiling of Students," and asked for any comments on this section. Member Randolph expressed concerns about the handcuffing and detainment of youth outside of schools not containing the disposition in the report. He stated that he wanted to see the outcomes of those stops because 9 out of 10 times calls for service around schools not only involves kids, but adults as well. RDSup Walker stated that the Research Center is rerunning some of the analyzes to specifically limit the comparisons of handcuffing where there is not an arrest as an alternative. Member Randolph thanked RDSup Walker.

Member Randolph noted that later in the report, 50-60% of the citations and information on school police department did not reflect data from California or used TV stories, which he believed were not reputable sources. He stated that there is more data to be collected on school police departments and that it was not fair to lump all school police department data together based on news articles that have occurred outside the State of California. Member Guerrero stated that the report does acknowledge that school based data is in the beginning stages and makes recommendations for further review as the Board collects additional data. She stated that it was not inappropriate to bring in what is happening around the county. She said the intent of this section was to provide national context on school policing and a layer of understanding for readers of the report. She stated that the Board did collectively have a concern about youth being adversely affected by policing and it was fit to begin an analysis. She expressed being open to strengthen the language to make sure readers understand that this is an initial exploration of the issue and that new California data is still coming in. Member Khadjavi stated that the examples both in and out of California helps the Board and readers understand why these issues are important, its context, and provides an opportunity to highlight best practices. Member Randolph thanked Member Guerrero and Member Khadjavi, and expressed that when there is nothing positive in the report it suggests to the reader that nothing is happening. Member Guerrero stated that in the report it does say that School Resource Officers (SROs) play a role but it is important to note trends and how students are feeling outside of the RIPA data sets.

Member Pridgen asked if there were any best practices shared in this section and shared that when he was at Seaside they conducted community engagement with adults and all students to ask if they would want a SRO in their schools. He stated that 95% of them said they wanted SROs. He also stated that they incorporated community suggestions in how they could better serve students, such as not wearing uniforms. He stated that this practice was an opportunity to create relationships and positive engagements with students. He also stated that he would meet with the superintendent and principals to check-in and ensure that they were not taking children

to jail but referring them to resources they need. He recommended including these positive best practices in the RIPA Annual Report as practices to replicate, in addition to the data being collected and the outside sources from other states.

Member Guerrero stated that the DOJ did make endeavors to present some of the considerations around SROs and that the RIPA Annual Report does not make any definite recommendations or draw any conclusions. She stated that the report highlights initial issues, recognizes that the Board is just getting data, and what the Board needs to continue going forward. Member Pridgen thanked Member Guerrero and shared that he does not want to suggest that the SRO program is the best fit for every jurisdiction, but that some SROs, like Seaside, are ensuring that there is not adverse harm to specific members of the community. Co-Chair Ochoa stated that the data does show research on the actual outcomes for students in these contexts, and that best practices should stem from actual outcomes that are recognized or experienced in studies, self-reports, or narratives. SDAG Beninati stated that the Board traditionally tries to set the stage with background information, and, in the following year, does a deeper dive on the subject. She stated that in next year's report the Board could include work with Member Randolph to include recommendations or examples of positive interactions.

Member Taylor commented that her understanding of RIPA and the RIPA Annual Report is to do some scrutinizing of historical wrongs that have resulted from policing people unfairly. She stated that SROs came from desegregation and that there needs to be a foundation laid of how this became a social norm. She shared that when challenging a social norm you need to start scrutinizing it and examining the impact on communities. Member Pridgen thanked Member Taylor and recognized the historical context of SROs. He stated that there are still positive opportunities in some spaces for SROs to have meaningful connections with people from disadvantaged communities, as he has seen himself. Member Guerrero recommended highlighting Member Pridgen's experience in the next iteration of the report through a survey of how communities are addressing the concerns of SROs with the example of Seaside. She cautioned using anecdotes as data and recommended being cognizant of what the data is saying.

Member Vang expressed appreciation to the subcommittee for the report's youth framework given her experience working with young people in schools who have experienced these particular issues of racial and identity profiling and issues with SROs.

Co-Chair Raphael asked if the Board is looking to add language that suggests that there are potential positive roles of SROs if implementing community or student input. Co-Chair Ochoa stated that the positive impact is still in question since they do not have the analysis on items like if there is a negative psychological impact on students being policed or searched. She recommended not making a normative conclusion, and instead only presenting what the data currently shows. Member Pridgen stated that he did not disagree and suggested that maybe next year there will be more data to support programs that demonstrate statistically and through data that there is a positive impact. There were no other comments on this particular topic.

