

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

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STATEMENTS FROM THE PUBLIC

PAGE

1		
2		
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	MARITZZA	38
13	SEAN GARCIA-LEYS	42
14	CHANTELLE	43

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APPEARANCES

From the Attorney General's Office, Civil Rights
Enforcement Section (CRES):

- SHANNON HOVIS, Chairperson
- ANGELA SIERRA
- CATHERINE YSRAEL
- KATHLEEN V. RADEZ
- JERRY SZYMANSKI

From the California Justice Information Services
Division (CJIS):

- AUDRA OPDYKE
- RANDIE CHANCE

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.

1 And Marisol Leon, here in the front, who is with
 2 our Civil Rights Enforcement Section, one of our
 3 attorneys. And Rebekah Fretz, who is with our
 4 Bureau of Children's Justice, an attorney in that
 5 section.
 6 It's approximately 6:07 -- or exactly
 7 6:07 p.m. on Thursday, January 12th, 2017, and we
 8 are gathered here today at Cal State Los Angeles to
 9 receive public comments on the proposed stop data
 10 regulations posted by the California Department of
 11 Justice.
 12 The proposed regulations that we are
 13 concerned with today pertain to the collection of
 14 information regarding stops made by law enforcement
 15 agencies and are required by California's Racial
 16 and Identity Profiling Act of 2015, Assembly Bill
 17 or AB 953.
 18 To be clear, this is not a meeting of the
 19 Racial and Identify Profiling Advisory Board. You
 20 probably figured that out since we are not the
 21 board. This is a public hearing, and this is an
 22 opportunity to provide comment on the proposed
 23 regulations that we've issued.
 24 On December 9, 2016, the California
 25 Department of Justice posted the proposed text of

1 collect in the regulations. As another example,
 2 your statement may encourage the department to
 3 collect additional data elements and so forth.
 4 We ask that you provide comments that are
 5 relevant to the stop data regulations since the
 6 purpose of this hearing is to specifically provide
 7 comment on them.
 8 This is also not a question-and-answer
 9 period, so we won't have a back-and-forth dialogue.
 10 We won't be answering questions about why we
 11 selected things and whatnot. Rather, it's our job
 12 at this hearing to hear you, to listen to your
 13 input. So we will be doing a lot of listening and
 14 not all that much talking once I stop my talking.
 15 This entire hearing is being recorded. A
 16 transcript of the hearing and all information
 17 presented to us during the hearing will be made
 18 part of the rulemaking record. If you've brought
 19 written comments with you to submit during the
 20 hearing today, please give them to Kathy Radez.
 21 If you wish to submit written comments
 22 after you leave today, you may submit them through
 23 the Attorney General's website at
 24 "oag.ca.gov/ab953/regulations." The deadline for
 25 submitting comments is January 27th, 2017 at

1 the regulations, the Notice of Proposed Action,
 2 Initial Statement of Reasons, and Fiscal Impact on
 3 our website at "oag.ca.gov/ab953/regulations."
 4 On December 9th, we also sent a notice to
 5 interested stakeholders to let them know that the
 6 proposed regulations have been posted. This notice
 7 also outlined the ability for members of the public
 8 to provide comments regarding proposed regulations
 9 in writing or orally at today's hearing. We are
 10 also holding two other hearings in the state in the
 11 next two weeks, one in Fresno and one in Oakland.
 12 The full rulemaking file, including the
 13 rulemaking documents, documents relied upon to
 14 develop the proposed regulations, and comments
 15 received to date are available in paper form at our
 16 DOJ offices in Oakland and in Los Angeles. If you
 17 would like to see the full rulemaking file, you can
 18 email us at "ab953@doj.ca.gov."
 19 The format of today's hearing will be as
 20 follows. This is an opportunity for you to provide
 21 comment on the proposed stop data regulations.
 22 Each person will have four minutes to provide a
 23 statement about the regulations. For example, one
 24 statement may express your support or critique of
 25 certain data elements that we have proposed to

1 5:00 p.m. That's when the public comment period
 2 will close.
 3 We will consider all written and oral
 4 comments submitted to our office and address these
 5 comments in the rulemaking file. We will not
 6 provide individual responses back to you in
 7 response to each comment.
 8 When you come to the microphone to speak,
 9 we do ask that you please identify yourself by
 10 stating your name clearly and spelling it for the
 11 record. Please also identify the organization that
 12 you are with, if any, and what section of the
 13 proposed regulation text you want to discuss, if
 14 possible. You are not required to state your name
 15 if you want to provide a comment anonymously.
 16 If you would like to provide a comment in
 17 a language other than English and have someone to
 18 translate for you, you will be provided extra time
 19 for the translation. We also have a translator
 20 here. If you would like to provide a comment in
 21 Spanish, he can translate from Spanish to English
 22 for our reference.
 23 As you entered the room, you should have
 24 seen a sign-in sheet. This sign-in sheet is
 25 voluntary. It's not required. If you would like

1 to stay apprised of the actions of AB 953, receive
 2 notifications about the AB 953 regulations and the
 3 activities of the Racial and Identify Profiling
 4 Advisory Board, please do sign in with your name
 5 and email address. And unless you specify
 6 otherwise to us, you will receive all notifications
 7 by email; you won't receive rings in hard copy by
 8 snail mail.

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

18 Okay. So let's begin.

19 STATEMENT BY KAREN GLOVER

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

24 So I drove up here in the rain and ran
 25 into a lot of traffic. So it's an important issue

Page 9

1 for me. It's my life's work, racial profiling.
 2 And there's a backstory to that, but you don't need
 3 to know that.

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

17 So what I'm hoping that AB 953 or related
 18 legislation can do is the next step, and that is:
 19 When disparity is revealed, have a mandate that
 20 that disparity in and of itself has to be addressed
 21 immediately in the department that's under review.
 22 A three-month -- here's an example. A three-month,
 23 six-month, one-year, five-year and ten-year review.
 24 So it's going to be continual data collection.
 25 And if things aren't starting to decline

Page 10

1 in the disparity that's been revealed, then
 2 accountability with the brass in the department,
 3 supervisors, not so much the traffic officers
 4 themselves, but the people who really are gonna be
 5 the ones that need to be held accountable for this
 6 needs to be in place.

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

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

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

18 STATEMENT BY CALVIN CHANG

19 MR. CHANG: Good evening. My name is
 20 Calvin Chang. I'm the policy director for
 21 Empowering Pacific Islander Communities. My
 22 organization serves the approximately 340,000
 23 native Hawaiians and Pacific Islanders residing in
 24 California.
 25 My comment relates to Article III, Section

Page 11

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

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

22 In addition to that, the largest civil
 23 rights damage award against a law enforcement
 24 agency in California resulted out of a case that
 25 originated in Carson, California. And that was the

Page 12

1 result of the L.A. County Sheriff's Department
2 unfortunately involving themselves in a brutal
3 encounter with a Samoan family in Carson.
4 Given the historical discrimination
5 against Pacific Islanders and the distinct
6 differences between the Asian and Pacific Islander
7 communities, we strongly recommend that those two
8 data categories be broken up. Thank you.
9 MS. YSRAEL: Thank you.
10 MS. HOVIS: For those of you who just came
11 in, the microphone is free whenever anybody is
12 ready to provide a comment. And you have four
13 minutes. Although, unfortunately, it looks like we
14 are not running out of time.
15 STATEMENT BY VANESSA DELEON
16 MS. DELEON: My name is Vanessa Deleon,
17 V-a-n-e-s-s-a, D-e-l-e-o-n. I'm with the Youth
18 Justice Coalition.
19 The first thing I just wanted to say that
20 effective implementation is very crucial for AB 953.
21 And so it's very important that we have the space
22 to give comments on the regulations.
23 And some things that I have to point out
24 are the -- in collecting data and having the data
25 values that are listed in the regulations, there

1 also is room to add spaces to include narratives or
2 open fields in the regulations so that way more
3 contextual information is being provided instead of
4 those strict items that are listed within the
5 regulations. And this would provide more context
6 for the reasons for stops and the basis for
7 searches that are made. And although that does
8 require more time and more work to do, it still is
9 needed and can provide, I think, some better
10 information for when all of this is analyzed.
11 And then also including the parts where it
12 includes GPS or address location, I know for some
13 it did say it would include if it's a residence,
14 like the streets or cross streets that are nearby.
15 But just to stress that it should include
16 descriptions of the types of locations. So is that
17 a street or sidewalk or residence, if it's a
18 commercial place or public transit. So those are
19 also necessary in order to understand more about
20 that stop that was made, or search.
21 And then the data values where it's listed
22 as timing. So where it's 1 to 10 minutes, 11 to
23 20, those don't capture necessary details with
24 respect to like how long it lasted. So you'd be
25 reevaluating those time limits.

1 And then also for searches at schools,
2 there's also a lot of searches that are said that
3 are random. But a lot of times youth and students
4 have questioned whether those are actually random
5 searches. So also language in the regulations
6 providing more information as to why those students
7 were identified beforehand. And more context to
8 why those students are being searched and -- and
9 seeked out in schools.
10 Thank you.
11 MS. YSRAEL: Thank you.
12 STATEMENT BY CAPT. DAVE BROWN
13 MR. BROWN: Captain Dave Brown, B-r-o-w-n,
14 San Diego County Sheriff's Department.
15 The sheriff of San Diego County, Bill
16 Gore, actually sent a letter to the Attorney
17 General with a number of things. I won't read it
18 here; it would take up more than four minutes of
19 various points.
20 I attended many of the subcommittee
21 meetings where we discussed about -- especially
22 involving sheriff's departments with pragmatic
23 searches, courthouses, public buildings where we
24 have metal detectors. In fact, those meetings
25 were held, I had to go through a metal detector and

1 show ID to show that I was a peace officer.
2 That would have -- and in the subcommittee
3 meetings, it was discussed to take out jail
4 visitors, which sheriffs' departments have a lot of
5 jail visitors that come every day, and everyone is
6 given a certain search. But in the examples given
7 in the final document I saw, the -- both examples
8 were sporting events and would create a huge
9 problem for courthouses, backing up courts. And
10 the courts themselves are going to probably object.
11 Because San Diego is not the largest city but
12 second largest in the state, but LA is quite a bit
13 larger than us, and we had 3.8 million visitors to
14 our courts that were screened last year. Roughly
15 10 percent are done "something is different."
16 And the way it read was: If you do
17 anything different to somebody, it prompts -- it
18 triggers the 28 questions. You know, that's a
19 whole other conversation where the law says seven
20 questions and the group says 28. But 28 questions
21 per person. And if you look at that, it's a couple
22 hundred thousand in my county alone. And some
23 counties are at least three times our size.
24 So you're going to have a lot of -- and
25 these are not done -- no one's stopping anyone;

1 they're choosing to go into this building. It
2 could be the county administration center, some
3 other public buildings. As there's more and more
4 terrorism, there's more and more buildings with
5 metal detectors to get in. And there's no
6 descriptions in there other than if you pull them
7 aside or if you search their bag -- you see
8 something in their bag, it prompts a pat down.
9 We don't pat everyone down. Everyone goes
10 through the metal detector and the metal detector
11 gets triggered -- if you've ever gone on an
12 airplane, you see from the other side, most of them
13 can indicate the height in which the metal object
14 was. So we'll generally only check that spot or
15 ask them, "Hey, do you have a pin in your knee?" I
16 mean, there's something going off right around
17 here. Or we'll wand it with a metal detector in
18 that spot. But according to the language, that is
19 now going to have the 28 questions.
20 When you're -- if you've seen the lines at
21 TSA, those are similar to get into the courts and
22 into public buildings. And we feel that having
23 these deputies have to fill out -- answer 28
24 questions for every person that they do
25 differently -- and many times, we'll find a

1 bracelet or a thing -- a ring that can't come off,
2 and we'll have them raise their hand in the air and
3 go through again. And if it now goes off in the
4 high area, we'll know that's it. But something is
5 done to them that's different from the pragmatic
6 search that's defined. And to me, reading that,
7 that would prompt this thing.
8 And, um, I brought these things up at the
9 subcommittee level about the jail visitors that
10 come. We ask them all for ID. ID prompts the
11 search -- or prompts the answered questions.
12 And so, you know, a detention is one
13 thing; it's defined in the law, and the courts have
14 defined it. And all these other things are
15 different. So I'm just wondering why that got lost
16 and the amount of impact it's going to have to --
17 to hurt court operations, when no one is sent
18 through or selected based on race; it's purely by
19 the buzzer going off. And we're going to get bad
20 data if we start collecting -- I mean, the goal is
21 not to collect the data on who sets off a buzzer.
22 And that's usually who we search.
23 So I'm just -- I noticed -- I read it
24 all through, and I noticed that part which I
25 thought went out at the subcommittee level found

1 its way back in at the final document.
2 MS. YSRAEL: Thank you.
3 STATEMENT BY PETER BIBRING
4 MR. BIBRING: So thank you. So my name is
5 Peter Bibring. I am the director of police
6 practices for the ACLU in California. I'm sure
7 many of you saw me a number of times during the
8 subcommittee meetings.
9 And so on behalf of the ACLU of Southern
10 California and the cosponsors of the legislation, I
11 wanted to provide at least an outline of some of
12 our comments to the regulations. And we, like the
13 San Diego Sheriff, will also be sending in a fuller
14 letter. So this is just an outline.
15 First, in framing, obviously we want to
16 thank the Attorney General and the RIPA board for a
17 really comprehensive job, particularly in light of
18 issues around stop and frisk that are more pressing
19 now than they were when this bill was passed. And
20 during much of the process, these regulations are
21 really key, and it's clear a tremendous amount of
22 work went in to make these very carefully thought
23 through. So thank all of you and the RIPA board
24 members for that.
25 I did want to also add, in framing,

