CALIFORNIA DEPARTMENT OF JUSTICE

ASSEMBLY BILL 953 STOP DATA REGULATIONS
PUBLIC HEARING

Thursday, January 12, 2017
6:00-8:00 P.M.

TRANSCRIPTION OF RECORDED PROCEEDINGS

California State University, Los Angeles
Student Union Building
5154 State University Drive, Room 308
Los Angeles, California 90032

CAROL BIRKENFELD & ASSOCIATES
Certified Shorthand Reporters
53 West Shore Road, Belvedere, CA 94920
Phone (415) 435-9765  Fax (415) 435-1825
Email:  Info@birkenfeldreporting.com

1  APPEARANCES
2
3  From the Attorney General's Office, Civil Rights
4  Enforcement Section (CRES):
5    SHANNON HOVIS, Chairperson
6    ANGELA SIERRA
7    CATHERINE YSRAEL
8    KATHLEEN V. RADEZ
9    JERRY SYMANSKI
10
11  From the California Justice Information Services
12  Division (CJIS):
13    AUDRA OPDYKE
14    RANDIE CHANCE

1  STATEMENTS FROM THE PUBLIC
2  PAGE
3  KAREN GLOVER                                           9
4  CALVIN CHANG                                          11
5  VANESSA DELEON                                       13
6  DAVE BROWN                                           15
7  PETER BIBRING                                         19
8  KIM MCGILL                                           22
9  MICHAEL WILSON                                        28
10  CARLETTA JACKSON                                     31
11  HARRY SHAKUR                                         34
12  MARITZA                                              38
13  SEAN GARCIA-LEYS                                    42
14  CHANTELLE                                           43

PROCEEDINGS

MS. HOVIS: Hi. Good evening, everyone. We'll go ahead and get started.

Thank you all so much for coming to attend today's public hearing. We know that it's raining and that you've braved the rain and the traffic to get out here, and we appreciate your presence.

Hopefully, we'll have more folks join as the hearing goes on. And I'll potentially revisit some of the format if we do have others straggle in.

My name is Shannon Hovis, and I'm a senior policy advisor here in the Office of the Attorney General. With me today is -- are Senior Assistant Attorney General Angela Sierra. She oversees our Civil Rights Enforcement Section. Also Catherine Ysrael and Kathy Radez who are with our Civil Rights Enforcement Section as well, attorneys and in that section.

Audra Opdyke and Randie Chance are from our California Justice Information Services Division.

We also have Jerry Szymanski, who is the special assistant for evidence-based law enforcement with our division of law enforcement.

-000-

Page 1
Page 2
Page 3
Page 4
And Marisol Leon, here in the front, who is with our Civil Rights Enforcement Section, one of our attorneys. And Rebekah Fretz, who is with our Bureau of Children's Justice, an attorney in that section.

It's approximately 6:07 -- or exactly 6:07 p.m. on Thursday, January 12th, 2017, and we are gathered here today at Cal State Los Angeles to receive public comments on the proposed stop data regulations posted by the California Department of Justice.

The proposed regulations that we are concerned with today pertain to the collection of information regarding stops made by law enforcement agencies and are required by California's Racial and Identity Profiling Act of 2015, Assembly Bill or AB 953.

To be clear, this is not a meeting of the Racial and Identify Profiling Advisory Board. You probably figured that out since we are not the board. This is a public hearing, and this is an opportunity to provide comment on the proposed regulations that we've issued.

On December 9, 2016, the California Department of Justice posted the proposed text of the regulations, the Notice of Proposed Action, Initial Statement of Reasons, and Fiscal Impact on our website at "oag.ca.gov/ab953/regulations."

On December 9th, we also sent a notice to interested stakeholders to let them know that the proposed regulations have been posted. This notice also outlined the ability for members of the public to provide comments regarding proposed regulations in writing or orally at today's hearing. We are also holding two other hearings in the state in the next two weeks, one in Fresno and one in Oakland.

The full rulemaking file, including the rulemaking documents, documents relied upon to develop the proposed regulations, and comments received to date are available in paper form at our DOJ offices in Oakland and in Los Angeles. If you would like to see the full rulemaking file, you can email us at "ab953@doj.ca.gov."

The format of today's hearing will be as follows. This is an opportunity for you to provide comment on the proposed stop data regulations. Each person will have four minutes to provide a statement about the regulations. For example, one statement may express your support or critique of certain data elements that we have proposed to collect in the regulations. As another example, your statement may encourage the department to collect additional data elements and so forth.

We ask that you provide comments that are relevant to the stop data regulations since the purpose of this hearing is to specifically provide comment on them.

This is also not a question-and-answer period, so we won't have a back-and-forth dialogue. We won't be answering questions about why we selected things and whatnot. Rather, it's our job at this hearing to hear you, to listen to your input. So we will be doing a lot of listening and not all that much talking once I stop my talking.

This entire hearing is being recorded. A transcript of the hearing and all information presented to us during the hearing will be made part of the rulemaking record. If you've brought written comments with you to submit during the hearing today, please give them to Kathy Radez.

If you wish to submit written comments after you leave today, you may submit them through the Attorney General's website at "oag.ca.gov/ab953/regulations." The deadline for submitting comments is January 27th, 2017 at 5:00 p.m. That's when the public comment period will close.

We will consider all written and oral comments submitted to our office and address these comments in the rulemaking file. We will not provide individual responses back to you in response to each comment.

When you come to the microphone to speak, we do ask that you please identify yourself by stating your name clearly and spelling it for the record. Please also identify the organization that you are with, if any, and what section of the proposed regulation text you want to discuss, if possible. You are not required to state your name if you want to provide a comment anonymously.

If you would like to provide a comment in a language other than English and have someone to translate for you, you will be provided extra time for the translation. We also have a translator here. If you would like to provide a comment in Spanish, he can translate from Spanish to English for our reference.

As you entered the room, you should have seen a sign-in sheet. This sign-in sheet is voluntary. It's not required. If you would like
to stay apprised of the actions of AB 953, receive notifications about the AB 953 regulations and the activities of the Racial and Identify Profiling Advisory Board, please do sign in with your name and email address. And unless you specify otherwise to us, you will receive all notifications by email; you won't receive rings in hard copy by snail mail.

So we'll now begin taking oral comments on the proposed regulations. When you would like to provide a comment, please line up behind the microphone. Like I said, every speaker will be allotted four minutes. If you -- as you go on, once you have a minute left, we'll put up the yellow card. And then the red card will indicate that time is up. And we ask that you just wrap up shortly thereafter seeing the red card.

Okay. So let's begin.

STATEMENT BY KAREN GLOVER

MS. GLOVER: Hi, folks. I'm Karen Glover. Karen, regular spelling, Glover, G-l-o-v-e-r. And I'm a professor at Cal State San Marcos, which is in the San Diego area.

So I drove up here in the rain and ran into a lot of traffic. So it's an important issue for me. It's my life's work, racial profiling. And there's a backstory to that, but you don't need to know that.

So maybe being the first speaker isn't the best thing here, because I'm kind of going to be a bit on the downside with data collection. And that is, we've been collecting data in police studies for about two decades now. We've been collecting it increasingly with better methodology, et cetera, et cetera. And what generally is the history of the data collection -- and I know the literature; I live in it; I sleep in it -- is that the data analysis that demonstrates time and time again racial disparity is marginalized, discounted, silenced in the important realms in which we're trying to kind of make it matter.

So what I'm hoping that AB 953 or related legislation can do is the next step, and that is: When disparity is revealed, have a mandate that that disparity in and of itself has to be addressed immediately in the department that's under review. A three-month -- here's an example. A three-month, six-month, one-year, five-year and ten-year review. So it's going to be continual data collection.

And if things aren't starting to decline in the disparity that's been revealed, then accountability with the brass in the department, supervisors, not so much the traffic officers themselves, but the people who really are gonna be the ones that need to be held accountable for this needs to be in place.

So the data collection is important. What you're organizing to do is incredibly important, and I'm very proud of you all for doing it in the State of California, the AG's Office, but the history is that this data gets swallowed up, it gets denied.

And I have a ton of cards. I would love to do anything with you at all.

And I'm actually wondering where the men of color are in your panel as a closing comment. Thank you.

STATEMENT BY CALVIN CHANG

MR. CHANG: Good evening. My name is Calvin Chang. I'm the policy director for Empowering Pacific Islander Communities. My organization serves the approximately 340,000 native Hawaiians and Pacific Islanders residing in California.

My comment relates to Article III, Section (A)(8), perceived race or ethnicity when the person is stopped. The first thing is that Asian Pacific Islanders extremely problematic of our community. We believe that this data category should be made more consistent with California Government Code 1810.5 which separates the Asian and Pacific Islander categories. But also with Federal Office of Management and Budget Directive No. 15, which also requires federal agencies to separate the Asian and Pacific Islander communities. And this is extremely important because these two communities should never have been aggregated in the first place given how distinct their histories are. But also because of the extreme diversity that exists within both of those communities.

And unfortunately, we continue to see severe disparities in how Pacific Islanders are treated in California. For example, the Pacific Islander population in prisons grew 192 percent between 2000 and 2010. Whereas, the total prison population grew only 1 percent.

In addition to that, the largest civil rights damage award against a law enforcement agency in California resulted out of a case that originated in Carson, California. And that was the...
result of the L.A. County Sheriff's Department
unfortunately involving themselves in a brutal
encounter with a Samoan family in Carson.

Given the historical discrimination
against Pacific Islanders and the distinct
differences between the Asian and Pacific Islander
communities, we strongly recommend that those two
data categories be broken up. Thank you.

   MS. YSRAEL: Thank you.

   MS. HOVIS: For those of you who just came
in, the microphone is free whenever anybody is
ready to provide a comment. And you have four
minutes. Although, unfortunately, it looks like we
are not running out of time.

   STATEMENT BY VANESSA DELEON
   MS. DELEON: My name is Vanessa Deleon,
V-a-n-e-s-s-a, D-e-l-e-o-n. I'm with the Youth
Justice Coalition.

   The first thing I just wanted to say that
effective implementation is very crucial for AB 953.
And so it's very important that we have the space
to give comments on the regulations.
And some things that I have to point out
are the -- in collecting data and having the data
values that are listed in the regulations, there
also is room to add spaces to include narratives or
open fields in the regulations so that way more
contextual information is being provided instead of
those strict items that are listed within the
regulations. And this would provide more context
for the reasons for stops and the basis for
searches that are made. And although that does
require more time and more work to do, it still is
needed and can provide, I think, some better
information for when all of this is analyzed.

   And then also including the parts where it
includes GPS or address location, I know for some
it did say it would include if it's a residence,
like the streets or cross streets that are nearby.
But just to stress that it should include
descriptions of the types of locations. So is that
a street or sidewalk or residence, if it's a
commercial place or public transit. So those are
also necessary in order to understand more about
that stop that was made, or search.

   And then the data values where it's listed
as timing. So where it's 1 to 10 minutes, 11 to
20, those don't capture necessary details with
respect to how long it lasted. So you'd be
reevaluating those time limits.