Co-Chair Raphael turned to his concern with the statement on page 73 of the draft RIPA Annual Report. He stated that the report's claim that traffic stops take up a substantial amount of LEA's times but show no demonstrable benefit might be wrong. He stated that there is research that would counter this claim. He referenced presentations where deep cuts to traffic enforcement budget led to consequent increases in fatalities and injuries, and referred to the Institute of Highway Transportation Safety's working papers that show how for every five additional miles per hour a speed limit increases there are more fatalities. He shared that a thorough dive into the technical research on the determination of auto-involved fatalities may reveal significant effects of enforcement. He recommended more work be done on this section. He offered a few studies to incorporate. Member Ray seconded Co-Chair Raphael's concerns and recommended the 2021 Highway Safety Association Report, which highlighted the disproportionate number of fatalities that went up when the number of stops went down due to COVID in black and brown neighborhoods. Co-Chair Ochoa stated that these stops are premised on traffic but they are not for traffic safety and suggested that the report's language could be made clearer to indicate that. Member Ray stated that subcommittee did discuss stops other than speed stops that do effect public safety such as a cracked windshield. She encouraged the section be reworded and to use other supporting data that is available. Member Guerrero stated that the report conflates traffic safety and other kinds of public safety and asked the DOJ to draw a more direct line between the literature and the statements in the report as requested by Co-Chair Raphael. There were no other comments for this section.

Co-Chair Raphael moved on to the next section, "Policies and Accountability Stops," and asked for any comments on this section. There were no comments for this section.

Co-Chair Raphael moved on to the next section, "Calls for Service and Bias by Proxy," and asked for any comments on this section. There were no comments for this section.

Co-Chair Raphael moved on to the next section, "POST Training and Recruitment," and asked for any comments on this section. Member Villeda shared his experience with the POST curriculum since January 2022. He stated that the RIPA Annual Report should include the history of RIPA, Museum of Tolerance (MOT), and POST as a whole. He requested that there be recognition of RIPA's necessary pressure on MOT and POST to have the curriculum updated and for the RIPA Board to have a seat at the table. He stated that the inclusion of RIPA has felt more like a technicality and formality, and that RIPA advice, which challenges law enforcement beliefs and cultural norms, has not been heeded. He stated that they have not collectively strived to exceed the legal, ethical, and moral standards to transform the curriculum. He also shared that the mention of RIPA during training sessions turns off law enforcement officers who do not perceive RIPA as allies but as outsiders who are disrupting the status quo. He stated that jokes were made at MOT such as "Rip you a new one." He stated that these were his first impressions of the group and how he was welcomed at training sessions. He shared that the overall aspect and environment of the training session lacked seriousness, impact, and in-depth analysis, which is required to facilitate a course of this nature. He shared that training sessions lacked engagement and provided vague explanations that were left to interpretation. He stated that the group is too

comfortable with the current way they operate outside the public eye and knowledge, so much so that RIPA's request to allow real in-depth community input and roundtables were declined because it did not adhere to their timeline.

He further stated that they did not provide sufficient time to organize community engagement and that community input was kept at a surface level to check boxes. He stated that RIPA has not seen any of the curriculums fully facilitated nor has RIPA been accommodated to do so. He stated that MOT submitted themselves in their legislation to be the sole producer and facilitator of the curriculum, but there are other organizations who are more skilled, experienced, and equipped to facilitate, produce, and update the curriculum on a more consistent basis. He requested that there be more accountability on facilitations, higher training standards, higher education standards to hold the position, and more inclusion of subject matter experts. He stated that inclusion of subject matter experts has been subpar given what the data reflects on officer biases and perceptions on communities of color. He stated that certain officers shared this sentiment with him directly. He stated that the timeline has been the biggest obstacle and that data collection on the curriculum has been minimal. He shared that he has not seen anything significant in order to assess MOT's work for the past two decades and that underlying biases have permeated into this course since its inception. He stated that he could not personally sign-off or say that RIPA did their best on the curriculum because they did not meet any of the expectations set forth as a group when they first convened or set the robust interdisciplinary curriculum as was intended. He stated that MOT and the persons in charge of the update are partly responsible and POST's pressure to adhere to an unrealistic timeline resulted in the current situation. He stated that there were multiple instances where MOT and POST convened without the RIPA Board. He called for transparency and inclusion. He stated as a formerly incarcerated individual, advocate, community organizer, and policy writer that these actions were an insult to our communities, the reason the Board was created, and the people who lost their lives due to racial and identity profiling.

