CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD
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MEETING MINUTES

April 13, 2021 – 10:00 a.m. – 1:00 p.m.

Members Present: Co-Chair Steve Raphael, Co-Chair David Swing, Felicia Espinosa, Nancy Frausto, Andrea Guerrero, Edgar Hampton, Brian Eric Kennedy, Lily Khadjavi, John McMahon, Melanie Ochoa, Amanda Ray, Cha Vang
Members Absent: LaWanda Hawkins, Ronaldo Villeda, Brendon Woods

1. **Call to Order by Board Co-Chairs**
   Co-Chair Swing welcomed everyone to the meeting.

2. **Welcome and Introduction of New Board Members**
   Co-Chair Swing welcomed new members Guerrero, Hampton, Kennedy, Ray, and Vang to the Board. Member Ray, Commissioner of the California Highway Patrol, stated that she looked forward to the opportunity to engage with community members and having a dialogue with the Board. Member Vang stated that she was the co-founder and formerly the Executive Director of Hmong Innovating Politics and currently served as Deputy Director of AAPIs for Civic Empowerment. She stated that she was very excited to be a member of the Board and looked forward to working with all of the members. Member Kennedy stated that he serves as Pastor for Mt. Zion Church of Ontario, where he has served for 22 years. He stated that he served in prison ministry for 11 years and learned a lot through this experience, including about the experiences of family members of people who are incarcerated. Member Kennedy stated that the shooting of Daunte Wright was another painful incident for everyone in the country. He stated that the Board's work aims to prevent these painful incidents and the Board must look at officer training and officer-community interactions. He stated that he was very happy to be a member of the Board. Member Hampton stated that he has served as a police officer for approximately 25 years. He stated that he first served with the San Diego County Sheriff's Department and later served with the Anaheim Police Department, where he worked for 19 years. He stated that he serves as the President of the Anaheim Police Association and is the Director of the Orange County Chapter of the Peace Officers Research Association of California (PORAC). Member Hampton stated that PORAC has 76,000 members and he serves as their representative on the Board. He stated that he is interested in the data collection process and using the data to improve how law enforcement work is done. Member Guerrero stated that she was glad to return to the Board. She stated that she served on the Board

previously and the Board got a lot done with initiating the stop data collection, which has allowed the data to be used throughout the state to inform and shape policing and community advocacy decisions. She stated that the killing of Daunte Wright was a reminder of the tragedy that continues to occur and it is the work of all of the Board, together with the community, to engage in meaningful conversation and make progress. Member Guerrero stated that she is Executive Director of Alliance San Diego. She noted that the San Diego City Council would receive a presentation of an analysis of stop data collected under RIPA, demonstrating the importance of the Board's work to municipalities.

3. **Approval of Minutes**
   MOTION: Member Khadjavi recommended an amendment to the Draft December 2, 2020 Board Meeting Minutes to make the terminology for racial and ethnic groups consistent. Member Khadjavi made a motion for the approval of the Minutes with the proposed amendment. Member Guerrero seconded the motion.
   APPROVAL: All subcommittee members present voted "yes;" there were zero "no" votes and no abstentions.

4. **Update from the Department of Justice**
   Nancy Beninati, Supervising Deputy Attorney General with the Department of Justice, stated that she appreciated the comments by the Board members. She stated that the DOJ knows there has been an increase in hate crimes against the Asian-American and Pacific Islander community and the RIPA Board stands against these acts. She stated that the DOJ thanks law enforcement for responding swiftly to these crimes. Ms. Beninati stated that the DOJ is aware of the recent shooting of Daunte Wright, the murder trial of Derick Chauvin for killing George Floyd, and the incident in which U.S. Soldier Lt. Caron Nazario was pepper-sprayed and thrown to the ground by police officers during a traffic stop. She stated that the RIPA Board was formed following a series of shootings of unarmed Black men by police officers and the shooting in Dallas of police officers. She stated that it can seem discouraging to the Board's work that these shootings and other uses of force keep happening, and the loss experienced by the families of the people killed is heartbreaking to imagine. Ms. Beninati stated that the work of the Board is exceedingly important and asked that the Board and public not become discouraged and instead feel empowered.

