

## CALIFORNIA RACIAL AND IDENTITY PROFILING ADVISORY BOARD (BOARD)

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

### MEETING MINUTES

**March 30, 2022, 10:32 a.m. - 1:28 p.m.**

**Members Present:** Co-Chair Melanie Ochoa, Co-Chair Steven Raphael, William Armaline, William Ayub, Andrea Guerrero, LaWanda Hawkins, Brian Eric Kennedy, Lily Khadjavi, Manju Kulkarni, Abdul Pridgen, Rich Randolph, Amanda Ray, Tamani Taylor.

**Members Absent:** Ammar Campa-Najjar, Cha Vang, Ronaldo Villeda.

#### **1. Call to Order by Board Co-Chairs, Welcome, and Introductions**

Co-Chair Ochoa called the meeting to order at 10:32 a.m. Co-Chair Raphael and each member introduced themselves. Co-Chairs Ochoa and Raphael welcomed new Board members Pridgen, Randolph, and Taylor. Member Randolph stated he is a Police Corporal for the City of Colton and represents the Peace Officers Research Association of California on the RIPA Board. Member Pridgen stated that he is the Chief of the San Leandro Police Department and represents the California Police Chiefs Association on the RIPA Board. Member Taylor stated that she is the Chief Deputy Public Defender for Solano County and represents the California Public Defenders Association on the RIPA Board.

#### **2. Approval of December 1, 2021 Meeting Minutes**

Motion: Co-Chair Ochoa motioned to approve the December 1, 2021 Meeting Minutes. Member Ayub seconded the motion.

Approval: All members voted “Yes,” there were no “no” votes, and no abstentions.

#### **3. Update on POST Commission Meeting**

Member Guerrero stated that she attended a recent Peace Officer Standards and Training Commission (POST Commission) meeting to share an update on the Board’s 2022 Report and highlight the Board’s recommendations that are relevant to POST.

#### **4. Update from the Department of Justice**

Nancy Beninati, Supervising Deputy Attorney General (SDAG) for the Civil Rights Enforcement Section (CRES) within the Department of Justice (DOJ), expressed her appreciation for the participation of all of the continuing and new Board members. She reviewed some aspects of the voting procedures to ensure that the Board’s motions are very clear. She stated that the Board does not need to vote on all discussion items but will need to vote on any items on which the Board wants to take action. SDAG Beninati stated that once a member makes a motion, it can be seconded and voted on right away, it can be amended, or it can be tabled to be addressed at a later time. She stated once a member makes a motion, the Chair will ask if there is any discussion before the motion is voted on. She stated that if there is any discussion, the rules require that each member only speak once and permit members to ask clarifying questions. SDAG Beninati stated that after members have discussed a motion, the Chair can ask members, “Are you ready to vote?” and the motion would be repeated. She stated that if a member feels that the discussion is taking a long time, they can call the question; a vote of two-thirds of the members is required to end the discussion. She stated that, during videoconference meetings, once the vote is called and the motion is repeated, Department staff will take rollcall. SDAG Beninati stated that

once the vote has taken place, Department staff will announce if the motion passes; the approval of a majority of members is required for motions to pass, and if there is a tie, the motion has failed. She stated that after the vote, the Board will proceed with the next agenda item.

SDAG Beninati stated that Assembly Bill 2285 (AB 2285) was introduced; the bill seeks to amend the definition of a stop under the RIPA statute, Government Code 12525.5, and would eliminate data reporting requirements for stops for which there was a call for service and stops that occur during responses to medical emergencies. She stated that calls for service have been an important focus for the Board, which has a Calls for Service subcommittee. She stated that there were calls for service related to six percent of all stops during 2020, over 17,000 stops. SDAG Beninati stated that there was some ambiguity because the definition proposed in the bill seems to potentially conflict with how data is reported when officers respond to a call for service and make a detention or conduct a search. She stated that in its 2022 Report, the Board found that there were huge disparities in stops for which there was a related call for service; Black individuals were stopped 211 percent more frequently than expected, given their population. She stated that the bill was not yet out of committee and there would potentially be time if the Board wanted to take any action or weigh in on the proposal.

