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U.S. COMMISSION ON CIVIL RIGHTS

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UNEDITED

MEETING

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FRIDAY, AUGUST 14, 2015

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The Commission convened in Suite 1150 at
1331 Pennsylvania Avenue, Northwest, Washington, D.C.
at 10:02 a.m., Martin R. Castro, Chairman, presiding.

PRESENT:

MARTIN R. CASTRO, Chairman
PATRICIA TIMMONS-GOODSON, Vice Chair
ROBERTA ACHTENBERG, Commissioner *
GAIL L. HERIOT, Commissioner
PETER N. KIRSANOW, Commissioner
DAVID KLADNEY, Commissioner *
KAREN K. NARASAKI, Commissioner
MICHAEL YAKI, Commissioner *

MAURO MORALES, Staff Director

* *Present via telephone*

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STAFF PRESENT:

DARREN FERNANDEZ, Civil Rights Analyst, OCRE
ANGELA FRENCH-BELL, Director, OCRE
ALFREDA GREENE, Secretary, OSD
JENNIFER HEPLER, Parliamentarian
DAVID MUSSATT, Chief, RPCU
JOHN RATCLIFFE, Chief, BFD
JESMOND RIGGINS, Civil Rights Analyst, OCRE
ASHLEY TIMBERS
JADE VALDES
MICHELE YORKMAN, Deputy CIO, ASCD

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART
ALEC DEULL
JASON LAGRIA
CARRISA MULDER
AMY ROYCE
JUANA SILVERIO
ALLISON SOMIN
KIMBERLY TOLHURST

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P-R-O-C-E-E-D-I-N-G-S

10:02 a.m.

CHAIRMAN CASTRO: Calling this meeting to order. This is a meeting of the U.S. Civil Rights Commission. Today is August 14th, 2015. It is now 10:02 a.m. Eastern Time and we're meeting here at the Commission's headquarters at 1331 Pennsylvania Avenue, N.W. in Washington, D.C.

I'm Chairman Marty Castro. Commissioners who are present with me here at the headquarters are myself, of course, the Vice Chair, Commissioners Narasaki, Heriot and Kirsanow. And participating by phone today are Commissioners Achtenberg, Kladney and Yaki. A quorum of the Commissioners is present.

Is the court reporter present?

COURT REPORTER: (No audible response)

CHAIRMAN CASTRO: He's nodded yes and given me the thumbs up.

And is the staff director present?

DIRECTOR MORALES: I am.

CHAIRMAN CASTRO: Okay. Great. Before I ask for a motion on the agenda, we have a very important topic we want to highlight for everyone, and that is an important anniversary for the Commission and for one of

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1 our very dear and hard-working staff members known to
2 everyone as Freda. Alfreda Greene is now celebrating
3 her 25th year with the Federal Government serving the
4 people of the United States.

5 (Applause)

6 CHAIRMAN CASTRO: And she started with the
7 Federal Government in the U.S. Postal Service and
8 neither rain, nor sleet, nor anything kept her from
9 coming to us by way of the National Labor Relations Board
10 and then the Bethesda Naval Hospital. And she started
11 here at the Commission in 1988 as a secretary in the
12 Eastern Regional Office. And she's currently the
13 secretary in the Office of the Staff Director. And she
14 is one of the first people that I met when I came here
15 and has personally been a great help to me. One of the
16 kindest, most thoughtful people that you could meet
17 anywhere

18 And we're very lucky to have you here at the
19 Commission. We're glad that you've served the people
20 of the United States for 25 years and we expect you'll
21 continue to serve them for as long as you wish.

22 (Laughter)

23 CHAIRMAN CASTRO: You have certainly made
24 an impact here, a positive impact on the Commission, and

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1 certainly on me during my chairmanship. So I would like
2 to present you on behalf of the people of the United
3 States and the Government of the United States a
4 certificate for recognition of 25 years. Let me come
5 around front here.

6 (Applause)

7 CHAIRMAN CASTRO: (Off microphone)

8 (Applause)

9 CHAIRMAN CASTRO: Let's get a photo here.

10 MS. GREENE: Good morning, everyone.

11 It's a surprise, but it's not because the staff director
12 said I sent you an email. He sent three emails to make
13 sure I got it. And then I didn't fill it out, so he came
14 around to my desk and said, okay, we're just filling
15 these out.

16 So I thank everyone for celebrating this
17 with me. It's actually been a little more, but for me
18 the 25 was really a milestone, because I'd never thought
19 I work that long. And I enjoy working with everyone
20 here. It's been tough, but it's been fun, and I would
21 do it again if I had the choice.

22 (Laughter)

23 (Applause)

24 CHAIRMAN CASTRO: Thank you. I don't know

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1 if any other Commissioners want to say anything from
2 their own interactions with Freda?

3 VICE CHAIR TIMMONS-GOODSON: Mr. Chair,
4 thank you very much. I've not been here long, but when
5 I come in, I am so happy to see that smiling face. And
6 you always have a kind word and I know that it's not --
7 those kind words aren't just for me, but they're for all
8 that you come in contact with during the course of the
9 day. I add my thanks to those already expressed so well
10 by our Chair.

11 CHAIRMAN CASTRO: Anyone else?

12 (No audible response)

13 CHAIRMAN CASTRO: No? Okay. Well again,
14 thank you, Freda, and you don't have to stay for the
15 whole meeting, but you're welcome to.

16 (Laughter)

17 CHAIRMAN CASTRO: In fact, we would hope
18 you do because we like to see your smiling face, but
19 thank you.

20 So now the formal agenda is going to move
21 forward.

22 **I. APPROVAL OF AGENDA**

23 and we need to approve the agenda, so I am willing to
24 entertain a motion on the agenda, but we will have some

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1 amendments that --

2 PARTICIPANT: So moved.

3 CHAIRMAN CASTRO: Okay. And the
4 amendments -- I will -- well, let me make the amendments.
5 It would be probably easier. We want to amend the
6 agenda to remove the discussion and vote on the Peaceful
7 Coexistence report to the September business meeting.
8 I believe our staff director notified us that the
9 changes which we were hoping to have been made for
10 today's meeting were not, so we'll definitely have that
11 on in September.

12 And then a motion to amend the agenda to
13 remove the appointment of the Maryland State Advisory
14 Committee slate, putting that forward at the September
15 meeting. And also moving to correct the agenda to
16 reflect that we're actually going to appoint the
17 Massachusetts State Advisory Committee today, not
18 Tennessee.

19 So is there a second to that?

20 VICE CHAIR TIMMONS-GOODSON: Second, Mr.
21 Chair.

22 CHAIRMAN CASTRO: Okay. Any further
23 amendments?

24 (No audible response)

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1 CHAIRMAN CASTRO: Hearing none, all those
2 in favor, say aye?

3 (Chorus of ayes)

4 CHAIRMAN CASTRO: Any opposed?

5 (No audible response)

6 CHAIRMAN CASTRO: Any abstentions? Yes,
7 Commissioner?

8 PARTICIPANT: I oppose.

9 COMMISSIONER HERIOT: I oppose, too.

10 CHAIRMAN CASTRO: Okay. I'm sorry.
11 That's two opposed and the balance were yes.

12 Next item we have now is program planning.

13 II. PROGRAM PLANNING

14 CHAIRMAN CASTRO: We have five agenda
15 items there today. The first is the discussion of the
16 Commission's budget status. I'll turn that over to our
17 staff director, Mr. Morales.

18 BUDGET STATUS

19 DIRECTOR MORALES: Yes. Thank you, Mr.
20 Chairman. I sent to the Commissioners in their packet
21 some items, and it was in a folder called "Budget." And
22 I really just want to call your attention to two things.
23 In the last meeting one of the Commissioners had asked
24 for some information, more detail on the budget and how

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1 we were coming up with our budget plans and priorities.
2 And so that's the memo that is dated August 11th to you
3 all of you. It's in response to those questions.

4 And then the second thing that I really want
5 to focus your attention on is the second domestic, which
6 is titled, "Year End Spending," and it has salaries and
7 benefit savings. And if you look at -- I'm sorry. I'll
8 wait until folks pull it up. It looks like this. Next
9 one. That one. Does everybody have it?

10 Okay. Essentially what I want you to see
11 is that there are some salary and benefit savings of
12 \$253,228. And I want you to see what the money is being
13 spent on. We have a statistical package subscription
14 which costs \$22,000.

15 Commissioners' travel exceeded what was
16 allocated in the budget. It's not exceeded it in excess
17 of \$40,000.

18 There were some IT requirements because of
19 some upgrades that have to do with cybersecurity.

20 We have to bring in an auditor -- I'm sorry,
21 a contractor to work on our audit because we need to
22 receive a clean audit. And so, they're asking for an
23 extensive amount of information and material, and so we
24 have to bring in an auditor. And that was a little more

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1 expensive than we had anticipated, but we're hoping that
2 all of this will be done on time as well.

3 And then of course we have the
4 writer/editor that has been requested to work on the
5 backlog of Commission reports. So we have that
6 allocated at 34,000. We believe it will probably come
7 in a little less.

8 And then we've also have engaged a media and
9 public engagement contractor to help us with release of
10 our statutory report. That was one of the things that
11 all the Commissioners had recommended and suggested to
12 me when I was first brought in, that they wanted to raise
13 the profile and the visibility of the Commission. And
14 we decided that it would be a good process to use this
15 as a pilot and a template for future reports.

16 So with all of that spending we've got about
17 227,000, which gives us an excess of about 26,000. And
18 that excess we're planning on using to bring in the
19 second contractor before the end of the fiscal year so
20 that we'll have two contractors working for OCRE on the
21 backlog of reports.

22 So I had that discussion with a few of you
23 already and I think I just wanted to be clear that you
24 understood where we were in terms of the budget.

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1 CHAIRMAN CASTRO: Thank you, Mr. Staff
2 Director. That's actually probably one of the better
3 discussions we've had in terms of where we sit on our
4 budget, so I appreciate that.

5 I don't know if any Commissioners have any
6 questions for the staff director on his report? It does
7 dovetail nicely into our OCRE chief coming over and
8 taking the mic as we begin to discuss the issue of the
9 contract employees, or the contractors for the report
10 backlog.

11 Any questions for the staff director?

12 (No audible response)

13 CHAIRMAN CASTRO: Okay. Hearing none,
14 then we'll ask Ms. French-Bell to present to us on the
15 outstanding reports and the hiring of the contractors.

16 **OCRE CONTRACTOR UPDATE**

17 MS. FRENCH BELL: Good morning. I wanted
18 to talk briefly about the status of the contractor and
19 then the status of a few of our reports.

20 So first of all, we wanted to acknowledge
21 that we do recognize the importance of getting the
22 contractor in here as quickly as possible and we working
23 diligently on that. We have been focused a bit more on
24 the Immigration Detention Report. And now that

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1 hopefully today that will be well underway, we can turn
2 our attentions more to focusing on the contractor.

3 So in order to discuss that we wanted to
4 briefly talk about a few of the steps. The first step
5 is a Statement of Work, which we are currently revising.
6 It is a complex process. We have to make certain that
7 we're following federal acquisitions law, so we've had
8 to revise it to be in compliance.

9 So the next thing is it goes to GSA. They
10 review it. It's normally a quick turnaround. After
11 that we advertise it and then we select the best vendor
12 based on price and the ability to deliver on that
13 Statement of Work.

14 So after that we interview the top three to
15 four candidates. And then we're looking to have this
16 in place by the next meeting and we'll be back to report
17 on it and let you know who we selected and why we selected
18 them.