   Ms. Beninati provided an overview of the rules required by the Bagley-Keene Open Meeting Act. She stated that the purpose of the Act is to promote an open consensus-building model of decision-making and ensure that the public has the opportunity to participate. She stated that the rules of the Act apply to the full Board meetings and the subcommittee meetings. Ms. Beninati stated that the Board has the authority to make recommendations to the

legislature and others on racial and identity profiling issues. She explained that the Act defines a Board meeting as any meeting of the majority of the Board members and, for the 19-member RIPA Board, this would be any meeting of ten or more members. She stated that all decision-making requires a vote of approval by the majority of the members.

Ms. Beninati stated that it is important for Board members to remember the requirements regarding communications with one another outside of the public forum. She stated that Board members should not speak with each other about any of the business of the Board outside of the public meetings, nor should they send any group emails about the business of the Board. She stated that this requirement applies to all forms of communication. Ms. Beninati stated that it is permissible for Board members to individually contact DOJ staff to provide input, discuss scheduling or questions about procedures.

Ms. Beninati stated that the public has a right to participate in the meetings and members of the public are not required to identify themselves. She stated that the Board could establish reasonable time limits for public comments to allow as many members of the public to speak as wish to do so. She stated that the Board's public meeting records are posted on the Board's webpage and requests for records can be emailed to ab953@doj.ca.gov. Ms. Beninati stated that the vote or abstention of each member on each item must be publicly recorded. She stated that Board members are welcome to speak to the press and they should remember to make it clear that their comments do not represent the opinion of the Board, but represent the member's individual opinion.

Erin Choi, Program Manager with the DOJ Client Services Program (CSP), presented an update regarding the stop data collection. She stated that the data reporting implementation date for each agency was established based on the size of the agency. She stated that the agencies are required to report their calendar year data to DOJ by April 1st of the following year. Ms. Choi stated that some agencies choose to report their data in real-time and others report bi-weekly or quarterly. She presented a list of all of the Wave 1 and Wave 2 agencies that reported data in 2020, in addition to three agencies that elected to begin reporting early during 2020, totaling 18 reporting agencies.

Ms. Choi stated that the 2020 stop data records include reports of 2.7 million stops involving 2.9 million individuals. She stated that when the stop data enters the statewide repository, several automated checks are run and in 2020, 98.2% of the data submitted passed the system's validation checks. She stated that when records do not pass the validation checks, an error message is sent to the reporting agency and they have until April 1st of the year following the reporting year to correct the error(s). Ms. Choi summarized the types of errors that are identified through system validation, including a required field being

missing or invalid; when asked to select all that apply, "none" cannot be selected with another choice; the offense code was blank or no longer active in the standard list; an invalid combination was reported in related fields. Member Ochoa asked if there was any way to automate the identification of Personally Identifying Information (PII) in data reports. Ms. Choi stated that the Department has discussed this at length and LEAs are trying to do this with their datasets. She stated that one LEA does not allow the entry of numbers in the narrative fields in an effort to prevent the entry of PII. She stated that another agency has created a process for comparing the narrative field entries with names recorded in the agency's systems to identify and remove the names of any individuals that are entered in the fields. Ms. Choi added that other agencies are using a process in which another person reviews an officer's stop data reports to try to identify any PII that may have been entered.

Ms. Choi stated that the CSP was holding bi-weekly meetings with more than 30 agencies that had elected to begin collecting data early on July 1, 2021, in addition to working with over 400 agencies that will begin collecting data on January 1, 2022. She shared a timeline of the planning and preparation activities that CSP does with the agencies that will begin reporting. Member Ochoa asked if most of the Wave 4 agencies would be using the DOJ web-based application or would be using other systems for data collection. Ms. Choi stated that CSP has asked agencies to have a decision by June about which system they will use to begin data collection and would be able to provide an update about this at a future Board meeting. She stated that the DOJ is happy to work with each agency with the collection system that works best for the LEA. Co-Chair Swing thanked Ms. Choi for the presentation.