Motion: Member Guerrero motioned that the Board designate the Co-Chairs to write a brief letter stating the Board's opposition to AB 2285 based on the value and significance of this data to the Board's work. Member Kulkarni seconded the motion.

Discussion: Co-Chair Raphael stated that if the motion passed and the Board were to write a letter, he recommended noting that in departments across the country, stops for which there was a call for service and officer-initiated stops are often compared and this data provides information about how civilians' calls are deploying policing resources and the outcomes. He stated that in the past, the Board began a discussion with dispatchers and was working on the issue of bias by proxy. He stated that there seemed to be many substantive reasons for which the Board would want to continue collecting this data.

Member Ayub stated that he would like more time to review the proposals of the bill before taking action. Member Randolph agreed and asked if the Board could contact Assembly Member Smith, author of AB 2285, about the bill and to discuss the Board's work. Member Ray stated that she would also like to abstain from taking action until she had the opportunity to further review the bill.

Member Guerrero stated that AB 2285 would advance or fail in the legislature before the Board's next meeting. She stated that the purpose of the proposed letter would be to let the bill author and the committee know that the data is valuable to the Board and the Board would oppose ending this data collection. Co-Chair Ochoa stated that the value of the data to the RIPA Board was highlighted as a concern during the committee hearing on AB 2285. She stated that sharing the Board's position on the bill would be helpful to the legislature.

Member Taylor stated that concerning calls for service, the Board has analyzed stops across perceived disability categories, including mental health disabilities. She stated that eliminating the data collection regarding stops for which there was a related call for service would be concerning because of the disparities in uses of force against individuals with mental health disabilities; people with mental health disabilities are 16 times more likely to be killed by police. She stated that calls for service related to a person experiencing a mental health crisis most often come from family members or friends of the person experiencing emotional or psychological distress. Member Taylor stated that because the bill

would affect data collection about officer responses to calls for service related to mental health crises, it was important for the Board to act and not wait. She stated that in 2015, one-quarter of all officer-involved shootings involved a person who was experiencing an emotional or psychological crisis. She stated that removing the stops for which there was a related call for service would impact the accuracy of the Board's report.

Member Pridgen stated that although he had not had the opportunity to fully review the bill and understand its implications and intent, it is problematic to limit the type of data that the Board is collecting. He stated that some of the data provides contextual information regarding stops that can help to inform the Board's work to eliminate disparities. He stated that he did not support eliminating data collection and would support sending a letter to communicate the Board's desire to continue collecting this data and its importance to the Board's decision-making.

Member Khadjavi stated that the Board previously heard testimony from agencies working on responses to calls for service related to mental health crises. She stated that the Board needs information about how calls for service are handled and supported the Board acting now to voice these concerns to the committee.

Member Ayub stated that AB 2285 failed in committee and it seemed unnecessary for the Board to write a letter at this time. SDAG Beninati stated that the bill failed in committee, but the author asked for it to be reconsidered.

SDAG Beninati read the amendment proposed in AB 2285, which would affect the definition of a stop. She stated that currently, the definition of a stop means any detention by a peace officer or a peace officer's interaction with a person in which the peace officer conducts a search, including a consensual search of the person's body or property in the person's possession or control. She stated that AB 2285 would amend that definition and specifically says that "stop" does not mean or include circumstances upon which a peace officer is dispatched to a call for service or a medical emergency.

Approval: SDAG Beninati restated the motion to delegate Co-Chairs Ochoa and Raphael to write a brief letter in opposition to AB 2285 on behalf of the Board and include the Board's concerns about the data that would not be collected if the bill were adopted.

A roll call vote was taken of all members present. Co-Chairs Ochoa and Raphael and Members Armaline, Guerrero, Hawkins, Kennedy, Khadjavi, Kulkarni, Pridgen, and Taylor voted "yes." Members Ayub, Randolph, and Ray abstained from voting. There were no "no" votes.