1 just -- I know that throughout this process there
2 have been a lot of comments about the potential
3 burden on law enforcement, and obviously that's a
4 concern. But I think it's important to note
5 throughout this that having law enforcement
6 document what they are doing to ensure that what
7 they are doing is consistent with the constitution
8 and fair and equitable policing is not taking
9 police away from their job; it is part of their
10 job. It is part of public safety to ensure that
11 the burdens of policing don't fall
12 disproportionately by race or other identity
13 characteristics in California. So with that, I'll
14 move on to the regulations.
15 So, first of all, there are a number of
16 aspects to the regulations that we wanted to
17 highlight that we're particularly glad to see in
18 the final regulations that were the subject of some
19 discussion through the subcommittee hearings.
20 The first is to see that the definition of
21 "Peace officer" includes school police departments.
22 Obviously that's a crucial issue that came up again
23 and again through the subcommittee, and so that is
24 a very crucial component of the regulations.
25 Also, to see that the definition of

1 "search" includes frisks as well as full searches.
2 That we believe is crucial to capturing the impact
3 of policing, and so we would like to see that in
4 the final regulation.
5 Additionally, the regulations reflect the
6 recommendations of advocacy groups around gender
7 identity and sexual orientation. And we were glad
8 to see that reflected more accurately in the final
9 regulations. And the same is true with respect to
10 questions about disability, particularly mental
11 disability. Again, a crucial component of
12 understanding police interaction with the public
13 that came through very well in the final
14 regulations.
15 And finally, the fact that the regulations
16 are defined to include peace officers that --
17 whenever they're acting in their official capacity,
18 not just when they are on the job for an assignment
19 agency. We were glad to see that in the final
20 regulation.
21 There are a number of areas of concern, I
22 don't think any of which would be surprising. The
23 most crucial of which is the failure of the
24 regulations to include open fields. Most
25 particularly for explanations of why actions were

1 taken, why a stop occurred, why a search occurred,
2 and understanding the varied reasons that often
3 peace officers may have for conducting those
4 actions requires something more than just checked
5 boxes. As comprehensive as those might have been
6 attempted to be, it can never capture the full
7 range of reasons for officers to act. And we need
8 to understand officer action. And also, without
9 those open fields, we won't understand the
10 limitations of the current form. Because if boxes
11 marked "other" are just checked without any open
12 field to describe the "other," that will also be a
13 concern.
14 So in conclusion, there are a number of
15 other things that we'll go through in the course of
16 our letter. Thank you for your efforts.
17 MS. YSRAEL: Thank you.
18 MS. HOVIS: For anyone who has recently
19 joined us, we have an open mic and you may come
20 make a four-minute comment in the time that we're
21 allotting. And at your leisure, we're here till
22 eight o'clock.
23 STATEMENT BY KIM MCGILL
24 MS. MCGILL: Well, my name is Kim McGill.
25 And I just want to highlight that there's a lot of

1 people here from the Youth Justice Coalition.
2 We're the co-sponsors of Assembly Bill 953. So
3 we're so appreciative of all the hard work you're
4 putting into making the regulations real.
5 And we know that a lot of legislation has
6 passed that's never really implemented. So
7 obviously the work -- the hard work, the important
8 work was not passing the bill but making it real.
9 So we first want to really appreciate you.
10 And everyone from the YJC, if you guys
11 could just raise your hands. We'll just give them
12 a lot of love for the work they did to pass the bill.
13 But, um, there's -- while we're really
14 encouraged by the regulations we see so far, we
15 wanted to highlight a couple of things that we
16 really urge you to change. One is that we want to
17 make sure there's fields in the data collection
18 that really talk about storytelling, because we
19 know that it's not so much the boxes that people
20 check off, that law enforcement checks off, but the
21 reasons behind those boxes that have to be captured
22 by the data.
23 I'll give you an example. We put in a
24 Public Record Act request because so many of our
25 family members and loved ones have been killed by

1 law enforcement. And we work a lot with the
2 families who, here in L.A. County, have experienced
3 that. We lead the nation by far with nearly 700
4 people killed by law enforcement since 2000.
5 And what was missing from all those
6 interactions -- unless family members were kind of
7 out engaged in the organizing -- was the stories
8 behind those stops. So we put a Public Record Act
9 request in to the district attorney to get all of
10 the reports on each of those use-of-force stops
11 that resulted in homicide. And we were shocked by
12 several things that if we hadn't had access to
13 those reports would not have been unearthed. And
14 of course, most people, including family members,
15 never see those reports.
16 One of the things we learned was that most
17 of the stops that resulted in homicides happened
18 within minutes. So we urge you to have in your
19 data collection how much time they spent on a stop,
20 so that we can see where law enforcement -- if they
21 just slow down and engage with people differently,
22 they could prevent a lot of arrests, definitely a
23 lot of use of force and a lot of unnecessary
24 killings.
25 The second thing that the stories revealed

1 was how many people have mental health conditions.
2 And we estimate about 40 percent of the people
3 killed here in L.A. County have mental health
4 conditions, and yet in most of those cases no
5 mental health team was called.
6 So we need that story behind the boxes --
7 when it's just the regular routine data
8 collection -- that those kind of stories, those
9 kind of reports reveal. And then we are able to --
10 you know, we're able to say that, you know, not
11 only why did this stop happen, but what could have
12 prevented this stop from going the way it did.
13 The other thing we want to urge you to
14 think about in terms of data collection, another
15 reason why the storytelling is so important, is the
16 why behind the stops.
17 We've worked very hard here to address the
18 racial and identity profiling where alleged gang
19 membership or gang affiliation is the reason for
20 why young people are being challenged or profiled.
21 We know through an audit from the state,
22 both through Angela Evans and our own members, that
23 people are getting stopped for a minor thing that
24 should never have been stopped in the first place,
25 that people as young as seven, eight, nine, ten,

1 eleven were experiencing these kind of stops where
2 they asked, "Where are you from? Why are you in
3 this area? Why are you hanging out with these
4 people?"
5 But we couldn't prove it until we got an
6 audit done from Cal Gang and found out that what
7 people were experiencing on the street were gross
8 inaccuracies, overuse of that kind of stop, using
9 that kind of profiling as an excuse was resulting
10 in bad data.
11 So, again, we just urge you to -- yes,
12 you're on the right track -- but to expand the
13 storytelling, the open fields within the reporting
14 documents so that we know how long stops are
15 taking, the real reasons for the stops, and we can
16 unearth some of the more egregious actions that are
17 leading not only to people being over-criminalized,
18 to be humiliated in front of their families and
19 friends and school and, as well, to be killed in
20 some cases.
21 The last thing that we really appreciate,
22 we fought very hard at the Youth Justice Coalition
23 for school police, school resource officers and
24 transportation police to be included. Because we
25 knew from our own experiences as well as when we

1 did record requests that the number one reason why
2 young people are being stopped was for minor school
3 issues that would be better handled by school
4 officials or teachers, not by law enforcement. And
5 the number one reason for ticketing in L.A. County,
6 with about 10,000 tickets a year, was for fare
7 evasion on the trains and buses and subways. So,
8 again, the why behind the stops. And the location
9 was just the other thing we want to really urge,
10 that we make sure that in the data fields it is
11 required, location. So that we can see why is this
12 happening over and over again at this
13 transportation stop as opposed to this
14 transportation stop or this train depot. Why is
15 this happening over and over again in this law
16 enforcement agency, where the law enforcement
17 agency right next door that has the exact same
18 demographics it's not happening.
19 I'll leave it at that. Thank you so much.
20 MS. YSRAEL: Thank you.
21 MS. HOVIS: If you just joined us, we have
22 an open mic. So whenever someone is not at the
23 mic, you can come up and provide comment. And you
24 have about four minutes to provide them.
25 There are also -- if you didn't see copies

1 of the regulations at the back table, if you'd like
2 to pick up a copy. And the sign-in in the back is
3 voluntary. But if you sign in on that form, you
4 will be kept apprised of all of the activities of
5 AB 953 regulations, the implementation pertaining
6 to that, and the activities of the Racial and
7 Identity Profiling Advisory Board.
8 STATEMENT BY MICHAEL WILSON
9 MR. WILSON: Michael Wilson, YJC.
10 Implementation of AB 953 -- excuse
11 me -- is important to me specifically because
12 throughout my years living in L.A., I been stopped
13 numerous times. Within those stops, there -- in
14 many cases, there was no reason behind it. I was
15 asked my gang affiliation, why I wore the -- why I
16 wore the color of shoes I wore, why I wore the
17 color hats I wore. And simply telling them because
18 I wanted to was not an option; I was pegged to the
19 closest neighborhood in which I was in at that
20 moment and what color I wore. I have been
21 affiliated with both the Blood and Crip gang, yet
22 was never given any actual solidifying evidence to
23 give me gang ties at that moment.
24 It's also important for me to have an
25 oversight of -- and a more deeper intent access

1 [Sic] to police content with the committee because
2 for me most of those stops were unsolicited.
3 Therefore, there was no crime being committed, I
4 had no -- in many cases, I was stopped and asked
5 "Where's the weed?" And then detained, then
6 searched.
7 Sadly, in a lot of my cases, arrests
8 weren't even made, yet information was -- and even
9 intimidation was used. "We'll arrest you if." I
10 was even told once by the L.A. County Sheriffs,
11 "Show me the guns. Tell me where the guns are, and
12 we'll let you go."
13 Of course, I had no guns. So, therefore,
14 me showing you where the guns were was an
15 inadequate question for me because I allowed you to
16 search my property and my person, and you found no
17 weapons on me. So, therefore, any question asked
18 which you did not find on me should not have been
19 asked, should not have been even proposed, in my
20 thinking.
21 I don't -- I can't speak for everyone or
22 law enforcement. However, I feel that we need
23 these oversights and regulations because these
24 stops are numerous, and most of them were as I was
25 a minor. And a minor's first insight with law

1 enforcement is they're there to protect and serve.
2 Well, in my community, sadly, it has been the
3 complete opposite: It's one of fear and
4 intimidation. And I feel -- my opinion is that
5 they use that fear and intimidation to gain -- I
6 won't use the word "quota," but a quota, you know,
7 let's arrest someone.
8 I've even been told by law enforcement
9 myself in an instance, "Someone must go to jail
10 because the police were called. Somebody has to go
11 to jail." I was that person to go to jail. I
12 committed no crime. I actually -- in that
13 instance, I needed the police's support. And
14 instead, I was the criminal. Yet I was the one
15 that had the scars; I was the one that had been the
16 victim in the case. Yet I was, according to law
17 enforcement purposes, considered the perpetrator
18 and incarcerated for a crime I did not commit.
19 And having these regulations in place
20 would allow us, the community, to not only feel
21 safer with those who are sworn in to protect and
22 serve, but will give us an understanding of why
23 they searched who they searched, why they stopped
24 who they stopped, and actually help us, as the
25 community, feel safer to know that the community is

1 not under attack, but you are here to protect me as
2 well as everyone else in the communities
3 surrounding my community. And I feel we need to
4 bridge those gaps, and these regulations will do
5 just that.
6 MS. YSRAEL: Thank you.
7 STATEMENT BY CARLETTA JACKSON
8 MS. JACKSON: Hi, y'all. My name is
9 Carletta. I'm with YJC.
10 AB 953 is very important to me because
11 being a youth growing up in a public school in
12 the hood, my -- me and my classmates experience a
13 lot of interactions with law enforcement, and it's
14 really important that it's brought up.
15 When I was in middle school, a group of
16 boys would constantly harass me; they would always
17 touch me. And every -- every time they did that,
18 my teacher's reply and counselor's -- my teacher's
19 reply was, "Go to the school police. Go to the
20 school police."
21 And after nine months of keep going to the
22 school police and numerous police reports about
23 those boys, the day the school decided to take
24 action was the day that me and the boys' lives
25 will and has been changed for the worst.

1 It was -- it was a day where, um, I was
2 going to class and one of the boys was running
3 towards me. And I knew he was going to come and
4 try to cause harm to me. And he caused harm to me.
5 Him and a group of other boys, they caused harm to
6 me. They -- I had bruises on my back, I had
7 scratches on my hands and my knees. I had to walk
8 home with one shoe. I had a dirty white shirt. It
9 was just -- it was really crazy. I was
10 traumatized. That one time -- not one time did I
11 see a counselor. I saw law enforcement.
12 If we -- if we take money from law
13 enforcement and put it into counselors, maybe it
14 would have helped me. Because those boys got
15 suspended; they got kicked out of school. So it
16 helped with their school and to jail -- they
17 got a record because of that incident. Instead of
18 there being counselors to see that some of those
19 boys were in very abusive foster homes and they
20 needed ways to -- they need ways to express
21 themselves. Them harming me was not right. But
22 what 13- or 14-year-old needs to see handcuffs
23 before they see a counselor?
24 Why do we always have means and ways to
25 ruin someone's life but we don't have -- we say we

1 don't have the means to help -- to actually help
2 someone?
3 My life -- my -- my life could have
4 been valued had we had counselors versus law
5 enforcement. Yeah. Now those boys are kicked out
6 of my school district, so they have to go to a
7 total different school district. That puts strain
8 on them and their family and things like that. It
9 also sends like -- it also speaks to us as people
10 that we invest money into things that are not
11 helping us, well, specifically youth to color.
12 But -- you know what I mean? Stuff like that.
13 And because of that incident, because
14 those boys -- because those boys had got -- ended
15 up being arrested, because of that, I would get
16 nasty notes thrown at me, saying -- and people
17 telling me that they're gonna jump me. Because we
18 didn't have transformative justice where we would
19 have been able to sit down and talk to those boys.
20 Thank you.
21 MS. YSREAL: Thank you.
22 MS. HOVIS: Michael, in response to your
23 question, we think that in order to keep it fair
24 for the folks that have already left, we need to
25 keep it at one comment per person.