Tanya Koshy, DAG with the DOJ Civil Rights Enforcement Section (CRES), stated that since agencies began reporting stop data, the DOJ has identified several potential proposals to amend the stop data regulations, primarily to clarifying existing reporting obligations and provide additional contextual information related to the stops. She stated that the Department presented proposed amendments to the Stop Data Analysis subcommittee during their November 2020 meeting and received helpful feedback, which the Department has used to improve the proposals. She stated that due to the Attorney General's transition, the proposed amendments were on hold pending internal approval. Ms. Koshy stated that Department staff aimed to have the proposed amendments internally approved shortly after the confirmation of the incoming Attorney General. She stated that the Department planned to hold two public hearings regarding the regulations proposals, in addition to a shorter regulations-focused Board meeting.

Member Ochoa asked if DOJ would provide a presentation on the substantive regulations proposals. Ms. Koshy stated that the Department will provide a presentation at the Board meeting focused on regulations proposals and the proposal categories were the same as those presented at the November Stop Data Analysis subcommittee meeting. Member Ochoa asked if perceived homeless status was included as a proposed data element. Ms. Koshy confirmed that this was included as a proposal.

Co-Chair Swing requested additional information about the timeline for the regulations proposal. Ms. Koshy stated that under the Administrative Procedures Act, once the Department publicly posts the proposed regulations, there would be a 45-day public comment period, during which the Department planned to hold two public hearings, in addition to the Board meeting. Ms. Beninati stated that during the initial stop data rulemaking, the Department held the public hearing immediately following a Board meeting, allowing the Board to comment during the hearing. She stated that the Board discussed their recommendations, voted on them, and provided the recommendations into the rulemaking record and this same process could work well. Co-Chair Swing asked if this would be the opportunity for Board members to comment on the proposed regulations on behalf of the agencies or organizations they represent. Ms. Beninati stated that Board members could do this for their agencies at any time during the public comment period; however, the RIPA Board could provide comment as a Board during the public hearing that would be scheduled to follow the summer Board meeting.

Co-Chair Raphael asked if the proposed regulations addressed both the required data reporting elements and the structure and order of the data collection application and form. Ms. Beninati stated that the regulations do not specify a required order for the data elements or data values, and, while the Department provides a model template form, agencies can reorder the structure of the data elements and data values. She stated that the Data Dictionary outlines the format in which the data must be reported to the Department, but does not require a specific format for the data collection.

5. **Break**

6. **Review of 2022 Report Outline and Board Discussion about Report**
   Co-Chair Swing invited subcommittee chairs to share reports about the subcommittees' work. Domonique Alcaraz, DAG with DOJ CRES, stated that she would share a report for the Civilian Complaints subcommittee, as the subcommittee did not currently have a chair. She stated that for the 2022 Board Report, the subcommittee would review civilian complaint forms from Wave 3 and Wave 3.5 reporting agencies (those Wave 4 agencies that will begin

reporting early). She stated that the subcommittee will work on developing a definition of civilian complaints to make a recommendation to the legislature and will work on making recommendations regarding model civilian complaint procedures. Ms. Alcaraz stated that the subcommittee would research early intervention systems used in California and how agencies are using civilian complaints as a component of officer and agency accountability.

Member Espinosa stated that the State and Local Racial and Identity Profiling Policies and Accountability subcommittee would review Wave 3 and Wave 3.5 reporting agencies' bias-free policing policies and would follow up with Wave 1 and 2 reporting agencies regarding changes to their policies. She stated that the subcommittee would research the use of vendor-provided policies and would further study several of the elements of accountability systems that the Board identified in the 2021 Report. She stated that the subcommittee would focus on supervisory oversight, video technology, and community-based accountability-including identifying agencies that use community oversight for discipline, recruitment, and promotion processes, and assessing the effectiveness and community perception of the community oversight models.

Member Espinosa stated that the subcommittee would also work to make data-driven policy recommendations and had discussed disparities across gender, specifically in the stops of people perceived to be transgender. She stated that the subcommittee would consider best practice recommendations to improve interactions with transgender people and would consider recent policy changes, such as a policy enacted in New York aimed at eliminating the over-policing of transgender women. She stated that the subcommittee would assess how the recommendations of the National LGBT HIV Criminal Justice Working Group relate to the stop data findings. Member Espinosa stated that the subcommittee would continue to address consent searches and supervision searches and would analyze agencies' policies regarding supervision status inquiries and searches, including Oakland and San Diego Police Department policies. She stated that the subcommittee planned to review Oakland Police Department stop data to assess the results of the policy change regarding supervision inquiries.