SDAG Beninati then introduced Erandi Zamora-Graziano, Deputy Attorney General (DAG) with CRES, who will be contributing to the Board's 2023 Report with an emphasis on the Civilian Complaints section.

Next, Kevin Walker, from the DOJ Research Center, shared a brief presentation about the RIPA stop data resources on the Department's Open Justice portal (<https://openjustice.doj.ca.gov/>). He stated that within the Data Portal section of the site, the Department makes data sets available to the public; 2018, 2019, and 2020 RIPA stop data sets are available for download in this section (<https://openjustice.doj.ca.gov/data>). He stated that other data sets that the Department collects are also available in this section, including Use of Force Incident Reporting data. Mr. Walker noted two of the tabs in the portal, the Data Exploration and Data Stories tabs. He stated that the team that manages

the Open Justice portal was merging content from the Data Exploration tab into the Data Stories tab. Mr. Walker noted that, in the dashboards, users can filter the data by identity groups or agency. He stated that the 2020 stop data visualizations are under the Data Stories tab in the Racial and Identity Profiling Act 2020 Dashboard Portal item.

## **5. Subcommittee Reports**

Allison Elgart, DAG within CRES, stated that staff drafted a 2023 Report Outline based on the conversations in the subcommittees' meetings and requested that the Board discuss and develop a consensus about the content they would like to include in the Report. She stated that the subcommittees would meet again before the next full Board meeting and the Board's discussion would guide the work needed to prepare for the subcommittees' meetings.

Member Hawkins, Co-Chair of the Civilian Complaints subcommittee, stated that the committee would review complaint investigation processes. She stated that the subcommittee planned to make recommendations about making complaint processes more accessible for members of the public and standardizing complaint investigation processes across agencies. Member Guerrero stated that ten percent of the civilian complaints are about racial and identity profiling, which is likely impacted by issues of accessibility in complaint processes. She stated that only one percent of the complaints related to racial and identity profiling are sustained. She stated that the Civilian Complaints subcommittee's work to understand the complaint investigation process may intersect with the work of the State and Local Racial and Identity Profiling subcommittee (Policies subcommittee).

Member Guerrero, Co-Chair of the Policies subcommittee, stated that the committee planned three areas of work for the 2023 Report. She stated that the subcommittee would continue analyzing pretext stops and searches. She stated that the subcommittee planned to analyze data about the stops of youth across racial and identity groups. She stated that the subcommittee would work on accountability for the racial and identity profiling occurring in California, specifically the protocols and policies for investigating racial and identity profiling when a complaint is made or the data reveals concerns about racial and identity profiling. Co-Chair Raphael stated that the Stop Data Analysis subcommittee discussed identifying types of non-moving traffic violations for which there are racial disparities and making recommendations that would eliminate the need for these stops. Member Guerrero stated that this work might intersect with the work to address pretext stops. Member Hawkins recommended that the subcommittees recommend that staff that handle parking violations address non-moving and equipment violations to reduce contact with law enforcement officers.

Co-Chair Ochoa, who is also Co-Chair of the POST Training and Recruitment subcommittee, stated that the committee followed up on the Board's work with the POST Commission regarding AB 846, the bill that directed the Commission to create regulations regarding screening for implicit and explicit bias. She stated that the most recent draft regulations reflect all of the Board's recommendations and would require review of applicants' social media as part of the screening process and the documentation of investigator and evaluator findings and what they looked at to make their determination. She stated that because the Board reviewed the draft regulations previously and the revised draft regulations address the Board's comments, she did not expect that the Board would have additional concerns regarding the AB 846 regulations. In addition, Co-Chair Ochoa stated that four Board members participated in the update to the Museum of Tolerance POST-Certified Train-the-Trainer Racial Profiling Curriculum and had concerns with the curriculum. She stated that numerous concepts were not

included in the curriculum, which was developed twenty years ago. She stated that the curriculum had not been updated to include the definition of profiling, which changed under California law six years ago. Co-Chair Ochoa stated that while the Museum of Tolerance aims to finalize the new curriculum content by October 2022, the Board members that participated in reviewing the curriculum feel that this is not a realistic goal because of the changes that are needed and the need to create opportunities for community input. She stated that for the 2023 Board Report, the subcommittee would include comments about the train-the-trainer curriculum and the Board's work on Learning Domain 42, which includes elements related to racial profiling. She stated that the subcommittee would include information about POST's training function for issues related to racial bias.