   And then also for searches at schools,
there's also a lot of searches that are said that
are random. But a lot of times youth and students
have questioned whether those are actually random
searches. So also language in the regulations
providing more information as to why those students
were identified beforehand. And more context to
why those students are being searched and -- and
seeked out in schools.

   Thank you.

   MS. YSRAEL: Thank you.

   STATEMENT BY CAPT. DAVE BROWN
   MR. BROWN: Captain Dave Brown, B-r-o-w-n,
San Diego County Sheriff's Department.

   The sheriff of San Diego County, Bill
Gore, actually sent a letter to the Attorney
General with a number of things. I won't read it
here; it would take up more than four minutes of
various points.

   I attended many of the subcommittee
meetings where we discussed about -- especially
involving sheriff's departments with pragmatic
searches, courthouses, public buildings where we
have metal detectors. In fact, those meetings
were held, I had to go through a metal detector and
show ID to show that I was a peace officer.

   That would have -- and in the subcommittee
meetings, it was discussed to take out jail
visitors, which sheriffs' departments have a lot of
jail visitors that come every day, and everyone is
given a certain search. But in the examples given
in the final document I saw, the -- both examples
were sporting events and would create a huge
problem for courthouses, backing up courts. And
the courts themselves are going to probably object.
Because San Diego is not the largest city but
second largest in the state, but LA is quite a bit
larger than us, and we had 3.8 million visitors to
our courts that were screened last year. Roughly
10 percent are done "something is different."
And the way it read was: If you do
anything different to somebody, it prompts -- it
triggers the 28 questions. You know, that's a
whole other conversation where the law says seven
questions and the group says 28. But 28 questions
per person. And if you look at that, it's a couple
hundred thousand in my county alone. And some
counties are at least three times our size.

   So you're going to have a lot of -- and
these are not done -- no one's stopping anyone;
they're choosing to go into this building. It could be the county administration center, some other public buildings. As there's more and more terrorism, there's more and more buildings with metal detectors to get in. And there's no descriptions in there other than if you pull them aside or if you search their bag -- you see something in their bag, it prompts a pat down.

We don't pat everyone down. Everyone goes through the metal detector and the metal detector gets triggered -- if you've ever gone on an airplane, you see from the other side, most of them can indicate the height in which the metal object was. So we'll generally only check that spot or ask them, "Hey, do you have a pin in your knee?" I mean, there's something going off right around here. Or we'll wand it with a metal detector in that spot. But according to the language, that is now going to have the 28 questions.

When you're -- if you've seen the lines at TSA, those are similar to get into the courts and into public buildings. And we feel that having these deputies have to fill out -- answer 28 questions for every person that they do differently -- and many times, we'll find a bracelet or a thing -- a ring that can't come off, we'll have them raise their hand in the air and go through again. And if it now goes off in the high area, we'll know that's it. But something is done to them that's different from the pragmatic search that's defined. And to me, reading that, that would prompt this thing. And, um, I brought these things up at the subcommittee level about the jail visitors that come. We ask them all for ID. ID prompts the search -- or prompts the answered questions. And so, you know, a detention is one thing; it's defined in the law, and the courts have defined it. And all these other things are different. So I'm just wondering why that got lost and the amount of impact it's going to have to -- to hurt court operations, when no one is sent through or selected based on race; it's purely by the buzzer going off. And we're going to get bad data if we start collecting -- I mean, the goal is not to collect the data on who sets off a buzzer. And that's usually who we search.

So I'm just -- I noticed -- I read it all through, and I noticed that part which I thought went out at the subcommittee level found its way back in at the final document.

MS. YSRAEL: Thank you.

STATEMENT BY PETER BIBRING

MR. BIBRING: So thank you. So my name is Peter Bibring. I am the director of police practices for the ACLU in California. I'm sure many of you saw me a number of times during the subcommittee meetings.

And so on behalf of the ACLU of Southern California and the cosponsors of the legislation, I wanted to provide at least an outline of some of our comments to the regulations. And we, like the San Diego Sheriff, will also be sending in a fuller letter. So this is just an outline.

First, in framing, obviously we want to thank the Attorney General and the RIPA board for a really comprehensive job, particularly in light of issues around stop and frisk that are more pressing now than they were when this bill was passed. And during much of the process, these regulations are really key, and it's clear a tremendous amount of work went in to make these very carefully thought through. So thank all of you and the RIPA board members for that.

I did want to also add, in framing,
"search" includes frisks as well as full searches. That we believe is crucial to capturing the impact of policing, and so we would like to see that in the final regulation.

Additionally, the regulations reflect the recommendations of advocacy groups around gender identity and sexual orientation. And we were glad to see that reflected more accurately in the final regulations. And the same is true with respect to questions about disability, particularly mental disability. Again, a crucial component of understanding police interaction with the public that came through very well in the final regulations.

And finally, the fact that the regulations are defined to include peace officers that -- whenever they're acting in their official capacity, not just when they are on the job for an assignment agency. We were glad to see that in the final regulation.

There are a number of areas of concern, I don't think any of which would be surprising. The most crucial of which is the failure of the regulations to include open fields. Most particularly for explanations of why actions were taken, why a stop occurred, why a search occurred, and understanding the varied reasons that often peace officers may have for conducting those actions requires something more than just checked boxes. As comprehensive as those might have been attempted to be, it can never capture the full range of reasons for officers to act. And we need to understand officer action. And also, without those open fields, we won't understand the limitations of the current form. Because if boxes marked "other" are just checked without any open field to describe the "other," that will also be a concern.

So in conclusion, there are a number of other things that we'll go through in the course of our letter. Thank you for your efforts.

MS. YSRAEL: Thank you.

MS. HOVIS: For anyone who has recently joined us, we have an open mic and you may come make a four-minute comment in the time that we're allotting. And at your leisure, we're here till eight o'clock.

STATEMENT BY KIM MCGILL

MS. MCGILL: Well, my name is Kim McGill. And I just want to highlight that there's a lot of

people here from the Youth Justice Coalition. We're the co-sponsors of Assembly Bill 953. So we're so appreciative of all the hard work you're putting into making the regulations real.

And we know that a lot of legislation has passed that's never really implemented. So obviously the work -- the hard work, the important work was not passing the bill but making it real.

So we first want to really appreciate you.

And everyone from the YJC, if you guys could just raise your hands. We'll just give them a lot of love for the work they did to pass the bill.

But, um, there's -- while we're really encouraged by the regulations we see so far, we wanted to highlight a couple of things that we really urge you to change. One is that we want to make sure there's fields in the data collection that really talk about storytelling, because we know that it's not so much the boxes that people check off, that law enforcement checks off, but the reasons behind those boxes that have to be captured by the data.

I'll give you an example. We put in a Public Record Act request because so many of our family members and loved ones have been killed by law enforcement. And we work a lot with the families who, here in L.A. County, have experienced that. We lead the nation by far with nearly 700 people killed by law enforcement since 2000.

And what was missing from all those interactions -- unless family members were kind of out engaged in the organizing -- was the stories behind those stops. So we put a Public Record Act request in to the district attorney to get all of the reports on each of those use-of-force stops that resulted in homicide. And we were shocked by several things that if we hadn't had access to those reports would not have been unearthed. And of course, most people, including family members, never see those reports.

One of the things we learned was that most of the stops that resulted in homicides happened within minutes. So we urge you to have in your data collection how much time they spent on a stop, so that we can see where law enforcement -- if they just slow down and engage with people differently, they could prevent a lot of arrests, definitely a lot of use of force and a lot of unnecessary killings.

The second thing that the stories revealed
was how many people have mental health conditions. And we estimate about 40 percent of the people killed here in L.A. County have mental health conditions, and yet in most of those cases no mental health team was called.

So we need that story behind the boxes -- when it's just the regular routine data collection -- that those kind of stories, those kind of reports reveal. And then we are able to -- you know, we're able to say that, you know, not only why did this stop happen, but what could have prevented this stop from going the way it did.

The other thing we want to urge you to think about in terms of data collection, another reason why the storytelling is so important, is the why behind the stops.

We've worked very hard here to address the racial and identity profiling where alleged gang membership or gang affiliation is the reason for why young people are being challenged or profiled.

We know through an audit from the state, both through Angela Evans and our own members, that people are getting stopped for a minor thing that should never have been in the first place, that people as young as seven, eight, nine, ten,

eleven were experiencing these kind of stops where they asked, "Where are you from? Why are you in this area? Why are you hanging out with these people?"

But we couldn't prove it until we got an audit done from Cal Gang and found out that what people were experiencing on the street were gross inaccuracies, overuse of that kind of stop, using that kind of profiling as an excuse was resulting in bad data.

So, again, we just urge you to -- yes, you're on the right track -- but to expand the storytelling, the open fields within the reporting documents so that we know how long stops are taking, the real reasons for the stops, and we can unearth some of the more egregious actions that are leading not only to people being over-criminalized, to be humiliated in front of their families and friends and school and, as well, to be killed in some cases.

The last thing that we really appreciate, we fought very hard at the Youth Justice Coalition for school police, school resource officers and transportation police to be included. Because we knew from our own experiences as well as when we did record requests that the number one reason why young people are being stopped was for minor school issues that would be better handled by school officials or teachers, not by law enforcement. And the number one reason for ticketing in L.A. County, with about 10,000 tickets a year, was for fare evasion on the trains and buses and subways. So, again, the why behind the stops. And the location was just the other thing we want to really urge, that we make sure that in the data fields it is required, location. So that we can see why is this happening over and over again at this transportation stop as opposed to this transportation stop or this train depot. Why is this happening over and over again in this law enforcement agency, where the law enforcement agency right next door that has the exact same demographics it's not happening.

I'll leave it at that. Thank you so much.

MS. YSRAEL: Thank you.

MS. HOVIS: If you just joined us, we have an open mic. So whenever someone is not at the mic, you can come up and provide comment. And you have about four minutes to provide them.

There are also -- if you didn't see copies of the regulations at the back table, if you'd like to pick up a copy. And the sign-in in the back is voluntary. But if you sign in on that form, you will be kept apprised of all of the activities of AB 953 regulations, the implementation pertaining to that, and the activities of the Racial and Identity Profiling Advisory Board.

STATEMENT BY MICHAEL WILSON

MR. WILSON: Michael Wilson, YJC.

Implementation of AB 953 -- excuse me -- is important to me specifically because throughout my years living in L.A., I been stopped numerous times. Within those stops, there -- in many cases, there was no reason behind it. I was asked my gang affiliation, why I wore the -- why I wore the color of shoes I wore, why I wore the color hats I wore. And simply telling them because I wanted to was not an option; I was pegged to the closest neighborhood in which I was in at that moment and what color I wore. I have been affiliated with both the Blood and Crip gang, yet was never given any actual solidifying evidence to give me gang ties at that moment.

It's also important for me to have an oversight of -- and a more deeper intent access
[Sic] to police content with the committee because for me most of those stops were unsolicited. Therefore, there was no crime being committed, I had no — in many cases, I was stopped and asked "Where’s the weed?" And then detained, then searched.