19 As far as the status of the reports go, we
20 just wanted to send a brief reminder that the statements
21 for the Enforcement Report are due on August 14th, 2015.

22 PARTICIPANT: Twenty-first.

23 MS. FRENCH-BELL: I'm sorry, August 21st,
24 2015.

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1 PARTICIPANT: Scared me there.

2 MS. FRENCH-BELL: Sorry. I'm not trying
3 to scare anyone. And the rebuttals and concurrences
4 are due September 4th.

5 We will have the State Immigration Report
6 tomorrow. By the close of business today we will have
7 ENDA tomorrow by the end of the month. So we are working
8 to get our backlog resolved and to take care of things
9 as quickly as possible.

10 The contractors will be very helpful in
11 getting our backlog resolved. As Mauro said, we will
12 have the first in place by the next meeting and the
13 second one shortly thereafter before the beginning of
14 the next fiscal year. And then we'll have then the
15 remaining two the following fiscal year.

16 And with the contractors we're highly
17 confident that we can complete three briefings
18 including the Immigration Detention -- sorry, including
19 the Statutory Enforcement Report that will be in place
20 for next year, and the backlog by the end of next year.
21 If we add a fourth report we're not as confident that
22 we can accomplish that and we just wanted to set that
23 out there from the outset. And it will be a bit of a
24 greater burden to the staff in terms of accomplishing

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1 our goals.

2 So an alternative may be to wait until
3 December or January to see where OCRE is on our backlog
4 and then determine from there about adding in additional
5 reports.

6 Were there any questions for me?

7 CHAIRMAN CASTRO: So you did issue a draft
8 of the Veterans Report?

9 MS. FRENCH-BELL: Oh, yes.

10 CHAIRMAN CASTRO: When are those comments
11 due?

12 MS. FRENCH-BELL: Sorry. Those are due
13 the 28th.

14 CHAIRMAN CASTRO: Twenty-eighth?

15 MS. FRENCH-BELL: Yes, the 28th of this
16 month.

17 CHAIRMAN CASTRO: Of August, right.

18 MS. FRENCH-BELL: August, yes.

19 CHAIRMAN CASTRO: Okay. Any questions
20 for Ms. French-Bell?

21 COMMISSIONER KLADNEY: Yes.

22 CHAIRMAN CASTRO: Commissioner Kladney?

23 COMMISSIONER KLADNEY: This is Dave
24 Kladney.

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1 CHAIRMAN CASTRO: Go ahead.

2 COMMISSIONER KLADNEY: My first question
3 is these vendors, are these individuals or are these
4 companies, or --

5 MS. FRENCH-BELL: Companies.

6 COMMISSIONER KLADNEY: And say if a
7 company is selected and they send you -- I would assume
8 they will send you two or three candidates, or something
9 like that.

10 MS. FRENCH-BELL: Correct.

11 COMMISSIONER KLADNEY: Is that correct?
12 And then you interview them and if you feel that one of
13 them is fine, you select that one. If you feel none of
14 them are fine, then you inform the company, is that
15 correct?

16 DIRECTOR MORALES: That's correct.

17 COMMISSIONER KLADNEY: Okay. And do you
18 know who these companies are, by any chance?

19 MS. FRENCH-BELL: I'm sorry, I don't. We
20 have to compete it out, so we wouldn't possibly know
21 until we get the proposals back.

22 COMMISSIONER KLADNEY: Okay. And then I
23 spoke during the month with the director and we were
24 talking about in the past -- and I think we spoke about

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1 this in the last meeting, that the General Counsel's
2 Office used to do -- prepare briefings and do reports.
3 Is there any possibility that you think that that would
4 be a possibility to be able to add an additional report?

5 MS. FRENCH-BELL: I don't think it would be
6 a possibility at this time, but let Jennifer Hepler talk
7 more about that.

8 MS. HEPLER: At the current time I'm the
9 only person in the Office of General Counsel. I'm doing
10 the job of three to four attorneys. I don't think that
11 will be possible at this time.

12 COMMISSIONER KLADNEY: Jennifer Hepler,
13 thank you. I was not clear. I apologize, which I'm
14 usually not clear. This discussion was after your
15 office was staffed with a general counsel and another
16 assistant general counsel.

17 MS. HEPLER: Well, that would have be then.
18 Right now I am overloaded and I cannot take on another
19 project.

20 COMMISSIONER KLADNEY: Right, right,
21 right. We were not talking about now. We were talking
22 about after the office was staffed up, and not
23 necessarily to have you do it, but there's an additional
24 assistant, isn't there, that's vacant?

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1 MS. HEPLER: Well, at this time -- do you
2 want to talk -- I mean, that's not -- you want to talk --

3 CHAIRMAN CASTRO: The staff director will
4 answer that.

5 DIRECTOR MORALES: Mr. Commissioner,
6 definitely once we get a general counsel in -- I'm
7 actually going -- I'll give you a report later in this
8 meeting. When we get a general counsel in, it's
9 certainly something we can discuss with him or her and
10 something we can definitely entertain if there's a
11 possibility, but I wouldn't want to encumber general
12 counsel at this point.

13 But we can see also after a few months where
14 Angela and OCRE are with the backlog, and if they're
15 making a lot of progress and we don't need to go down
16 that route, that will probably be possible. But I
17 definitely think what you suggest is a possibility and
18 it's something we should look at later in the year when
19 we get a better idea of where we are with it.

20 COMMISSIONER KLADNEY: And the other part
21 of the discussion we had, as I recall, was the
22 possibility of hiring another contractor to prepare a
23 briefing and do the report for that as well. I think
24 that's a possibility and I think you said that we could

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1 review that probably about the same time, December,
2 January?

3 DIRECTOR MORALES: Yes, we're looking at
4 bringing on the first two contractors to work on the
5 reports. We're planning and we're working towards
6 bringing both of them on prior to the end of this fiscal
7 year. The next two will come in after the beginning of
8 the next fiscal year, so we'll have four as we had told
9 the Commissioners at the last meeting.

10 So from my understanding and from our
11 discussions with Angela, with those resources in place
12 and the planning that we have for those resources in
13 place that she can guarantee or she can -- as close as
14 you can guarantee three reports completed. To add an
15 additional report would make it more problematic and she
16 wouldn't necessarily be able to guarantee that that
17 fourth report would be completed by the end of 2016.

18 So there's a lot of potential here and it
19 depends on how quickly the revised reports -- it depends
20 on who quickly some of these other reports can get --
21 we can make a dent in the backlog. But I think that's
22 what -- I don't want to speak for her. She can certainly
23 speak up if she needs to, but I think that's where we're
24 at. So just wanted to be clear about that.

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1 COMMISSIONER KLADNEY: Right, I
2 obviously am not clear. I understand about the four
3 contractors, but I was talking in terms of doing other
4 reports, new reports, and hiring say a fifth contractor
5 to prepare the briefing, get the witnesses together, do
6 the briefing and do the report.

7 CHAIRMAN CASTRO: Commissioner Kladney;
8 it's the Chairman, I think we all understand what you're
9 asking and I think everyone's saying we'll revisit those
10 issues later in the beginning of the new fiscal year.
11 We just don't have the capability or the knowledge today
12 of what that budget's going to be and whether we can do
13 them. If we have the budget, we'd love to do it. I
14 think we're all clear that we're all on that same page.

15 If the new general counsel and his staff and
16 her staff are capable of doing some additional reports,
17 we'll visit with them and hope that they do that because
18 I think we all want to see us do more work this year than
19 we can vote on today, but we will vote today on two
20 additional reports and we will then look to the future
21 to see what more we can do. And I'm confident that we'll
22 be able to do more at some point, just not today.

23 Commissioner Narasaki?

24 COMMISSIONER KLADNEY: Well, that was not

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1 my purpose, Mr. Chairman.

2 CHAIRMAN CASTRO: Okay.

3 COMMISSIONER KLADNEY: The focus of my
4 discussion was to lay out the possibilities before the
5 Commission, because I've already discussed this with
6 the director. And we were speaking in terms of
7 revisiting it in the next fiscal year, probably about
8 December or January. I was just trying to bring this
9 up because I really have not spoken to the whole
10 Commission about it.

11 CHAIRMAN CASTRO: I think we're all clear
12 on that now, so thank you.

13 COMMISSIONER KLADNEY: Thank you.

14 CHAIRMAN CASTRO: Commissioner Narasaki?

15 COMMISSIONER NARASAKI: Yes, I just want
16 to note that the President has asked for an increase in
17 our budget, and while we're not sure what will happen
18 since Congress has not approved that additional amount,
19 there's still time for Congress to work it out. And
20 they haven't been doing appropriations in regular order
21 in the last few years. So hopefully in the new fiscal
22 year if Congress gets through whatever appropriations
23 process it's going to have we, fingers crossed, might
24 have also additional resources.

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1 CHAIRMAN CASTRO: Correct. But in an
2 abundance of caution we may not, and we may also be on
3 a continuing resolution for quite a while. So we also
4 have to keep that in mind. But we're all hopeful, yes.

5 COMMISSIONER NARASAKI: I understand
6 that. I'm just --

7 CHAIRMAN CASTRO: I appreciate that.

8 Ms. French-Bell?

9 MS. FRENCH-BELL: Can I say one more thing?
10 I just wanted to commend all the hard work that Darren
11 Fernandez has done on the Statutory Enforcement Report.
12 I'm very impressed by what he was able to turn around
13 in such a short time. So I just wanted to recognize him.

14 CHAIRMAN CASTRO: Thank you. Is Darren
15 here? He's working on other areas. Okay. So he's
16 working on last minute changes to the report?

17 (Laughter)

18 CHAIRMAN CASTRO: Thank you. Any other
19 questions? If not, we'll now move onto the actual
20 discussion on the Enforcement Report, both parts A and
21 B.

22 **DISCUSSION AND VOTE ON 2015 STATUTORY**
23 **ENFORCEMENT REPORT ON TH STATE OF THE**
24 **CIVIL RIGHTS AT IMMIGRATION DETENTION**

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FACILITIES, PART A AND B.

CHAIRMAN CASTRO: So let me also just chime in and thank our staff at OCRE for the efforts that you all put in to getting this report done. And it's an excellent report. I also want to thank my Commissioners. I think in the four-and-a-half years I've been here this is the Statutory Enforcement Report that has drawn the most engagement from as many Commissioners as we've had.

And I think what we're going to vote on today is truly a work of the staff and all the Commissioners, most of the Commissioners, and I appreciate that. And I know it was tough, a big time commitment and we had a site visit, a couple site visits. So there were a lot of moving pieces to this and to get to this point today is commendable. And I want to thank everyone for all their efforts on that.

I know that there's still probably some questions given that we circulated a revised draft a couple days ago again in the spirit that Commissioners really wanted to continue to elucidate what we are going to put forward. And then there were some findings and recommendations, which is Part B.

So what I would like to do is start with Part

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1 A. I'd be willing to entertain a motion on Part A, and
2 then we can begin a discussion if needed on specificity
3 of the actual content of Part A. So is there a motion
4 on Part A?

5 VICE CHAIR TIMMONS-GOODSON: Mr. Chair, I
6 would move that we accept Part A as it is currently
7 written subject of course to minor modifications. I'm
8 talking typographical errors, grammatical issues and
9 what I would consider nits.