Member Ochoa stated that the POST Training and Recruitment subcommittee discussed the POST-Certified AB 953 course that the DOJ offers to increase LEAs' understanding of the reporting requirements. She stated that the Department invites all Board members to attend a course session. She stated that the subcommittee would continue to work with POST regarding the Self-Paced Online Communications Training course, the Refresher Course on Implicit Bias and Racial Profiling, and the Supervisor Refresher Course on Implicit Bias and Racial Profiling. Member Ochoa stated that the subcommittee would begin to

review the academy course Principled Policing in the Community (Learning Domain 3). She stated that all Board members are encouraged to participate in reviewing the academy course and a single point person would communicate Board members' feedback to POST. She requested that Board members interested in attending the POST-Certified AB 953 course or reviewing the Principled Policing in the Community course contact Allison Elgart, DAG with CRES.

Member Ochoa stated that POST was developing a panel of anti-bias subject matter experts to work on implementing AB 846, the recently enacted law regarding bias screening during officer recruitment and hiring. She explained that the subcommittee would collaborate with POST on this work and would continue research regarding best practices related to hiring. Member Hampton asked if the Department received the two versions of Anaheim Police Department (APD) job announcements, which were an example of how APD revised the job announcement following the enactment of AB 846. Ms. Elgart stated that the Department had not yet shared the announcements with the subcommittee, but would share them ahead of the next subcommittee meeting. She invited representatives of other LEAs who would like to share examples of revised job announcements to do so and added that the Department would ask agencies about revised job announcements when contacting them about bias-free policing policies and civilian complaint forms.

Kendal Micklethwaite, DAG with CRES, stated that she would report for the Calls for Service subcommittee, which did not have a chair. She stated that the subcommittee was addressing bias-based calls for service and mental health calls for service. She stated that the subcommittee planned to research principles for community-based crisis response and multiple response models. Ms. Micklethwaite stated that the subcommittee would research model policies for law enforcement interaction with people with a mental health condition. She stated that the subcommittee would review dispatcher basic training regarding bias by proxy and would begin to review LEA policies regarding calls for service. She stated that the subcommittee would also research public education regarding bias-based calls and bias-response team models. Ms. Micklethwaite stated that the subcommittee would analyze the data from stops for which a call for service was received regarding the person stopped. Member Hampton asked if the subcommittee planned to speak with dispatchers or dispatch supervisors. Ms. Micklethwaite stated that the subcommittee planned to invite a speaker to discuss dispatcher training, the tools available to dispatchers when they receive bias-based calls, and dispatchers' work. Co-Chair Swing asked if the subcommittee planned to analyze the data regarding calls for service to assess other issues, in addition to bias by proxy. Ms. Micklethwaite stated that the work of the Calls for Service subcommittee overlaps with the

work of the Stop Data Analysis subcommittee in this area, and the subcommittee did plan to analyze calls for service data.

Co-Chair Raphael stated that the Stop Data Analysis subcommittee requested data analyses and discussed ways to improve the accuracy of the data collection. He stated that subcommittee members recommended analyzing possible differential outcomes for stops for which a call for service was received. He stated that the subcommittee would evaluate the public safety value and cost of consent and supervision searches, and would work to identify an appropriate benchmark for the analysis of supervision searches. Co-Chair Raphael stated that the subcommittee would analyze the outcome of stops in which officers requested consent to search, but the person did not consent and would look at whether searches took place during these stops. He stated that the subcommittee would like to analyze stops for equipment violations versus moving violations, in addition to assessing possible disparities in stops where there was a discretionary reason for the stop, potentially pretextual stops. He stated that the subcommittee requested a more focused analysis of the stops of people perceived to be transgender and people perceived to be gender nonconforming. Co-Chair Raphael stated that the subcommittee would like to identify strategies to monitor data accuracy and assess the sources of any discrepancies between RIPA stop reports and other sources, and would explore changes in the sequencing of questions that could improve accuracy.