Sadly, in a lot of my cases, arrests weren’t even made, yet information was — and even intimidation was used. "We’ll arrest you if." I was even told once by the L.A. County Sheriffs, "Show me the guns. Tell me where the guns are, and we’ll let you go.”

Of course, I had no guns. So, therefore, me showing you where the guns were was an inadequate question for me because I allowed you to search my property and my person, and you found no weapons on me. So, therefore, any question asked which you did not find on me should not have been asked, should not have even proposed, in my thinking.

I don’t — I can’t speak for everyone or law enforcement. However, I feel that we need these oversights and regulations because these stops are numerous, and most of them were as I was a minor. And a minor’s first insight with law enforcement is they’re there to protect and serve. Well, in my community, sadly, it has been the complete opposite: It’s one of fear and intimidation. And I feel — my opinion is that they use that fear and intimidation to gain — I won’t use the word “quota,” but a quota, you know, let’s arrest someone.

I’ve even been told by law enforcement myself in an instance, "Someone must go to jail because the police were called. Somebody has to go to jail." I was that person to go to jail. I committed no crime. I actually — in that instance, I needed the police’s support. And instead, I was the criminal. Yet I was the one that had the scars; I was the one that had been the victim in the case. Yet I was, according to law enforcement purposes, considered the perpetrator and incarcerated for a crime I did not commit.

And having these regulations in place would allow us, the community, to not only feel safer with those who are sworn in to protect and serve, but will give us an understanding of why they searched who they searched, why they stopped who they stopped, and actually help us, as the community, feel safer to know that the community is not under attack, but you are here to protect me as well as everyone else in the communities surrounding my community. And I feel we need to bridge those gaps, and these regulations will do just that.

MS. YSRAEL: Thank you.

STATEMENT BY CARLETTA JACKSON

MS. JACKSON: Hi, y’all. My name is Carletta. I'm with YJC.

AB 953 is very important to me because being a youth growing up in a public school in the hood, my -- me and my classmates experience a lot of interactions with law enforcement, and it’s really important that it’s brought up.

When I was in middle school, a group of boys would constantly harass me; they would always touch me. And every -- every time they did that, my teacher’s reply and counselor’s -- my teacher’s reply was, "Go to the school police. Go to the school police.”

And after nine months of keep going to the school police and numerous police reports about those boys, the day the school decided to take action was the day that me and the boys’ lives will and has been changed for the worst.

enforcement is they’re there to protect and serve. Well, in my community, sadly, it has been the complete opposite: It’s one of fear and intimidation. And I feel — my opinion is that they use that fear and intimidation to gain — I won’t use the word “quota,” but a quota, you know, let’s arrest someone.

I’ve even been told by law enforcement myself in an instance, "Someone must go to jail because the police were called. Somebody has to go to jail." I was that person to go to jail. I committed no crime. I actually — in that instance, I needed the police’s support. And instead, I was the criminal. Yet I was the one that had the scars; I was the one that had been the victim in the case. Yet I was, according to law enforcement purposes, considered the perpetrator and incarcerated for a crime I did not commit.

And having these regulations in place would allow us, the community, to not only feel safer with those who are sworn in to protect and serve, but will give us an understanding of why they searched who they searched, why they stopped who they stopped, and actually help us, as the community, feel safer to know that the community is not under attack, but you are here to protect me as well as everyone else in the communities surrounding my community. And I feel we need to bridge those gaps, and these regulations will do just that.

MS. YSRAEL: Thank you.

STATEMENT BY CARLETTA JACKSON

MS. JACKSON: Hi, y’all. My name is Carletta. I'm with YJC.

AB 953 is very important to me because being a youth growing up in a public school in the hood, my -- me and my classmates experience a lot of interactions with law enforcement, and it’s really important that it’s brought up.

When I was in middle school, a group of boys would constantly harass me; they would always touch me. And every -- every time they did that, my teacher’s reply and counselor’s -- my teacher’s reply was, "Go to the school police. Go to the school police.”

And after nine months of keep going to the school police and numerous police reports about those boys, the day the school decided to take action was the day that me and the boys’ lives will and has been changed for the worst.
However, we are accepting comments by email through January 27th at 5:00 p.m. So any and all comments can certainly be submitted to us in writing. And we are considering every single comment that is submitted, both orally and in writing, to our office.

The email to email us at is
"Ab953@doj.ca.gov." And you can also go to our website "oag.ca.gov/ab953/regulations" and you can submit a comment there on the website as well.

VOICE FROM AUDIENCE: Can you say that again?

MS. HOVIS: So the email address is
"ab953@doj.ca.gov." And that's for a direct email, you can email us there. And you can also go to our website where we have all of the regulatory documents provided there. And you can also submit a comment directly there. So the website is
"oag.ca.gov/ab953/regulations."

If you're just joining us, the microphone is open for public comment until 8:00 p.m. We're giving each member of the public four minutes.

STATEMENT BY HARRY SHAKUR
MR. SHAKUR: Hi. My name is Harry Shakur. I'm a student, and I'm talking about school police.

So we had many meetings with the school police, and they said they were here to protect the students. And a girl recently got kidnapped at my school. And I'm wondering where was the school police to protect her?

There's many things the school police do that they shouldn't be able to do, such as they come check the students during class time. Why would you come check some students during class time if they could miss things in class? And they also come with canines, like we animals. Why would you come with a canine to search a kid? It's bad enough that you're searching us already.

MS. YSRAEL: Thank you.

MS. HOVIS: If you're just joining us, I'll also add that there are copies of the stop data regulations at the back table.

And there's a voluntary sign-in sheet as well. And if you sign up on the voluntary sign-in sheet, you'll be kept apprised of all of the regulatory activities for this rulemaking process, as well as activities of the Racial and Identity Profiling Advisory Board and other implementation activities of our office.

For those who were not here at the beginning when I sort of gave a brief introduction about this public hearing and others, this is the first of three public hearings that we are holding on the Stop Data Regulations. The other two -- the one in Oakland -- there will be one in Oakland next week. It's Wednesday of next week, January 18th. And then we have a public hearing in Fresno on January 26th.

And in addition to the public hearing in Fresno, we will also be holding the next meeting of the Racial and Identity Profiling Advisory Board that same day in Fresno, January 26th. The RIPA board meeting will be at 10:00 a.m. And the public hearing in Fresno is at 2:30 p.m.

So if you want to let anybody else know about future events or if you'd like to travel out to Fresno for the next board meeting, the board will be also deliberating on the proposed regulations. That will be the purpose of that meeting. We will not be taking -- at the board meeting itself, we will not be taking official public comments on the proposed regulations from the public. That will be reserved for the actual public hearing that afternoon.

VOICE FROM THE AUDIENCE: Can we ask a
We didn't understand the process. We didn't know anything about the raid that was happening in the same compound that we lived in. We were pulled over right within a block or two after we left. So that's one of my experiences.

And the second one I wanted to bring up to you all today is an experience when I was in high school. We had a field trip. One of -- we were able to take our individual cars, and the school was able to just buy tickets at the door at Knott's Berry Farm. And it was about 30 or so of us, so multiple cars went.

We were being -- we were all coming back to L.A. from Anaheim. And I was in a car with four young gentlemen, two Latinos, two African-Americans. We were very much following each other. But the car that I was in was a visible -- a car that was much more beat up. And it was obvious that it was a man of color, and we were pulled over. We were separated from our group, and we were held for 45 minutes.

And the first question off the bat the minute we rolled down the windows was: “Are you guys on probation or parole?”

Um, I was left in the car as a young

THE REPORTER: Can you start over, please?

MS. MARITZZA: I'm here just to tell you guys a little bit more about my story.

When I was 13 years old, my mother was incarcerated. She was picked up on a raid. But what was interesting about the specific raid was that we had just been in the property that was raided as my mom was picking up medicine for me and was about to take me to the doctor. And a police car followed us before the raid even started, pulled us over down the street and held us there for about 30 to 45 minutes while the raid was happening. And then they brought us back and lined my mother up and arrested her.

They left me as a -- I wasn't even 13. I think I was like 12 -- as a 12-year-old on the street with a three-year-old kid from the neighborhood who wasn't even related to me. He was just another kid that lived in the same compound. Those 30 to 45 minutes, the police -- these two police officers basically told us that we were being held because the car we were driving matched a hit-and-run incident. We weren't told the truth.

We were -- we didn't even know why we were being held.

STATEMENT BY MARITZZA

Hello. Good afternoon. My name is Maritzza. I'm with the Youth Justice Coalition. (Inaudible.)

THE REPORTER: I'm sorry?

MS. MARITZZA: I'm here just to tell you guys a little bit more about my story.

When I was 13 years old, my mother was incarcerated. She was picked up on a raid. But what was interesting about the specific raid was that we had just been in the property that was raided as my mom was picking up medicine for me and was about to take me to the doctor. And a police car followed us before the raid even started, pulled us over down the street and held us there for about 30 to 45 minutes while the raid was happening. And then they brought us back and lined my mother up and arrested her.

They left me as a -- I wasn't even 13. I think I was like 12 -- as a 12-year-old on the street with a three-year-old kid from the neighborhood who wasn't even related to me. He was just another kid that lived in the same compound. Those 30 to 45 minutes, the police -- these two police officers basically told us that we were being held because the car we were driving matched a hit-and-run incident. We weren't told the truth.

We were -- we didn't even know why we were being held.

STATEMENT BY MARITZZA

Hello. Good afternoon. My name is Maritzza. I'm with the Youth Justice Coalition. (Inaudible.)

THE REPORTER: I can't hear you. I'm sorry.

MS. HOVIS: Can you hear me now? Okay. Regardless of whether you are submitting an oral comment to us today, if you are interested in submitting a written comment, you can do so up until January 27th at 5:00 p.m. And you can do that one of two ways. You can either send us an email directly to "ab953@doj.ca.gov" or you can go to our website. The Attorney General's website is "oag.ca.gov." And you can just search for AB 953.

It will direct you to our regulations page as well.

If you do not have email, you can send it to us hard copy. And you can find the address to do that on our AB 953 regulations web page on the Attorney General's website at "oag.ca.gov."

Or you can write a letter while you're sitting here. (Laughter.) Open mic.

MS. HOVIS: I'll just add, I think I've probably said this probably maybe more than once at this point, but if you --

THE REPORTER: I can't hear you. I'm sorry.

MS. HOVIS: Can you hear me now? Okay. Regardless of whether you are submitting an oral comment to us today, if you are interested in submitting a written comment, you can do so up until January 27th at 5:00 p.m. And you can do that one of two ways. You can either send us an email directly to "ab953@doj.ca.gov" or you can go to our website. The Attorney General's website is "oag.ca.gov." And you can just search for AB 953.

It will direct you to our regulations page as well.

If you do not have email, you can send it to us hard copy. And you can find the address to do that on our AB 953 regulations web page on the Attorney General's website at "oag.ca.gov."

Or you can write a letter while you're sitting here. (Laughter.) Open mic.

MS. MARITZZA: Hello. Good afternoon. My name is Maritzza. I'm with the Youth Justice Coalition. (Inaudible.)