10 CHAIRMAN CASTRO: Okay. Do we have a
11 second on that motion?

12 (No audible response)

13 CHAIRMAN CASTRO: Do we have a second?

14 COMMISSIONER KLADNEY: I'll second.

15 CHAIRMAN CASTRO: Commissioner Kladney
16 seconds. Discussion?

17 COMMISSIONER KLADNEY: Mr. Chairman, I
18 just would like to note one thing I would like changed
19 in the report on page 120.

20 CHAIRMAN CASTRO: Okay.

21 COMMISSIONER KLADNEY: And on page 120 it
22 concerns -- it currently reads -- well, starting at page
23 121. It's a long sentence, but on page 120 it says,
24 "Provides adequate alternative remedies. Taken

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1 together these cases limit the ability of detainees to
2 bring a claim for evaluation of their constitutional
3 rights." I would like to insert the word "damages"
4 before the word "claim."

5 CHAIRMAN CASTRO: Okay.

6 COMMISSIONER KLADNEY: I think that's a
7 more accurate description.

8 CHAIRMAN CASTRO: Correct. And so you
9 want to just distinguish between equitable relief and
10 damages relief?

11 COMMISSIONER KLADNEY: Yes, sir.

12 CHAIRMAN CASTRO: Okay. That's fine. I
13 don't think anyone has a problem with that. So, you
14 will make the motion subject to adding "damages" in from
15 of "claim" as you suggested on page 120.

16 Anything else?

17 (No audible response)

18 CHAIRMAN CASTRO: Hearing none, then I am
19 going to call for a roll call vote on this.

20 Commissioner Kirsanow, how do you vote?

21 COMMISSIONER KIRSANOW: No.

22 CHAIRMAN CASTRO: Commissioner Heriot,
23 how do you vote?

24 COMMISSIONER HERIOT: I vote no, though I

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1 think this microphone is not working.

2 CHAIRMAN CASTRO: Okay. Well, we heard
3 you though.

4 Commissioner Narasaki, how do you vote?

5 COMMISSIONER NARASAKI: I have to recuse
6 myself from this report.

7 CHAIRMAN CASTRO: Commissioner Kladney,
8 how do you vote?

9 COMMISSIONER KLADNEY: Yes.

10 CHAIRMAN CASTRO: Commissioner
11 Achtenberg, how do you vote?

12 COMMISSIONER ACHTENBERG: Yes.

13 CHAIRMAN CASTRO: Commissioner Yaki, how
14 do you vote?

15 COMMISSIONER YAKI: Aye.

16 CHAIRMAN CASTRO: Madam Vice Chair, how do
17 you vote?

18 VICE CHAIR TIMMONS-GOODSON: Yes.

19 CHAIRMAN CASTRO: And I vote yes, so one,
20 two, three, four, five yeses, one recusal and two nos.
21 So Part A passes.

22 Now we will move on to Part B of the report,
23 which is the findings and recommendations. And as
24 clarified yesterday, it's the attachment that was

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1 circulated by Alec Deull the other day and resent
2 yesterday. Do we have a motion on Part B?

3 COMMISSIONER ACHTENBERG: So moved.

4 CHAIRMAN CASTRO: Commissioner Achtenberg
5 moves. Is there a second?

6 VICE CHAIR TIMMONS-GOODSON: Second.

7 CHAIRMAN CASTRO: Okay. We have a second.
8 I would actually like to add two findings. I know I
9 circulated these to Commissioners last night, but what
10 I would like to do is read into the record the addition
11 of the following two proposed findings:

12 The first is, quote, "The process by which
13 bond amounts are set and the range of the bond amounts
14 are inconsistent and perhaps punitive." And that's
15 found at page 118 of the report.

16 And the second one is, quote, "Evidence
17 indicates federal employees are interfering with an
18 attorney's ability to represent clients," end quote.
19 And I found that at page 128. And that's the Word
20 version of the document.

21 So if your motion could be subject to those
22 two additions, Commissioner Achtenberg?

23 COMMISSIONER ACHTENBERG: Yes.

24 CHAIRMAN CASTRO: Okay. Any other

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1 questions or comments or --

2 (No audible response)

3 CHAIRMAN CASTRO: Hearing none, then I
4 will call a roll call vote on Part B with the addition
5 of those two findings.

6 Commissioner Kirsanow, now do you vote?

7 COMMISSIONER KIRSANOW: No.

8 CHAIRMAN CASTRO: Commissioner Heriot,
9 how do you vote?

10 COMMISSIONER HERIOT: No.

11 CHAIRMAN CASTRO: Commissioner Narasaki,
12 you recuse yourself?

13 COMMISSIONER NARASAKI: Yes.

14 CHAIRMAN CASTRO: Commissioner Kladney,
15 how do you vote?

16 COMMISSIONER KLADNEY: Yes.

17 CHAIRMAN CASTRO: Commissioner
18 Achtenberg, how do you vote?

19 COMMISSIONER ACHTENBERG: Yes.

20 CHAIRMAN CASTRO: Commissioner Yaki, how
21 do you vote?

22 COMMISSIONER YAKI: Aye.

23 CHAIRMAN CASTRO: Commissioner
24 Timmons-Goodson, how do you vote?

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1 VICE CHAIR TIMMONS-GOODSON: Yes.

2 CHAIRMAN CASTRO: And I vote, so that's
3 five yeses, one recusal and two nos. Part B passes.
4 Okay. Great. Thank you.

5 Now we move on to a discussion and vote on
6 two briefing topics for 2016. I know at the last
7 meeting --

8 COMMISSIONER KLADNEY: Mr. Chairman?

9 CHAIRMAN CASTRO: Yes, Commissioner
10 Kladney?

11 COMMISSIONER KLADNEY: I'd like to make a
12 motion regarding Parts A and B that we just passed.

13 CHAIRMAN CASTRO: Okay.

14 COMMISSIONER KLADNEY: In light of recent
15 developments regarding this subject matter, I was
16 wondering if -- and I would make a motion that we make
17 the report and the findings and recommendations public
18 immediately.

19 COMMISSIONER HERIOT: No.

20 COMMISSIONER KLADNEY: That would be my
21 motion.

22 CHAIRMAN CASTRO: Okay. Well, he's got a
23 motion. Let's follow the procedure. Hold on a second.
24 Is there a second to the motion?

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1 (No audible response)

2 CHAIRMAN CASTRO: Is there a second to the
3 motion?

4 COMMISSIONER ACHTENBERG: Second.

5 CHAIRMAN CASTRO: Okay. So now we have a
6 second. Now let's have some discussion. I heard a lot
7 of -- well, hold on a second. Wait. Commissioner
8 Kladney, why don't you state your statements in support
9 for your motion. And then we have several
10 Commissioners here who are dying to say a few words. So
11 I'll let you take the floor since it's your motion. Go
12 ahead.

13 COMMISSIONER KLADNEY: I don't think I'd
14 probably have to say anything if they're going to be
15 jumping down my throat.

16 CHAIRMAN CASTRO: Okay. Well, let me let
17 them start that. All right. No, go ahead. You want
18 to say anything else?

19 COMMISSIONER KLADNEY: I just want to say
20 that this is of very important public interest and the
21 report in and of itself is a report. And the findings
22 and recommendations are findings and recommendations
23 that have been approved by the Commission. I think the
24 public has a right to as much information on this subject

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1 as possible at this time and I think that it's going to
2 be very relevant in the public debate and it should be
3 released as soon as possible.

4 CHAIRMAN CASTRO: Okay. I'm actually
5 going to let Ms. Hepler say a few words and then I'm going
6 to -- let's have our -- our lawyer's got to say something
7 here. So go ahead, Ms. Hepler.

8 MS. HEPLER: It's still a draft document
9 because from what I understand here there were some
10 changes made. And under FOIA you withhold drafts until
11 they're final. It's a deliberative process. If
12 something needs to be done. I've advised about this
13 issue because it came up previously that we hold it until
14 it's final because under law it doesn't need to be
15 released until it's out in the formal format. And I
16 know based on the discussion today there are going to
17 be some changes to it.

18 CHAIRMAN CASTRO: Okay. Commissioner
19 Heriot? Thank you, Ms. Hepler.

20 COMMISSIONER HERIOT: When the President
21 nominated the Chairman, at that point the one promise
22 that we wanted to secure from him before we would vote
23 for his chairmanship was that our right to descent to
24 a attach statements to the report always be honored.

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1 And he was kind enough to promise that to us. With the
2 Vice Chair, the same. We would always have the right
3 to attach our statements. And of course sometimes we
4 agree with some of the things that are in the report,
5 but sometimes we don't. And in this case there are many
6 things I don't agree with on the report.

7 This is the one issue that is absolutely
8 positively end of discussion the most important issue
9 to me, and I believe that's probably so for Commissioner
10 Kirsanow as well. We would consider it to be in bad
11 faith for the Commission to publish a report before our
12 statements have been appended to it. And that would
13 mean that there -- well, I hesitate to say really, really
14 negative things, Commissioner Kladney, like what I
15 would do if this motion were to pass.

16 (Laughter)

17 COMMISSIONER HERIOT: I don't really want
18 this on the record unless it has to be. As you said,
19 you didn't seem to think this was all that important,
20 so if you would withdraw the motion, I won't say any of
21 these awful things.

22 COMMISSIONER KLADNEY: Well, Commissioner
23 Heriot, thank you so much for the warning.

24 (Laughter)

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1 COMMISSIONER KLADNEY: And I will withdraw
2 the motion, however --

3 COMMISSIONER HERIOT: Thank you so much,
4 sir.

5 COMMISSIONER KLADNEY: -- I would like to
6 make another motion. Amy should be passing out now a
7 proposed letter I would like to send to President Obama,
8 Attorney General Lynch and Secretary Johnson regarding
9 the subject matter and the recent decision in the Flores
10 matter. I would appreciate if you would review it.
11 And the motion would be that we pass it as a Commission
12 and send it on to the addressees.

13 CHAIRMAN CASTRO: Is there a second?

14 (No audible response)

15 CHAIRMAN CASTRO: We have to follow
16 procedure. Is there a second?

17 COMMISSIONER YAKI: I second.

18 CHAIRMAN CASTRO: He's made a motion, so I
19 need to find out if there's a second.

20 COMMISSIONER HERIOT: Yes, but we haven't
21 even read the letter yet, so --

22 CHAIRMAN CASTRO: I know, but that could
23 be -- well --

24 COMMISSIONER HERIOT: Yes, but no.

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1 Let's -- nobody should be seconding a motion that's --

2 CHAIRMAN CASTRO: Okay. So --

3 COMMISSIONER YAKI: I just seconded the
4 motion.

5 CHAIRMAN CASTRO: Any chance we could put
6 this off until the next meeting, Commissioner? I mean,
7 I know that this is something that I would like to put
8 a little more time and effort in. Wish we'd known a
9 little bit in advance that this was coming out, because
10 I'm sure that many of us would like to add to this.

11 COMMISSIONER KLADNEY: Well, as you know,
12 Mr. Chairman, we were working on other things.

13 CHAIRMAN CASTRO: Oh, I know, and that's
14 why I'm asking us to put it off.

15 COMMISSIONER HERIOT: Could we put it off
16 for a little while? We could have a notational vote so
17 we wouldn't necessarily have to wait until the next
18 meeting.

19 CHAIRMAN CASTRO: That's a good idea.

20 COMMISSIONER HERIOT: Like I can't absorb
21 this --

22 COMMISSIONER KLADNEY: Okay.

23 COMMISSIONER HERIOT: -- in the amount of
24 time.

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1 COMMISSIONER KLADNEY: Oh, I'm sure you
2 could, Commissioner. However, I will agree and we can
3 have a notational vote. How's that?