Co-Chair Ochoa stated that Senate Bill 2, the Kenneth Ross Jr. Decertification Act of 2021, created a decertification process for officers found to have committed serious misconduct and requires POST to promulgate regulations that will include the definition of "serious misconduct." She stated that under the law, officers who commit serious misconduct would not be automatically decertified, but the POST Commission would consider whether the conduct was so serious that the individual should not be allowed to police in any community. She stated that, as a Board representative, she participated in a convening of various groups to make recommendations about the definition of "serious misconduct." Co-Chair Ochoa stated that the statute defines several things as "serious misconduct," one of these is demonstrating bias. She stated that she made several suggestions about how "demonstrating bias" should be defined, including incorporating the definition of profiling, as defined under AB 953, incorporating the criteria that POST established under AB 846, and making clear that the definition of bias includes biased acts based on perceived and actual identities. She stated that she and Co-Chair Raphael drafted a letter that reflects the recommendations for the Board to consider submitting these to POST as public comments for the SB 2 regulatory process.

Member Guerrero stated that the content of the Draft Letter aligned with the Board's charge by incorporating existing law into the proposed definition of "demonstrating bias." Member Kennedy requested that law enforcement members comment on the proposed recommendations. Member Ayub stated that he was unsure what metrics would be used to determine that an officer demonstrated bias that would result in decertification. He stated that he was not sure if RIPA stop data could be used as an element of this metric because the stop data was intended to be anonymized. He stated that it seemed that it would be difficult to establish biased acts beyond acts that are already prohibited by agencies' bias-free policing policies. Member Kennedy asked for clarification regarding the inclusion of bias based on perceived identity in the definition of "demonstrating bias."

Co-Chair Ochoa stated that the RIPA statute establishes that profiling is based on an officer's perception of an individual's identity, which may or may not correspond with how that individual self identifies. She stated that the legislature has also already established that demonstrating bias is grounds for decertification and this letter is recommending incorporation of these existing laws in the definition of "demonstrating bias." She stated that POST is developing regulations that will address how the POST Commission will evaluate an officer's specific conduct to determine whether they should be decertified.

Member Pridgen stated that using profiling in stopping people is part of the standard for officer decertification. Member Randolph agreed and stated that he was concerned with the citations to decertification measures in Mississippi and Georgia because the standards of training in California are different from the standards in these states. Co-Chair Ochoa stated that agencies have used stop data to

evaluate officers' truthfulness and it seemed unnecessary for the Board to include this because the Draft Letter only addresses the definition of "demonstrating bias" and does not address the process by which the POST Commission will determine if officers demonstrated bias. Member Guerrero agreed and stated that the language in the Draft Letter is a restatement of existing law to ensure that this is clear in the regulations. Co-Chair Ochoa suggested adding a citation for the sentence, "The definition of racial and identity profiling created by that Act also includes profiling based upon 'actual or perceived' identities." Member Guerrero supported adding the citation. Member Kulkarni stated that it is important that the Board provide oversight and she supported the regulations comment letter as drafted. Board Members agreed to vote on the Draft Letter after public comment.