We didn't understand the process. We didn't know anything about the raid that was happening in the same compound that we lived in. We were pulled over right within a block or two after we left. So that's one of my experiences.

And the second one I wanted to bring up to you all today is an experience when I was in high school. We had a field trip. One of -- we were able to take our individual cars, and the school was able to just buy tickets at the door at Knott's Berry Farm. And it was about 30 or so of us, so multiple cars went.

We were being -- we were all coming back to L.A. from Anaheim. And I was in a car with four young gentlemen, two Latinos, two African-Americans. We were very much following each other. But the car that I was in was a visible -- a car that was much more beat up. And it was obvious that it was a man of color, and we were pulled over. We were separated from our group, and we were held for 45 minutes.

And the first question off the bat the minute we rolled down the windows was: "Are you guys on probation or parole?"

Um, I was left in the car as a young

STATEMENT BY MARITZZA

Hello. Good afternoon. My name is Maritzza. I'm with the Youth Justice Coalition. (Inaudible.)

THE REPORTER: I can't hear you. I'm sorry.

MS. MARITZZA: I'm here just to tell you guys a little bit more about my story.

When I was 13 years old, my mother was incarcerated. She was picked up on a raid. But what was interesting about the specific raid was that we had just been in the property that was raided as my mom was picking up medicine for me and was about to take me to the doctor. And a police car followed us before the raid even started, pulled us over down the street and held us there for about 30 to 45 minutes while the raid was happening. And then they brought us back and lined my mother up and arrested her.

They left me as a -- I wasn't even 13. I think I was like 12 -- as a 12-year-old on the street with a three-year-old kid from the neighborhood who wasn't even related to me. He was just another kid that lived in the same compound. Those 30 to 45 minutes, the police -- these two police officers basically told us that we were being held because the car we were driving matched a hit-and-run incident. We weren't told the truth.

We were -- we didn't even know why we were being held.
woman. The four young men were lined up and sat on the curb.

So those two experiences of being in stops where multiple hours had passed -- the second experience, I think were there for about an hour before we were cleared -- have really, um, challenged my -- really impacted me in terms of the way I see stops.

And I worked on the bill. I worked with YJC to push this bill because I so often have seen men in my community -- what ends up happening is that young people of color end up getting the brunt end, like, get pulled over.

And so for us, I think it's important to really document the time; how long the stops take, the details. Not just checking off boxes, but what encompasses these stops. The location.

Why wasn't it noted that a 13-year-old was left on the street, you know? These are things that personally and my organization believes should be in the space of the -- that should be detailed instead of being very vague.

So I just wanted to give you all my experience, tell you all that, you know, it's -- I hope that as we move forward, the bill will

five check boxes are going to remain the way they are and not be an exact response, then over 60 minutes should have an open, free response box where how much over 60 minutes. What the actual length is for just that one box would give more accurate information, more useful information.

Those are my comments. Thank you.

MS. YSRAEL: Thank you.

NEXT SPEAKER: My name is --

THE REPORTER: Can you speak up, please.

NEXT SPEAKER: Hi. Better?

STATEMENT BY CHANTELLE

CHANTELLE: My name is Chantelle. I actually am with YJC.

One of the things that I've been noticing in the reports -- because we often, you know, get a lot of the police reports that the ADA goes over. And one of the things that we've been noticing is that within the first few minutes of an encounter there is a shooting happening. And most -- it's always -- it's -- most of the cases I'm reading are always fatal.

And it's -- often, I feel like these procedures aren't working in the way that they want them to. There's no backup call, there's no

hostage preventives. These resources that we have allocated to helping communities are not being called. DART is not being called. It's just not working. And oftentimes, you know, you see this happening over and over and over again.

There was one of the cases that I read, it was a 21-year-old boy who was having, you know, quite a hard -- a difficult day. And instead of them calling, um -- he called 911. And when he did, the operator, you know, would tell him, Do you want to -- "Are you suicidal? Are you suicidal? Are you suicidal?" Because she knew that when the officers were going to arrive, that they were going to shoot him on -- on -- if they caught him.

And so I guess maybe I should back up a little bit and give you some background to it. It was a car chase, and when he was -- when he got out of the car, that's when the shooting happened. And this is an L.A. case in which this happened.

And so oftentimes, instead of there being more communication, we see that there is a breakdown between what the police had said -- set in their procedures and what the community believes the procedures to be.

And so this is one of those things --

MS. YSRAEL: Thank you.
those instances where he was always saying "No, I am not suicidal, I am not suicidal" because he was not aware that the police were going to shoot if they did catch him.

And so I think that's one of the things that I would like to highlight just in general.

Thank you.

MS. YSRAEL: Thank you.

MS. HOVIS: We have four minutes remaining if you're interested in providing a comment at this time and have not previously done so. Thank you.

Okay. Thank you for coming, everyone.

That concludes our public hearing.

Please don't hesitate to inform other people that we will be having two other public hearings, one in Oakland and one in Fresno. The one in Oakland is next week. The one in Fresno is the following week. Thank you.

[TIME ENDED: 8:00 p.m.]

TRANSCRIBER’S CERTIFICATION

I SHARON LANCASTER, C.S.R. No. 5468, Certified Shorthand Reporter, certify:

That the foregoing transcription of the digitally-recorded public hearing recorded on January 12, 2017, was transcribed by me to the best of my ability and considering the audible quality of the tape recording;

I further certify that I am not a relative or employee of any attorney or of any of the parties, nor financially interested in the action.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 20th day of January, 2017.

____________________________________
SHARON LANCASTER, CSR No. 5468
CALIFORNIA DEPARTMENT OF JUSTICE

ASSEMBLY BILL 953 STOP DATA REGULATIONS
PUBLIC HEARING

Wednesday, January 18, 2017
6:00-8:00 P.M.

TRANSCRIPTION OF RECORDED PROCEEDINGS

Chabot Elementary School
Auditorium/Multi-Purpose Room
6686 Chabot Road
Oakland, California 94618

CAROL BIRKENFELD & ASSOCIATES
Certified Shorthand Reporters
53 West Shore Road, Belvedere, CA 94920
Phone (415) 435-9765  Fax (415) 435-1825
Email:  info@birkenfeldreporting.com

1 APPEARANCES

From the Attorney General's Office, Civil Rights Enforcement Section (CRES):
SHANNON HOVIS, Chairperson
NANCY BENIATI
KATHLEEN V. RADEZ

From the California Justice Information Services Division (CJIS):
DOLORES HASTE
ERIN CHOI

1 STATEMENTS FROM THE PUBLIC PAGE

MICHAEL CHASE 10
SAMEENA USMAN 15
ALEXANDRA SANTA ANA 19
MATT NUSSBAUM 20

P R O C E E D I N G S

MS. HOVIS: So, hi. Good evening.
Wow. I don't know if that sounds loud to you. It sounds loud to me.
Thank you for being here tonight. It's raining. It was raining during our hearing last week in L.A., too, which I thought would discourage everybody from coming, but we actually had a decent number of people in L.A. last week.

We really do appreciate your showing today. And, you know, public participation in the regulatory process is so important. So thank you for your presence.

My name is Shannon Hovis, and I'm a senior policy adviser here in the Attorney General's Office. With me are representatives of our Civil Rights Enforcement Section and our California Justice Information Services division, which are the two branches responsible for implementing The Racial and Identity Profiling Act.

So specifically we have Nancy Beniati, who is our supervising deputy attorney general in the Civil Rights Enforcement Section, Kathy Radez, who is an attorney in our Civil Rights Enforcement
The purpose of this hearing is to specifically provide comment on the regulations.  The format of today's hearing will be as follows:  This is an opportunity for you to provide comments on the proposed stop data regulations. Each person will have four minutes to provide a statement about the regulations.  For example, one statement may express your support or critique of certain data elements that we have proposed to collect in the regulations.

We ask that you provide comments that are relevant to the stop data regulations, since the purpose of this hearing is to specifically provide comment on them.  And this is not a question-and-answer period.  It is our job in this hearing to hear you, to hear your input and your feedback.  That means that we will be doing a lot of listening rather than talking.

This entire hearing will also be recorded.  And a transcript of the hearing and information presented to us during the hearing will be made part of the rulemaking record.

If you've brought written comments with you today to submit to us, please give them to Kathy.  If you wish to submit written comments or know of anybody else who may like to in the future, comments may be submitted to our office on our website again, at "oag.ca.gov/ab953/regulations."  And the deadline for submitting comments is next Friday, January 27th, at 5:00 p.m.

We will consider all written and oral comments. They will all be addressed in our rulemaking documents. We will not respond individually to comments that are made.

As you entered the room, you should have seen speaker cards at the back, on which you may write your name and the organization you represent, if you are here representing an organization.  And when you come to the microphone to speak, please first just place the speaker card there, and then
tell us your name and the organization you're with, if any. If you want to provide a comment anonymously, you may do that too. You do not have to say your name or fill out a speaker card.

As you entered the room, you also should have seen a sign-in sheet. The sign-in sheet is voluntary. It's if you would like to receive notifications about AB 953, the regulations or the activities of the RIPA board. If you're already receiving them from us, you may sign in, or you don't have to. And unless you specify otherwise, if you request notifications from us, you will receive them by email and not by snail mail.

So we'll now begin to take oral comments. When you would like to provide a comment, please line up behind the microphone.

Like I said, every person will be allotted four minutes to keep with just general fairness. That's what we did in last week's hearing too. We'll continue that today, even though we'll probably have some dead time and space.

We'll be here until 8 p.m. If you also are just planning to sort of monitor the hearing, we'll capture actual law enforcement practices. And if any. If you want to provide a comment

And at this point, the microphone is essentially open to anybody who would like to kick us off. Thanks.

STATEMENT BY MICHAEL CHASE

MR. CHASE: Hello. I guess I'll take the plunge first.

I didn't hear all -- everything you said, but I'll introduce myself. My name is Michael Chase, C-h-a-s-e. I'm a resident of Fremont.

MS. BENIATI: Thank you for coming.

MR. CHASE: Thank you.

It took a little while to find it through all the streets, but I got here. So thanks for having me.

I would like to say that I believe that effective implementation of AB 953 is essential to address racial and other biased policing that occurs in California. And I want to focus on "effective."

I think that the proposed regulations have a lot going for them, which I appreciate. And if time permits, I'll get to those. But I would like to say that they must require data collection that will capture actual law enforcement practices. And that would include narrative or open fields where

fact that -- I understand the officers include those who are in schools. I understand that there are some particular types of data asked for which are specific to schools, for example, referred to the school for discipline. I like the fact that consensual searches are included and that so-called frisks or pat downs are included as a search. I like that off-duty police officers are included. I understand that if they are working as peace officers for someone else, they will also be included. I like the fact that trans is included in the gender category.

Okay. Thank you. You do have a timer. I appreciate that.

And that there's a mention of mental health as well. So that's pretty much it.