4 CHAIRMAN CASTRO: Okay. Thank you,
5 Commissioner Kladney.

6 COMMISSIONER KLADNEY: But can we -- we
7 understand that and the motion is I guess pending? Is
8 that -- I don't know what we do with the motion.

9 CHAIRMAN CASTRO: Well, let's table it for
10 the moment and with the understanding that we will
11 review this and set it up for a notational vote. In the
12 interim obviously Commissioners can provide written
13 comments. Can we have those sent to the staff director
14 who can circulate them to all Commissioners so that we
15 have a focal point and that they're not going back and
16 forth all over the place?

17 COMMISSIONER KLADNEY: Can we have that
18 within a certain amount of time, Mr. Chairman?

19 CHAIRMAN CASTRO: Yes, within seven days.
20 Okay?

21 COMMISSIONER KLADNEY: Can we set the
22 notational vote as soon as possible?

23 CHAIRMAN CASTRO: We'll set it as soon as
24 possible, yes. We'll have staff work on that, but the

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1 understanding will be it will be set up as soon as
2 possible after the comments come in. Okay?

3 COMMISSIONER KLADNEY: Thank you, all.

4 CHAIRMAN CASTRO: You're welcome. Thank
5 you.

6 So now back to the 2016 briefing topics.

7 **DISCUSSION AND VOTE ON TWO TOPICS FOR**
8 **2016 COMMISSION REPORTS**

9 CHAIRMAN CASTRO: We have the ability to
10 select two today. Last meeting we asked everyone to not
11 necessarily rank them, but to vote on or to at least give
12 us their top three preferences. And I believe Jason
13 sent along a very nice chart outlining the votes of each
14 Commissioner and the total votes --

15 PARTICIPANT: Preferences.

16 CHAIRMAN CASTRO: Oh, preferences. I'm
17 sorry. Preferences on each of these papers. Now, we
18 can go about this number of ways. We can, as we did at
19 the last meeting, have each Commissioner say a few brief
20 words in support of his or her paper or we can entertain
21 a motion and then hear from Commissioners. I don't know
22 if you have any preference, folks. If not, then I will
23 give Commissioners a last opportunity to make their
24 pitch. I will take it from the bottom up, so Narcotics

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1 Policing. That's -- whose is that? Is that yours,
2 Madam Vice Chair? Oh, Commissioner Kladney, Narcotics
3 Policing.

4 COMMISSIONER KLADNEY: I'll pass on that.

5 CHAIRMAN CASTRO: Pass? Okay. War on
6 Youth. Is that Commissioner Heriot?

7 COMMISSIONER HERIOT: That's mine. Yes,
8 that's mine. I would like to say I think it's a swell
9 idea, but I also think that we probably ought not be
10 adopting any of these until we've gotten more reports
11 out.

12 CHAIRMAN CASTRO: All right.
13 Asian-American Admissions? Commissioner Kirsanow?

14 COMMISSIONER KIRSANOW: Yes, that's mine.
15 I obviously think it's a very good topic. I also know
16 that I'm outvoted on this. But also I concur with
17 Commissioner Heriot that I think we should be devoting
18 our energies to getting these other matters out before
19 we have other hearings.

20 CHAIRMAN CASTRO: You know, you didn't
21 even vote for your paper. Oh, maybe it wasn't one of
22 your top three. I see, yes.

23 COMMISSIONER KIRSANOW: It's a concession
24 to reality.

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1 CHAIRMAN CASTRO: I see. Educational
2 Equity. I believe this is Commissioner Achtenberg's.
3 Commissioner Achtenberg?

4 COMMISSIONER ACHTENBERG: I, similar to my
5 colleagues Commissioners Heriot and Kirsanow think it's
6 a swell idea, but apparently others are not similarly
7 inclined, so I will accede to reality.

8 CHAIRMAN CASTRO: Okay. Well, I'm ever on
9 a quixotic mission, so I really do think that my Child
10 Labor Paper is -- I think it's a nice next step on what
11 we have just finished on the immigration detention,
12 although this also includes U.S. citizen children who
13 are being subjected to very harsh working conditions,
14 very harsh living conditions. As farm worker labor
15 children they are subjected to conditions that no other
16 child laborers in the work force are. And this
17 overwhelmingly impacts Hispanic children in a
18 disproportionate ways, so I would hope that we would
19 consider that as a paper, if not this round, then the
20 next round. But hopefully this round.

21 So School-to-Prison Pipeline.
22 Commissioner Kladney?

23 COMMISSIONER KLADNEY: I think this
24 subject is most important, both from an institutional

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1 and structural manner in which children are now
2 disciplined in school, most schools having police
3 officers in them. The disciplinary action taken away
4 from school administrators and made more in the form of
5 police, putting children on the street with -- not
6 suspending them from school and other types of problems.
7 I think the paper is fairly self-explanatory, but I
8 think it's time that we raise this issue up, give it more
9 visibility. It's affecting hundreds of thousands of
10 children. Thank you.

11 CHAIRMAN CASTRO: Thank you,
12 Commissioner. I think Collateral Consequences is also
13 yours.

14 COMMISSIONER KLADNEY: Yes, it is, and
15 I've presented this paper before. I believe the
16 Commission is familiar with it. This, too, means that
17 even though you get -- someone can get sentenced either
18 to probation or prison time for an offense from drug
19 possession, to sales, to an attempt at something, a
20 crime of some event of sort, that not only do they wind
21 up doing their time or doing the penalty on probation,
22 but they wind up carrying with them this mark the rest
23 of their lives, which actually holds them back from
24 succeeding when we want them to change their life and

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1 be more of a -- take more of a successful path. Rather,
2 we hold them back and stop many of these people from
3 succeeding. And I think that this subject matter is of
4 primary importance to the Commission. Thank you.

5 CHAIRMAN CASTRO: Okay. Public Education
6 Funding. Commissioner Narasaki?

7 COMMISSIONER NARASAKI: Yes, thank you.
8 I think that the issue of public education and
9 segregation has actually long been a priority issue for
10 the Commission from its very beginning and getting
11 public education right I think will go a long way to
12 addressing some of the issues raised in these other
13 proposals such as the School-to-Prison Pipeline. Part
14 of the reason that exists is because of the inequality
15 and lack of quality education for all children. That
16 particularly impacts children of color. And I also
17 think it goes to some of the issues that Commissioner
18 Kirsanow raises about concerns around affirmative
19 action.

20 As everyone recalls in one of the last
21 affirmative action cases Justice Sandra Day O'Connor
22 gave -- put a clock on affirmative action of 25 years.
23 We're now deeply into those 25 years and I strongly
24 believe that getting public education right would help

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1 alleviate the need to do -- have programs around
2 affirmative action. So I'm hoping that Commissioners
3 will support this.

4 The civil right community eight years ago
5 came together in a strategic planning retreat, and there
6 was consensus around the fact that education is the
7 civil right issue right now that we need to get right.
8 Thank you.

9 CHAIRMAN CASTRO: Thank you. Madam Vice
10 Chair, the last one is yours.

11 VICE CHAIR TIMMONS-GOODSON: Yes, thank
12 you very much. In the wake of the civil unrest
13 following the killing of Michael Brown our Justice
14 Department investigated all that was going on there in
15 Ferguson, Missouri. Among the gravest injustices that
16 they uncovered was what I view as a dirty secret, that
17 being that our courts, the courts there in that
18 community were being used to collect fees and to support
19 the municipality's budget shortfalls. Unfortunately,
20 if you look around the country, Ferguson is not the only
21 place that that's taking place. This is not isolated
22 behavior.

23 And one of the most vital institutions that
24 we rely upon in our society is our courts. When

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1 confidence and faith in our courts is gone, we're left
2 in terrible shape. I think it would be most appropriate
3 for the Commission to take a look at and examine the
4 recommendations there, and I recommend that we look very
5 closely at this.

6 CHAIRMAN CASTRO: Thank you, Madam Vice
7 Chair. Do I have a motion? I'm willing to entertain
8 a motion on how to proceed here with the selection of
9 the two topics. Is there a motion?

10 (No audible response)

11 CHAIRMAN CASTRO: Madam Vice Chair?

12 VICE CHAIR TIMMONS-GOODSON: I'm not sure
13 that this is appropriate, but I'll make it anyway. I
14 would move that we accept and adopt the municipal
15 Policing and Courts and the Public Education Funding as
16 our top two.

17 CHAIRMAN CASTRO: Is there a second?

18 COMMISSIONER NARASAKI: I second.

19 CHAIRMAN CASTRO: Any discussion?

20 (No audible response)

21 CHAIRMAN CASTRO: Any discussion?

22 (No audible response)

23 CHAIRMAN CASTRO: Hearing none, we'll vote
24 on the motion. I'll call a roll call.

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1 Commissioner Kirsanow, how do you vote?

2 COMMISSIONER KIRSANOW: Abstain.

3 CHAIRMAN CASTRO: Commissioner Heriot,
4 how do you vote?

5 COMMISSIONER HERIOT: I'm going to
6 continue my no hitter with voting no on this, not on the
7 ground that these are not good topics, but rather on the
8 ground that we shouldn't be doing this until we've
9 gotten more reports out.

10 CHAIRMAN CASTRO: Okay. Commissioner
11 Narasaki?

12 COMMISSIONER NARASAKI: I vote yes.

13 CHAIRMAN CASTRO: Commissioner Kladney?

14 COMMISSIONER KLADNEY: Yes.

15 CHAIRMAN CASTRO: Commissioner
16 Achtenberg?

17 COMMISSIONER ACHTENBERG: Yes.

18 CHAIRMAN CASTRO: Commissioner Yaki?

19 COMMISSIONER YAKI: Aye.

20 CHAIRMAN CASTRO: Madam Vice Chair?

21 VICE CHAIR TIMMONS-GOODSON: Yes.

22 CHAIRMAN CASTRO: And I vote yes. That's
23 one, two, three, four, five, six yeses, one no and an
24 abstention. So Municipal Policing and Courts and

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1 Public Education Funding will be our next two briefing
2 topics for 2016.

3 Okay. We now move on to, speaking of
4 2016 -- oh, yes, Madam?

5 COMMISSIONER NARASAKI: Can I make a
6 motion?

7 CHAIRMAN CASTRO: Yes, Commissioner?

8 COMMISSIONER NARASAKI: I don't know if
9 this is in order or not, but I would like to move that
10 if we do have the opportunity and have sufficient
11 capacity that the Collateral Consequences be the next
12 hearing that we have after the two.

13 CHAIRMAN CASTRO: I would rather wait on
14 that, because we don't know what four, five months, or
15 three months, whatever it is, is going to hold and
16 whether there will be some issue that maybe the issue
17 of the day that we're going to want to address. So I'd
18 rather not tie our hands yet, although that's an
19 important topic. But I would prefer that we kind of
20 hold our powder dry for the moment. Okay. Thank you.

21 COMMISSIONER NARASAKI: Okay. I
22 withdraw.

23 CHAIRMAN CASTRO: Okay. So next we have
24 the vote on the 2016 proposed meeting dates.

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DISCUSSION AND VOTE ON DATES FOR FUTURE

COMMISSION BUSINESS MEETINGS

CHAIRMAN CASTRO: The staff director
circulated some dates. And I think there was one change
due to one of the Jewish holidays, so hopefully
everyone's had a chance to look at that.

But, Mr. Staff Director, I'll turn it over
to you.

