ARIZONA CIVIL RIGHTS ADVISORY BOARD
Minutes of Public Meeting
January 21, 2014

Board Members Present
Jeff Lavender
Janet Bain
Beverly Dupree
Daisy Flores
Juan Ciscomani

Board Members Absent
Robert Garcia

Staff Members Present
Sandra Kane, Executive Director
Jennifer Larson, Legal Counsel

I. Call to Order

Chairperson Jeff Lavender called the meeting to order at 1:08 p.m., with the following Board Members present: Jeff Lavender, Daisy Flores and Juan Ciscomani. Beverly Dupree and Janet Bain joined the meeting telephonically. The meeting took place at the Arizona Attorney General's Office, Capital Center Building, Basement Floor Conference Room B.

II. Approval of Minutes of November 15, 2013

Upon motion by Daisy Flores, which was seconded by Juan Ciscomani, the Board unanimously approved the meeting minutes for November 15, 2013.

III. Elections for Chairperson and Vice-Chairperson

Sandra Kane informed the Board members of the resignation of Wendy Freeman and that the Board was now down to 6 members. Beverly Dupree had a question regarding the election process for Chairperson and Vice-chairperson. Sandra Kane explained the bylaws and that elections need to be held yearly for each position.

Beverly Dupree nominated Jeff Lavender for the position of Chairperson. The motion was seconded by Daisy Flores. The Board unanimously elected Jeff Lavender to the Chairperson position. Beverly Dupree nominated Daisy Flores for the position of Vice-Chairperson. The nomination was declined by Daisy Flores. Daisy Flores nominated Juan Ciscomani for the position of Vice-chairperson. The motion was seconded by Beverly Dupree. The Board unanimously elected Juan Ciscomani as the new Vice-Chairperson.

IV. Continued Discussion of actions to be taken in response to public forums and survey to law enforcement on SB 1070.

(a) Building a dialogue between the community and law enforcement.

Sandra Kane gave a summary of a December 10, 2013 community forum sponsored by several community organizations including the ACLU that she and Jennifer Larson attended. There were representatives from Maricopa County, the Phoenix Police Department, the Phoenix City Council and the Mexican consulate. The forum was similar to the forums the Board had in Phoenix and Tucson in that members of the public recounted stories about being stopped by the police. A professor spoke about a study regarding the perception by Latinos of the police in this area after SB 1070. This study had previously been circulated among the Board Members. The consensus from the panel at that meeting was that change could be accomplished only if the people vote for change. They did not offer any legislative proposals. Local identification cards were mentioned but the panel of representatives did not think that was a good idea because it might indicate that the people needing identification cards were not eligible for regular ID cards and would be singled out even more. Gerald Richards, from the Phoenix Police Department, brought two people from the Phoenix PD who are specifically assigned to take complaints from the public about "bad cops" who were stopping people for no reason. Other police departments might be interested in assigning people to take these types of complaints. The Phoenix Police Department is offering this to the public in response to complaints.

Additionally, Sandra Kane reported that since the last meeting Jennifer Larson and Sandra Kane spoke with Captain McCraw from DPS to ask for recommendations to the Board on how to increase the dialogue with law enforcement. He mentioned creating citizen police academies to educate members of the community about law enforcement, but only a limited number of people can attend. He stated that the DPS is collecting data on traffic stops and that it is very expensive. He explained that the DPS has to engage services from a university in Cincinnati to interpret the data for them. So, not only do you need the equipment to collect the data but you also need to have somebody to review the data. He did indicate that some of the information was pretty interesting. The data has shown to the DPS that there are some shortcomings in the DPS record keeping, such as why there were more repair orders for Native Americans than for other people and more requests for searches on Latinos than any other group. Language barriers seem to raise suspicion. In regard to the cost of data collection, he said they had errors made in completing the forms that led to more errors and limited effectiveness. Captain McCraw also said that legislation was a concern in regard to data collection. He mentioned a group called Commission on Accreditation for Law Enforcement Agencies (CALEA), which certifies law enforcement agencies nationally and has its own standards in regard to data collection.