I think, um, I'll just be a little more specific about why I think "check the boxes" is problematic. I think that if you have a check-the-boxes approach in which every box is included. I mean, I'm not an attorney. But the idea is: Which of these valid reasons did you have for a stop or a search?

And I think if we allow them to say in
their own words why they did, we have a more -- a
better opportunity to get at what is really
happening with policing. And I think that's the
key, is to get at what's really happening in
criminology. I guess --
Okay. Time's up. Thank you very much for
your time. I appreciate it.

MS. HOVIS: Thank you.

MS. BENIATI: Thank you.

MS. HOVIS: Yeah. I forgot to say, we do
have cards. It's like a stoplight.

I suppose that for anybody that came here
not knowing whether they have a comment or not yet,
we have ample time to read over the regulations and
see what they want to comment on. So if you're not
positive.

How did you hear about the hearing?

MR. CHASE: About the hearing?

MS. HOVIS: Mm-hmm.

MR. CHASE: I heard about it through an
organization that I'm involved in.

THE REPORTER: I didn't hear the last
part. An organization you're involved in?

MR. CHASE: Yeah.

THE REPORTER: Okay.

MS. HOVIS: Yeah. I only ask because I'm
interested in how -- you know, how we're getting
the word out, in addition to the email blasts that
I'm sending -- that we're sending.

MR. CHASE: I mean, I already knew about
it. But I think out of the newspapers, local media
outlets put it on sort of a calendar, what's going
on. You probably already know that.

Or like the local radio stations,
sometimes they'll do like a local calendar, and
they'll say something like this is what's happening
this week. And sometimes they collect it.

MS. BENIATI: Did we make that cut?

MR. CHASE: Did we what?

MS. BENIATI: Did we make that cut, where
this was the happening thing on Wednesday night?

MR. CHASE: No, I don't know. I don't
know. I mean, they probably put it in the city
council --

MS. HOVIS: It was in the Capitol Alert --

MS. BENIATI: Capitol Alert.

MS. BENIATI: -- and the Sacramento Bee
today.

MR. CHASE: Oh, that's great.

MS. HOVIS: So for the gentleman who's
just joining us, we have an open mic. It's four-
minute comments. And the proposed regulations are
in the back as well as other documents, if you'd
like to grab anything.

(Pause.)

MS. HOVIS: I should add, too, that just
because you provide oral comment does not mean you
cannot also provide written comment. In fact, we
encourage folks to do both. So please do.

Even, you know, for Michael, who just
testified, please feel free to submit in writing.

(Pause.)

MS. HOVIS: You have four minutes. I'll
give you a one-minute warning.

STATEMENT BY SAMEENA USMAN

MS. USMAN: Hi. Well, I'm glad to know
that I'm not late. I drove through about -- close
to two hours' worth of traffic from the south bay
to get here. So ...

But as I was mentioning earlier, that our
organization, we ended up going all the way to
Sacramento to advocate for this bill. So two hours
coming over here is nothing in comparison.

So my name is Sameena Usman. I'm the
government relations coordinator for the Council on

American-Islamic Relations. We're a nonprofit
civil rights advocacy group that focuses on
discrimination and hate crimes. And if there are
any, you know, acts of harassment, school bullying,
those are the types of things that we work on.

Now, we advocated on AB 953 by sending
folks from all over California to Sacramento to
advocate for this bill. And it's interesting. I
was just mentioning that we were told, when we were
standing outside of the Governor's office, that it
would take a miracle for him to sign this bill.

And, lo and behold, the miracle happened, because
he did sign the bill. And we were -- we were truly
thrilled that the actions that were taken by all of
these different coalition groups, these clergy
members, these organizations, all and -- and just
regular old citizens coming together to advocate on
this bill. We were able to change the hearts and
minds of both the elected officials and also the
Governor as well.

Now, the reason why this bill is so
important to me and members of my organization and
members of my community is that, you know, we have
been seeing time and time again cases of either
police misconduct or people who have been killed,
you know, for no real just cause. We've been seeing all these videotaped incidents. And thank God for cell phones. Because if we didn't really have that, we probably wouldn't have known that these things -- or we wouldn't have understood that these things have been happening across the country.

Now, in order to prove that this might -- that this is a potential problem, we needed a bill such as 953 in order to capture that information that would allow us to understand, okay, well, this is kind of -- you know, these are the number of times people have been stopped or these are the number of times that maybe people of color might have been stopped.

Because the case has always been made that lots of people who are people of color might be stopped disproportionately compared to other folks who, you know, may be Caucasian or whatnot. And so, you know, if we want to make the case that this is an issue -- and in order to find ways in order to rectify this issue, we need to collect that data. And so, thankfully, we were able to get this bill passed.

Now, I think the other -- the concern with this bill is that we also want to make sure that, you know, there is an area where police officers can write down what are the potential -- you know, the information surrounding why there was that stop that was made or that action that was taken, whether it be the use of force or whatnot.

And so it is important to ensure that that element is also kept, that there is that space for a police officer to write down that data in order to capture that. Because there's only so much that you can put by checking off boxes. Right?

So what we want to -- we want to make sure that this bill -- and that we'll be able to accurately -- the actions taken from this bill will be able to accurately reflect some of the things that we are seeing on the streets. And then hopefully with that data, we'll be able to rectify some of the problems that we are seeing with law enforcement.

And this is only going to strengthen the relationship with law enforcement and the community. Because we can't deal with a problem if we don't know if the problem actually exists. And we won't be able to create change without having that being documented and that being known. And I think this will create a better relationship and be able to increase our trust in law enforcement. And that's what we all want, you know, to achieve and the end goal.

So thank you very much. I'm glad that you're having this hearing. I'm glad that people are willing to come out and share their thoughts and their feelings. And -- and this is why I made the drive over.

MS. BENIATI: Well, we want to say thank you so much for coming. We really appreciate your comments and taking the time to drive here. And we hope you have a much better and smoother ride home.

MS. USMAN: Thank you. I appreciate that.

MS. HOVIS: Thank you.

STATEMENT BY ALEXANDRA SANTA ANA

MS. SANTA ANA: Hi. My name is Alexandra. I'm here on behalf of the National Center for Youth Law in Oakland. And as a youth -- as an organization, we are happy to see that a lot of school-specific things were included in the proposed regs, such as stops and searches that occur on campuses, and that student resource officers are also being included. Also that school-specific outcomes data was also included.
target of the encounter.

I'm wondering what incentive the police officers have to tell the truth and what is holding them accountable for this information.

In many instances following well-publicized instances of police brutality, the account provided by the police officers involved has been inaccurate or even an outright coverup.

Would it make sense to have a system where a person fills out the same survey under five minutes following the police encounter in order to provide a different prospective? Then the two surveys would be inputted into the same file. This way, police officers have an incentive to be as truthful as possible.

Thanks.

MS. BENIATI: Thank you.

MS. HOVIS: It is now 7:59 p.m.

Thank you for coming to this public hearing.

The final date to submit written comments on the proposed regulations is 5 p.m. on January 27, 2017. This concludes the public hearing on the proposed regulations.

(TIME ENDED: 7:59 p.m.)
CALIFORNIA DEPARTMENT OF JUSTICE

ASSEMBLY BILL 953 STOP DATA REGULATIONS
PUBLIC HEARING

THURSDAY, JANUARY 26, 2017
2:30 P.M. - 4:30 P.M.

TRANSCRIPTION OF PROCEEDINGS

FRESNO AREA HISPANIC FOUNDATION
1444 Fulton Street
Fresno, California 93721

REPORTED BY MIRANDA K. ANTHONY, CSR NO. 13453
CAROL BIRKENFELD & ASSOCIATES
Certified Shorthand Reporters
53 West Shore Road, Belvedere, California 94920
Phone (415) 435-9765  Fax (415) 435-1825
Email: info@birkenfeldreporting.com

Page 1

APPEARANCES
From the Office of the Attorney General, Civil Rights
Enforcement Section (CRES):

SHANNON HOVIS, Chairperson
NANCY BENINATI, Supervising Deputy Attorney General
CATHERINE YSRAEL, Deputy Attorney General

From the California Justice Information Services
Division (CJIS):

AUDRA OPDYKE
RANDIE CHANCE

Statement from the Public

PAGE

AARON PRATT 11
VICTORIA CASTILLO 14
IRENE ARMENDARIZ 17
DENISE FRIDAY-HALL 17
MARIA LOPEZ 20
NICOLE REMBLE 21
GENE NICHOLSON 22
ANDREA DONADO 23
ROSA AQEEL 25
ALFREDO AGUERO 27
TERRANCE STEWART 29
BRANDON STURDIVANT 31
KENA CADOR 34
CRISANTEMA GALLARDO 36
BOBBI BUTTS 38
GREG JONES 39
NEBYOU BERHE 42
SUAINA HUSSAIN 43
TAYMAH JAHISI 46
JULIA DUDLEY 47

Page 2

PROCEDINGS

- - -

MS. HOVIS: Good afternoon, everyone. So thank you all for attending both today's board meeting earlier and also the public hearing right now. We very much believe that public participation in the rule-making process is really important, and we thank you for taking the time out of your day to be here. Really, very, very genuinely thank you for spending the day with us.

My name is Shannon Hovis, and I'm Senior Policy Advisor with the Attorney General's Office. And with me today are representatives in our Civil Rights Enforcement Section and our California Justice Information Services Division. And these are the two bodies that are responsible for implementing AB 953, the Racial Identity and Profiling Act at the Department of Justice.

So, specifically, to my right is Nancy Beninati, who is our Supervising Deputy Attorney General in the Civil Rights Enforcement Section. And we have Audra Opdyke and Randie Chance, who are both with the California Justice Information Services down here.

It's approximately 2:58 p.m. on Thursday, January 26th, and we are gathered here today at the Downtown Business Hub in Fresno to receive public comments on the proposed Stop Data Regulations recently

Page 3

PAGE

Page 4
At the front of the room, when you came in, I think you all saw there are copies of the proposed regulations. Hopefully, you received those. There are also some copies of the statute, and I have a couple more if anybody wants those.

The format of today's hearing will be as follows: This is an opportunity for you to provide comment to us on the proposed stop data regulations. Each person will have three minutes to provide their comment. And we'll have the time card similar to how we did this morning, if you were here, showing the time you have remaining.

We ask that you provide comments that are relevant to the stop data regulations since the purpose of this hearing is to discuss those.

And this is not a question-and-answer period. So we won't actually go back and forth to say, "This is our rationale for this and this," you know. Most of you were here for the morning so you also heard some of the back and forth about how we came to some of the decisions on our -- on our regulations.

So this is our opportunity to listen to you, which we are excited to do. And all the hearing will be recorded and a transcript of the hearing and all the information presented to us during the hearing will be made part of the rulemaking record. So it will be considered by our office as we revisit the regulations to revise them. Any comments that you make here will be taken into account. Okay?

If you wish to submit written comments after you leave today, you may submit them through the Attorney General's website at that same address I gave before. You may also send them to us by email at AB953@doj.ca.gov. The deadline for submitting comments is tomorrow at 5:00 p.m. So if you know anybody who wants to submit comments on the regulations, you think would be interested in knowing what's going on, make sure to let them know that tomorrow is our deadline for receiving comments.