DIRECTOR MORALES: Thank you, Mr.
Chairman. Yes, I circulated an original draft. I've
made one change subsequent to that. And I sent that
yesterday. I hope you received that email. It would
be to move Friday, April 22nd to now Friday, April 15th.
That's been the only request I've had to change, and so
I've gone ahead and made that change subject to your
approval.

CHAIRMAN CASTRO: Anybody else have any
issues with the dates? Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Mr. Chair,
the Friday the 26th of February is problematic for me,
and if we could change that, I'd appreciate it. I have
no other conflicts.

CHAIRMAN CASTRO: Okay. Let's take a look
at that. February 2016. So the 26th does not work for

1 you?

2 VICE CHAIR TIMMONS-GOODSON: That's

3 right.

4 CHAIRMAN CASTRO: How does the 19th work

5 for people? Any issues?

6 PARTICIPANT: I'm sorry. We're talking

7 about February? Wait, wait.

8 CHAIRMAN CASTRO: February of '16,

9 correct.

10 PARTICIPANT: Okay.

11 CHAIRMAN CASTRO: The 19th work for folks?

12 PARTICIPANT: Yes.

13 CHAIRMAN CASTRO: Yes?

14 PARTICIPANT: Yes, it does for me.

15 CHAIRMAN CASTRO: Okay. So that will be

16 the 19th of February, 2016.

17 VICE CHAIR TIMMONS-GOODSON: Thank you

18 very much.

19 CHAIRMAN CASTRO: You're welcome. Any

20 other changes from Commissioners?

21 (No audible response)

22 CHAIRMAN CASTRO: If not, then we'll

23 entertain a motion to approve that calendar as just been

24 changed.

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1 VICE CHAIR TIMMONS-GOODSON: So moved, Mr.
2 Chair.

3 CHAIRMAN CASTRO: Is there a second?

4 COMMISSIONER NARASAKI: Second.

5 CHAIRMAN CASTRO: All those in favor, say
6 aye?

7 (Chorus of ayes)

8 CHAIRMAN CASTRO: Any opposed?

9 (No audible response)

10 CHAIRMAN CASTRO: Any abstentions?

11 (No audible response)

12 CHAIRMAN CASTRO: And staff will
13 recirculate the updated version so that we have the
14 correct dates in front of us.

15 Commissioner Narasaki?

16 COMMISSIONER NARASAKI: I have a question
17 just on process.

18 CHAIRMAN CASTRO: Yes.

19 COMMISSIONER NARASAKI: So at what point
20 will we know what dates we will have for hearings? And
21 my recommendation would be if we could space it out --

22 CHAIRMAN CASTRO: Yes.

23 COMMISSIONER NARASAKI: -- because this
24 year when we had a hearing every month, I think it was

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1 tough on both staff and the Commissioners to --

2 CHAIRMAN CASTRO: Yes.

3 COMMISSIONER NARASAKI: Staff did an
4 amazing job, but it was tough.

5 CHAIRMAN CASTRO: We'll coordinate that
6 with staff and perhaps at the next meeting we'll have
7 some proposals based on timing and staffing
8 capabilities, etcetera.

9 Okay. Anything else on that?

10 (No audible response)

11 CHAIRMAN CASTRO: No? All right. Now
12 we're -- I'm sorry.

13 COMMISSIONER NARASAKI: Oh, I'm sorry. I
14 forgot to do something that my staff suggested I do, that
15 as we did for the statutory hearing, if we could approve
16 staff sending out a press release noting that we have
17 adopted those two topics so that the community is aware
18 that those are two issues that we will be looking at next
19 year.

20 CHAIRMAN CASTRO: Good point. Yes, we'll
21 do that. Thanks for the reminder.

22 Next we move on to the Management and
23 Operations Report, so I'll turn it back over to the staff
24 director.

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III. MANAGEMENT AND OPERATIONS

STAFF DIRECTOR REPORT

DIRECTOR MORALES: Thank you, Mr.
Chairman. I just have -- of course you have the report.
I don't know if there's any questions to that. We can
entertain those, of course.

I wanted to update you on three things:
First, regarding the general counsel vacancy
announcement. It ends today. I checked this morning
and we have 20 candidates that have submitted
applications. Eighteen of them have been certified at
this point. The plan is next week I will review the
candidates. It looks like we have several strong ones,
so we're pleased about that. And then I'm planning on
interviewing a number, anywhere from eight to six. And
then coming down to a final group to interview and
hopefully make that selection.

I'm planning on trying to move this as
quickly as possible through September, having an offer
out by the end or the middle of September to have
somebody on board by the beginning of the fiscal year,
October 1. So that's the plan at this point. And it
looks like we're heading in that direction, so I feel
pretty good about that.

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1 Having said that, we've been fortunate to
2 get a detail from the Office of Civil Rights at the U.S.
3 Department of Agriculture who has started a week ago.
4 She's actually on vacation right now, otherwise she'd
5 have been here. Her name is Pilar Velasquez. She is
6 an attorney in the Office of Civil Rights at USDA and
7 she's on a six-month detail here to help us. And so,
8 she's going to be working with Jennifer and helping her
9 supplement some of the work she's doing on legal
10 sufficiency, FOIA, amongst other things. And so she'll
11 be a big help when the new general counsel comes in as
12 well.

13 The third, final piece I want to call your
14 attention to is we engaged a contractor, the VENG Group,
15 V-E-N-G Group, to assist us with media and public
16 engagement on the release of
17 the --

18 CHAIRMAN CASTRO: Could you mute your
19 phone, whoever that is, please?

20 DIRECTOR MORALES: -- sorry -- to engage
21 and help us and assist us in getting the report out and
22 getting attention drawn to it, not only through the
23 media, but through stakeholders. It's something that
24 I think the Commission -- and I think this report is of

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1 a caliber that folks are really going to be interested
2 in it. So, that's our plan right now. So, thank you,
3 Mr. Chairman.

4 CHAIRMAN CASTRO: Any questions for the
5 staff director?

6 (No audible response)

7 CHAIRMAN CASTRO: Hearing none, we'll move
8 on to SAC-related activities.

9 **REPORTS BY SAC CHAIRS FOR NEVADA AND ILLINOIS**

10 CHAIRMAN CASTRO: In keeping with our
11 recent efforts to further engage our State Advisory
12 Committees, we have two reports today from SAC leaders.
13 The first report is going to come from the chair of the
14 Nevada SAC, and then we're going to have a report from
15 a member of the Illinois State Advisory Committee.

16 David, I don't know if you need to say
17 anything in advance of this? No? Okay.

18 So first of all, I'd like to welcome and
19 invite Professor Fott from the Nevada State Advisory
20 Committee, who is going to talk about the committee's
21 Report on Police Militarization.

22 Professor Fott?

23 DR. FOTT: Yes, how do you do?

24 CHAIRMAN CASTRO: Good. How are you?

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1 DR. FOTT: It's a pleasure to be with you.

2 CHAIRMAN CASTRO: Thank you.

3 DR. FOTT: And I'm happy to be filling in
4 for the chair of our committee, who because of prior
5 business was unable to make this meeting.

6 I'm happy to tell you about our report on
7 the militarization of police which we began about one
8 year ago. We conducted fact finding on the acquisition
9 and use of military equipment by big urban county and
10 rural policy agencies in the state. We also heard from
11 individuals with experience, professionals, and from
12 members of the public. We collected data from the
13 selected law enforcement agencies on the obtaining and
14 use of the military equipment. And let me begin by
15 mentioning the comments from a few of those with
16 relevant experience and then speak more to the data that
17 we collected.

18 We heard from an executive board member of
19 the Nevada chapter of the National Association for Black
20 Veterans. He expressed concern about the use of these
21 weapons while admitted that specialized SWAT teams
22 should have special weaponry for certain situations.
23 On the whole he said law enforcement should not be
24 heavily armed military forces.

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1 We heard from the former chapter president
2 of the NAACP, who told the Committee that seeing police
3 on the news reminded him of harsh repression for the
4 civil rights demonstrators in the 1960s.

5 We heard from the deputy superintendent of
6 the Reno Police Department, who said that he was quite
7 aware of the concerns regarding militarization and that
8 he thought that the community-oriented policing of the
9 Reno Police Department went some way toward alleviating
10 the difficulties. He said that if the national program
11 did not exist, his police department would still
12 purchase gas masks on the open market, as he put it, and
13 probably an armored vehicle. There have been sniper
14 shootings in the past and he thought that there was
15 reason to purchase such a vehicle.

16 We heard from a lieutenant with the Las
17 Vegas Metropolitan Police Department, who said that
18 because of this program the department has been able to
19 obtain two rescue helicopters at no charge, of course,
20 that would have cost about \$9 million if purchased.
21 Rescue boats have also been obtained. These things
22 have been used and have saved lives. This lieutenant
23 told our committee that the police department has
24 encountered resisters to arrest armed with 50mm caliber

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1 weapons and other sophisticated military weaponry.

2 The Las Vegas Police Department began to
3 use community-oriented policing in the 1990s, and it's
4 still being used today to great success, he said.

5 Public comment on the program, on the
6 Federal Government's program I would say was about
7 equally divided.

8 So now, onto the data that we collected on
9 the acquisition and use of weapons. The Las Vegas
10 Police Department has acquired quite a bit more military
11 equipment in recent years than the other two urban
12 departments. Rescue helicopters, as I mentioned, one
13 armored personnel carrier and one armored robot. But
14 the personnel carrier has not been used during the last
15 two years. Also, quite a bit of rescue gear has been
16 acquired by that department.

17 The Reno Police Department obtained an
18 armored personnel carrier, a number of telescopic rifle
19 sites. Those sites were returned by request from the
20 Defense Department so that they could be reissued.

21 The Elko Police Department acquired two
22 military vehicles, a number of weapon sites and night
23 vision equipment.

24 Then we also surveyed two urban county

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1 sheriff's departments. The Washoe Sheriff's
2 Department; that's the Reno area, obtained numerous
3 items: weapons, auxiliary weapon equipment, clothing,
4 outdoor gear, among other things. The Elko County
5 Sheriff's Department, however, obtained no more than a
6 little bit of equipment.

7 The rural county sheriff's departments
8 acquired a number of automatic rifles. That would be
9 Humboldt County and Nye County.

10 Police departments we did not survey we
11 learned some information from the Law Enforcement
12 Support Office also acquired some equipment, but none
13 of that was actual military weaponry.

14 Our findings, I guess I could put in four
15 points as our report puts them in four points. No. 1,
16 local police agencies in Nevada seem not to have armed
17 themselves excessively with military assault weapons.

18 No. 2, the equipment that was obtained
19 seems on the whole appropriate for what communities
20 need.

21 No. 3, the transfer of military equipment
22 to policies agencies in Nevada has not led to any
23 excessive use or misuse of the equipment that we've
24 learned of.

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1 And No. 4, the Federal Government's program
2 has saved the taxpayer money by allowing for the reuse
3 of previously purchased equipment.

4 Now as for training police officers in the
5 use of this equipment, we did not find any particular
6 problems with what has been so far obtained in the state.
7 However, we do note that there are no national or state
8 standards for the training of police officers with
9 military weapons and the training of police officers
10 with military weapons is not formally monitored or
11 coordinated by anyone at the Department of Defense.

12 We make three recommendations in our
13 report. And first is that your Commission we hope will
14 continue to engage in actively monitoring this issue
15 following up on the Commission's report from 1981.

16 No. 2, one barrier that could be removed is
17 a lack of diversity. That is, oftentimes there are
18 problems. perceived or real, or both, regarding a
19 discrepancy between the makeup of the community and the
20 makeup of the police force. Community-oriented
21 policing is one effective solution.