1 However, we are accepting comments by
2 email through January 27th at 5:00 p.m. So any and
3 all comments can certainly be submitted to us in
4 writing. And we are considering every single
5 comment that is submitted, both orally and in
6 writing, to our office.
7 The email to email us at is
8 "Ab953@doj.ca.gov." And you can also go to our
9 website "oag.ca.gov/ab953/regulations" and you can
10 submit a comment there on the website as well.
11 VOICE FROM AUDIENCE: Can you say that
12 again?
13 MS. HOVIS: So the email address is
14 "ab953@doj.ca.gov." And that's for a direct email,
15 you can email us there. And you can also go to our
16 website where we have all of the regulatory
17 documents provided there. And you can also submit
18 a comment directly there. So the website is
19 "oag.ca.gov/ab953/regulations."
20 If you're just joining us, the microphone
21 is open for public comment until 8:00 p.m. We're
22 giving each member of the public four minutes.
23 STATEMENT BY HARRY SHAKUR
24 MR. SHAKUR: Hi. My name is Harry Shakur.
25 I'm a student, and I'm talking about school police.

1 So we had many meetings with the school
2 police, and they said they was here to protect the
3 students. And a girl recently got kidnapped at my
4 school. And I'm wondering where was the school
5 police to protect her?
6 There's many things the school police do
7 that they shouldn't be able to do, such as they
8 come check the students during class time. Why
9 would you come check some students during class
10 time if they could miss things in class? And they
11 also come with canines, like we animals. Why would
12 you come with a canine to search a kid? It's bad
13 enough that you're searching us already.
14 MS. YSRAEL: Thank you.
15 MS. HOVIS: If you're just joining us,
16 I'll also add that there are copies of the stop
17 data regulations at the back table.
18 And there's a voluntary sign-in sheet as
19 well. And if you sign up on the voluntary sign-in
20 sheet, you'll be kept apprised of all of the
21 regulatory activities for this rulemaking process,
22 as well as activities of the Racial and Identity
23 Profiling Advisory Board and other implementation
24 activities of our office.
25 For those who were not here at the

1 beginning when I sort of gave a brief introduction
2 about this public hearing and others, this is the
3 first of three public hearings that we are holding
4 on the Stop Data Regulations. The other two -- the
5 one in Oakland -- there will be one in Oakland next
6 week. It's Wednesday of next week, January 18th.
7 And then we have a public hearing in Fresno on
8 January 26th.
9 And in addition to the public hearing in
10 Fresno, we will also be holding the next meeting of
11 the Racial and Identity Profiling Advisory Board
12 that same day in Fresno, January 26th. The RIPA
13 board meeting will be at 10:00 a.m. And the public
14 hearing in Fresno is at 2:30 p.m.
15 So if you want to let anybody else know
16 about future events or if you'd like to travel out
17 to Fresno for the next board meeting, the board
18 will be also deliberating on the proposed
19 regulations. That will be the purpose of that
20 meeting. We will not be taking -- at the board
21 meeting itself, we will not be taking official
22 public comments on the proposed regulations from
23 the public. That will be reserved for the actual
24 public hearing that afternoon.
25 VOICE FROM THE AUDIENCE: Can we ask a

1 question?
2 MS. HOVIS: Yeah.
3 VOICE FROM THE AUDIENCE: If we submitted
4 our recommendations with a bunch of signatures from
5 organizations or logos from organizations that
6 support certain like list of recommendations.
7 THE REPORTER: I'm sorry. I can't hear
8 that.
9 MS. HOVIS: Oh. Can you come up to the
10 microphone.
11 THE REPORTER: Can you start over, please?
12 VOICE FROM THE AUDIENCE: For sure.
13 If we submitted recommendations like in a
14 letter format or a document and then listed the
15 organizations that support those recommendations,
16 or logos, would that carry more weight? Would that
17 be beneficial? Would that be something that could
18 be useful to the RIPA board?
19 MS. YSRAEL: Any information would be
20 useful --
21 MS. HOVIS: Speak into the microphone.
22 MS. YSRAEL: Yes, any information would be
23 useful. And we would definitely take note of, you
24 know, whoever was -- their organizations were
25 signatory to those comments.

1 MS. HOVIS: I'll just add, I think I've
2 probably said this probably maybe more than once at
3 this point, but if you --
4 THE REPORTER: I can't hear you. I'm
5 sorry.
6 MS. HOVIS: Can you hear me now? Okay.
7 Regardless of whether you are submitting
8 an oral comment to us today, if you are interested
9 in submitting a written comment, you can do so up
10 until January 27th at 5:00 p.m. And you can do
11 that one of two ways. You can either send us an
12 email directly to "ab953@doj.ca.gov" or you can go
13 to our website. The Attorney General's website is
14 "oag.ca.gov." And you can just search for AB 953.
15 It will direct you to our regulations page as well.
16 If you do not have email, you can send it
17 to us hard copy. And you can find the address to
18 do that on our AB 953 regulations web page on the
19 Attorney General's website at "oag.ca.gov."
20 Or you can write a letter while you're
21 sitting here. (Laughter.) Open mic.
22 STATEMENT BY MARITZZA
23 MS. MARITZZA: Hello. Good afternoon. My
24 name is Maritzza. I'm with the Youth Justice
25 Coalition. (Inaudible.)

1 THE REPORTER: I'm sorry?
2 MS. MARITZZA: I'm here just to tell you
3 guys a little bit more about my story.
4 When I was 13 years old, my mother was
5 incarcerated. She was picked up on a raid. But
6 what was interesting about the specific raid was
7 that we had just been in the property that was
8 raided as my mom was picking up medicine for me and
9 was about to take me to the doctor. And a police
10 car followed us before the raid even started,
11 pulled us over down the street and held us there
12 for about 30 to 45 minutes while the raid was
13 happening. And then they brought us back and lined
14 my mother up and arrested her.
15 They left me as a -- I wasn't even 13. I
16 think I was like 12 -- as a 12-year-old on the
17 street with a three-year-old kid from the
18 neighborhood who wasn't even related to me. He was
19 just another kid that lived in the same compound.
20 Those 30 to 45 minutes, the police -- these two
21 police officers basically told us that we were
22 being held because the car we were driving matched
23 a hit-and-run incident. We weren't told the truth.
24 We were -- we didn't even know why we were being
25 held.

1 We didn't understand the process. We
2 didn't know anything about the raid that was
3 happening in the same compound that we lived in.
4 We were pulled over right within a block or two
5 after we left. So that's one of my experiences.
6 And the second one I wanted to bring up to
7 you all today is an experience when I was in high
8 school. We had a field trip. One of -- we were
9 able to take our individual cars, and the school
10 was able to just buy tickets at the door at Knott's
11 Berry Farm. And it was about 30 or so of us, so
12 multiple cars went.
13 We were being -- we were all coming back
14 to L.A. from Anaheim. And I was in a car with four
15 young gentlemen, two Latinos, two
16 African-Americans. We were very much following
17 each other. But the car that I was in was a
18 visible -- a car that was much more beat up. And
19 it was obvious that it was a man of color, and we
20 were pulled over. We were separated from our
21 group, and we were held for 45 minutes.
22 And the first question off the bat the
23 minute we rolled down the windows was: "Are you
24 guys on probation or parole?"
25 Um, I was left in the car as a young

1 woman. The four young men were lined up and sat on
2 the curb.
3 So those two experiences of being in stops
4 where multiple hours had passed -- the second
5 experience, I think we were there for about an hour
6 before we were cleared -- have really, um,
7 challenged my -- really impacted me in terms of the
8 way I see stops.
9 And I worked on the bill. I worked with
10 YJC to push this bill because I so often have seen
11 men in my community -- what ends up happening is
12 that young people of color end up getting the brunt
13 end, like, get pulled over.
14 And so for us, I think it's important to
15 really document the time; how long the stops take,
16 the details. Not just checking off boxes, but what
17 encompasses these stops. The location.
18 Why wasn't it noted that a 13-year-old was
19 left on the street, you know? These are things
20 that personally and my organization believes should
21 be in the space of the -- that should be detailed
22 instead of being very vague.
23 So I just wanted to give you all my
24 experience, tell you all that, you know, it's -- I
25 hope that as we move forward, the bill will

1 actually allow these stories to come through
2 instead of becoming a vague data collection where
3 we can't really separate and we can't identify best
4 practices.
5 The reality is that we need to identify
6 what's wrong. And we need to be able to -- like,
7 law enforcement needs to be able to mark these
8 things so that the community -- so that we can
9 recognize the issues.
10 So thank you for your time.
11 MS. YSRAEL: Thank you.
12 STATEMENT BY SEAN GARCIA-LEYS
13 MR. GARCIA-LEYS: Hello. My name is Sean
14 Garcia-Leys. I'm a staff attorney with the Urban
15 Peace Institute.
16 I would like to echo some of the comments
17 made earlier by Peter Bibring from the ACLU, in
18 particular in areas where there are options such as
19 section 99.226(2)(d) where "other" is a reason for
20 present (inaudible) stop. Again, under warrants,
21 there's a section for "other." Whenever those
22 options appear, it should be required that there be
23 a box -- a free response box for a narrative
24 explaining what "other" is.
25 Likewise, for duration of stop, if the

1 five check boxes are going to remain the way they
2 are and not be an exact response, then over 60
3 minutes should have an open, free response box
4 where how much over 60 minutes. What the actual
5 length is for just that one box would give more
6 accurate information, more useful information.
7 Those are my comments. Thank you.
8 MS. YSRAEL: Thank you.
9 NEXT SPEAKER: My name is --
10 THE REPORTER: Can you speak up, please.
11 NEXT SPEAKER: Hi. Better?
12 STATEMENT BY CHANTELLE
13 CHANTELLE: My name is Chantelle. I
14 actually am with YJC.
15 One of the things that I've been noticing
16 in the reports -- because we often, you know, get a
17 lot of the police reports that the ADA goes over.
18 And one of the things that we've been noticing is
19 that within the first few minutes of an encounter
20 there is a shooting happening. And most -- it's
21 always -- it's -- most of the cases I'm reading
22 are always fatal.
23 And it's -- often, I feel like these
24 procedures aren't working in the way that they want
25 them to. There's no backup call, there's no

1 hostage preventives. These resources that we have
2 allocated to helping communities are not being
3 called. DART is not being called. It's just not
4 working. And oftentimes, you know, you see this
5 happening over and over and over again.
6 There was one of the cases that I read, it
7 was a 21-year-old boy who was having, you know,
8 quite a hard -- a difficult day. And instead of
9 them calling, um -- he called 911. And when he
10 did, the operator, you know, would tell him, Do you
11 want to -- "Are you suicidal? Are you suicidal?
12 Are you suicidal?" Because she knew that when the
13 officers were going to arrive, that they were going
14 to shoot him on -- on -- if they caught him.
15 And so I guess maybe I should back up a
16 little bit and give you some background to it. It
17 was a car chase, and when he was -- when he got out
18 of the car, that's when the shooting happened. And
19 this is an L.A. case in which this happened.
20 And so oftentimes, instead of there being
21 more communication, we see that there is a
22 breakdown between what the police had said -- set
23 in their procedures and what the community believes
24 the procedures to be.
25 And so this is one of those things --

1 those instances where he was always saying "No, I
2 am not suicidal, I am not suicidal" because he was
3 not aware that the police were going to shoot if
4 they did catch him.
5 And so I think that's one of the things
6 that I would like to highlight just in general.
7 Thank you.
8 MS. YSRAEL: Thank you.
9 MS. HOVIS: We have four minutes remaining
10 if you're interested in providing a comment at this
11 time and have not previously done so. Thank you.
12 Okay. Thank you for coming, everyone.
13 That concludes our public hearing.
14 Please don't hesitate to inform other
15 people that we will be having two other public
16 hearings, one in Oakland and one in Fresno. The
17 one in Oakland is next week. The one in Fresno is
18 the following week. Thank you.
19 [TIME ENDED: 8:00 p.m.]
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21
22
23
24
25

1 TRANSCRIBER'S CERTIFICATION
2
3
4
5 I SHARON LANCASTER, C.S.R. No. 5468,
6 Certified Shorthand Reporter, certify:
7 That the foregoing transcription of the
8 digitally-recorded public hearing recorded on
9 January 12, 2017, was transcribed by me to the best
10 of my ability and considering the audible quality
11 of the tape recording;
12 I further certify that I am not a relative
13 or employee of any attorney or of any of the
14 parties, nor financially interested in the action.
15 I declare under the penalty of perjury
16 under the laws of the State of California that the
17 foregoing is true and correct.
18 Dated this 20th day of January, 2017.
19
20
21
22
23 _____
24 SHARON LANCASTER, CSR No. 5468
25

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
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Page 1

1	STATEMENTS FROM THE PUBLIC	
2		PAGE
3	MICHAEL CHASE	10
4	SAMEENA USMAN	15
5	ALEXANDRA SANTA ANA	19
6	MATT NUSSBAUM	20
7	-o0o-	
8		
9		
10		
11		
12		
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14		
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Page 3

1 APPEARANCES

2

3 From the Attorney General's Office, Civil Rights

4 Enforcement Section (CRES):

5 SHANNON HOVIS, Chairperson

6 NANCY BENIATI

7 KATHLEEN V. RADEZ

8

9

10 From the California Justice Information Services

11 Division (CJIS):

12 DOLORES HASTE

13 ERIN CHOI

14

15

16

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Page 2

1 PROCEEDINGS

2 ---

3 MS. HOVIS: So, hi. Good evening.

4 Wow. I don't know if that sounds loud to

5 you. It sounds loud to me.