Ms. Elgart stated that the Draft Report Outline reflected the recommendations that the subcommittees provided. She invited the Board members to discuss the topics included and ask any questions. She stated that more than one subcommittee discussed some of the topics. Ms. Elgart stated that the Draft Outline included a policies-focused data analysis section, which may allow the Board to recommend best practices and later develop model policy language. She stated that the focus section topics could change each year.

Co-Chair Raphael stated that he was struck by the presentation to the Calls for Service subcommittee regarding the San Francisco Street Crisis Response Team. He stated that the city is trying something new in teaming a paramedic with a mental health clinician and a peer who has experience as a consumer of behavioral health services. He stated that the information about implementing a new response model, while ensuring that services are not reduced and response times are not increased, was very helpful. Co-Chair Raphael recommended that the Board learn about diverse practices developing in different localities and consider if the practices could be implemented in other areas.

Member Guerrero stated that she appreciated the inclusion of topics regarding differential enforcement during the pandemic and racial justice protests. She recommended including a

section with the Board's recommendations to the legislature along with an update on prior recommendations to the legislature, such as those regarding civilian complaint forms.

Member Ochoa stated that she appreciated the policies-focused data analysis sections. She asked if there was a reason why the Board would want to include the Veil of Darkness (VOD) analysis in future reports since questions about the value of including analysis were raised in previous Board discussions. She asked if implementing the VOD analysis limits the resources available for other types of analysis that the Board is interested in.

Member Ochoa recommended including an analysis of the reasons for stops by perceived race/ethnicity to identify infractions, such as jaywalking or dangling air fresheners, which are not enforced the same across racial/ethnic groups. She shared the experience of someone she knew who was stopped for a dangling air freshener and approached by an officer who had their gun drawn. She recommended that the Board articulate the vastly different forms of policing that different groups experience. Member Ochoa stated that analyzing the types of infractions in the reason for stops by racial and identity groups would be fundamental to recommending changes in policing tactics, such as stops for minor infractions. She recommended addressing instances where officers had misgendered transgender women in their stops as part of the Board's data integrity work.

Co-Chair Swing stated that the Stop Data Analysis subcommittee received a presentation from researchers working in Connecticut that addressed the VOD analysis as a component of evaluating LEAs for bias-based policing practices. Member Khadjavi stated that the overarching message in the presentation was that the researchers were using a variety of analysis methods, and they did not identify a single method that should be used. She stated that the researchers ranked the analysis methods by how conservative the findings were; conservative methods would be less likely to identify disparities in practices.

Co-Chair Swing recommended including a broader analysis of calls for service. Member Ochoa asked if LEAs' or emergency services departments' policies determine which calls law enforcement responds to or if dispatchers have discretion in these decisions. Co-Chair Swing stated that the response depends upon the type and severity of the call and the level of activity of an LEA will influence the calls to which officers can respond. He stated that both local policies and level of activity determine which calls to which officers and deputies respond. Co-Chair Raphael asked if the triage and prioritization by dispatchers determine who will respond to calls or if officers have the discretion to decide whether to respond to a call.

Member Hampton stated that in the Anaheim Police Department (APD), dispatchers in collaboration with the police management group prioritize calls across five levels. He stated that calls with a level 1, 2, or 3 prioritization are actively dispatched based on the location and types of units available, while calls with a level 4 or 5 prioritization are entered in the computer-aided dispatch (CAD) system so that officers that are near the location can respond. He stated that in APD, it is very rare that an officer or sergeant would supersede a dispatch to respond to a level 1, 2, or 3 call. Member Hampton stated that with higher prioritization levels, officers have less discretion about responding.

Member McMahon stated that most LEAs have a prioritization system based on the type of call and, when dispatchers enter the call in the CAD system, a priority level is assigned and generally, a priority level 1 is assigned to calls regarding activity that is in progress. He stated that in San Bernardino County Sheriff's Department (SBCSD), lower priority calls, at a level 3 or 4 prioritization, are dispatched when deputies have time to respond to the calls. He stated that SBCSD will respond to lower priority-level calls, such as welfare checks or suspicious circumstances, but it may take longer for deputies to respond to these types of calls. Member McMahon stated that some Sheriff's stations, for instance, those in remote areas of the County, may not have any calls holding and may be able to respond to a call immediately, while other stations may have 60 or 70 calls holding at a given time and it may take several hours before deputies respond.