Member Ayub, Co-Chair of the Calls for Service subcommittee, stated that the committee had focused on studying co-response crisis response models and alternatives to police response. He stated that in 2021, San Francisco's Director of Emergency Management presented to the subcommittee about their crisis response teams approach. He stated that members found the presentation beneficial and planned to request presentations from programs in other agencies and jurisdictions to identify ways to improve outcomes. Member Ayub stated that these might include Anaheim's Psychiatric Emergency Response Team and Ventura County's Crisis Response Team. He stated that the subcommittee would work to identify other programs that successfully serve a geographically large county. He stated that communication with family members or friends to help improve outcomes is a component of crisis response. Member Ayub stated that through enhanced collaboration with the Dispatch Council, the subcommittee was also focused on dispatcher training to eliminate bias by proxy. He stated that the subcommittee would review the potential of communications systems, including Next Generation 9-1-1, to improve outcomes for police calls for services and reduce use of force incidents and arrests of people with disabilities. Member Hawkins asked if the subcommittee had discussed the possibility of agencies using roll call briefings as an opportunity for the staff leading these meetings to do a basic evaluation of the officers' psychological wellbeing before officers begin work with the public. Member Ayub appreciated this recommendation and stated that he promotes this practice within the Ventura County Sheriff's Office to identify and accommodate when a deputy is experiencing pressures and support good decision-making when deputies are in the community.

Co-Chair Raphael, who is also Co-Chair of the Stop Data Analysis subcommittee, stated that the committee discussed data updates provided by the Department of Justice. He stated that the Department was comparing stop data reports in which officers reported discharging their firearms to data from other sources to evaluate the accuracy of this data reporting element. He stated that the Department compared the stop data with data in the statewide Use of Force Incident Reporting (URSUS) database, in addition to the data in the database available at <https://fatalencounters.org/>. Co-Chair Raphael stated that of the 18 agencies that reported stop data, the reported number of firearm discharge incidents matched across the datasets for only three agencies and the dates of incidents only matched for one agency across the datasets. He stated that there appeared to be an issue with data entry in the Actions Taken by Officers during Stop data field that, in many of the agencies, resulted more stop data reports of officers discharging their firearm than occurred. He stated that the Department's Client Services Program was engaging in outreach with agencies to try to fix this problem and a proposed change to the regulations may also help to resolve this by separating the Actions Taken by Officers during Stop into two data elements, one for "Non-Force Related Actions Taken by Officer during Stop" and another for "Force Related Actions Taken by Officer during Stop." Co-Chair Raphael stated

that the subcommittee discussed recommending that the Department work with a survey researcher about how to structure this field to increase accuracy and perhaps arrange the values under Force Related Actions from lower to higher levels of force. He stated that the subcommittee recommended that the Board continue to analyze pretextual stops for its 2023 Report and supported the Policies subcommittee's recommendation to analyze the profiling of youth. He stated that the subcommittee recommended analyzing the reason for stop codes that were frequently cited and for which large disparities exist to make recommendations regarding these enforcement areas. Co-Chair Raphael stated that the subcommittee additionally recommended that the Board follow up on its prior recommendations.

## **6. Public Comment**

Eva Bitran, Staff Attorney with the ACLU of Southern California, stated that she was glad that the Board would send a letter about the importance of data on calls for service and recommended that the Board approve the Draft Letter regarding SB 2 because the content would assist in aligning the statutes and regulations at issue. She stated that she was glad that the State and Local Policies subcommittee would focus on accountability and recommended that the subcommittee focus on what happens and who is involved within agencies when they find bias, whether they focus on officers, policies, or community engagement. She stated that the ACLU of Southern California would support the Board's work to identify areas of policing that result in the use of force, bias, and other negative outcomes and recommendations to remove those enforcement activities from police. Ms. Bitran recommended that the Stop Data Analysis subcommittee also focus on data integrity and processes that agencies use for quality control to enhance data accuracy, such as comparison with body camera recordings of stops. She recommended that the Board work on ensuring that agencies' policies accurately reflect the definitions of racial bias and profiling in AB 953.