6 Thank you for being here tonight. It's

7 raining. It was raining during our hearing last

8 week in L.A., too, which I thought would discourage

9 everybody from coming, but we actually had a decent

10 number of people in L.A. last week.

11 We really do appreciate your showing

12 today. And, you know, public participation in the

13 regulatory process is so important. So thank you

14 for your presence.

15 My name is Shannon Hovis, and I'm a senior

16 policy adviser here in the Attorney General's

17 Office. With me are representatives of our Civil

18 Rights Enforcement Section and our California

19 Justice Information Services division, which are

20 the two branches responsible for implementing The

21 Racial and Identity Profiling Act.

22 So specifically we have Nancy Beniati, who

23 is our supervising deputy attorney general in the

24 Civil Rights Enforcement Section, Kathy Radez, who

25 is an attorney in our Civil Rights Enforcement

Page 4

1 Section, and Erin Choi and Dolores Haste, who are
2 from CJIS, the California Justice Information
3 Services division. Which is a mouthful, so we call
4 them "CJIS." And we call them "CRES." So CRES and
5 CJIS.
6 It's approximately 6:11 p.m. on Wednesday,
7 January 18th, 2017, and we're gathered here today
8 at Chabot Elementary School in Oakland to receive
9 public comments on the proposed stop data
10 regulations recently posted by the California
11 Department of Justice.
12 The proposed regulations that we are
13 concerned with today pertain to the collection of
14 information regarding stops made by law enforcement
15 agencies and are required by California's Racial
16 and Identity Profiling Act of 2015, AB 953.
17 To be clear, this is not a meeting of the
18 Racial and Identity Profiling Advisory Board. So
19 if you are coming for that meeting, we're sorry,
20 we're not part of that board. Though Oscar Bobrow,
21 who's over here, actually is part of that board.
22 This is a public hearing during which you
23 may provide comment on the proposed stop data
24 regulations. If you are interested in the next
25 RIPA board, Racial and Identity Profiling Advisory

Page 5

1 Board, hearing or meeting, the next meeting of that
2 board is next Thursday, January 26th, at 10 a.m. in
3 Fresno. And you can join us in Fresno.
4 On December 9, 2016, the California
5 Department of Justice posted the proposed text of
6 the regulations, the Notice of Proposed Action,
7 Initial Statement of Reasons and Fiscal Impact on
8 our website at "oag.ca.gov/ab953/regulations."
9 On December 9th, we also sent the
10 notice to interested stakeholders to let them know
11 that the proposed regulations had been posted.
12 This notice also outlined the ability of members of
13 the public to submit comments regarding the
14 proposed regulations in writing or orally at
15 today's hearing.
16 We are holding one more public hearing
17 next week, which will follow the RIPA board meeting
18 in Fresno, if you would like to tell friends,
19 colleagues, et cetera, about that. And last week
20 we held a public hearing in Los Angeles.
21 The full rulemaking file, including all of
22 the rulemaking documents, documents relied upon to
23 develop the proposed regulations and comments
24 received to date are available in paper form at our
25 DOJ offices in Oakland and in Los Angeles. And if

Page 6

1 you'd like to see the entire rulemaking file and
2 information -- I'm sorry. If you'd like to see the
3 entire rulemaking file, you may send an email to
4 "ab953@doj.ca.gov."
5 And all of these links that I've mentioned
6 and email addresses are also listed in a one-pager
7 that was in the back, that you should have received
8 when you walked in. So I hopefully won't have to
9 repeat those links and addresses multiple times.
10 At the back of the room, for your
11 reference, there are also copies of the proposed
12 regulations.
13 The format of today's hearing will be as
14 follows: This is an opportunity for you to provide
15 comments on the proposed stop data regulations.
16 Each person will have four minutes to provide a
17 statement about the regulations. For example, one
18 statement may express your support or critique of
19 certain data elements that we have proposed to
20 collect in the regulations.
21 We ask that you provide comments that are
22 relevant to the stop data regulations, since the
23 purpose of this hearing is to specifically provide
24 comment on them. And this is not a question-and-
25 answer period. It is our job in this hearing to

Page 7

1 hear you, to hear your input and your feedback.
2 That means that we will be doing a lot of listening
3 rather than talking.
4 This entire hearing will also be recorded.
5 And a transcript of the hearing and information
6 presented to us during the hearing will be made
7 part of the rulemaking record.
8 If you've brought written comments with
9 you today to submit to us, please give them to
10 Kathy. If you wish to submit written comments or
11 know of anybody else who may like to in the future,
12 comments may be submitted to our office on our
13 website, again, at "oag.ca.gov/ab953/regulations."
14 And the deadline for submitting comments is next
15 Friday, January 27th, at 5:00 p.m.
16 We will consider all written and oral
17 comments. They will all be addressed in our
18 rulemaking documents. We will not respond
19 individually to comments that are made.
20 As you entered the room, you should have
21 seen speaker cards at the back, on which you may
22 write your name and the organization you represent,
23 if you are here representing an organization. And
24 when you come to the microphone to speak, please
25 first just place the speaker card there, and then

Page 8

1 tell us your name and the organization you're with,
2 if any. If you want to provide a comment
3 anonymously, you may do that too. You do not have
4 to say your name or fill out a speaker card.
5 As you entered the room, you also should
6 have seen a sign-in sheet. The sign-in sheet is
7 voluntary. It's if you would like to receive
8 notifications about AB 953, the regulations or the
9 activities of the RIPA board. If you're already
10 receiving them from us, you may sign in, or you
11 don't have to. And unless you specify otherwise,
12 if you request notifications from us, you will
13 receive them by email and not by snail mail.
14 So we'll now begin to take oral comments.
15 When you would like to provide a comment, please
16 line up behind the microphone.
17 Like I said, every person will be allotted
18 four minutes to keep with just general fairness.
19 That's what we did in last week's hearing too.
20 We'll continue that today, even though we'll
21 probably have some dead time and space.
22 We'll be here until 8 p.m. If you also
23 are just planning to sort of monitor the hearing,
24 you can hang out with us until 8 p.m. And we'll
25 see who else -- if others trickle in.

1 And at this point, the microphone is
2 essentially open to anybody who would like to kick
3 us off. Thanks.
4 **STATEMENT BY MICHAEL CHASE**
5 **MR. CHASE:** Hello. I guess I'll take the
6 plunge first.
7 I didn't hear all -- everything you said,
8 but I'll introduce myself. My name is Michael
9 Chase, C-h-a-s-e. I'm a resident of Fremont.
10 **MS. BENIATI:** Thank you for coming.
11 **MR. CHASE:** Thank you.
12 It took a little while to find it through
13 all the streets, but I got here. So thanks for
14 having me.
15 I would like to say that I believe that
16 effective implementation of AB 953 is essential to
17 address racial and other biased policing that
18 occurs in California. And I want to focus on
19 "effective."
20 I think that the proposed regulations have
21 a lot going for them, which I appreciate. And if
22 time permits, I'll get to those. But I would like
23 to say that they must require data collection that
24 will capture actual law enforcement practices. And
25 that would include narrative or open fields where

1 officers provide factual detail and context for
2 their stops. This is in contrast to a check-the-
3 box-type approach, which I believe is the current
4 approach.
5 Narrative or open fields are especially
6 important in two areas: One is reason for stop,
7 and the second is basis for search.
8 I would also like to make it a point that
9 having police track what they do does not distract
10 them from public safety; it's part of public
11 safety. Making sure that the police are acting
12 fairly and lawfully and that the burdens of being
13 stopped and searched are not falling on some racial
14 groups more than others is crucial, and it is part
15 of the job of policing.
16 I don't think that the full promise of
17 AB 953 can be realized unless we have comprehensive
18 and accurate data that can be analyzed by academics
19 or other experts so that we can find real
20 solutions, and those can be identified and
21 implemented.
22 I don't see a timer, so stop me when I run
23 out.
24 But I would like to also say that I think
25 there are some things I liked about it. I like the

1 fact that -- I understand the officers include
2 those who are in schools. I understand that there
3 are some particular types of data asked for which
4 are specific to schools, for example, referred to
5 the school for discipline. I like the fact that
6 consensual searches are included and that so-called
7 frisks or pat downs are included as a search. I
8 like that off-duty police officers are included. I
9 understand that if they are working as peace
10 officers for someone else, they will also be
11 included. I like the fact that trans is included
12 in the gender category.
13 Okay. Thank you. You do have a timer. I
14 appreciate that.
15 And that there's a mention of mental
16 health as well. So that's pretty much it.
17 I think, um, I'll just be a little more
18 specific about why I think "check the boxes" is
19 problematic. I think that if you have a check-the-
20 boxes approach in which every box is a legitimate
21 reason, it reeks of kind of a leading question.
22 I'm not an attorney. But the idea is: Which of
23 these valid reasons did you have for a stop or a
24 search?
25 And I think if we allow them to say in

1 their own words why they did, we have a more -- a
2 better opportunity to get at what is really
3 happening with policing. And I think that's the
4 key, is to get at what's really happening in
5 policing. I guess --
6 Okay. Time's up. Thank you very much for
7 your time. I appreciate it.
8 MS. HOVIS: Thank you.
9 MS. BENIATI: Thank you.
10 MS. HOVIS: Yeah. I forgot to say, we do
11 have cards. It's like a stoplight.
12 I suppose that for anybody that came here
13 not knowing whether they have a comment or not yet,
14 we have ample time to read over the regulations and
15 see what they want to comment on. So if you're not
16 positive.
17 How did you hear about the hearing?
18 MR. CHASE: About the hearing?
19 MS. HOVIS: Mm-hmm.
20 MR. CHASE: I heard about it through an
21 organization that I'm involved in.
22 THE REPORTER: I didn't hear the last
23 part. An organization you're involved in?
24 MR. CHASE: Yeah.
25 THE REPORTER: Okay.

1 MS. HOVIS: Yeah. I only ask because I'm
2 interested in how -- you know, how we're getting
3 the word out, in addition to the email blasts that
4 I'm sending -- that we're sending.
5 MR. CHASE: I mean, I already knew about
6 it. But I think out of the newspapers, local media
7 outlets put it on sort of a calendar, what's going
8 on. You probably already know that.
9 Or like the local radio stations,
10 sometimes they'll do like a local calendar, and
11 they'll say something like this is what's happening
12 this week. And sometimes they collect it.
13 MS. BENIATI: Did we make that cut?
14 MR. CHASE: Did we what?
15 MS. BENIATI: Did we make that cut, where
16 this was the happening thing on Wednesday night?
17 MR. CHASE: No, I don't know. I don't
18 know. I mean, they probably put it in the city
19 council --
20 MS. HOVIS: It was in the Capitol Alert --
21 MS. BENIATI: Capitol Alert.
22 MS. BENIATI: -- and the Sacramento Bee
23 today.
24 MR. CHASE: Oh, that's great.
25 MS. HOVIS: So for the gentleman who's

1 just joining us, we have an open mic. It's four-
2 minute comments. And the proposed regulations are
3 in the back as well as other documents, if you'd
4 like to grab anything.
5 (Pause.)
6 MS. HOVIS: I should add, too, that just
7 because you provide oral comment does not mean you
8 cannot also provide written comment. In fact, we
9 encourage folks to do both. So please do.
10 Even, you know, for Michael, who just
11 testified, please feel free to submit in writing.
12 (Pause.)
13 MS. HOVIS: You have four minutes. I'll
14 give you a one-minute warning.
15 STATEMENT BY SAMEENA USMAN
16 MS. USMAN: Hi. Well, I'm glad to know
17 that I'm not late. I drove through about -- close
18 to two hours' worth of traffic from the south bay
19 to get here. So ...
20 But as I was mentioning earlier, that our
21 organization, we ended up going all the way to
22 Sacramento to advocate for this bill. So two hours
23 coming over here is nothing in comparison.
24 So my name is Sameena Usman. I'm the
25 government relations coordinator for the Council on

1 American-Islamic Relations. We're a nonprofit
2 civil rights advocacy group that focuses on
3 discrimination and hate crimes. And if there are
4 any, you know, acts of harassment, school bullying,
5 those are the types of things that we work on.
6 Now, we advocated on AB 953 by sending
7 folks from all over California to Sacramento to
8 advocate for this bill. And it's interesting. I
9 was just mentioning that we were told, when we were
10 standing outside of the Governor's office, that it
11 would take a miracle for him to sign this bill.
12 And, lo and behold, the miracle happened, because
13 he did sign the bill. And we were -- we were truly
14 thrilled that the actions that were taken by all of
15 these different coalition groups, these clergy
16 members, these organizations, all and -- and just
17 regular old citizens coming together to advocate on
18 this bill. We were able to change the hearts and
19 minds of both the elected officials and also the --
20 the Governor as well.
21 Now, the reason why this bill is so
22 important to me and members of my organization and
23 members of my community is that, you know, we have
24 been seeing time and time again cases of either
25 police misconduct or people who have been killed,