Co-Chair Raphael stated that if the Board analyzes outcomes for stops for which there was a call for service and stops for which there was not a call for service, this should include an assessment of policies that allow or disallow discretion in responding to calls and the proportion of stops for which there was a call for service.

7. **Public Comment**

Michele Wittig stated that she is aware that the Board is principally concerned with systemic issues and not with individual officers; however, researchers have an interest in individual officer's behavior over time. She asked if it would be possible to track the stop data of an individual officer over time using the officer's unique identifying number, while maintaining the anonymity required by law. She requested that if it was not possible to receive a response during the meeting, staff respond by email.

Eva Bitran, staff attorney with the ACLU of Southern California, recommended that the Board introduce a screening mechanism to identify any personally identifiable information that officers have entered in the narrative fields during stop data reporting. She stated that the ACLU would be happy to work with the DOJ regarding implementing this type of systems check when the data is submitted. She stated that she appreciated the focus on

policies in the Draft Report Outline and the focus on consent and supervision searches. Ms. Bitran recommended that the Board engage with people who have been impacted by these practices. She recommended that the Board consider data integrity issues as a component of the section addressing law enforcement interactions with people perceived to be transgender. She recommended that the Board provide additional training about how to complete this portion of the stop data report and assess whether the data submitted thus far regarding perceived gender is accurate.

Richard Hylton stated that if the Board continued to ignore the data quality issues demonstrated by Offices of Inspector General audits, the Board would not meet its mandate and the public will have been misled. He stated that he validated data from the San Diego County Sheriff's Department (SDCSD) and found that officers' reports of their perception of the race/ethnicity of the people they stopped were often different from the race/ethnicity reported in citation records. He stated that this is not being addressed by the DOJ nor SDCSD. Mr. Hylton stated that 12,000 field interviews were not reported in the stop data collection. He stated that the data has no integrity and it ought to be addressed.

8. Break
The Board decided not to take a break.

9. Board Discussion of 2022 Report
Member Ochoa asked the DOJ staff about the resources required for the Veil of Darkness (VOD) analysis. Member Kennedy stated that it is important to include an analysis that accounts for the time of day or night of the stops. He stated that community members are concerned about how stops at night differ from stops during the day. Member Khadjavi stated that the VOD analysis requires assessing the time of stop in relation to daylight hours and this analysis only includes stops made during a narrow time band, times when it is light during some parts of the year and dark at other parts of the year. She stated that the analysis is used to evaluate how the level of visibility into cars may influence stop practices. She recommended that the Board consider whether the VOD analysis provides information relevant to policies that other analysis methods would not provide.

Member Kennedy stated that in many police forums, there is an interest in addressing community complaints that police are more violent at night. He stated that there is an interest in identifying ways to address this, such as reassigning the officers working in teams at night and introducing new officers to these teams. He recommended analyzing stops across the time of day when they occurred. Member Ochoa asked if member Kennedy recommended an analysis of use of force incidents occurring during the day and incidents

occurring at night. Member Kennedy asked if the VOD analysis would help the Board to understand this.

Co-Chair Raphael stated the researchers working in Connecticut used multiple analyses to identify agencies where outcomes on multiple analyses suggested disparate treatment to then assess the practices of the particular agency. Regarding the resources required to complete the VOD analysis, Kevin Walker, Research Data Specialist with the DOJ, stated that the Department produced code in previous years that could be used for the analysis, but as with any other method, it would require staff time to run the analysis, review the results and write up a discussion, which would impact the number of other analyses that staff could perform. He stated that for the VOD analysis, staff has to identify the twilight times each year using a partially automated process. He stated that the analysis is designed to identify disparities in decisions to stop and is not designed to evaluate differences in uses of force at night and during the day. Mr. Walker stated that the researchers working in Connecticut use a range of analyses and used the term "gold standard" to indicate that the VOD analysis may be less prone to false positives than other analyses and they assign more weight to the analyses that are less prone to false positives. He stated that the researchers use the analyses to triage and select which agencies in the state they will work with during the year, which is not the same process that the RIPA Board is using, but the Board previously included the VOD analysis as part of a battery of analyses. He stated that the VOD analysis is unique in requiring information about the location where each stop occurred. Mr. Walker stated that the location data sourcing process takes several weeks and the first two weeks of this process had been conducted.