Jennifer Larson introduced a representative from the group Somos America, who has had success in having law enforcement show up for their community forums.

Daniel Rodriguez is the President of Somos America. He outlined some of the problems with building dialogue between law enforcement and the immigrant community. One of the biggest problems is lack of identification for the Latino immigrant community. He explained that before SB 1070, undocumented individuals would be issued a consulate ID card, but after SB 1070 there has been some confusion about whether the consulate ID cards are official identification. He also mentioned local ID cards, but noted that this effort was not seriously pushed. The second problem is persecution and harassment by both public and government officials. One of the consequences of harsh enforcement policies is that it creates an atmosphere of fear. His group works on rebuilding trust through community

forums, being actively engaged in communication with police departments, and working with "on-the-ground" community organizations that deal with the families and the issues that arise out of harsh enforcement policies on immigration. Somos America does continuous "Know Your Rights" forums to teach individuals about their rights under the U.S. Constitution even if they are undocumented. These forums help these individuals know that while they may be fearful to report a crime, that there are protections in place to make sure they are not deported. Mr. Rodriguez explained that Somos America also teaches them the process of how to report crimes and file grievances. In terms of data collection, Somos America used to have a hotline called the Respect Hotline. People would call in and tell their stories of witnessing a crime or being a victim of a crime and would report feeling as though they could not call the police because they were undocumented individuals. The people taking these calls on the hotline would assist some of these individuals with reporting crimes by either going with them to the police station or instructing them on how to report the crimes.

Mr. Rodriguez discussed the *Melendres* case and that Somos America is a plaintiff in the case. They helped gather data about what was happening in the immigrant community. Mr. Rodriguez discussed how ACRAB could help Somos America and other organizations by working with "on-the-ground" organizations in helping to formalize efforts and rebuild trust between the law enforcement agencies and the immigrant community. He suggested that ACRAB could possibly help by creating literature on how to rebuild this trust, and working with law enforcement agencies to make sure they have strict procedures on immigration policy and follow them. He discussed having an official pamphlet from the state to say that efforts are being made, that the community's stories are being heard and that the police departments are taking steps to rebuild trust.

Brenda Aguirre from Somos America explained how they would like to continue to hear from people about their interactions with law enforcement, specifically the Maricopa County Sheriff's Department. They want to know that the changes that are supposed to be implemented are being implemented. In continuing to hear these stories, Somos America and ACRAB can hopefully learn how interactions with police officers escalate to an ICE hold being placed on an individual. She suggested that ACRAB can help by working with organizations such as Somos America, creating literature on rebuilding trust and working to promote a process for grievances. She believes that a lot of individuals have been affected by abuse of discretion by an individual, police agent or departments, and they don't know what to do when this happens. She said that one thing to keep in mind when creating community forums is to work with community groups and reach out to the community you want to speak with. Ms. Aguirre stated that as a result of the *Melendres* law suit, the Maricopa County Sheriff's Department is required to hold community forums and the first one was held in December last year. Two things came out of this forum: 1. You have to hold the forums where the people are. Anybody that is serious about rebuilding trust between state agencies, police departments and the community needs to go where the people are; 2. The Sheriff's department cannot agree to a community forum to discuss community issues and then have 5 armed sheriffs outside the door greeting the community members. We need to work with community members in making them feel comfortable sharing their stories in hopes of rebuilding trust.

Beverly Dupree asked Mr. Rodriguez and Ms. Aguirre about working with the issue of the illegal status of the individuals. Mr. Rodriguez discussed the "Know Your Rights" information and how they work with families when a member is deported. They also work with the community to provide power of attorneys and provide legal services. Ms. Aguirre also emphasized the importance of the undocumented individual's involvement in the community in reducing crime by being able to report crimes and keep the community safe. Beverly Dupree asked whether their group is doing anything with regard to proposing legislation. Mr. Rodriguez stated that because of the political climate in Arizona, there has not been much effort in terms of legislation. He mentioned the California Trust Act and the possibility of modeling legislation after that. He also mentioned legislation with regards to police stops and the time spent detaining an undocumented individual. Juan Ciscomani asked about "Know Your Rights" literature, police procedures, and education of the immigrant community about these procedures. Ms. Aguirre responded and discussed the animated versions of the literature to address potential literacy issues. The Board expressed interest in seeing the "Know Your Rights" literature, and the California Trust Act before making final recommendations.