1 you know, for no real just cause. We've been
2 seeing all these videotaped incidents. And thank
3 God for cell phones. Because if we didn't really
4 have that, we probably wouldn't have known that
5 these things -- or we wouldn't have understood that
6 these things have been happening across the
7 country.
8 Now, in order to prove that this might --
9 that this is a potential problem, we needed a bill
10 such as 953 in order to capture that information
11 that would allow us to understand, okay, well, this
12 is kind of -- you know, these are the number of
13 times people have been stopped or these are the
14 number of times that maybe people of color might
15 have been stopped.
16 Because the case has always been made that
17 lots of people who are people of color might be
18 stopped disproportionately compared to other folks
19 who, you know, may be Caucasian or whatnot. And
20 so, you know, if we want to make the case that this
21 is an issue -- and in order to find ways in order
22 to rectify this issue, we need to collect that
23 data. And so, thankfully, we were able to get this
24 bill passed.
25 Now, I think the other -- the concern with

Page 17

1 this bill is that we also want to make sure that,
2 you know, there is an area where police officers
3 can write down what are the potential -- you know,
4 the information surrounding why there was that stop
5 that was made or that action that was taken,
6 whether it be the use of force or whatnot.
7 And so it is important to ensure that that
8 element is also kept, that there is that space for
9 a police officer to write down that data in order
10 to capture that. Because there's only so much that
11 you can put by checking off boxes. Right?
12 So what we want to -- we want to make sure
13 that this bill -- and that we'll be able to
14 accurately -- the actions taken from this bill will
15 be able to accurately reflect some of the things
16 that we are seeing on the streets. And then
17 hopefully with that data, we'll be able to rectify
18 some of the problems that we are seeing with law
19 enforcement.
20 And this is only going to strengthen the
21 relationship with law enforcement and the
22 community. Because we can't deal with a problem if
23 we don't know if the problem actually exists. And
24 we won't be able to create change without having
25 that being documented and that being known. And I

Page 18

1 think this will create a better relationship and be
2 able to increase our trust in law enforcement. And
3 that's what we all want, you know, to achieve and
4 the end goal.
5 So thank you very much. I'm glad that
6 you're having this hearing. I'm glad that people
7 are willing to come out and share their thoughts
8 and their feelings. And -- and this is why I made
9 the drive over.
10 MS. BENIATI: Well, we want to say thank
11 you so much for coming. We really appreciate your
12 comments and taking the time to drive here. And we
13 hope you have a much better and smoother ride home.
14 MS. USMAN: Thank you. I appreciate that.
15 MS. HOVIS: Thank you.
16 STATEMENT BY ALEXANDRA SANTA ANA
17 MS. SANTA ANA: Hi. My name is Alexandra.
18 I'm here on behalf of the National Center for Youth
19 Law in Oakland. And as a youth -- as an
20 organization, we are happy to see that a lot of
21 school-specific things were included in the
22 proposed regs, such as stops and searches that
23 occur on campuses, and that student resource
24 officers are also being included. Also that
25 school-specific outcomes data was also included.

Page 19

1 We are happy about that as well.
2 But we are a little concerned about the
3 questions that would allow officers to check the
4 "other" box, because we are aware that this will
5 create a really big opportunity for important
6 information to get lost and not be captured.
7 And so we think that there should be
8 open -- an space, a narrative box that would allow
9 officers to explain why the "other" was chosen.
10 Otherwise, we think that this could affect the data
11 that is collected, and it won't be as helpful as it
12 could be.
13 And we need data that is comprehensive and
14 accurate so that we can find real solutions to
15 racial and other identity profiling and ultimately
16 can make our community safer.
17 Thank you.
18 MS. BENIATI: Thank you so much. We
19 appreciate that.
20 MS. HOVIS: Do you have a card?
21 MS. BENIATI: I've got his card.
22 STATEMENT BY MATT NUSSBAUM
23 MR. NUSSBAUM: My name is Matt Nussbaum.
24 I'm curious as to why the decision was made for the
25 police officer to report on the incident instead of

Page 20

1 target of the encounter.
2 I'm wondering what incentive the police
3 officers have to tell the truth and what is holding
4 them accountable for this information.
5 In many instances following
6 well-publicized instances of police brutality, the
7 account provided by the police officers involved
8 has been inaccurate or even an outright coverup.
9 Would it make sense to have a system where
10 a person fills out the same survey under five
11 minutes following the police encounter in order to
12 provide a different prospective? Then the two
13 surveys would be inputted into the same file. This
14 way, police officers have an incentive to be as
15 truthful as possible.
16 Thanks.
17 MS. BENIATI: Thank you.
18 MS. HOVIS: It is now 7:59 p.m.
19 Thank you for coming to this public
20 hearing.
21 The final date to submit written comments
22 on the proposed regulations is 5 p.m. on
23 January 27, 2017. This concludes the public
24 hearing on the proposed regulations.
25 (TIME ENDED: 7:59 p.m.)

Page 21

1 TRANSCRIBER'S CERTIFICATION

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4
5 I SHARON LANCASTER, C.S.R. No. 5468,
6 Certified Shorthand Reporter, certify:
7 That the foregoing transcription of the
8 digitally-recorded public hearing recorded on
9 January 18, 2017, was transcribed by me to the best
10 of my ability and considering the audible quality
11 of the tape recording;
12 I further certify that I am not a relative
13 or employee of any attorney or of any of the
14 parties, nor financially interested in the action.
15 I declare under the penalty of perjury
16 under the laws of the State of California that the
17 foregoing is true and correct.
18 Dated this 20th day of January, 2017.
19
20

21
22
23 
24 SHARON LANCASTER, CSR No. 5468
25



Page 22

6 (Pages 21 to 22)

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

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Page 1

1 APPEARANCES

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

3

4 SHANNON HOVIS, Chairperson

5 NANCY BENINATI, Supervising Deputy Attorney General

6 CATHERINE YSRAEL, Deputy Attorney General

7

8

9

10

11 From the California Justice Information Services
Division (CJIS):

12

13 AUDRA OPDYKE

14 RANDIE CHANCE

15

16

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Page 2

1 STATEMENTS FROM THE PUBLIC

2

3 PAGE

4 AARON PRATT 11

5 VICTORIA CASTILLO 14

6 IRENE ARMENDARIZ 17

7 DENISE FRIDAY-HALL 17

8 MARIA LOPEZ 20

9 NICOLE REMBLE 21

10 GENEVA NICHOLSON 22

11 ANDREA DONADO 23

12 ROSA AQEEL 25

13 ALFREDO AGUERO 27

14 TERRANCE STEWART 29

15 BRANDON STURDIVANT 31

16 KENA CADOR 34

17 CRISANTEMA GALLARDO 36

18 BOBBI BUTTS 38

19 GREG JONES 39

20 NEBYOU BERHE 42

21 SUKAINA HUSSAIN 43

22 TAYMAH JAHSI 46

23 JULIA DUDLEY 47

24

25

Page 3

1 PROCEEDINGS

2 ---

3 MS. HOVIS: Good afternoon, everyone. So thank

4 you all for attending both today's board meeting earlier

5 and also the public hearing right now. We very much

6 believe that public participation in the rule-making

7 process is really important, and we thank you for taking

8 the time out of your day to be here. Really, very, very

9 genuinely thank you for spending the day with us.

10 My name is Shannon Hovis, and I'm Senior Policy

11 Advisor with the Attorney General's Office. And with me

12 today are representatives in our Civil Rights

13 Enforcement Section and our California Justice

14 Information Services Division. And these are the two bodies

15 that are responsible for implementing AB 953, the Racial

16 Identity and Profiling Act at the Department of Justice.

17 So, specifically, to my right is Nancy Beninati,

18 who is our Supervising Deputy Attorney General in the

19 Civil Rights Enforcement Section. And we have Audra

20 Opdyke and Randie Chance, who are both with the

21 California Justice Information Services down here.

22 It's approximately 2:58 p.m. on Thursday,

23 January 26th, and we are gathered here today at the

24 Downtown Business Hub in Fresno to receive public

25 comments on the proposed Stop Data Regulations recently

Page 4

1 posted by the California Department of Justice.
 2 The proposed regulations that we are concerned
 3 with today pertain to the collection of information
 4 regarding stops made by law enforcement agencies and are
 5 required by California's Racial and Identity
 6 Profiling Act AB 953.
 7 To be clear, this is not a meeting of the board.
 8 You were just there, so you know that. This is a public
 9 hearing during which you may provide comment to our
 10 office, the Department of Justice, on the proposed
 11 stop-data regulations since it is our office that is
 12 responsible for drafting those.
 13 The board functions in an advisory
 14 capacity to us. So earlier they're weighing in,
 15 they're discussing all these different elements they
 16 want us to include, don't want us to include. That is
 17 advice they give to us. And ultimately the
 18 decision-making power for what these regulations look
 19 like resides with the Department.
 20 On December 9th, 2016, the California Department
 21 of Justice posted the proposed text of the regulations
 22 and the notice of proposed action, initial statement of
 23 reasons, and fiscal impact analysis on our website at
 24 "oag.ca.gov/AB953/regulations."
 25 You should have received one page earlier, for

1 At the front of the room, when you came in, I
 2 think you all saw there are copies of the proposed
 3 regulations. Hopefully, you received those. There are
 4 also some copies of the statute, and I have a couple
 5 more if anybody wants those.
 6 The format of today's hearing will be as
 7 follows: This is an opportunity for you to provide
 8 comment to us on the proposed stop data regulations. Each
 9 person will have three minutes to provide their comment.
 10 And we'll have the time card similar to how we did this
 11 morning, if you were here, showing the time you have
 12 remaining.
 13 We ask that you provide comments that are
 14 relevant to the stop data regulations since the purpose
 15 of this hearing is to discuss those.
 16 And this is not a question-and-answer period.
 17 So we won't actually go back and forth to say, "This is
 18 our rationale for this and this," you know. Most of
 19 you were here for the morning so you also heard some of
 20 the back and forth about how we came to some of the
 21 decisions on our -- on our regulations.
 22 So this is our opportunity to listen to you,
 23 which we are excited to do. And all the hearing will be
 24 recorded and a transcript of the hearing and all the
 25 information presented to us during the hearing will be

1 those of you who have been here for the duration of the
 2 day, that basically tells you how you can participate
 3 in the public comment process and also says specifically
 4 where the regulations are posted on our website. If you
 5 search on our website, if you go to "oag.ca.gov," you
 6 can always just search for "AB 953" and also find that
 7 information.
 8 On December 9th, we also sent a notice to
 9 interested stakeholders to let them know that the
 10 proposed regulations had been posted. This notice also
 11 outlined the ability of members of the public to submit
 12 comments regarding the proposed regulations in writing
 13 or orally at today's hearing. This is the last of three
 14 public hearings. We had one in Oakland last week and
 15 one in Los Angeles the week before.
 16 The full rulemaking file, including the
 17 rulemaking documents, the documents we relied upon to
 18 draft the proposed regulations and also the comments
 19 we've received to date, are available at one of our
 20 offices, the DOJ in Oakland or in Los Angeles. And
 21 you can email us if you'd like to see that full file.
 22 The email is also on that piece of paper we gave you
 23 earlier. But it's "AB953@doj.ca.gov." We just repeat
 24 "AB 953" as often as possible so that you remember what
 25 we're talking about.