Co-Chair Swing restated that the VOD analysis assesses officers' decisions to stop, as opposed to post-stop actions. He asked if other methods to evaluate pre-stop decisions were available. Mr. Walker stated that while other methods may exist, the only two methods that the Board has used to assess who officers stop are the VOD analysis and the comparison to residential benchmark data. He stated that the VOD method is an alternate form of creating a benchmark regarding who is stopped. He stated that if the Board decided not to include the VOD analysis, the residential population benchmark analysis would be the only analysis of pre-stop decisions, and this could make additional staff time available to analyze post-stop actions. Co-Chair Swing stated that it is difficult to create population benchmarks because of the different commute and travel patterns that are not accounted for in residential population data. He stated that an alternative to using the VOD method would be to add a data element for officers to indicate if they were able to perceive the stopped person's race prior to the stop, however, given the Board and the public's concerns

regarding data integrity, this may not be a viable solution until the data integrity questions are resolved.

Member Guerrero stated that each year the Board has discussed the appropriate measure to identify bias in policing. She stated that researchers presented to the Board the pros and cons of the VOD method, methods that use census data to establish population benchmarks, and using traffic accident data to establish a benchmark. She stated that the Board concluded that there is not a single definitive measure and therefore the Board must consider every analysis in light of its strengths and weaknesses. Member Guerrero stated that significant concerns have been raised about the VOD method because, in addition to daylight conditions, lighting conditions in communities affect visibility. She stated that the Board voted on whether to include the VOD analysis in the 2020 Report and, while she proposed that the Board not include the analysis, the Board decided to include it. She explained that she wanted to provide this context and recommended that the Board be clear that each of the analyses the Board discusses is informative, but is not a definitive measure of biased policing. Member Guerrero stated that the Board made a decision regarding the VOD method once, but could revisit this if the Board so desired. She stated that she believes the more important focus would be to work with academics to develop a method to measure bias in policing. Co-Chair Swing stated that the Board should recognize that all of the analysis methods are imperfect and there is not a perfect solution.

Member Guerrero recommended that because there was so much activity in policing reform across the country, the Board contextualize the national reckoning in the introduction to the Report. She stated that the Board has referenced best practices and in the upcoming report, the Board may recommend "next practices," practices that are currently being developed. Co-Chair Swing stated that historically the Board included a section in the introduction that addressed the broader conversation around bias and policing and it would be appropriate to do this in the 2022 Report.

Member Ochoa recommended including a focus on the disparities in policing of lower-level infractions. She stated that this relates to the discussion of pretextual stops and disparities in the reasons for stops. She stated that this was not included in the Outline of tests for racial and ethnic disparities and wondered if this would be included in the data analysis section or a policy-focused section. Member Ochoa stated that this would address stops of Black and Latinx people for reasons that are not the basis for stops of White people or other racial and ethnic groups. She stated that these stops lead to uses of force and the killing of individuals who were stopped for reasons that most people believe should not be the basis

for a stop. She recommended that the Board identify this practice in its Report so that local jurisdictions can address this.

Member Ochoa recommended identifying who is being stopped for infractions such as jaywalking or trespassing. Mr. Walker stated that officers report the primary reason for stop using categories such as traffic violation, reasonable suspicion, and others, and when officers select either traffic violation or reasonable suspicion as the primary reason for the stop, they must provide additional information. He stated that when the primary reason for the stop was a traffic violation, officers must indicate if they observed equipment violations, moving violations, or non-moving violations, and indicate the vehicle code section that they believe the person violated. He stated that when the primary reason for the stop was reasonable suspicion, officers must indicate the penal code, health and safety code, or other code they believe the person violated. Mr. Walker clarified that officers report one code per stopped individual because they only report the primary reason for the stop.