(b) Recommendations re data collection.

Sandra Kane stated that she, Daisy Flores and Jennifer Larson had a dialogue in regard to data collection. Daisy Flores stated that she had looked at the DPS website, but it doesn't show the form for data collection or how DPS is tracking their current statistics. It has summaries of the information collected. There is no legislation currently in Arizona in regard to data collection on racial profiling issues. There are several states that do have this type of legislation. Nebraska has a very interesting legislative approach to data collection, which has been implemented over several years. The most recent implementation required each agency to provide their policies to this state entity and to show what their current policies are in regard to racial profiling. Ms. Flores recommended legislation similar to Nebraska's legislation for data collection for racial profiling. Ms. Kane asked the representatives from Somos America if there have been any legislative efforts in data collection by them or anyone else. Ms. Aguirre stated that not much effort has been put forth into legislation. Daniel Rodriguez said that a local organization called Fuente has advocated for something like the Trust Act here in Arizona. Ms. Dupree asked about documented individuals being profiled and victimized much like undocumented individuals and if there is statistical information on those individuals. Ms. Aguirre answered that part of the decision from the *Melendres* case is collecting that type of information. Daisy Flores expressed concern that without legislation, there would not be much voluntary action by law enforcement agencies for data collection. However, there are also issues about having a repository for the information and who would sort through the information collected. Ms. Flores stated that if legislation is not an option, then recommending that state agencies collect this data is an avenue. Juan Ciscomani agreed that recommending that state agencies collect data is a good idea. He suggested sending out letters from ACRAB recommending that these efforts be done to help address racial profiling. The Board discussed possibly sending these letters to City council or police departments.

V. Continued discussion of Planning to commemorate for 50th Anniversary of The Civil Rights Act.

Kathleen Winn, Director of AGO Community Outreach, who previously offered her assistance and leadership in pursuing these efforts, was to be in attendance today but has gone home ill. She did tell Sandra Kane that the office would still like to plan something and

that it would happen in June and not on July 4th. She will be at the next meeting to give an update.

VI. Discussion of civil rights issues for upcoming year

Janet Bain stated that a few people have called her in regard to SB 1062. Ms. Kane explained that this bill may cross over constitutional lines but that she hadn't read the actual bill. She said that Ann Hobart, Chief Counsel of Litigation in the Civil Rights Division, would be attending the meeting and would have a legislative update.

VII. Legislative Update.

Ann Hobart, Chief Counsel for Litigation in the Civil Rights, discussed SB 1062 with Janet Bain. If passed, SB 1062 would allow people to use their religious believes to exclude others from their businesses. It directly affects the Arizona Civil Rights Act for public accommodation. Janet Bain will provide more literature and information on this legislation.

VIII. Division Report.

Ann Hobart discussed some high profile developments in the Civil Rights Division. The City of Tempe filed a declaratory judgment action against the ACRD in Maricopa County Superior Court. In December, the Court ruled in the ACRD's favor and granted the ACRD its attorney's fees. Ms. Hobart also discussed State v. ASARCO, a sexual discrimination case, and gave an update on the appeal. Ms. Hobart noted that the Division will be commencing a two-month trial in a housing discrimination case against the Town of Colorado City and others next week.

IX. Call to Public.

A gentleman requested some assistance in obtaining information about his police report. Jeff Lavender suggested that he speak with Sandra Kane after the meeting is over.

X. Announcements and Current Events.

Jeff Lavender suggested the Board Members reach out to Ms. Freeman and send her best wishes for recovery. The Board agreed to hold its next meeting on Thursday, April 10, 2014, at 1:00 PM.

XI. Adjournment.

Upon motion by Janet Bain, which was seconded by Daisy Flores, the Board voted to adjourn the meeting at 3:17 p.m.

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