1 made part of the rulemaking record. So it will be
 2 considered by our office as we revisit the regulations
 3 to revise them. Any comments that you make here will be
 4 taken into account. Okay?
 5 If you wish to submit written comments after you
 6 leave today, you may submit them through the Attorney
 7 General's website at that same address I gave before.
 8 You may also send them to us by email at
 9 AB953@doj.ca.gov. The deadline for submitting
 10 comments is tomorrow at 5:00 p.m. So if you know
 11 anybody who wants to submit comments on the regulations,
 12 you think would be interested in knowing what's going
 13 on, make sure to let them know that tomorrow is our
 14 deadline for receiving comments.
 15 So as you entered the room, you received a
 16 speaker card, and we've taken those. If you do want to
 17 provide a comment anonymously, that is also an option.
 18 So if you give us a speaker card, and you're like,
 19 actually, I'd rather you not record my name or
 20 whatever, just let us know. You don't have to present
 21 it with your name. But for the rulemaking file, just in
 22 our records, it's easier if we have that information.
 23 Let's see. We also have a sign-in sheet. We
 24 had one this morning. If you had not yet signed in, if
 25 you'd like to stay apprised of different activities of

1 our office and implementing AB 953 and the activities of
 2 the board, you can sign up. You'll become part of our
 3 distribution list and receive notifications about what
 4 we're up to.
 5 Unless you specify otherwise, any correspondence
 6 you receive by us, you will receive by email. You can
 7 request by snail mail, if that is your preference, but
 8 you will have to let us know that.
 9 So we will now begin.
 10 Do you want to call?
 11 MS. BENINATI: Ill call people.
 12 MS. HOVIS: Okay. So Nancy will just go ahead
 13 and call folks' names.
 14 THE PUBLIC: We have our own order.
 15 MS. HOVIS: Okay. So just come up and state
 16 your name.
 17 MS. YSRAEL: Shannon, Nancy, I don't think --
 18 MS. BENINATI: Just to kind of clarify on
 19 Shannon's point, because we are transcribing this
 20 hearing, we ask that you please be considerate of the
 21 speaker and allow that person to speak. Because if more
 22 than one voice is heard at the same time, the Court
 23 Reporter can't get that down and that person's comment
 24 might be lost or garbled. So just keep that in mind.
 25 I do have -- we do have a public comment from

1 gender, so that will make six gender options available.
 2 Two, to add learning disability in the school
 3 setting. ADAH was one, hyperactivity, and others to
 4 allow officers to add additional information relative to
 5 school setting disabilities.
 6 The third was to allow officers to check
 7 religion if known, and another box, if unknown.
 8 And, lastly, to eliminate -- there was a
 9 recommendation in the regulations to have limited
 10 English or accent. And to delete the accent only,
 11 just to check limited English proficiency.
 12 The board unanimously voted that we forward all
 13 of those recommendations to the Department of Justice
 14 for their consideration and any potential modifications
 15 to the regulations.
 16 That is our report.
 17 MS. BENINATI: Thank you.
 18 So will the next member of the public please
 19 come up. And when you do, can you please spell your
 20 name for the Court Reporter.
 21 -oOo-
 22 STATEMENT OF PASTOR AARON PRATT
 23
 24 MR. PRATT: Good evening. Or should I say
 25 "afternoon"? My name is Pastor Aaron D. Pratt. I want

1 the co-chair of the Racial Identity Profiling Board,
 2 Mr. Ed Medrano, who would like to read the board's
 3 recommendations.
 4 MR. MEDRANO: Thank you. My name is Ed Medrano,
 5 and I'm one of the co-chairs for the RIPA board which
 6 just met earlier.
 7 The board did make some recommendations for the
 8 Department of Justice to consider. Prior to making
 9 those recommendations, the board considered formal
 10 comments that were submitted by other board members,
 11 considered comments made by the public prior to the
 12 board meeting, as well as public comment that was
 13 delivered today. Many of you were here today.
 14 Just a quick synopsis of what was voted on and
 15 what was recommended to the Department of Justice.
 16 First off, in terms of the regulations, there was a
 17 recommendation and motion that passed for a narrative
 18 box to be included for "reason of the stop" and the
 19 "basis for the stop" and anywhere else there is an
 20 "other" box to allow the officers to fill in a
 21 narrative. That was the first recommendation.
 22 In addition to that, a couple different items
 23 were added relative to information about the person
 24 that was stopped. The first item is to add a box that
 25 can allow officers to check LGBT in terms of

1 to say thank you to the Department of Justice for your
 2 diligence in, you know, facilitating this, AB 953. It
 3 has been a diligent and very arduous road, and we're
 4 still going uphill.
 5 So what -- I want to say a few things, but I need
 6 to frame it up right so you can know a little bit about
 7 me so when I give you these things that I feel I still
 8 want to work on you will understand where I come from.
 9 So who am I? I am a pastor. I am a college
 10 graduate. Two universities, Syracuse, chemical
 11 engineering cum laude; and Cal Berkeley, human services
 12 degree.
 13 Why did I chose pastory? Well, as a Navy SEAL,
 14 SEAL Team 5, graduate of Class 189, I found out that
 15 science was real. And in order to do some of the
 16 processes, running the actions on the USS Enterprise, or
 17 the Kittyhawk, riding in humvees, extracting prisoners,
 18 extracting hostages, I found that documentation was
 19 absolutely necessary. I found out that chemistry --
 20 without me being able to measure variables, I couldn't
 21 come up with a solution.
 22 So I'm still perplexed as to why we meet and we
 23 pondering trying to figure a way of -- you know, the new
 24 word, new vernacular, is "alternative facts."
 25 I want to know why we are still having a problem

1 about -- of explaining. I did a lot of writing. A lot of
2 that writing that I did in Iran was on the roof while 32
3 of my men, under fire, some of them died. But I had to
4 make a report in this handheld recorder when I was
5 calling for help.
6 I don't understand why the Rules of Engagement
7 that I had to follow on foreign soil, our public
8 servants have a problem with right here. I don't
9 understand anything about my beautiful country, America.
10 I have problems. PTSD, anxiety. I have issues.
11 And I come home only to find out that my war has just
12 begun.
13 So I want to know why we have the issue of
14 explaining. Why does the officer have a problem hitting
15 his camera? Why does the officer or technology, mind
16 you -- why can't they do what we did in humvees, make
17 the report and come back and file it? What is this
18 issue about time? Isn't life precious? Don't we as a
19 whole in society matter?
20 I never -- I promise you -- I promise you, when
21 I jumped out those helicopters, I didn't care what color
22 those people were. I didn't care what they stood for.
23 I had one mission, and that was to serve this country.
24 How about my country serve me?
25 MS. HOVIS: Thank you.

Page 13

1 MS. BENINATI: The next speaker, please.
2 -oOo-
3 STATEMENT OF VICTORIA CASTILLO
4
5 MS. CASTILLO: Good afternoon, members of the
6 DOJ and others. My name is Victoria Castillo,
7 V-I-C-T-O-R-I-A, C-A-S-T-I-L-L-O. I am from Merced
8 County.
9 I am going to again read some excerpts from
10 citizens. And why I'm doing this is because I really
11 took into consideration some of the back-and-forth that
12 was going on between the board earlier as far as unique
13 identifiers for officers. And I feel, personally, that
14 this is important in order to review and establish a
15 pattern of prejudice and/or abuse. It's not something
16 I -- I, myself, do public records requests often, and I
17 never come across any personal information from
18 officers, other than if they were involved in a specific
19 situation with an individual. And I never got anything
20 like identifying officers' homes or any other personal
21 information that could put that individual in danger.
22 Part of these citizen complaints are from
23 different individual and specific officers from Merced
24 Police Department. Part of this says, "At one point,
25 Penner walked to his vehicle and pressed something. We

Page 14

1 believe he may have disabled his dash camera. With this
2 and the fact that officers' weapons -- two officers --
3 were unbuttoned, both my friends and I had reasonable
4 fear of being killed or seriously injured.
5 "The officers did tell these individuals that
6 they could not record. And after that, they
7 subsequently went to the vehicle and the light that was
8 on was shut off, after he pressed the button."
9 The response to our request to this individual
10 was: "The information provided is not specific enough
11 to our search. Could you please provide more
12 information, such as time and day and location of the
13 incident to produce the dispatcher logs of the
14 incident."
15 Now, with our local departments, they have
16 sophisticated software, so that's the first and last
17 name and date of birth of an individual or even a
18 license plate number can give us this information. But
19 yet that information was not entered in the database.
20 So as far as myself and -- just for background,
21 both of the individuals that were in this citizen
22 complaint that were together, they are relatives, and
23 they're both Mexican; they both have beautiful brown
24 skin.
25 Another citizen complaint, from a different

Page 15

1 individual: "During the encounter I felt I was treated
2 like human trash, and I was in physical pain. I had to
3 call into my place of work and explain what took place
4 because after the experience, I was not the right state
5 of mind to work and had pressure and a swollen hand.
6 The incident has left me traumatized, and I feel no
7 matter how I attempt to better my life, Merced police
8 will continue to find ways to assault, harass or even
9 kill me. I feel I live with this fear every single day.
10 This is not acceptable for people in my community to be
11 treated so disrespectfully and without regard for their
12 rights. I'm not on probation or parole, even if I were,
13 the way I've been treated repeatedly dehumanizes, to say
14 the least."
15 And during this actual incident, I was called
16 by the people that were being stopped in his car. And
17 both of these citizen complaints did not result in
18 arrest, but in both incidents the people in the car
19 were both brown-skinned. And I went onto the scene, and
20 these both happened in October of 2016. And I was on
21 foot filming the law enforcement officers and the
22 situation at a reasonable distance and was given a
23 misdemeanor citation for reckless driving but I was not
24 in my vehicle. So now I'm facing a trial for that I'm
25 going to be facing.

Page 16

1 So I just wanted to put that out there, that
2 data is crucial and unique identifiers are important.
3 Thank you.
4 MS. BENINATI: Thank you very much.
5 -oOo-
6 STATEMENT OF IRENE ARMENDARIZ
7
8 MS. ARMENDARIZ: Hello. My name is Irene
9 Armendariz, I-R-E-N-E, A-R-M-E-D-A-R-I-Z. I'm from
10 Merced, California, and I support the unique identifier.
11 Like I said earlier, I have a brother who has
12 been diagnosed with schizophrenic tendency through the
13 harassment of the Merced Police Department, and he is
14 now looking at several years of prison. It's been a
15 burden on our family to come up with the money that we
16 don't have to get a lawyer so he can get help for his
17 mental condition. And I just believe the information on
18 officers is needed to see if there's any specific
19 patterns of prejudices or abuse. Thank you.
20 MS. BENINATI: Thank you.
21 MS. HOVIS: Thank you.
22 -oOo-
23 STATEMENT BY DENISE FRIDAY-HALL
24
25 MS. FRIDAY-HALL: Good afternoon. My name is

1 Denise Friday, D-E-N-I-S-E, Friday, as in the day of the
2 week, Hall. And I'm here because of the identity and
3 the protocol of racial profiling, because my son was
4 assassinated by Officer David Wells because of the color
5 of his skin. So what I'm trying to say is that I feel
6 like, in a police-involved shooting, are the police
7 above the law? When they go to the -- the Article of
8 Police, the Bill of Rights, I want to know all the laws
9 were written in an era where things were different.
10 Now, things are different now. How come the law can't
11 be revised where a police officer involved in a police
12 shooting is not tested for drugs or alcohol after
13 involved shooting? And what is the actual protocol
14 when they are in an involved shooting? When the
15 commanding officer steps on the scene, is the commanding
16 officer -- is he surrendering his weapon to him?
17 And then, on the other hand, I want to know
18 that, are they taken immediately to go get tested?
19 Okay. And then once they get to the office and they
20 begin their report, if they're not verbally able to
21 speak their report, are they able to -- I mean, write it
22 out in a report? Do they get an opportunity to verbally
23 say their report in a panel or something like that?
24 So I would like to know, what is that protocol
25 when a police officer shoots someone in the community

1 and something like that.
2 And the other thing is that, when bus drivers
3 have an accident on the street, they're tested for drugs
4 or alcohol. So what makes the men in blue above the law
5 where they can't be tested for drugs or alcohol?
6 Because that Article in that Bill of Rights for them --
7 that needs to be changed, because that law is outdated.
8 And then, the other thing is that, when they
9 have chance -- when they have their body camera, I feel
10 like once the body camera is activated, then it should
11 not be deactivated. And if it is, it should be
12 automatically reset to turn back on, because this is to
13 protect the officer as well as the citizen that is being
14 engaged with the law enforcement officer.
15 So I feel like they should not have control of
16 activating or deactivating the body cam when they're
17 involved in a situation where the whole truth could be
18 really seen and told if they not cutting their video
19 cameras off and on.
20 And the third thing is that, when they approach
21 people, they should de-escalate; they should -- okay.
22 They should be able to have training to de-escalate
23 situations instead of escalating them. Because, like we
24 say, we have a lot of people out there with a lot of
25 issues. And if they just took the time to analyze the

1 situation, maybe they wouldn't have to shoot to kill.
2 MS. HOVIS: Thank you.
3 -oOo-
4 STATEMENT BY MARIA LOPEZ
5
6 MS. LOPEZ: Maria Lopez from Long Beach. Maria,
7 M-A-R-I-A, and Lopez, L-O-P-E-Z.
8 I'm very glad to see that everyone on this table
9 appears to be -- may not identify but appears to be a
10 woman. I also stand here as a woman, a brown Latin
11 woman, a queer, gender nonconforming one, an
12 undocumented, documented woman, a woman in poverty, a
13 first generation woman, a (words spoken in Spanish.)
14 I do not choose which one to be a day. I'm all
15 of them every single day. All of this cannot fill in
16 blocks but can be described in a small narrative if you
17 took the time to see the importance in all that makes me
18 who I am.
19 When I hear people say they want to be a police
20 officer because they want to make a difference, I say,
21 "You have a chance with AB 953 to make a difference."
22 I commend the RIPA board on their
23 recommendations that will impact the lives of the most
24 vulnerable in our communities. Today is a day that will
25 go down in our people's history as a day we took a step

1 towards justice. Thank you.
 2 MS. BENINATI: Do you do poetry? You're very
 3 poetic.
 4 MS. LOPEZ: No, I don't.
 5 -oOo-
 6 STATEMENT OF NICOLE REMBLE
 7
 8 MS. REMBLE: Hello, Board. My name is Nicole
 9 Remble, N-I-C-O-L-E, R-E-M-B-L-E.
 10 I'll just start off with this. I've seen racial
 11 profiling. They told me to go to school. "No one will
 12 harass you." I'm gay. I don't look like a fem all the
 13 time. There's been times where cops looked at me and
 14 thought I was a man. It could have went another way,
 15 sometimes my partner say, when we're pulled over in the
 16 car 'cause I like to speed sometime. Sometimes I'm
 17 scared of the police. We shouldn't be scared at all.
 18 All we ask for is accountability. That's it.
 19 Write down what happened; tell us why. And we'll trust
 20 you more; you can trust us more, and we'll be in peace.
 21 I'm all about peace, love, and happiness. That's all
 22 you need; right? This is the first step. That's it.
 23 MS. HOVIS: Thank you.
 24
 25