Michele Wittig stated that some of the agencies that began collecting stop data in Waves 1, 2, and 3 have used this data as the basis for reform initiatives, while other agencies implemented reforms before the data collection began, for example, to eliminate pretextual stops. She stated that some agencies have changed who does enforcement and the extent of enforcement; some cities have developed a Department of Transportation through which unarmed traffic safety staff do traffic enforcement. She recommended that as part of the data analysis, the Board examine the extent to which changes in policies change the disparities identified in the data.

## **7. Break**

## **8. Board Discussion about 2023 Proposed Outline and Report**

Co-Chair Ochoa invited Board members to discuss their comments or questions regarding the Draft Outline for the 2023 Board Report.

Member Khadjavi stated that, in considering the resources available, if the Veil of Darkness analysis requires a greater time investment than other analyses and given that Board members have debated how informative this analysis was for the Board's work, the Board may want to eliminate the Veil of Darkness analysis from the 2023 Report and focus on other areas. Co-Chair Raphael stated that the Veil of Darkness analysis seemed to be time-intensive and difficult to explain.

Co-Chair Raphael requested additional information about the proposed Report section "'Humanizing' the Data – Impact of Stops." DAG Elgart stated that this section would be developed through research

and conversations with organizations regarding the mental health impacts of stops for stopped individuals and broader communities. She stated that the Board liked the inclusion of quotes in the 2022 Report, some of which came from surveys conducted by different organizations, and in this section, the Board could continue these efforts to include community perspectives. Member Taylor asked if this analysis would include information about the impact of over-policing on communities, particularly those that are predominantly communities of color, including the impact of over-policing on community members who do not have a direct encounter with law enforcement. Anthony Jackson, Senior Legal Analyst within CRES, stated that understanding mental health harms related to over-policing and including community members' experiences would be the focus of this section.

Member Kulkarni recommended that the Board address profiling and surveillance of South Asian Muslim and Sikh communities and asked if staff could share how this could be done and any challenges there may be. SDAG Beninati stated that the stop data analysis could include a discussion of the data regarding stops of people perceived as Middle Eastern or South Asian, which are reported in the perceived racial identity category because the data reporting does not include perceived religion. Mr. Walker agreed that this analysis was possible and stated that he would want to be clear that the data on perceived race is not equivalent to perceived religion. Member Guerrero stated that it would be helpful to analyze stops of people perceived as Middle Eastern or South Asian for all reporting agencies and additionally analyze stops in geographic regions with larger Middle Eastern, Muslim, and South Asian (MEMSA) and Muslim, Arab, South Asian (MASA) communities. Co-Chair Ochoa supported including this analysis and recommended that, given the limitations of the data, the Board include testimony about MEMSA and MASA communities' experiences of profiling.

Co-Chair Ochoa stated that because agencies are often not using a definition of profiling that aligns with the correct legal definition, this has a large impact on civilian complaints and should be addressed in this area of the Board's work, either by reviewing the definition of profiling in agencies' policies or stating that the use of incorrect definitions of profiling is one of the reasons why many complaints about profiling are not sustained. She stated that agencies' use of incorrect definitions of profiling impacts both occurrences of profiling by officers and the agencies' responses to profiling.

Co-Chair Ochoa stated that in addition to the items reflected in the Draft Report Outline, the POST Training and Recruitment subcommittee planned to include information about the experiences of members of the public in providing feedback to POST. She stated that this would be important to understand given the racial justice and decertification process responsibilities with which the legislature charged POST.

Co-Chair Ochoa stated that the Policies subcommittee planned to include a discussion regarding the value of the RIPA stop data by identifying examples of how the data was used during the initial reporting years. She stated that there is a need to demonstrate the importance of this data and how it is impacting the public. DAG Elgart stated that staff reviewed the results of the survey of agencies that the Board conducted in 2020 that included questions about how agencies were analyzing stop data. She asked if the Board would be interested in having a presentation during a Board meeting with participation by an agency, a non-profit or community organization, and an academic or researcher who are analyzing stop data. She stated that, while the responses to the survey were not very detailed, they indicated which agencies were performing particular analyses. DAG Elgart stated that a presentation format would allow the Board to receive more detailed information and ask questions about how