22 Third, our committee remains concerned
23 about police training, as I said before. So
24 established board standards for training police

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1 officers and the monitoring by federal officials of that
2 training would be steps in the right direction.

3 Those are the main findings and
4 recommendations of our report and I'd be happy to take
5 any questions you might have.

6 CHAIRMAN CASTRO: Are there any questions
7 for the professor?

8 (No audible response)

9 CHAIRMAN CASTRO: Anybody?

10 (No audible response)

11 CHAIRMAN CASTRO: It seems to me,
12 professor; this is the Chairman, that your report -- you
13 find that there isn't any excessive use or obtaining of
14 these items, but it seems to me as I was reading down
15 the types of items there's clearly two very different
16 kinds. There's the assault vehicles. There's the
17 real military type. And then you've got rescue
18 helicopters and gas masks and things like that you would
19 expect in any emergency situation that would be needed.

20 Is there a difference in the mission when
21 someone does utilize military equipment? Does it
22 change the mission of a civilian police force, did you
23 find, when instead of coming out in a paddy wagon they
24 come out in an armored transport vehicle? Any sense of

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1 that in your examination of the topic?

2 DR. FOTT: I think anything that we found
3 would be in the realm of perception, the perceptions of
4 those who have been actively involved in civil rights
5 work in the state, and from the public, too -- again,
6 as I said the public comment was about equally divided.
7 So, I can't point to anything that happened in any
8 incident to say that this made a real difference in what
9 happened on the street, but perceptions certainly do
10 matter. I think that people feel more secure, and
11 understandably so, when there's a line drawn between the
12 police and the military. And these military vehicles
13 are so impressive that the very sight of them -- you can
14 understand how the very sight of them would blur the
15 line.

16 CHAIRMAN CASTRO: Thank you.
17 Commissioner Kladney, I believe my memory serves you
18 might have been at that briefing? I don't know if
19 there's anything you want to add?

20 COMMISSIONER KLADNEY: No, I think the
21 Advisory Commission has done a very great job and I think
22 what the professor says is true. I think most civilians
23 are not around military equipment and when they see
24 military equipment rolling, it's a little bit of a

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1 shock. They see that in other countries, but not in
2 America.

3 I know that in Las Vegas they use the
4 helicopters not just for search and rescue. They use
5 the helicopters to apprehend or follow fleeing persons
6 throughout their community. I do have concerns about
7 armored personnel carriers in Elko, Nevada. I don't
8 know what the two military trucks or equipment that was
9 purchased up there that the professor was speaking
10 about, but I have a feeling one of them was an armed
11 personnel carrier in a community of -- I think it's
12 50,000 people.

13 DR. FOTT: If that.

14 COMMISSIONER KLADNEY: Am I correct,
15 professor, that that's what they purchased?

16 DR. FOTT: Two military vehicles, which
17 have been used in recent years by the Elko Special
18 Response Team, the SWAT team in training exercises and
19 active duty situations.

20 COMMISSIONER KLADNEY: Right. And I also
21 have a concern when we talk about automatic weapons.
22 That's a general term. A rifleman's rifle can be turned
23 into an automatic weapon, but so can 50-caliber machine
24 guns. And I don't know if they're warranted. But

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1 that's my own personal opinion.

2 I think the SAC did a great job, especially
3 in a state our size and as diverse as our state is in
4 terms of geography and citizenry, and I'd like to thank
5 them very much for their efforts.

6 CHAIRMAN CASTRO: Vice Chair followed by
7 Commissioner Narasaki.

8 VICE CHAIR TIMMONS-GOODSON: Professor
9 Fott, Commissioner Timmons-Goodson. I was just
10 curious. Did you learn what kinds of filters or ways
11 in which the materials are sold to the various
12 communities? In other words, do I get whatever it is
13 that I request to purchase, or is there someone looking
14 at the request and making a determination about whether
15 or not it would be appropriate for a particular size
16 community to have something? Can you share with us what
17 kinds of standards there would be in connection with
18 issuing this equipment?

19 DR. FOTT: Well, the agency that requests
20 the equipment must be a government agency, and the
21 primary job of that agency must be to enforce laws. The
22 officers of that agency have to be compensated and they
23 have to have arresting powers.

24 VICE CHAIR TIMMONS-GOODSON: Any other

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1 limits?

2 DR. FOTT: I'm sorry?

3 VICE CHAIR TIMMONS-GOODSON: Any other
4 limits?

5 DR. FOTT: The property has to be drawn
6 from Department of Defense stocks. but as I recall
7 requests are not automatically approved even if they
8 meet those criteria. But at the moment I can't give you
9 a better answer to your question. I'm sorry.

10 VICE CHAIR TIMMONS-GOODSON: Thank you.

11 CHAIRMAN CASTRO: Commissioner Narasaki?

12 COMMISSIONER NARASAKI: Yes, I also wanted
13 to commented the State Advisory Committee on the report.
14 Nevada, as you know, has one of the fastest growing
15 Asian-American populations. I think it's somewhere
16 between 8 and 10 percent of the state now, as well as
17 obviously a significant Latino population. So I was
18 interested in your second recommendation around
19 diversity in terms of law enforcement. And I'm
20 wondering what you observed in terms of where the police
21 departments were in terms of having a department that
22 was reflective of the people that they're serving.

23 DR. FOTT: Well, I think that there is a
24 ways to go in that respect. And the agencies are making

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1 some efforts in that direction, but I think our
2 impression was that the percentages don't match.

3 COMMISSIONER NARASAKI: Thank you.

4 CHAIRMAN CASTRO: Any other questions for
5 Professor Fott?

6 COMMISSIONER KLADNEY: Yes, professor,
7 this is Dave Kladney again. My question is is when they
8 receive these weapons or they received these vehicles,
9 are there any procedures or rules or regulations in
10 place, one, when they're used; and two, do they receive
11 training on these weapons from the military?

12 DR. FOTT: All departments have policies
13 for the use of this equipment, but the training does not
14 come from the Department of Defense.

15 COMMISSIONER KLADNEY: Thank you.

16 DR. FOTT: And we think that there could be
17 more done in this area, at least in the way of
18 monitoring, if not direct training.

19 CHAIRMAN CASTRO: Okay. Well, thank you,
20 Professor Fott, and please again convey our thanks to
21 the members of the advisory committee for their work on
22 this report and their service on the committee.
23 Appreciate it.

24 DR. FOTT: Thank you.

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1 CHAIRMAN CASTRO: You're welcome. Thank
2 you. Next we're going to hear from a member of the
3 Illinois State Advisory Committee, Cynthia Shawamreh,
4 who is going to talk to us a little bit about the SAC's
5 report on hate crimes against religious institutions in
6 Illinois.

7 Cynthia?

8 MS. SHAWAMREH: Thank you, Mr. Chair. I
9 appreciate the opportunity to speak to the Commission
10 today.

11 I serve as the co-chair of the Subcommittee
12 on Hate Crime, generally, and discrimination
13 specifically, Against Religious Institutions in
14 Illinois, along with His Grace Bishop Demetrios at the
15 request of Barbara Abrajano, who was the chair at the
16 time of the Illinois State Advisory Committee to the
17 U.S. Commission on Civil Rights. And we have produced
18 this report as the result of extensive research and
19 numerous working group meetings.

20 We had three outstanding student interns
21 who earned academic credit at the University of Chicago
22 Law School to assist us with this report. And what we
23 did was we looked at the civil rights implications of
24 hate crime and discrimination against religious

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1 institutions in Illinois using a methodology that
2 included both research and a fact finding public
3 hearing.

4 Now, our research included an analysis of
5 the legal framework of existing hate crime law and
6 federal and state law to protect against religious
7 discrimination in Illinois, along with an examination
8 of the available data on hate crime. Now, the data, we
9 looked in particular at three points: One was the data
10 discrepancies that we found to be very problematic, data
11 discrepancy meaning that the state and the federal data
12 on how many hate crimes had occurred and so on did not
13 line up. We also looked at data deficiency. There
14 is chronic under-reporting of hate crimes. And we
15 looked at thirdly data trend analysis.

16 So again, we had a fact finding public
17 hearing where we heard testimony from a variety of both
18 government officials and representatives,
19 federal/state law enforcement officers, academics,
20 attorneys, community activists and representatives
21 from a variety of religious communities, along with
22 comments from the public. And what we found in both the
23 research and the testimony from the public hearing was
24 a surprising level of data discrepancy between the

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1 federal and state statistics on hate crime. Those
2 statistics virtually never lined up year after year.
3 And that was completely puzzling to us because the FBI's
4 statistics theoretically are drawn directly from the
5 State of Illinois -- for Illinois, the Illinois State
6 Police statistics. So we struggled to understand why
7 those were not identical statistics.

8 We also found that vulnerable communities
9 faced systemic obstacles to reporting hate crimes and
10 incidents to law enforcement and that no consistent
11 methodology to analyze trends in the data over time was
12 being utilized by policy makers to determine the
13 adequacy of the protection of civil rights of residents
14 in Illinois regarding hate crime.

15 We found also that there was extensive
16 variation in the training levels, compliance and
17 enforcement of the law throughout the state. So these
18 were the concerns that led us to the findings and
19 recommendations in our report, and we have six findings
20 and recommendations that I will just very briefly walk
21 you through.

22 The first finding and related
23 recommendation was that within the State of Illinois
24 there is a Commission on Discrimination and Hate Crimes,

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1 but there is no one appointed to that commission and
2 hasn't been for years. So it's completely defunct,
3 which means no party is coordinating or monitoring the
4 situation regarding hate crimes in the State of
5 Illinois. In just a couple months ago, in March of
6 2015, the Cook County State's Attorney has established
7 a Hate Crimes Advisory Prosecutions Counsel, which is
8 great, but it's only limited to that one county, Cook
9 County, and several of the hate crimes which have
10 occurred in Illinois just this year have occurred in
11 other counties.

12 So what we recommend here is that we really
13 think at the federal level there should be an effort to
14 take an inventory of the various state and local hate
15 crime commissions, councils and their activity status.
16 We're suggesting that the U.S. Department of Justice as
17 part of its work on monitoring hate crimes could be
18 engaged in that effort or any other appropriate federal
19 agency. So again, we need sort of an overarching
20 monitoring group that over time will monitor these
21 issues.

22 Our second finding and recommendation
23 regards the I think most surprising fact that we found,
24 and that is the absence of data that was reconciled. I

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1 think that the most important part of that issue was the
2 need for -- we can't really make effective policy if we
3 don't have reliable data. And there's been a lot in the
4 academic literature on hate crime about data deficiency
5 and that we don't really have a good sense of what the
6 data really represents capturing all of the violence
7 that's based on bias motivation that is out there. But
8 to our surprise even the data that we do have that is
9 clear that everybody agrees on isn't reconciled among
10 the different agencies, and specifically between the
11 federal and the state level.

12 So our recommendation here is that the U.S.
13 Department of Justice or another group such as --
14 there's a -- just last November the White House
15 established an Interagency Initiative on Hate Crimes.
16 And what we're suggesting here is that we really need
17 a task force like that to look to coordinating all of
18 the different data collections and reporting efforts
19 among federal, state, local law enforcement agencies
20 that would be tasked with reconciling that data.