So as you entered the room, you received a speaker card, and we've taken those. If you do want to provide a comment anonymously, that is also an option. So if you give us a speaker card, and you're like, actually, I'd rather you not record my name or whatever, just let us know. You don't have to present it with your name. But for the rulemaking file, just in our records, it's easier if we have that information.

Let's see. We also have a sign-in sheet. We had one this morning. If you had not yet signed in, you'd like to stay apprised of different activities of...
our office and implementing AB 953 and the activities of
the board, you can sign up. You'll become part of our
distribution list and receive notifications about what
we're up to.

Unless you specify otherwise, any correspondence
you receive by us, you will receive by email. You can
request by snail mail, if that is your preference, but
you will have to let us know that.

So we will now begin.

Do you want to call?

MS. BENINATI: I'll call people.

MS. HOVIS: Okay. So Nancy will just go ahead
and call folks' names.

THE PUBLIC: We have our own order.

MS. HOVIS: Okay. So just come up and state
your name.

MS. YSRAEL: Shannon, Nancy, I don't think --

MS. BENINATI: Just to kind of clarify on
Shannon's point, because we are transcribing this
hearing, we ask that you please be considerate of the
speaker and allow that person to speak. Because if more
than one voice is heard at the same time, the Court
Reporter can't get that down and that person's comment
might be lost or garbled. So just keep that in mind.

I do have -- we do have a public comment from

the co-chair of the Racial Identity Profiling Board,
Mr. Ed Medrano, who would like to read the board's
recommendations.

MR. MEDRANO: Thank you. My name is Ed Medrano,
and I'm one of the co-chairs for the RIPA board which
just met earlier.

The board did make some recommendations for the
Department of Justice to consider. Prior to making
those recommendations, the board considered formal
comments that were submitted by other board members,
considered comments made by the public prior to the
board meeting, as well as public comment that was
delivered today. Many of you were here today.

Just a quick synopsis of what was voted on and
what was recommended to the Department of Justice.

First off, in terms of the regulations, there was a
recommendation and motion that passed for a narrative
box to be included for "reason of the stop" and the
"basis for the stop" and anywhere else there is an
"other" box to allow the officers to fill in a
narrative. That was the first recommendation.

In addition to that, a couple different items
were added relative to information about the person
that was stopped. The first item is to add a box that
can allow officers to check LGBT in terms of
gender, so that will make six gender options available.

Two, to add learning disability in the school
setting. ADAH was one, hyperactivity, and others to
allow officers to add additional information relative to
school setting disabilities.

The third was to allow officers to check
religion if known, and another box, if unknown.

And, lastly, to eliminate -- there was a
recommendation in the regulations to have limited
English or accent. And to delete the accent only,
just to check limited English proficiency.

The board unanimously voted that we forward all
of those recommendations to the Department of Justice
for their consideration and any potential modifications
to the regulations.

That is our report.

MS. BENINATI: Thank you.

So will the next member of the public please
come up. And when you do, can you please spell your
name for the Court Reporter.

-oo-

STATEMENT OF PASTOR AARON PRATT

MR. PRATT: Good evening. Or should I say
"afternoon"? My name is Pastor Aaron D. Pratt. I want
to say thank you to the Department of Justice for your
diligence in, you know, facilitating this, AB 953. It
has been a diligent and very arduous road, and we're
still going uphill.

So what -- I want to say a few things, but I need
to frame it up right so you can know a little bit about
me so when I give you these things that I feel I still
want to work on you will understand where I come from.

So who am I? I am a pastor. I am a college
graduate. Two universities, Syracuse, chemical
engineering cum laude; and Cal Berkeley, human services
degree.

Why did I chose pastory? Well, as a Navy SEAL,
SEAL Team 5, graduate of Class 189, I found out that
science was real. And in order to do some of the
processes, running the actions on the USS Enterprise, or
the Kittyhawk, riding in humvees, extracting prisoners,
extracting hostages, I found that documentation was
absolutely necessary. I found out that chemistry --
without me being able to measure variables, I couldn't
come up with a solution.

So I'm still perplexed as to why we meet and we
ponder trying to figure a way of -- you know, the new
word, new vernacular, is "alternative facts."

I want to know why we are still having a problem
believe he may have disabled his dash camera. With this
and the fact that officers’ weapons – two officers –
were unbuttoned, both my friends and I had reasonable
fear of being killed or seriously injured.
“The officers did tell these individuals that
they could not record. And after that, they
subsequently went to the vehicle and the light that was
on was shut off, after he pressed the button.”
The response to our request to this individual
was: “The information provided is not specific enough
to our search. Could you please provide more
information, such as time and day and location of the
incident to produce the dispatcher logs of the
incident.”

Now, with our local departments, they have
sophisticated software, so that's the first and last
name and date of birth of an individual or even a
license plate number can give us this information. But
yet that information was not entered in the database.

So as far as myself and – just for background,
both of the individuals that were in this citizen
complaint that were together, they are relatives, and
they're both Mexican; they both have beautiful brown
skin.

Another citizen complaint, from a different
individual: "During the encounter I felt I was treated
like human trash, and I was in physical pain. I had to
call into my place of work and explain what took place
because after the experience, I was not the right state
of mind to work and had pressure and a swollen hand.
The incident has left me traumatized, and I feel no
matter how I attempt to better my life, Merced police
will continue to find ways to assault, harass or even
kill me. I feel I live with this fear every single day.
This is not acceptable for people in my community to be
treated so disrespectfully and without regard for their
rights. I'm not on probation or parole, even if I were,
the way I've been treated repeatedly dehumanizes, to say
the least.”

And during this actual incident, I was called
by the people that were being stopped in his car. And
both of these citizen complaints did not result in
arrest, but in both incidents the people in the car
were both brown-skinned. And I went onto the scene, and
these both happened in October of 2016. And I was on
foot filming the law enforcement officers and the
situation at a reasonable distance and was given a
misdemeanor citation for reckless driving but I was not
in my vehicle. So now I'm facing a trial for that I'm
going to be facing.

So I want to know why we have the issue of
explaining. Why does the officer have a problem hitting
his camera? Why does the officer or technology, mind
you -- why can't they do what we did in humvees, make
the report and come back and file it? What is this
issue about time? Isn't life precious? Don't we as a
whole in society matter?

I never -- I promise you -- I promise you, when
I jumped out those helicopters, I didn't care what color
those people were. I didn't care what they stood for.
I had one mission, and that was to serve this country.
How about my country serve me?

I have problems. PTSD, anxiety. I have issues.
And I come home only to find out that my war has just
begun.

I have problems. PTSD, anxiety. I have issues.
And I come home only to find out that my war has just
begun.

So as far as myself and -- just for background,
both of the individuals that were in this citizen
complaint that were together, they are relatives, and
they're both Mexican; they both have beautiful brown
skin.

Another citizen complaint, from a different
individual: "During the encounter I felt I was treated
like human trash, and I was in physical pain. I had to
call into my place of work and explain what took place
because after the experience, I was not the right state
of mind to work and had pressure and a swollen hand.
The incident has left me traumatized, and I feel no
matter how I attempt to better my life, Merced police
will continue to find ways to assault, harass or even
kill me. I feel I live with this fear every single day.
This is not acceptable for people in my community to be
treated so disrespectfully and without regard for their
rights. I'm not on probation or parole, even if I were,
the way I've been treated repeatedly dehumanizes, to say
the least.”
So I just wanted to put that out there, that data is crucial and unique identifiers are important.
Thank you.

MS. BENINATI: Thank you very much.

-oo-

STATEMENT OF IRENE ARMENDARIZ

MS. ARMENDARIZ: Hello. My name is Irene Armendariz, I-R-E-N-E, A-R-M-E-D-A-R-I-Z. I'm from Merced, California, and I support the unique identifier. Like I said earlier, I have a brother who has been diagnosed with schizophrenic tendency through the harassment of the Merced Police Department, and he is now looking at several years of prison. It's been a burden on our family to come up with the money that we don't have to get a lawyer so he can get help for his mental condition. And I just believe the information on officers is needed to see if there's any specific patterns of prejudices or abuse. Thank you.

MS. BENINATI: Thank you.

MS. HOVIS: Thank you.

-oo-

STATEMENT BY DENISE FRIDAY-HALL

MS. FRIDAY-HALL: Good afternoon. My name is Denise Friday, D-E-N-I-S-E, Friday, as in the day of the week, Hall. And I'm here because of the identity and the protocol of racial profiling, because my son was assassinated by Officer David Wells because of the color of his skin. So what I'm trying to say is that I feel like, in a police-involved shooting, are the police above the law? When they go to the -- the Article of Police, the Bill of Rights, I want to know all the laws were written in an era where things were different. Now, things are different now. How come the law can't be revised where a police officer involved in a police shooting is not tested for drugs or alcohol after involved shooting? And what is the actual protocol when they are in an involved shooting? When the commanding officer steps on the scene, is the commanding officer -- is he surrendering his weapon to him?

And then, on the other hand, I want to know that, are they taken immediately to go get tested?
Okay. And then once they get to the office and they begin their report, if their voices aren't verbally able to speak, their report, are they able to -- I mean, write it out in a report? Do they get an opportunity to verbally say their report in a panel or something like that?

So I would like to know, what is that protocol when a police officer shoots someone in the community and something like that.

And the other thing is that, when bus drivers have an accident on the street, they're tested for drugs or alcohol. So what makes the men in blue above the law where they can't be tested for drugs or alcohol?
Because that Article in that Bill of Rights for them -- that needs to be changed, because that law is outdated.

And then, the other thing is that, when they have chance -- when they have their body camera, I feel like once the body camera is activated, then it should not be deactivated. And if it is, it should be automatically reset to turn back on, because this is to protect the officer as well as the citizen that is being engaged with the law enforcement officer.

So I feel like they should not have control of activating or deactivating the body cam when they're involved in a situation where the whole truth could be really seen and told if they not cutting their video cameras off and on.

And the third thing is that, when they approach people, they should de-escalate; they should -- okay. They should be able to have training to de-escalate situations instead of escalating them. Because, like we say, we have a lot of people out there with a lot of issues. And if they just took the time to analyze the situation, maybe they wouldn't have to shoot to kill.

MS. HOVIS: Thank you.

-oo-

STATEMENT BY MARIA LOPEZ

MS. LOPEZ: Maria Lopez from Long Beach. Maria, M-A-R-I-A, and Lopez, L-O-P-E-Z.

I'm very glad to see that everyone on this table appears to be -- may not identify but appears to be a woman. I also stand here as a woman, a brown Latin woman, a queer, gender nonconforming one, an undocumented, documented woman, a woman in poverty, a first generation woman, a (words spoken in Spanish.) I do not choose which one to be a day. I'm all of them every single day. All of this cannot fill in blocks but can be described in a small narrative if you took the time to see the importance in all that makes me who I am.