different stakeholders are using the data. She stated that, if the Board wanted, staff could coordinate a presentation for the next Board meeting. Co-Chair Ochoa reiterated the importance of including content in the Board's Report to exemplify the scope of agencies, advocates, and oversight bodies' use of stop data. She stated that this information might also support the efforts of other stakeholders that would like to do similar work. DAG Elgart stated that Department staff had identified a range of stakeholders that are working with stop data and invited the meeting participants to share with Department staff any examples of stakeholders who are using stop data. She stated that staff could compile this information. Chief Pridgen and Sheriff Ayub agreed to ask agencies during their association meetings if they have good data analysis systems in place and would refer these agencies to Department staff.

Co-Chair Ochoa stated that she appreciated the recommendation that the Board use the stop data to evaluate the impact of specific policy changes and she would like to see this in the 2023 or 2024 Board Report.

Member Hawkins stated that the Board should include a discussion of the impact of COVID on the level of access that the public had to law enforcement and any reduction in law enforcement interactions reflected in the 2021 stop and civilian complaint data.

Motion: Co-Chair Ochoa motioned for the Board to send the SB 2 Letter to the POST Commission as drafted-with an additional citation to the Penal Code on Point 1- and resubmit the letter during the public comment period when the POST Commission is developing regulations. Member Guerrero seconded the motion.

Approval: A roll call vote was taken of all members present. Co-Chairs Ochoa and Raphael and Members Armaline, Ayub, Guerrero, Hawkins, Kennedy, Khadjavi, Kulkarni, Pridgen, Randolph, Ray, and Taylor voted "yes." There were no "no" votes and no abstentions.

## **9. Public Comment**

Ms. Bitran stated that she supported the Board's plan to address health harms related to over-policing. She stated that the Board's work to describe how stakeholders use RIPA data would help increase understanding of how AB 953 has been useful. She thanked the Board for their work on these issues and the Report Outline.

## **10. Discussion of Next Steps**

Co-Chair Ochoa stated that the Board would send the SB 2 Letter to the POST Commission.

Members Hawkins and Kennedy stated that they would engage with POST regarding the timeline for updating the Museum of Tolerance Train-the-Trainer course. SDAG Beninati stated that she would meet with POST on April 4, 2022 to discuss the Board members' feedback and concerns regarding the course. Member Kennedy stated that his principal concern was that sufficient time is provided to the course producers to complete the interview and incorporate the definitions. He stated that the Board was working to ensure that the curriculum directly addresses profiling in the stops of Black and Brown drivers and the use of consent searches. Co-Chair Ochoa stated that while Board members supported including interviews with community members in the training, they were concerned about community members providing interviews without knowing the rest of the course content.

Co-Chair Ochoa invited the public to write to the Board at [ab953@doj.ca.gov](mailto:ab953@doj.ca.gov) to share examples of how RIPA data has been used.

Member Guerrero recommended that the Board not implement the Veil of Darkness analysis for the 2023 Report to conserve resources for the other analyses that the Board requested. Member Khadjavi agreed and added that given the changes to commute patterns during the pandemic, it was not clear that the data would lend itself to this kind of analysis. Co-Chair Raphael stated that the Board might prefer that the Research Center focus resources on analyses to help the Board with their consideration of specific policy-related issues, and not perform the Veil of Darkness analysis with the full dataset.

Motion: Co-Chair Ochoa motioned not to include a Veil of Darkness analysis in the 2023 Board Report. Member Kulkarni seconded the motion.

Approval: A roll call vote was taken of all members present. Co-Chairs Ochoa and Raphael and Members Armaline, Ayub, Guerrero, Hawkins, Kennedy, Khadjavi, Kulkarni, Pridgen, Randolph, Ray, and Taylor voted “yes.” There were no “no” votes and no abstentions.

### **11. Adjourn**

Co-Chair Ochoa thanked everyone for their participation and adjourned the meeting at 1:28 pm.