21 We think that it would be helpful if a task
22 force like that would consider adopting and utilizing
23 a model program that's been developed pro bono by the
24 International Human Rights Clinic of the University of

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1 Chicago Law School to actually analyze data trends over
2 time. Is the level of hate crimes increasing or
3 decreasing in the aggregate? Is it more concentrated
4 in this geographical area or that geographical area?
5 Is the number of hate crimes going up or down with
6 respect to particular bias subcategories? Somebody
7 should be monitoring that in an overarching way, and
8 we're suggesting that there's a model program for free
9 that could be useful in analyzing those trends over
10 time.

11 So our third finding was that law
12 enforcement training was generally insufficient across
13 the state, but that it was again subject to extensive
14 variation. So in some areas there would be hate crime
15 divisions in the local police department, and in other
16 areas nothing at all.

17 So we think that there really needs to be
18 a Congressional appropriation of funds for assessing --
19 for the FBI to assess and expand the current trainings
20 that it does for law enforcement and that we need in
21 that -- in those trainings that we need to have careful
22 procurement procedures.

23 Another surprising thing that we found at
24 the hearing was that there was the risk of bias in the

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1 people who were training law enforcement. So the
2 University of Chicago has also developed a model
3 procurement process pro bono to vet -- in procurement
4 to vet the trainers of law enforcement regarding hate
5 crimes to ensure that you have appropriate standards of
6 competence when you're doing the training.

7 Finding No. 4 had to do with community
8 education and victim support services. We found that
9 it was just essential that there be public cooperation
10 with law enforcement and that there are significant
11 barriers to that cooperation. We're suggesting that
12 the FBI -- well, the FBI already has hate crime working
13 groups and that should be, we're suggesting utilized,
14 to inventory collaborations and public outreach efforts
15 to look at where gaps exist and then target expansion
16 of the outreach into those under-served areas.

17 Our fifth finding was that in the State of
18 Illinois we have some pretty good hate crime laws. We
19 were happy to see that laws in Illinois were fairly good
20 at the state level. We had a couple of small changes
21 to the laws that we thought would bring them better in
22 line for protecting categories such as gender identity.
23 That was missing. And I'm happy to say that that's
24 actually already happened now since the report has been

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1 released, that that law has already been amended to now
2 include gender identity.

3 At the federal level we're recommending
4 that the Commission on Civil Rights take up a study to
5 better understand the vulnerabilities of victims of
6 hate crimes in states that don't have any laws that match
7 at a minimum the federally-protected categories. And
8 based on that study that we're suggesting that the
9 Commission on Civil Rights would make recommendations
10 to Congress and the U.S. Department of Justice regarding
11 strengthening federal jurisdiction to prosecute hate
12 crimes where no adequate state law exists.

13 Our sixth and final finding was that there
14 are federal protections regarding prohibiting
15 discrimination against religious institutions such as
16 the Religious Land Use and Institutionalized Persons
17 Act, RLUIPA. We also have a similar law at the state
18 level, but we found that a considerable amount of the
19 testimony from religious communities demonstrated that
20 those laws are not being enforced consistently. In
21 particular, municipal zoning boards seem not be aware
22 of their responsibility under the federal law or are
23 choosing not to comply with those responsibilities.

24 And we suggest that there be uniform

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1 training materials and that the U.S. Department of
2 Justice would partner with local religious leaders to
3 address complaints and to raise public awareness among
4 both municipal zoning boards of their obligations under
5 the law, as well as how individuals or institutions can
6 address complaints if they feel their rights have been
7 violated.

8 I'm happy to say that we were able just
9 earlier this week to meet with representatives of the
10 Illinois Governor's Office to present these findings
11 and recommendations as they related to the state level.
12 We met with also along with the Governor's Office the
13 director of the Illinois Department of Human Rights.
14 And the chair of the Illinois Commission on Human Rights
15 joined us for that meeting. And so I'm hopeful that we
16 will be able to implement some of these recommendations
17 here in Illinois.

18 I think the biggest take-away for us was
19 that we really need to step up coordination and
20 consistency. We need to standardize the laws and
21 enforcement and implementation of those laws, that
22 really there's an urgent need to reconcile data in order
23 to address the situation that we know we have before we
24 can even move on to the deeper questions of what would

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1 be better alternatives to this framework that we
2 currently to prevent the crimes from happening in the
3 first place.

4 So with that I'd be delighted to take any
5 questions and get any feedback that any of the
6 Commissioners have.

7 CHAIRMAN CASTRO: Cynthia, thanks again
8 for your report on this and for the work that you're
9 doing, and please extend to our Illinois colleagues my
10 appreciation for the work that you all are doing.

11 First, I have an observation, then I'm
12 going to turn it over to Commissioners for some
13 questions.

14 It's really interesting that you bring up
15 the issue of police training in the context of hate
16 crimes, and obviously we just heard from Nevada about
17 the need for better police training as it relates to the
18 use of this type of equipment, the military type. And
19 even as we're doing right now our work on the police use
20 of force, I think when we had our hearing and much of
21 the information that we've been gathering since then
22 talks to the need for improved police training, but
23 there's a common thread that goes through many of these
24 issues that both we at the Commission and you at our

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1 State Advisory Committees are looking at, and a lot of
2 it has to do with police training. And that's maybe
3 something we as a Commission should sort of reflect on
4 is that interesting correlation on so many of our civil
5 rights issues.

6 But having said that, I have an indication
7 from Commissioner Narasaki, then Commissioner Kirsanow
8 that they have questions.

9 COMMISSIONER NARASAKI: Thank you, Mr.
10 Chairman.

11 I'd like to add my thanks for this work.
12 Hate crimes is actually area that I started my work in
13 over 30 years ago, and sadly some of the realities are
14 still consistent with that experience in terms of the
15 numbers being reported being so heavily dependent on the
16 training of police, as well as outreach to community,
17 particularly immigrant communities who may not know
18 that they can even report these kinds of incidents. So
19 I applaud your efforts to try to figure out what the data
20 is showing and understanding where its weaknesses are.
21 And also the first report the Commission did really
22 focusing on Asian-Americans was a northeast regional
23 report on anti-Asian violence. So this continues a
24 very strong history for the Commission.

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1 I did want to ask, you noted that you met
2 with the Governor's Office and I'm just curious as to
3 the response of the Governor's Office to the report and
4 whether they made any commitments in terms of follow up.

5 MS. SHAWAMREH: There were no commitments
6 made, but I definitely felt that there was a very warm
7 and interested reception that we got. The director of
8 the Illinois Department of Human Rights told us during
9 that meeting that the governor had actually asked him
10 for a study of hate crimes in Illinois. So hopefully
11 our work will be able to inform his work going forward.

12 CHAIRMAN CASTRO: Commissioner Kirsanow?

13 COMMISSIONER KIRSANOW: Thank you, Mr.
14 Chair. And I'd like to thank the Illinois SAC for what
15 appears to be energetic and comprehensive study.

16 I was curious as to what the nature of the
17 discrepancy is between the state and federal data that
18 you described. Is one of volume? Is it one of
19 category? And to what you attribute that disparity.

20 MS. SHAWAMREH: That's a good question,
21 Commissioner. And the answer is that it is both volume
22 and category. Category might be one of the
23 explanations for the discrepancy. One of the things
24 that we found very humbling was that we would have, say

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1 for example, a total number of -- 300 hate crime
2 incidents in Illinois reported for a particular year.
3 Then we would have the FBI reporting 250, for example,
4 incidents in the State of Illinois for the same year.
5 And so that we found particularly surprising.

6 Among the explanations that we received was
7 not only were the categories different at the state and
8 federal level of how things were being reported, but we
9 also found that some of the timing of reports was part
10 of the problem. So that we had the individual in charge
11 of the Illinois State Police reporting explain to us
12 that it's a chronic problem to get all the various
13 localities to comply with their obligations under the
14 law and report their data.

15 So if nobody is reporting the data from a
16 local community within Illinois as they're expected to,
17 then she had actually held open the reporting time
18 period while she was working with them to try and bring
19 forward that data. And so she wasn't reporting at the
20 same time as the guidelines for publication and
21 reporting were at the federal level. That was one of
22 the changes, or the reasons for the discrepancy.

23 Our hope is that those publication due
24 dates are now going to be aligned. She said that going

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1 forward she thinks that that will be cleaned up. But
2 again, I feel that that needs to be monitored and
3 consistently reviewed.

4 CHAIRMAN CASTRO: Any other questions?

5 (No audible response)

6 CHAIRMAN CASTRO: You mentioned something
7 interesting about the gathering of the data and I think
8 it's important for so many reasons that we have data as
9 well as consistent data. I guess the next question is
10 what do we do with it?

11 And I'm reminded of the law in Illinois,
12 which I think is one of the cutting edge laws, that
13 requires local police departments to track the race and
14 ethnicity in traffic stops. While that's an
15 anti-racial profiling act, my recollection is that when
16 I chaired the Human Rights Commission in Illinois there
17 was a *Tribune* study indicating that local police
18 departments; in this case I think it was McHenry County
19 Sheriff's Department, were doctoring the data and
20 reporting traffic stops of Hispanics as whites, or not
21 listing the race or ethnicity.

22 And the problem was that there really is no
23 accountability on some of those reports. We requested
24 that the Illinois Attorney General take some action.

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1 That ultimately didn't happen. We were able to engage
2 the individuals at HR over at McHenry County to do some
3 training.

4 But nonetheless, in terms of the hate
5 crimes data, let's say we collect all this data and it's
6 accurate. Then what do we do? What's the
7 accountability there? Is there some further steps that
8 will take place other than saying, well, these are the
9 things that happened? Is there anything that can be
10 done to rectify or to address accountability issues?

11 MS. SHAWAMREH: Yes, so I will break that
12 question apart into two parts that are again excellent
13 and helpful points. One is the accountability. We
14 have these laws that require mandatory reporting, but
15 there are no consequences for local governments that do
16 not actually do the reporting. I believe that's the
17 same thing on the federal level as well. So if a
18 particular locality doesn't report anything and just
19 never does it, we don't have any way to correct that
20 behavior. So obviously it would be helpful if we had
21 some strengthening of laws regarding consequences for
22 that.

23 And then the second point that you're
24 making is what do we do with the data once we have it?

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1 Again, I'm not hopeful that the issues around data
2 deficiency have an easy fix in terms of other reporting
3 vulnerable groups feeling afraid for a variety of
4 reasons to go to local law enforcement or even state or
5 federal law enforcement. But at least to take the data
6 that we do have, clean it up, make sure that it's as
7 accurate as we can possibly have it be, and then to do
8 the trend analysis so that we can direct resources.
9 That would be my answer to your question about what do
10 we do with the data once we have it.

11 We can direct resources if we understand
12 that. For example, Asian-Americans are experiencing a
13 disproportionate amount of violence and hate crime
14 incidents in a particular area or location that we can
15 direct resources towards that, or that if we see that
16 the LGBT community or the Arab community, or whatever
17 the biased group is that is being targeted. As that
18 becomes more urgent in a particular location or against
19 a particular group, that we direct -- that policy makers
20 direct resources accordingly. That's the purpose of
21 really having data analysis over time.

22 CHAIRMAN CASTRO: Thank you. Any other
23 questions?

24 (No audible response)

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1 CHAIRMAN CASTRO: If not, I want to thank
2 you again for your service. And if you could
3 communicate to your fellow Illinois Advisory Committee
4 members that we appreciate their service and the work
5 on this report. Thank you, Cynthia.

6 MS. SHAWAMREH: Thank you, Mr. Chair.

7 CHAIRMAN CASTRO: Okay. Now we're going
8 to move on to approve hopefully four State Advisory
9 Committee slates, I believe we have today.