When I hear people say they want to be a police officer because they want to make a difference, I say, "You have a chance with AB 953 to make a difference."
I commend the RIPA board on their recommendations that will impact the lives of the most vulnerable in our communities. Today is a day that will go down in our people's history as a day we took a step
towards justice. Thank you.

MS. BENINATI: Do you do poetry? You're very poetic.

MS. LOPEZ: No, I don't.

Statement of Nicole Remble

MS. REMBLE: Hello, Board. My name is Nicole Remble, N-I-C-O-L-E, R-E-M-B-L-E.

I'll just start off with this. I've seen racial profiling. They told me to go to school. "No one will harass you." I'm gay. I don't look like a fem all the time. There's been times where cops looked at me and thought I was a man. It could have went another way, sometimes my partner say, when we're pulled over in the car 'cause I like to speed sometime. Sometimes I'm scared of the police. We shouldn't be scared at all.

All we ask for is accountability. That's it.

Write down what happened; tell us why. And we'll trust you more; you can trust us more, and we'll be in peace.

I'm all about peace, love, and happiness. That's all you need; right? This is the first step. That's it.

MS. HOVIS: Thank you.

Statement of Andrea Donado


I'm with the Greater Long Beach Interfaith Community Organization, and we also are here representing ICO organization, which is made up 60 organizations. And we applaud the recommendations from the RIPA board. And we ask you to consider them and actually take them.

In Long Beach, actually some time ago, we had a case in which a white police officer was stopping an undocumented woman and impounded their cars, because he knew that most likely they won't have any papers.

So this woman that come normally from very poor communities were facing all the economic challenges that comes when a car is impounded for them. A lot of them, they couldn't even take the car back. They couldn't fight anything because they were undocumented and they were in fear of the police.

And this was just happening to very brown, Mexican-looking woman. I myself can drive there, because I have lighter skin and wouldn't stop me.

We need also a narrative, because there's a lot of times in which (unintelligible); how can we include "other" when there's so many rights of options. So we are in favor of the narrative, instead of the other part.

And also we need to know what is the race of the police that's stopping these people. Because we need to know whether or not it's Latinos going against Latinos, or is whites going for anybody else -- or blacks. Or how is the interaction going? And it can be that there's also black/brown police officers that are racially bias, but we need a for-sure confirmation.

So to prevent all these situations to happen, the police situations, we ask you to please take into consideration. Thank you.

MS. HOVIS: Thank you.
stopped for 60 minutes and three hours or four hours.

Right.

I had a conversation with a young woman who was
stopped for two hours, face down on the concrete. She
was a young girl. She was coming home from school, being
harassed by the police, terrified, 12 years old, for
two hours.

And so those kinds of data points I think are
really important to making sure that we're really
understanding the full meaning of the data being
collected.

Finally, I would just say again that I think
all of the stories that have been shared, while not
directly about a specific regulation, they're all about
the regulations; right? And that I think having the
stories and the actual testimonies of folks helps
build humanity into regulations that can at times seem
dry.

And so really just appreciate the work you have
in front of you and just really want to thank you for
that.

MS. HOVIS: Thank you.

MS. BENINATI: Thank you.

Page 26

strongest parts in special ed kids.

I have one. My son is -- he got special needs.

And we know how it feels to see your kid getting home
and can't tell you what happened because they been
bullied. All this kind of stuff happen to them on the
schools.

We supposed to get our schools (sic) to the schools
to be protected, from the teachers who teach them. And
sometimes they get the bullying even from them, from the
same people, from the same school, from the same
teachers.

So if we don't do something for them, our
society is crooked. Everybody is crooked. If I don't
offer them and I know what happened there, I'm doing
something wrong. Because we are the voice. Our
community is tired. We have to start working. And the
only way we can do this is the officers have to be
more response -- responsible for what they doing if
they doing something wrong and get a congratulations if
they do something right.

But we, as a community, I think we deserve
respect. Because we like to trust the officers. But if
they don't help us, impossible. It's all I want to
say. Thank you.

MS. HOVIS: Thank you.
people are mentally ill are the people that are catching
the end -- the excessive force or the violence, then
it's something we have to try to do to put a stop to it.
I don't honestly believe that AB 953 will be the
complete answer, but I do believe it will be a step in
the right way. Thank you.

STATEMENT OF BRANDON STURDIVANT

MR. STURDIVANT: It's Brandon Sturdivant,
of California, also part of Hope for Community
Organizations.

So first, I hope folks really appreciate the
level of trauma that the people in this audience are
doing right now, to recount stories that seriously
impacted us in our development and in our lives.
Imagine having to interact with a person who abused you
consistently. That is what we have to do. And even
being in the space with law enforcement officers who are
saying it's too much to collect data, to me it's an
abuser telling me I'm not gonna stop and I don't
actually want to take negativisms (sic) to stop, I'm
fine with what I'm doing.

So a lot of trauma in this room. That's the

"too much time" to go to fill out a piece of paper. But
it was a whole lot of time that they wasted pulling me
over when they only arrested me like once or twice.
And they pulled me over many of times, you know.
And so I think if they stop racially profiling,
they'll have more time. You know, that's one thing.
And then the other thing is -- is that I work with
Alfredo, and we do work with special education, you
know. And it's a growing -- everybody knows it. Mental
health is that -- a lot of people being arrested and
profiled and type of stuff, they do have mental
illnesses.

So I'd like to highlight the part that you all
said before, about putting a box there about the mental
illnesses, because I believe that has a lot to do -- and
now the jail is starting to become the biggest mental
health provider for people with mental illnesses. And I
believe that it should be some type of mechanism that we
can help people that are mentally ill before they go to
jail.

And I say -- that's all I have to say. But every
life has a value, you know. And like it's happening
real fast. The first -- what is it? -- three minutes,
two minutes is where people are being killed.

And if it's people being racially profiled and


Page 29
me to step off the sidelines over the last year and
work. I've been throwing myself into it actually and
confront something that has caused trauma to my entire
family.

So we want to see the recommendations move
forward as we saw fit. We want to see over this next
period that you're not going to (unintelligible). We want
to see more data, as much as possible, especially --
especially around -- the data around the minutes that
folks are being held. We don't want to see checkboxes.
If you hold somebody for 60 minutes, put 60. If you
hold them for five hours, put five hours. We need to
know down to a "T".

Last thing, I'm really, really concerned about
the implementation of this. So what happens when law
enforcement doesn't do it? What happens when we get
back crappy data? We've done public records requests
for the Sheriff's Department in Alameda County and
gotten back crap, like receipts for coffee, stuff like
that, just paper. So I'm really concerned, and I'm
wondering, how do we make sure these regulations move
forward and hit the ground.

And the last thing is, for me, this is about an
ark. This moment is about public safety transformation.

We can't get it without the data. But this is the
beginning. So we have to start off on a good foot and
push back on the law enforcement officers who are
consistently sending a message that they want to do as
little as possible. Thank you.

MS. HOVIS: Thank you.

-0-O-

STATEMENT OF KENA CADOR

MS. CADOR: Hello. My name is Kena Cador,
K-E-N-A, C-A-D-O-R. I'm here on behalf of the ACLU of
Northern California, Fresno office.

I want to start by saying that I think the
stories today demonstrate the undeniable human element
involved in police interactions. It also highlights the
need for effective data.

The ACLU commends DOJ and AOG for their
consideration and adoption of recommendations made by
advocacy organizations over the past several months.

The proposed regulations reflect recommendations
related to perceived identities and any stops of youth,
particularly of youth on and around school grounds or in
the school setting. However, the ACLU and many other
advocacy organizations are very concerned in certain
aspects of proposed recommendations and have submitted
written comments to the DOJ and AOG as part of the
rule-making process. I also have copies if anybody needs
it.

In particular, we support the RIPA board
recommendations to require use of open text fields with
respect to data elements of reason for stop, basis for
search, and any data value that refers to "other." The
proposed regulations must require data collection that
captures actual law enforcement practices by including
these open field texts where officers provide factual
detail and context for their stops.

We also believe that the regulation should
require officers to provide a description of the actual
location of the stop, such as sidewalk, public
transportation, public housing or building, to provide
context about where these stops are taking place and
what that might mean. Moreover, there are several data
elements that we believe the data value is offered use
time periods that do not allow for sufficient detail to
echo the duration of the stop that others have
mentioned, the perceived age of person stopped and
officers' years of experience.

Finally, we think there needs to be multiple
data values added in response to data element for
actions taken by officer during stop. The -- we
might -- we suggest additional values such as other

agency called to the scene or unit, unbuttoning the
holster or grabbing the weapon.

I think that the importance of AB 953 cannot be
overstated, especially as evidenced by the public
participation here today, making sure police are acting
fairly and lawfully and that burdens of being stopped
and searched are not falling on some racial groups more
than others is crucial and is part of the job. Thank
you.

MS. HOVIS: Thank you.

-0-O-

STATEMENT OF CRISANTEMA GALLARDO

MS. GALLARDO: Hi, everyone. My name is
Crisante Gaillardo, C-R-I-S-A-N-T-E-M-A,

As I spoke earlier, I'm from Merced, and I
really want to lift up the importance of ensuring that
we have individual and personal identifications for
peace officers.

You can go into any (speaking in Spanish) --
any hood, and people in the community, well, they know
what streets, what police officers are stopping our
community members.

In my community, on Winway near a church,
there's a white police officer that will park his vehicle there and stop brown and dark-skinned people for no reason. I think it's really important for us to be able to identify which law enforcement officers are the ones doing this.

Again, I'm really happy to be here today, because we were there in 2015 pushing AB 953, because we know it's the beginning to any (unintelligible) in our community. And I say "beginning" because it's not going to end all the injustice that we're living as people of color in this state, but it is going to ensure that we hold law enforcement officers, individual folks, accountable so that they can do the job they're supposed to be doing, so they can really build trust with our communities.

Again, I also think it's really important for our community groups to have access to all the data. So we need to create, like, a clear plan of how we as community members can know no who -- which officers are stopping who in our community and what ethnicities are being stopped the most. Thank you.

MS. HOVIS: Thank you.

---

STATEMENT OF GREG JONES

MR. JONES: Good afternoon. I'm going to take this thing off. I'm sorry. My name is Greg Jones. I'm within the Congregation out for Change. And there are a couple things that really -- that really resonated with me.

One of them is, you know, how can a group of individuals who don't want there to be transparency decide how transparency is going to be implemented. I cannot get past that in my mind to understand how a group of -- a group of individuals who we're trying to hold accountable, as a society, as taxpayers, as citizens, sometimes it's victims, how we want to correct the system that has been flawed since its inception.

We all know that police officers were founded on the slave patrol. They would capture runaway slaves and, to tell the truth, they pretty much operate the same way today.

When slavery ended -- before slavery ended, excuse me, the prison system was 95 percent white. Afterwards, it was 97 percent black. That's no mistake. The prison system was put in and perpetrated on African Americans in order to keep free labor going.

---

STATEMENT OF BOBBI BUTTS

MS. BUTTS: First of all, I'd like to give our praises to God. He's the love of my life.

My name is Bobbi Butts, B-O-B-B-I, B-U-T-T-S. I'm with a lot of different organizations. I was at the legislators office making sure the Transparency Bill came through.