Mr. Walker stated that, if the Board identified the code violation types that they would like to analyze as potential pretextual stops, it would possible to analyze the subset of stops that included these particular reasons for stop. Member Ochoa asked if the DOJ could provide the frequency of each vehicle code violation type under reason for stop so that the Board could determine which vehicle code types should be analyzed. She stated that the Board could also consider these frequencies in relation to types of stops that are concerning to communities, such as stops for not having a bicycle light.

Ms. Beninati stated that the data collection also includes reporting the code sections if the person is cited, given a verbal warning, or arrested. She stated that the codes in the result of stop reporting section could also be analyzed. She stated that disparities can be identified when people who are stopped are only arrested for resisting arrest or obstruction, as opposed to another crime, and that could be determined from the stop data. Member Ochoa recommended that the Board analyze the codes in the reason for stop because many stops result in no action taken and also analyze the stop outcomes to identify when stops for minor infractions result in arrest for something that arose as a result of the stop. Mr. Walker asked if Member Ochoa recommended analyzing only the frequency of traffic code violations, including both equipment and moving violation types. Member Ochoa stated that the information about frequencies of vehicle code violations would be very helpful, and the non-moving violations seemed like they may be lower-level infractions. She stated that there may also be penal code violations that would be considered lower-level infractions and it would be ideal to have information about the frequencies of penal code violations that are the basis for stops.

Member Raphael recommended that the Board analyze the top five most frequent types of equipment and non-moving violations. He stated that this information might help the Board to recommend policies that eliminate these stops. Member Ochoa stated that this data would be helpful to better understand the types of low-level stops being made. Mr. Walker stated that there thousands of codes that officers may enter for the reason for stop and it may be helpful to identify the five most frequently used codes for each reason for stop type by identity group. Member Ochoa stated that, since the Board had not previously looked at the frequency distribution of these codes, she was not sure if the minor infractions would be included in the five most frequently reported codes. Mr. Walker stated that an overall distribution might be most helpful. He recommended including the code distribution analysis in a separate report section from the tests for disparities analyses, as it was exploratory and descriptive in nature.

Member Khadjavi stated that there was also a recommendation to analyze moving violations and equipment violations reasons for stops. Mr. Walker stated that it would be interesting to look at the distribution of these broader categories of reasons for stops. He stated that with the addition of new analyses, the Board and DOJ would need to plan which analyses will be included in the 2022 Report and which will be introduced in 2022 with full analysis in a future report.

10. Public Comment
Mr. Hylton stated the hate crimes against Asian Americans were discussed at the beginning of the meeting. He stated that RIPA data shows disparities in high citation rates for individuals perceived to be Asian and low citation rates for individuals perceived to be Black. He stated that officers single out Asian individuals for citations. Mr. Hylton stated that these disparities have been ignored despite his many complaints to the DOJ.

11. Discussion of Next Steps
Ms. Elgart stated that the Board recommended adding a section of recommendations to the legislature to the Report, which should include updates on the status of the Board's prior recommendations. She stated that the Board discussed the VOD analysis and it seemed that there was a consensus, at this time, to include the analysis. She stated that the Board recommended an in-depth analysis of stops in which a call for service was received regarding the person stopped. Ms. Elgart stated that the Board recommended contextualizing the current moment in the Report Introduction. She stated that the Board recommended including "next practices," practices currently being developed. She stated that the Board recommended an analysis to assess pretextual stops and the Research Center would provide information about the code frequency distributions by identity

groups as a starting point for this analysis. Ms. Elgart stated that DOJ staff would review more detailed notes from the Board's discussion for additional details of the Board's recommendations.

Ms. Elgart thanked the members of the public for their comments. She stated that the next Board meeting was scheduled for June 9, 2021 at 10:00 am and the subcommittees will meet following this meeting, when they have had an opportunity to review the development of draft Report content.

12. Adjourn

Co-Chair Swing thanked all of the Board members for their comments and for continuing the conversation toward improving policing. He thanked DOJ staff for their work and support for the RIPA Board and thanked the members of the public for their participation. He adjourned the meeting at 1:00 p.m.