10 IV. STATE ADVISORY COMMITTEE (SAC) APPOINTMENTS

11 ILLINOIS

12 CHAIRMAN CASTRO: So I will first make a
13 motion that the Commission appoint the following
14 individuals to the Illinois State Advisory Committee
15 based upon the recommendation of your staff director:
16 Juan Carlos Linares, Jonathan Bean, Joanna
17 Bodhdziewicz-Borowiec, James Botana, Cindy Buys,
18 Kendric Cobb, Trevor Copeland, Richard Garcia, Salina
19 Greene, Tabussum Haleem, William Howard, Bryant
20 Jackson-Green, Reyahd Kazmi, Malik Nevels, Evelyn
21 Rodriguez, Sweta Shah and Ann Wortham.

22 Pursuant to this motion the Commission
23 appoints Juan Carlos Linares as Chair of the Illinois
24 State Advisory Committee. These members will serve as

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1 uncompensated government employees. Under this motion
2 the Commission authorizes the staff director to execute
3 the appropriate paperwork for appointments.

4 Do I have a second?

5 VICE CHAIR TIMMONS-GOODSON: Second.

6 CHAIRMAN CASTRO: Okay. Any questions?

7 (No audible response)

8 CHAIRMAN CASTRO: If not, I'll take a vote.

9 Commissioner Kirsanow, how do you vote?

10 COMMISSIONER KIRSANOW: Yes.

11 CHAIRMAN CASTRO: Commissioner Heriot,
12 how do you vote?

13 COMMISSIONER HERIOT: I'm going to vote no
14 on this one. I don't think that the SAC is properly
15 balanced. I had asked the staff director to put a hold
16 on this one because of that problem. He was disinclined
17 to do so. And upon reflection, I didn't want to
18 disagree with him on that wanting to move forward as
19 quickly as possible. So I'm just going to vote no on
20 this one.

21 CHAIRMAN CASTRO: Okay. Commissioner
22 Narasaki, how do you vote?

23 COMMISSIONER NARASAKI: I wanted to
24 commend the staff for again finding some younger people.

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1 There are three under the age of 35. And that's much
2 appreciated as well as adding a Muslim so that there's
3 a little bit more religious diversity. So I have a
4 reservation about one of the candidates, but like
5 Commissioner Heriot I don't want to stand in the way of
6 renewal, so I will vote yes.

7 CHAIRMAN CASTRO: Commissioner Kladney,
8 how do you vote?

9 COMMISSIONER KLADNEY: (No audible
10 response)

11 CHAIRMAN CASTRO: Commissioner Kladney?

12 COMMISSIONER KLADNEY: (No audible
13 response)

14 CHAIRMAN CASTRO: I'll skip him for now.
15 Commissioner --

16 COMMISSIONER KLADNEY: Oh, yes.

17 CHAIRMAN CASTRO: Oh, yes? Okay.

18 COMMISSIONER KLADNEY: Yes. Yes.

19 CHAIRMAN CASTRO: Commissioner
20 Achtenberg, how do you vote?

21 COMMISSIONER ACHTENBERG: (No audible
22 response)

23 COMMISSIONER KLADNEY: You might be on
24 mute as well.

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1 the Commission authorizes the staff director to execute
2 the appropriate paperwork for the appointments.

3 Is there a second?

4 VICE CHAIR TIMMONS-GOODSON: Second.

5 CHAIRMAN CASTRO: Any questions?

6 (No audible response)

7 CHAIRMAN CASTRO: Hearing none, we'll take
8 a roll call. Commissioner Kirsanow, how do you vote?

9 COMMISSIONER KIRSANOW: Yes.

10 CHAIRMAN CASTRO: Commissioner Heriot,
11 how do you vote?

12 COMMISSIONER HERIOT: My first
13 substantive yes of the day.

14 CHAIRMAN CASTRO: Yay. Commissioner
15 Narasaki, how do you vote?

16 COMMISSIONER NARASAKI: With reservations
17 I'm voting yes. I note that it's 13 returning members,
18 so I want to thank all of the members for continuing
19 their public service, but I am concerned that given the
20 population of Massachusetts having 10 percent Latinos
21 that there's no Latino representation on this council,
22 as well as a challenge in terms of not having diversity
23 in terms of younger members. But I will vote yes.

24 CHAIRMAN CASTRO: Commissioner Kladney,

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1 how do you vote?

2 COMMISSIONER KLADNEY: Yes.

3 CHAIRMAN CASTRO: Commissioner

4 Achtenberg, how do you vote?

5 COMMISSIONER ACHTENBERG: Yes.

6 CHAIRMAN CASTRO: Commissioner Yaki --

7 PARTICIPANT: Yes.

8 CHAIRMAN CASTRO: Yes? Madam Vice Chair,

9 how do you vote?

10 VICE CHAIR TIMMONS-GOODSON: Yes.

11 CHAIRMAN CASTRO: And I vote yes, so

12 Massachusetts passes unanimously.

13 COMMISSIONER YAKI: Hey, hey, hey, hey,

14 hey, hey. You didn't ask for my vote.

15 CHAIRMAN CASTRO: I did. I thought you

16 said yes.

17 COMMISSIONER YAKI: No, that was someone

18 else saying yes.

19 CHAIRMAN CASTRO: Oh, okay. I'm sorry.

20 COMMISSIONER YAKI: That was an imposter

21 Commissioner Yaki.

22 CHAIRMAN CASTRO: Oh, yes? Well, okay.

23 Well, Kirsanow is here, so it couldn't have been him.

24 (Laughter)

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1 CHAIRMAN CASTRO: All right. So is that a
2 yes then?

3 COMMISSIONER YAKI: I guess so, yes.

4 CHAIRMAN CASTRO: Okay.

5 (Laughter)

6 CHAIRMAN CASTRO: So now I certify the
7 results as eight yeses.

8 **SOUTH DAKOTA**

9 So we'll now move on to the South Dakota
10 State Advisory Committee So I move that the Commission
11 appoint the following individuals to the South Dakota
12 State Advisory Committee based upon the recommendation
13 of our staff director: Richard Braunstein, Charles
14 Abourezk, Melanie Bliss, Marcia Bunger, Scott German,
15 Arlouine Gay Kingman, Lloyd LaCroix, Mike Levsen,
16 Cassandra McKeown, Renee Olson, Ira Taken Alive and
17 Sheila Woodward.

18 Pursuant to this motion the Commission
19 appoints Richard Braunstein as Chair of the South Dakota
20 State Advisory Committee. These members will serve as
21 uncompensated government entered employees. Under
22 this motion the Commission authorizes the staff
23 director to execute the appropriate paperwork for the
24 appointments.

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1 Do I have a second?

2 VICE CHAIR TIMMONS-GOODSON: Second.

3 CHAIRMAN CASTRO: Okay. Any questions?

4 (No audible response)

5 CHAIRMAN CASTRO: Hearing none, I'll call
6 a vote. Commissioner Kirsanow, how do you vote?

7 COMMISSIONER KIRSANOW: Yes.

8 CHAIRMAN CASTRO: Commissioner Heriot,
9 how do you vote?

10 COMMISSIONER HERIOT: This one I don't
11 think is balanced very well either, but we had a hard
12 time on this side coming up with nominees, so I vote yes.

13 CHAIRMAN CASTRO: Okay. Commissioner
14 Narasaki, how do you vote?

15 COMMISSIONER NARASAKI: I want to thank
16 staff for really looking to increase the Native American
17 representation. South Dakota has a very long history
18 in terms of its treatment of Native Americans,
19 particularly those on reservations. So I think that
20 was an important advance. So thank you. And I vote
21 yes.

22 CHAIRMAN CASTRO: Okay. Commissioner
23 Kladney, how do you vote?

24 COMMISSIONER KLADNEY: Yes.

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1 CHAIRMAN CASTRO: Commissioner

2 Achtenberg, how do you vote?

3 COMMISSIONER ACHTENBERG: (No audible
4 response)

5 CHAIRMAN CASTRO: Commissioner

6 Achtenberg?

7 COMMISSIONER ACHTENBERG: Yes.

8 CHAIRMAN CASTRO: Commissioner Yaki, how
9 do you vote?

10 COMMISSIONER YAKI: Aye.

11 CHAIRMAN CASTRO: Is this really you?

12 COMMISSIONER YAKI: Yes.

13 CHAIRMAN CASTRO: Okay. Madam Vice
14 Chair, how do you vote?

15 VICE CHAIR TIMMONS-GOODSON: Yes.

16 CHAIRMAN CASTRO: And I vote yes, so we
17 have unanimous passage for the South Dakota State
18 Advisory Committee.

19 **WISCONSIN**

20 CHAIRMAN CASTRO: Finally we have the
21 Wisconsin State Advisory Committee. I make a motion
22 that the Commission appoint the following individuals
23 to the Wisconsin Dakota State Advisory Committee based
24 upon the recommendation of our staff director: Adel

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1 Mekraz, Naheed Bleecker, Elsa Diaz-Bautista, Rebecca
2 Bradley, W. Lee Hansen, Angelique Harris, Daniel Kelly,
3 Demond Means, Arthur Pontynen, Jason Rae, Dawn
4 Shelton-Williams, Stacy Taeuber, William Tisdale,
5 Heather Berlinski, Robert Driscoll, May yer Thao, and
6 Yang Xiong.

7 Pursuant to this motion the Commission
8 appoints Adel Mekraz as Chair of the Wisconsin State
9 Advisory Committee. These members will serve as
10 uncompensated government entered employees. Under
11 this motion the Commission authorizes the staff
12 director to execute the appropriate paperwork for the
13 appointments.

14 Do I have a second?

15 COMMISSIONER NARASAKI: Second.

16 CHAIRMAN CASTRO: Okay. Any questions?

17 (No audible response)

18 CHAIRMAN CASTRO: If not, I'll call it for
19 a vote. Commissioner Kirsanow, how do you vote?

20 COMMISSIONER KIRSANOW: Yes.

21 CHAIRMAN CASTRO: Commissioner Heriot,
22 how do you vote?

23 COMMISSIONER HERIOT: I think I'll vote
24 yes on this one, too.

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1 CHAIRMAN CASTRO: Good. Commissioner
2 Narasaki, how do you vote?

3 COMMISSIONER NARASAKI: I vote yes. I
4 want to thank staff for adding representatives from the
5 Hmong community. There have been a lot of instances of
6 hate crimes and other racial issues there, so I think
7 that was an important addition of perspective to the
8 Advisory Council.

9 CHAIRMAN CASTRO: Thank you.
10 Commissioner Kladney, how do you vote?

11 COMMISSIONER KLADNEY: Yes.

12 CHAIRMAN CASTRO: Commissioner
13 Achtenberg, how do you vote?

14 COMMISSIONER ACHTENBERG: Yes.

15 CHAIRMAN CASTRO: Commissioner Yaki, how
16 do you vote?

17 COMMISSIONER YAKI: I already voted for
18 Kirsanow. Oh, sorry.

19 CHAIRMAN CASTRO: Okay.

20 COMMISSIONER YAKI: Yes.

21 CHAIRMAN CASTRO: Madam Vice Chair, how do
22 you vote?

23 VICE CHAIR TIMMONS-GOODSON: Yes.

24 CHAIRMAN CASTRO: And I vote yes, so the

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1 Wisconsin State Advisory Committee passes unanimously.

2 **V. ADJOURN**

3 There being no further business before the
4 Commission today, I hereby adjourn our meeting at 11:44
5 a.m. Eastern Time.

6 (Whereupon, the above-entitled matter went
7 off the record at 11:44 a.m.)

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