I just know that being as dark skinned as I am, I have witnessed and been the part of a lot of racial profiling, especially living in Tennessee and out here in California as well.

I'm raising a son who wants to be a cardiologist and he plays instruments. But I know he'll grow up and be a big, black guy. So I know if I don't put my feet to the ground today and tomorrow, I'm probably not giving my son the chance that he deserves.

So I just want to thank you all in the Department of Justice for just having our back and continuing to work with us with regards to this system that is so injustice to people of color. Thank you.

MS. HOVIS: Thank you.

THE PUBLIC: One people, one fight. One people.

One fight.

---

And today it operates the same exact way. Please, if you don't believe me, do your research.

The problem is that I myself don't consider myself a free man because I have to do things that I don't want to do. I don't any adult that has to do things they don't want to do.

But the problem is, when you have a system that's breathing over you and it has individuals who are equal to you, equal to you, you -- are making you feel that the system no longer applies to them, the rules no longer apply to them, and all they have to do is claim to feel fear and they can take your life, take your life with zero accountability.

And we sit here and act as if that's the norm. We sit here and act as if that's necessary in order for America to be great again. Like that's what it has to be like.

My children tremble in fear. They've seen me become a victim of police brutality. They still talk about it to this day, every time it comes up. It doesn't come up in conversations with family. It comes up in society. It's one of those things we talk about.

It's one of those things that we live. It's normal. Just like the space landing or the comet -- whatever is the norm.

Police brutality is the norm. And for people
who have the privilege to not be personally affected by
it or not have a family member affected by it and
someone that looks like them to not be affected by it,
it's asinine to me to understand how you can say their
experiences are less valued than yours just because you
were put in the position to make that decision amongst
those who don't know how to get to where you're at, who
don't think that you belong where you belong, who may
not have the resource that you have to get to where
you're at.

So what I'm asking is that you all take a
look outside of yourselves, take a look outside of your
experiences, outside your responsibilities as you see
them and take a look at the society that you live in.

THE PUBLIC: My God.

MR. JONES: It's a wasteland. We're in a
disturbing movie. This is a movie from the '80s that
we're living in today, with this -- with this -- I don't
even know what kind of -- this Commander-In-Chief, this
CEO -- I don't know.

I don't know what we're going to do. But it's
up to you guys to make something happen in California
that's not happening anywhere else in America. We're
way behind so many other countries. It's going to take
at least 40, 50 years to make America great again. And
by the way we're going now, it's not going to happen.

So we're asking you all to take the
responsibility, take the accountability, and to ensure
that the things that have happened in the past, the
injustices that have happened in the past, never happen
again to another person. Thank you.

MS. HOVIS: Thank you.

-oo-

STATEMENT BY NEBYOU BERHE

MR. BERHE: Hello. My name is Nebyou Berhe,
N-E-B-Y-O-U, B-E-R-H-E.

So just a couple things real quick. These
narrative boxes -- and I find it amusing that there was
so much pushback on them. Every time we see an
officer-involved shooting video or anything related to
police misconduct, we're always told -- the public is
told to suspend your judgment because we don't know
what happened before or after. We don't know what the
context was; right? We don't know what the narrative
was. We don't know all these factors.

And that leads to the unique identifiers.

Right. And what is this? It's this accountability so
we can say, hey, man, these type of officers are the
ones -- should be held responsible for these type of
actions. Maybe we can change hiring practices as we go
forward.

And just to note on a local level, I live here
in Fresno, our chief of police actually ordered an
internal study review of his department, and what came
back was that two-thirds of the officers didn't trust
the chief and a third of officers complained about
officers that falsified evidence or falsified police
reports. And what we're talking about is years on
someone's life; right? When you falsify --

We have a brother right now that we're trying
to help out who went to rescue his brothers from a
shooting at a party, and he's -- now he's facing jail
time because he was resisting arrest. Even though he
showed up way after the cops did and he was drug
through the mud physically, literally, and now he's
facing jail time. And he's young. He's a young man.

And so -- again, thank you guys for being here.

We just want to continue to hold up these -- these
stories and these experiences.

MS. HOVIS: Thank you.

-oo-

STATEMENT BY SUKAINA HUSSAIN

MS. HUSSAIN: Good afternoon. My name is

I shared some comments with the board this
morning, but I wanted to reiterate to you all. Thank
you again for the time to hear us out. I know
some people had to take off but they're with us in
spirit. They're from all over California. They're
making their way back.

I wanted to highlight what was brought up
before, the significance of the stories that my black
and brown brothers and sisters have shared and how much
of themselves they're putting out there so that all of
us can live in a better community.

And I'm speaking on behalf of immigrant families
who are communities of color who have come from
militarized states, who have come from environments
where they're being targeted for the way they look, who
are daily met with tanks in the street with automatic
weapons in their face, whose children have to walk by
army and militants just on the way to school or to the
grocery store.

And they came here. My family is from an
immigrant background (unintelligible). And
unfortunately we know it's going to be difficult for
families coming from other countries in the future. But
for those who are here, came here seeking that safe

haven and seeking a way to provide a better opportunity for their families.

So I know that the role of law enforcement is to provide that peace, to serve and protect. And if we're continuing to militarize, we're not serving that purpose. So I hope the investment in this regulation really provides them education and training into making our community safer instead of more militarized.

I also wanted to speak to the piece around religion. I know there was some discussion with the board on what the identifier looks like. I do agree it's important to be able to collect data to name their specific religion, backgrounds and ethnicities.

Nationalities are being targeted. However, it may be visible what religion I am but may not be for another person of color. So I think in order to make sure we're not falling into the trap of continually stereotyping and going down this rabbit hole of stereotyping by filling the box, but there should even still be a narrative space for why the officer chose to identify the person of that religion. Was it a cross or symbol or something specific they were wearing that caused them to feel they were of religious background. And maybe use that to identify if there are wrongful assumptions being made, if there are stereotypes that are being mislabeled. And put those learnings into trainings on how we're miscategorizing individually or how we're correctly or incorrectly identifying backgrounds to have more accurate information and learning ahead. Thank you.

MS. HOVIS: Thank you.

STATEMENT OF TAYMAH JAHSI


Many of them went with us to the Capitol to make sure AB 953 passed.

And we went there with the expectation with racial profiling not ending tomorrow but sometime in the future. Maybe our grandchildren wouldn't have to face some of the pain we face.

So when I hear officers say it's too time-consuming, I view that as an excuse. Because what's more time-consuming is burying your child. I've done that before. We heard from Mrs. Friday who's done that.

And if we have the opportunity to collect sufficient descriptive data in order to compile it and interpret in a way that can identify how these officers may be profiling folks, then that extra five or ten minutes that it's costing them right now could save an extra 500 lives in a couple years, and it will all be worth it then.

So I'm asking you all, when you hear that argument about time consumption that you let it bounce off your ears because we're looking towards the future. And in doing that, we have to spend the necessary time focusing on those variables that are causing so many of our people to suffer here.

I appreciate you all for hearing us out today. I ask that you keep in mind the stories you heard and the pain you heard when you're making those decisions and finalizing the regulations.

MS. HOVIS: Thank you.

STATEMENT OF JULIA DUDLEY

MS. DUDLEY: Afternoon, to you. I definitely wasn't slated to speak but I felt compelled to do so.

My name is Julia, J-U-L-I-A, D-U-D-L-E-Y. And I have been a long time resident of Fresno, but my roots are actually in San Jose. And I think today is so important because my family has continually had to go through racial profiling, even in front of my house where we lived in a very affluent neighborhood and we might have been one or two black families.

I watched my brother get beat up by nine or ten cops because they didn't believe that was his house. And I had to testify and watch these cops lie in court, and it was traumatizing. Because he was in a car with another non-black person, so they pulled him over and assumed it wasn't his car. So that was my first unfortunate incident with the police. And then it continued, where I was always pulled over because of who I was, because of being black and driving in a car down a street where they felt I didn't belong.

Now we fast-forward here to Fresno, California, where I live now. I'm a business owner. I'm an entrepreneur. I'm also part of the African American media. So I came here today, and we wanted to make sure to have a story.

But I think it's also important I share my story. And just last year, at the end of the year, we were pulled over coming from my shop. We were terrified. Me and my husband were very terrified. We were in our car, which was a Mustang. The officer asked what were we doing in a Mustang, why were we there,
where were we coming from. I was asked these -- this
myriad of questions as if I didn't even belong being a
business owner or even in my car.
So that is not just happening to me but a whole
bunch of people that look like me, a whole bunch of
other black and brown folks that look like me. And I
was shaking and I was terrified. And I shared it on
Facebook. I couldn't get over it for weeks. And every
time I saw an officer, all I could do was be fearful and
look forward. And even when I was pulled over, I didn't
know if we were going to be shot. No one was around.
I'm looking around to see where I could -- who's
watching and what I can do.
No one should feel that terrified when they're
pulled over by an officer. And loudly I remember
speaking to the officer, letting him know, "Officer, I
can't -- my license. It's in the back in my purse."
And I was very scared to reach back. I'd already watched the
Sandra Bland. Myself being a part of the media, it was
a very terrifying experience for me.
I've been stopped, my son's been stopped, my
husband has been stopped, everyone's been stopped in my
family. For what?
And also being 15 years as an educator, as a
state-mandated reporter, it was very important for me to
write out paperwork. And when something happens in the
classroom, you had to write it out. Time is nothing.
Time is of the essence. And it's very important for us
to take our time when we must write that report. When
we must be a part of the solution versus the problem.
If I didn't write about things that happened to
my students, and they would tell me about stuff going on
at home, should I be that teacher that says, heck, I
don't have time to write that out? Should I have done
that?
So that's why it's so important for us to look
at time as not an issue but part of it, to take the time
to write that information down so we can see where the
problem is and look forward to solutions.

MS. HOVIS: Thank you.
Since the public hearing is slated to go
until 4:30, we sit and stay here until 4:30. That's how
it works. So we will be here.
Thank you for being here everybody who came,
honestly. I'm just really pleased to see that -- the
energy and commitment to ensure that AB 953 is
effectively implemented because it's certainly
consuming our lives. And it's just really great to have
members of the public so participatory. So thank you so
much.

And if you want to speak and haven't done so, we
have an open mic.
(Whereupon the meeting concluded at
4:30 p.m.)

STATE OF CALIFORNIA    )
                      ) ss.
COUNTY OF FRESNO      )
I, MIRANDA K. ANTHONY, Certified Shorthand
Reporter, in and for the State of California, do hereby
certify:
That the foregoing proceedings were taken before
me at the time and place herein set forth; that any
witness in the foregoing proceedings, prior to
testifying, were duly sworn; that a record of the
proceedings was made by me using machine shorthand which
was thereafter transcribed under my direction; that the
foregoing is a true record of the testimony given.
I further certify that I am neither financially
interested in the action, nor a relative or employee of
any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my
name.

Dated:___/___/____
________________________________
MIRANDA K. ANTHONY, CSR NO. 13453

______________________________