Co-Chair Raphael acknowledged Member Villeda's concerns and asked if anyone else would like to comment or offer their thoughts. Member Hawkins stated that she too has participated in the trainings and that she agrees with Member Villeda that there is a problem. She shared that change is needed. She stated seeing things that were inappropriate coming from the trainers. Member Kennedy recommended having the community group that was put together of attorneys and subject matter experts conduct a thorough review of the curriculum before it is completed, as was done 20 years ago. Member Hawkins supported Member Kennedy's recommendation, but questioned if MOT and POST would take the group's input into consideration. Co-Chair Raphael asked if there was a specific action item such as having the report reflect today's comments on LD-42 trainings. Member Kennedy recommended extending the timeframe of the curriculum so the community group has time to review and putting teeth into the required review and update. Member Kulkarni agreed with the comments from Members Villeda, Hawkins, and Kennedy.

Member Kulkarni asked the DOJ where the references to the MOT training are in the report and requested additional information on how they came into leading these trainings and their

authority drafting the curriculum. DAG Micklethwaite stated that the MOT/POST section is located on page 227 of the draft report and includes the budget and recommendations for changes. Member Kulkarni asked if DAG Micklethwaite has background on MOT's role. DAG Micklethwaite stated that it was a matter of statutes in 2002 that wrote MOT into this position and that some history on MOT and Board Member comments and observations during the course update can be found on page 228 and page 229. Member Kulkarni thanked DAG Micklethwaite and stated that while they appreciate the expertise of MOT, she finds it concerning that no organizations representing communities of color are included in the drafting or training. She encouraged future reports to consider inclusion of these organizations moving forward.

Member Pridgen asked if there is any historical context on how communities of color have been impacted by legislation, practice, or policy over the years that would give officers a frame of reference as to why certain groups of people might be where they are - not due to their own volition. He mentioned the history of blockbusting, redlining, and denying loans for VA homes, which has resulted in poverty and crime when people are desperate and do not have options. He stated that this historical framework is not taught in schools nor is it taught in the police academy. He stated that it would be important to have an understanding of why communities might be disadvantaged. Co-Chair Ochoa stated that there is space in Learning Domain 42 but it is currently not there. She shared that it was something that was previously raised and that she would be happy to share Member Pridgen's comments to underscore it further. Member Pridgen thanked Co-Chair Ochoa. Member Villeda stated that the last time they met on the curriculum it focused on the history of policing. He stated that it was recommended to have a subject matter expert explain to officers the trauma and transgenerational trauma that communities of color have faced because of over policing. He stated that due to such a short notice they were unable to secure a community member for the filming. Member Hawkins stated that the importance of history has been brought up before and said if it is not included, we will continue to make the same mistakes. Co-Chair Ochoa stated that at various points there has been frustration with not knowing how RIPA's engagement translates into change in the curriculum. She recommended adding a subsection in the report about ongoing concerns with the RIPA/POST relationship. There were no other comments for this section.

## **7. Public Comments**

Co-Chair Raphael opened the meeting for the second round of public comment. There were no public comments at this time.

## **8. Action Items and Discussion of Next Steps**

Co-Chair Raphael provided a brief summary of action items and next steps.

He reminded the Board of the proposed legislative briefing and asked if any Members would like to join Member Guerrero in the briefing. He asked Members to reach out to SDAG Beninati and DAG Elgart if interested. Co-Chair Ochoa stated that they would be interested in attending.

Co-Chair Raphael reminded the Board that there is now multiple years of data and agencies introducing policy changes and that next year the Board can prioritize evaluating trends with an idea of understanding whether or not efforts have had an impact, such as LAPD's change in pretext stops.

He reminded the Board that there is an ongoing discussion on RIPA/POST engagement and that there was not a direct action item. He asked if the DOJ would rewrite the last chapter to reflect more emphatically the concerns that have been articulated by Board Members. He asked that the Board Members pay particular attention to changes in this chapter in the next board meeting so they may discuss that first in the agenda, in addition to revisions in the youth section.

Member Kulkarni asked what the process would be for new changes in the next draft. DAG Elgart shared that the DOJ will incorporate the feedback from today's meeting into a new version of the report, executive summary, and quick facts, and will share that ahead of the November 29 board meeting. She encouraged Board Members to submit any comments or feedback that were not discussed to the DOJ within the next few weeks. Member Kulkarni thanked DAG Elgart for the clarification.

## **9. Adjourn**

Co-Chair Raphael thanked everyone for attending and adjourned the meeting at 1:14 p.m.