Page 21

1 -oOo-
 2 STATEMENT OF GENEVA NICHOLSON
 3
 4 MS. NICHOLSON: My name's Geneva Nicholson. It's
 5 G-E-N-E-A; last name Nicholson, N-I-C-H-O-L-S-O-N.
 6 And I usually don't tell my story. But today,
 7 hearing everyone's story, made me think about the times
 8 I had felt discriminated against and how I was profiled.
 9 And growing up, I grew up in an abusive home,
 10 and there were times when my dad would beat the shit out
 11 of us, but we were too afraid to call the police
 12 because we didn't want anything to happen to him because
 13 we loved him. So as you hear your mom screaming and
 14 begging for help, there was nothing I can do to save
 15 her. I couldn't save her, because I was risking him.
 16 And to live with the trauma of that, knowing
 17 that even though he's abusing all of us, and he does
 18 deserve some type of punishment, to have him killed I
 19 knew wasn't the punishment.
 20 So instead we endeavored years of abuse from
 21 him, because we were too afraid to call the police. And
 22 so often, whenever we would try to reach out for help,
 23 the community would tell us that we couldn't.
 24 And I don't ever want anybody to have to grow up
 25 like that. You have no idea what it does to you, to

Page 22

1 constantly have to be perfect in order to fit in a
 2 system that's never going to respect, never going to
 3 love you. And no matter how much you change yourself,
 4 it still isn't enough.
 5 So I would like the board to take into account
 6 all the stories you've heard today, all the things you
 7 heard, because the community is crying for help and no
 8 one is listening to us. Thank you.
 9 MS. HOVIS: Thank you.
 10 -oOo-
 11 STATEMENT OF ANDREA DONADO
 12
 13 MS. DONADO: Andrea Donado. A-N-D-E -- D-R-E-A,
 14 and Donado is D-O-N-A-D-O.
 15 I'm with the Greater Long Beach Interfaith
 16 Community Organization, and we also are here
 17 representing ICO organization, which is made up 60
 18 organizations. And we applaud the recommendations from
 19 the RIPA board. And we ask you to consider them and
 20 actually take them.
 21 In Long Beach, actually some time ago, we had a
 22 case in which a white police officer was stopping an
 23 undocumented woman and impounded their cars, because he
 24 knew that most likely they won't have any papers.
 25 So this woman that come normally from very

Page 23

1 poor communities were facing all the economic
 2 challenges that comes when a car is impounded for them.
 3 A lot of them, they couldn't even take the car back.
 4 They couldn't fight anything because they were
 5 undocumented and they were in fear of the police.
 6 And this was just happening to very brown,
 7 Mexican-looking woman. I myself can drive there,
 8 because I have lighter skin and wouldn't stop me.
 9 We need also a narrative, because there's a
 10 lot of times in which (unintelligible); how can we
 11 include "other" when there's so many rights of options.
 12 So we are in favor of the narrative, instead of the
 13 other part.
 14 And also we need to know what is the race of
 15 the police that's stopping these people. Because we
 16 need to know whether or not it's Latinos going against
 17 Latinos, or is whites going for anybody else -- or
 18 blacks. Or how is the interaction going? And it can be
 19 that there's also black/brown police officers that
 20 are racially bias, but we need a for-sure confirmation.
 21 So to prevent all these situations to happen,
 22 the police situations, we ask you to please take into
 23 consideration. Thank you.
 24 MS. HOVIS: Thank you.
 25

Page 24

1 -oOo
 2 STATEMENT OF ROSA AQUEEL
 3
 4 MS. AQUEEL: Hi, again. Rosa Aqueel, first name
 5 R-O-S-A; last name A-Q-E-E-L, with Policy Link.
 6 Again, just want to thank all of you for your
 7 incredible work today. I want to say that I really
 8 appreciate that the previous public comment hearings
 9 were held in the evening. It's something I know PL has
 10 raised repeatedly. So we really appreciate that you
 11 accommodate that. That was very, very meaningful.
 12 In terms of the regulations, I just want to
 13 bring your attention to the letter that you had received
 14 that was signed by the ACLU, Policy Link, and others,
 15 that does -- definitely encompasses all of the concerns
 16 that we have.
 17 And I just wanted to draw your attention, in
 18 particular, to Page 4 that focuses on the duration of
 19 stats. It was mentioned briefly in the board meeting,
 20 but I just wanted to make the case for why we think it's
 21 really important that we include more accurate, specific
 22 information. Where there is a stop that is 60 minutes
 23 or longer, for example, the regulations currently
 24 would only capture that it was over 60 minutes. But we
 25 think there is a big difference between someone who is

Page 25

1 stopped for 60 minutes and three hours or four hours.
 2 Right.
 3 I had a conversation with a young woman who was
 4 stopped for two hours, face down on the concrete. She
 5 was a young girl. She was coming home from school, being
 6 harassed by the police, terrified, 12 years old, for
 7 two hours.
 8 And so those kinds of data points I think are
 9 really important to making sure that we're really
 10 understanding the full meaning of the data being
 11 collected.
 12 Finally, I would just say again that I think
 13 all of the stories that have been shared, while not
 14 directly about a specific regulation, they're all about
 15 the regulations; right? And that I think having the
 16 stories and the actual testimonies of folks helps
 17 build humanity into regulations that can at times seem
 18 dry.
 19 And so really just appreciate the work you have
 20 in front of you and just really want to thank you for
 21 that.
 22 MS. HOVIS: Thank you.
 23 MS. BENINATI: Thank you.
 24
 25

Page 26

1 -oOo
 2 STATEMENT OF ALFREDO AGUERO
 3
 4 MR. AGUERO: My name is Alfredo Aguero. And I
 5 want to start with something I read this morning.
 6 "There's a reason why we change. One, either because we
 7 learn a lot and we decide change or we been hurt so
 8 much that we have to change."
 9 I like to say thanks, though, for taking in
 10 consideration for recommendation you made for Prop
 11 AB 953.
 12 But I'd like to say that -- like I mentioned
 13 before, we need help in a special location because our
 14 kids, the kids with the special needs, a lot of times
 15 they don't even talk. They get home with scratches,
 16 bruises, and the schools, they don't know why. Nobody
 17 say anything.
 18 And sometimes people said, you know what, they
 19 was scared and in crisis and the officers come and try
 20 to restrain them. They can't say anything.
 21 So really we have to do something. Like I
 22 said, if we train our officers how to deal with these
 23 issues, that's going to help a lot. We don't got to see
 24 these kids get in all these kinds of situations because
 25 depression, anxiety, mental illness is one of the

Page 27

1 strongest parts in special ed kids.
 2 I have one. My son is -- he got special needs.
 3 And we know how it feels to see your kid getting home
 4 and can't tell you what happened because they been
 5 bullied. All this kind of stuff happen to them on the
 6 schools.
 7 We supposed to get our schools (sic) to the schools
 8 to be protected, from the teachers who teach them. And
 9 sometimes they get the bullying even from them, from the
 10 same people, from the same school, from the same
 11 teachers.
 12 So if we don't do something for them, our
 13 society is crooked. Everybody is crooked. If I don't
 14 offer them and I know what happened there, I'm doing
 15 something wrong. Because we are the voice. Our
 16 community is tired. We have to start working. And the
 17 only way we can do this is the officers have to be
 18 more response -- responsible for what they doing if
 19 they doing something wrong and get a congratulations if
 20 they do something right.
 21 But we, as a community, I think we deserve
 22 respect. Because we like to trust the officers. But if
 23 they don't help us, impossible. It's all I want to
 24 say. Thank you.
 25 MS. HOVIS: Thank you.

Page 28

1 MS. BENINATI: Thank you.
2 -oOo-
3 STATEMENT OF TERRANCE STEWART
4
5 MR. STEWART: Hello. My name is Terrance
6 Stewart. T-E-R-R-A-N-C-E, S-T-E-W-A-R-T.
7 I kind of highlighted this earlier. There's two
8 things I really want to highlight. The first is that I
9 was racial profiled a lot as a youth. And every time
10 it happened -- I was racially profiled a lot to the
11 point where, like I said, I could tell the different
12 shifts, like what police worked on what shift. I knew
13 the whole police force because every time they pulled me
14 over, there's police in the car, and slowly you get to
15 knowing everybody.
16 I watched rookies become lieutenants over the
17 course of time, you know. And every time I was stopped
18 by the police, I was -- put a gun on one. But the other
19 thing was I was touched in a way in which I didn't find
20 appropriate. You know, they touched my genitals. They
21 touched, like, my buttocks area because they were
22 looking for something on me. So they'd bring me to the
23 point where I was stopped a whole lot of times but I
24 only went to jail a few times.
25 So I hear the argument of "wasting time" and

Page 29

1 "too much time" to go to fill out a piece of paper. But
2 it was a whole lot of time that they wasted pulling me
3 over when they only arrested me like once or twice.
4 And they pulled me over many of times, you know.
5 And so I think if they stop racially profiling,
6 they'll have more time. You know, that's one thing.
7 And then the other thing is -- is that I work with
8 Alfredo, and we do work with special education, you
9 know. And it's a growing -- everybody knows it. Mental
10 health is that -- a lot of people being arrested and
11 profiled and type of stuff, they do have mental
12 illnesses.
13 So I'd like to highlight the part that you all
14 said before, about putting a box there about the mental
15 illnesses, because I believe that has a lot to do -- and
16 now the jail is starting to become the biggest mental
17 health provider for people with mental illnesses. And I
18 believe that it should be some type of mechanism that we
19 can help people that are mentally ill before they go to
20 jail.
21 And I say -- that's all I have to say. But every
22 life has a value, you know. And like it's happening
23 real fast. The first -- what is it? -- three minutes,
24 two minutes is where people are being killed.
25 And if it's people being racially profiled and

Page 30

1 people are mentally ill are the people that are catching
2 the end -- the excessive force or the violence, then
3 it's something we have to try to do to put a stop to it.
4 I don't honestly believe that AB 953 will be the
5 complete answer, but I do believe it will be a step in
6 the right way. Thank you.
7 -oOo-
8 STATEMENT OF BRANDON STURDIVANT
9
10 MR. STURDIVANT: It's Brandon Sturdivant,
11 B-R-A-N-D-O-N, S-T-U-R-D-I-V-A-N-T, working with People
12 of California, also part of Hope for Community
13 Organizations.
14 So first, I hope folks really appreciate the
15 level of trauma that the people in this audience are
16 doing right now, to recount stories that seriously
17 impacted us in our development and in our lives.
18 Imagine having to interact with a person who abused you
19 consistently. That is what we have to do. And even
20 being in the space with law enforcement officers who are
21 saying it's too much to collect data, to me it's an
22 abuser telling me I'm not gonna stop and I don't
23 actually want to take negativisms (sic) to stop, I'm
24 fine with what I'm doing.
25 So a lot of trauma in this room. That's the

Page 31

1 first thing.
2 Second thing is, there's a duel line here. And
3 I don't want to misstate AB 953, about what the board
4 issue brought up. But the thing is, folks in this room
5 and so many folks outside mobilized, over a thousand
6 people, and sat on the lawn outside the Capitol to make
7 sure that this thing is passed, right, to bring our
8 work to fruition, to make sure we have the opportunity
9 to collect this data. So the folks here are directly
10 responsible for this legislation, for this effort. And
11 we're proud to see what happened with the
12 recommendations today. We want to see that continue
13 forward implementation.
14 I was not a part of AB 953. I actually sat out.
15 The reason why I sat out was because my uncle was beaten
16 to death by the Oakland police. Not shot, not tased.
17 Like billy clubs. Nine officers beat him until he
18 expired.
19 My cousin was shot in the back, killed by the
20 Oakland police. I got something on it, but it was just
21 weak narrative, weak-ass narrative, that didn't explain
22 exactly what happened.
23 So for me, and knowing other folks who
24 experienced police brutality, I thought what the hell
25 are we doing. But the folks in this audience inspired

Page 32

1 me to step off the sidelines over the last year and
2 work. I've been throwing myself into it actually and
3 confront something that has caused trauma to my entire
4 family.
5 So we want to see the recommendations move
6 forward as we saw fit. We want to see over this next
7 period that you're not going to (unintelligible). We want
8 to see more data, as much as possible, especially --
9 especially around -- the data around the minutes that
10 folks are being held. We don't want to see checkboxes.
11 If you hold somebody for 60 minutes, put 60. If you
12 hold them for five hours, put five hours. We need to
13 know down to a "T".
14 Last thing, I'm really, really concerned about
15 the implementation of this. So what happens when law
16 enforcement doesn't do it? What happens when we get
17 back crappy data? We've done public records requests
18 for the Sheriff's Department in Alameda County and
19 gotten back crap, like receipts for coffee, stuff like
20 that, just paper. So I'm really concerned, and I'm
21 wondering, how do we make sure these regulations move
22 forward and hit the ground.
23 And the last thing is, for me, this is about an
24 ark. This moment is about public safety transformation.
25 We can't get it without the data. But this is the

1 beginning. So we have to start off on a good foot and
2 push back on the law enforcement officers who are
3 consistently sending a message that they want to do as
4 little as possible. Thank you.
5 MS. HOVIS: Thank you.
6 -oOo-
7 STATEMENT OF KENA CADOR
8
9 MS. CADOR: Hello. My name is Kena Cador,
10 K-E-N-A, C-A-D-O-R. I'm here on behalf of the ACLU of
11 Northern California, Fresno office.
12 I want to start by saying that I think the
13 stories today demonstrate the undeniable human element
14 involved in police interactions. It also highlights the
15 need for effective data.
16 The ACLU commends DOJ and AOG for their
17 consideration and adoption of recommendations made by
18 advocacy organizations over the past several months.
19 The proposed regulations reflect recommendations
20 related to perceived identities and any stops of youth,
21 particularly of youth on and around school grounds or in
22 the school setting. However, the ACLU and many other
23 advocacy organizations are very concerned in certain
24 aspects of proposed recommendations and have submitted
25 written comments to the DOJ and AOG as part of the

1 rule-making process. I also have copies if anybody needs
2 it.
3 In particular, we support the RIPA board
4 recommendations to require use of open text fields with
5 respect to data elements of reason for stop, basis for
6 search, and any data value that refers to "other." The
7 proposed regulations must require data collection that
8 captures actual law enforcement practices by including
9 these open field texts where officers provide factual
10 detail and context for their stops.
11 We also believe that the regulation should
12 require officers to provide a description of the actual
13 location of the stop, such as sidewalk, public
14 transportation, public housing or building, to provide
15 context about where these stops are taking place and
16 what that might mean. Moreover, there are several data
17 elements that we believe the data value is offered use
18 time periods that do not allow for sufficient detail to
19 echo the duration of the stop that others have
20 mentioned, the perceived age of person stopped and
21 officers' years of experience.
22 Finally, we think there needs to be multiple
23 data values added in response to data element for
24 actions taken by officer during stop. The -- we
25 might -- we suggest additional values such as other

1 agency called to the scene or unit, unbuttoning the
2 holster or grabbing the weapon.
3 I think that the importance of AB 953 cannot be
4 overstated, especially as evidenced by the public
5 participation here today, making sure police are acting
6 fairly and lawfully and that burdens of being stopped
7 and searched are not falling on some racial groups more
8 than others is crucial and is part of the job. Thank
9 you.
10 MS. HOVIS: Thank you.
11 -oOo-
12 STATEMENT OF CRISANTEMA GALLARDO
13
14 MS. GALLARDO: Hi, everyone. My name is
15 Crisantema Gallardo, C-R-I-S-A-N-T-E-M-A,
16 G-A-L-L-A-R-D-O.
17 As I spoke earlier, I'm from Merced, and I
18 really want to lift up the importance of ensuring that
19 we have individual and personal identifications for
20 peace officers.
21 You can go into any (speaking in Spanish) --
22 any hood, and people in the community, well, they know
23 what streets, what police officers are stopping our
24 community members.
25 In my community, on Winway near a church,

1 there's a white police officer that will park his
 2 vehicle there and stop brown and dark-skinned people for
 3 no reason. I think it's really important for us to be
 4 able to identify which law enforcement officers are the
 5 ones doing this.
 6 Again, I'm really happy to be here today,
 7 because we were there in 2015 pushing AB 953, because we
 8 know it's the beginning to any (unintelligible) in our
 9 community. And I say "beginning" because it's not going
 10 to end all the injustice that we're living as people of
 11 color in this state, but it is going to ensure that we
 12 hold law enforcement officers, individual folks,
 13 accountable so that they can do the job they're supposed
 14 to be doing, so they can really build trust with our
 15 communities.
 16 Again, I also think it's really important for
 17 our community groups to have access to the data. And
 18 not just community groups, but myself as an individual
 19 who has a brother that is in and out of prison and dad
 20 who was formerly incarcerated, I want to have access to
 21 all the data. So we need to create, like, a clear plan
 22 of how we as community members can know no who -- which
 23 officers are stopping who in our community and what
 24 ethnicities are being stopped the most. Thank you.
 25 MS. HOVIS: Thank you.

Page 37

1 -oOo-
 2 STATEMENT OF BOBBI BUTTS
 3
 4 MS. BUTTS: First of all, I'd like to give our
 5 praises to God. He's the love of my life.
 6 My name is Bobbi Butts, B-O-B-B-I, B-U-T-T-S.
 7 I'm with a lot of different organizations. I was at the
 8 legislators office making sure the Transparency Bill
 9 came through.
 10 I just know that being as dark skinned as I am,
 11 I have witnessed and been the part of a lot of racial
 12 profiling, especially living in Tennessee and out here
 13 in California as well.
 14 I'm raising a son who wants to be a
 15 cardiologist and he plays instruments. But I know
 16 he'll grow up and be a big, black guy. So I know if I
 17 don't put my feet to the ground today and tomorrow, I'm
 18 probably not giving my son the chance that he deserves.
 19 So I just want to thank you all in the
 20 Department of Justice for just having our back and
 21 continuing to work with us with regards to this system
 22 that is so injustice to people of color. Thank you.
 23 MS. HOVIS: Thank you.
 24 THE PUBLIC: One people, one fight. One people.
 25 One fight.

Page 38

1 -oOo-
 2 STATEMENT OF GREG JONES
 3
 4 MR. JONES: Good afternoon. I'm going to take
 5 this thing off. I'm sorry. My name is Greg Jones. I'm
 6 within the Congregation out for Change. And there are a
 7 couple things that really -- that really resonated with
 8 me.
 9 One of them is, you know, how can a group of
 10 individuals who don't want there to be transparency
 11 decide how transparency is going to be implemented. I
 12 cannot get past that in my mind to understand how a
 13 group of -- a group of individuals who we're trying to
 14 hold accountable, as a society, as taxpayers, as
 15 citizens, sometimes it's victims, how we want to correct
 16 the system that has been flawed since its inception.
 17 We all know that police officers were founded on
 18 the slave patrol. They would capture runaway slaves
 19 and, to tell the truth, they pretty much operate the
 20 same way today.
 21 When slavery ended -- before slavery ended,
 22 excuse me, the prison system was 95 percent white.
 23 Afterwards, it was 97 percent black. That's no mistake.
 24 The prison system was put in and perpetrated on
 25 African Americans in order to keep free labor going.

Page 39

1 And today it operates the same exact way. Please, if
 2 you don't believe me, do your research.
 3 The problem is that I myself don't consider
 4 myself a free man because I have to do things that I
 5 don't want to do. I don't any adult that has to do
 6 things they don't want to do.
 7 But the problem is, when you have a system
 8 that's breathing over you and it has individuals who are
 9 equal to you, equal to you, equal to you, are telling
 10 you -- are making you feel that the system no longer
 11 applies to them, the rules no longer apply to them, and
 12 all they have to do is claim to feel fear and they can
 13 take your life, take your life with zero accountability.
 14 And we sit here and act as if that's the norm. We sit
 15 here and act as if that's necessary in order for America
 16 to be great again. Like that's what it has to be like.
 17 My children tremble in fear. They've seen me
 18 become a victim of police brutality. They still talk
 19 about it to this day, every time it comes up. It
 20 doesn't come up in conversations with family. It comes
 21 up in society. It's one of those things we talk about.
 22 It's one of those things that we live. It's normal.
 23 Just like the space landing or the comet -- whatever is
 24 the norm.
 25 Police brutality is the norm. And for people

Page 40

1 who have the privilege to not be personally affected by
2 it or not have a family member affected by it and
3 someone that looks like them to not be affected by it,
4 it's asinine to me to understand how you can say their
5 experiences are less valued than yours just because you
6 were put in the position to make that decision amongst
7 those who don't know how to get to where you're at, who
8 don't think that you belong where you belong, who may
9 not have the resource that you have to get to where
10 you're at.
11 So what I'm asking is that you all take a
12 look outside of yourselves, take a look outside of your
13 experiences, outside your responsibilities as you see
14 them and take a look at the society that you live in.
15 THE PUBLIC: My God.
16 MR. JONES: It's a wasteland. We're in a
17 disgusting movie. This is a movie from the '80s that
18 we're living in today, with this -- with this -- I don't
19 even know what kind of -- this Commander-In-Chief, this
20 CEO -- I don't know.
21 I don't know what we're going to do. But it's
22 up to you guys to make something happen in California
23 that's not happening anywhere else in America. We're
24 way behind so many other countries. It's going to take
25 at least 40, 50 years to make America great again. And

Page 41

1 by the way we're going now, it's not going to happen.
2 So we're asking you all to take the
3 responsibility, take the accountability, and to ensure
4 that the things that have happened in the past, the
5 injustices that have happened in the past, never happen
6 again to another person. Thank you.
7 MS. HOVIS: Thank you.
8 -oOo-
9 STATEMENT BY NEBYOU BERHE
10
11 MR. BERHE: Hello. My name is Nebyou Berhe,
12 N-E-B-Y-O-U, B-E-R-H-E.
13 So just a couple things real quick. These
14 narrative boxes -- and I find it amusing that there was
15 so much pushback on them. Every time we see an
16 officer-involved shooting video or anything related to
17 police misconduct, we're always told -- the public is
18 told to suspend your judgment because we don't know
19 what happened before or after. We don't know what the
20 context was; right? We don't know what the narrative
21 was. We don't know all these factors.
22 And that leads to the unique identifiers.
23 Right. And what is this? It's this accountability so
24 we can say, hey, man, these type of officers are the
25 ones -- should be held responsible for these type of

Page 42

1 actions. Maybe we can change hiring practices as we go
2 forward.
3 And just to note on a local level, I live here
4 in Fresno, our chief of police actually ordered an
5 internal study review of his department, and what came
6 back was that two-thirds of the officers didn't trust
7 the chief and a third of officers complained about
8 officers that falsified evidence or falsified police
9 reports. And what we're talking about is years on
10 someone's life; right? When you falsify --
11 We have a brother right now that we're trying
12 to help out who went to rescue his brothers from a
13 shooting at a party, and he's -- now he's facing jail
14 time because he was resisting arrest. Even though he
15 showed up way after the cops did and he was drug
16 through the mud physically, literally, and now he's
17 facing jail time. And he's young. He's a young man.
18 And so -- again, thank you guys for being here.
19 We just want to continue to hold up these -- these
20 stories and these experiences.
21 MS. HOVIS: Thank you.
22 -oOo-
23 STATEMENT BY SUKAINA HUSSAIN
24
25 MS. HUSSAIN: Good afternoon. My name is

Page 43

1 Sukaina Hussain, S-U-K-A-I-N-A, H-U-S-S-A-I-N.
2 I shared some comments with the board this
3 morning, but I wanted to reiterate to you all. Thank
4 you again for the time to hear us out. I know
5 some people had to take off but they're with us in
6 spirit. They're from all over California. They're
7 making their way back.
8 I wanted to highlight what was brought up
9 before, the significance of the stories that my black
10 and brown brothers and sisters have shared and how much
11 of themselves they're putting out there so that all of
12 us can live in a better community.
13 And I'm speaking on behalf of immigrant families
14 who are communities of color who have come from
15 militarized states, who have come from environments
16 where they're being targeted for the way they look, who
17 are daily met with tanks in the street with automatic
18 weapons in their face, whose children have to walk by
19 army and militants just on the way to school or to the
20 grocery store.
21 And they came here. My family is from an
22 immigrant background (unintelligible). And
23 unfortunately we know it's going to be difficult for
24 families coming from other countries in the future. But
25 for those who are here, came here seeking that safe

Page 44

1 haven and seeking a way to provide a better opportunity
2 for their families.
3 So I know that the role of law enforcement is to
4 provide that peace, to serve and protect. And if we're
5 continuing to militarize, we're not serving that
6 purpose. So I hope the investment in this regulation
7 really provide them education and training into making
8 our community safer instead of more militarized.
9 I also wanted to speak to the piece around
10 religion. I know there was some discussion with the
11 board on what the identifier looks like. I do agree
12 it's important to be able to collect data to name their
13 specific religion, backgrounds and ethnicities.
14 Nationalities are being targeted.
15 However, it may be visible what religion I am
16 but may not be for another person of color. So I think
17 in order to make sure we're not falling into the trap of
18 continually stereotyping and going down this rabbit hole
19 of stereotyping by filling the box, but there should
20 even still be a narrative space for why the officer
21 chose to identify the person of that religion. Was it a
22 cross or symbol or something specific they were wearing
23 that caused them to feel they were of religious
24 background. And maybe use that to identify if there are
25 wrongful assumptions being made, if there are

1 stereotypes that are being mislabeled. And put those
2 learnings into trainings on how we're miscategorizing
3 individually or how we're correctly or incorrectly
4 identifying backgrounds to have more accurate
5 information and learning ahead. Thank you.
6 MS. HOVIS: Thank you.
7 -oOo-
8 STATEMENT OF TAYMAH JAHSI
9
10 MS. JAHSI: Hello. My name is Taymah Jahsi,
11 spelled T-A-Y-M-A-H, last name, J-A-H-S-I. I'm with
12 PICO, specifically Faith in the Valley here in Fresno.
13 We represent over 120 congregations here in the Valley.
14 Many of them went with us to the Capitol to make sure
15 AB 953 passed.
16 And we went there with the expectation with
17 racial profiling not ending tomorrow but sometime in
18 the future. Maybe our grandchildren wouldn't have to
19 face some of the pain we face.
20 So when I hear officers say it's too
21 time-consuming, I view that as an excuse. Because
22 what's more time-consuming is burying your child. I've
23 done that before. We heard from Mrs. Friday who's done
24 that.
25 And if we have the opportunity to collect

1 sufficient descriptive data in order to compile it and
2 interpret in a way that can identify how these officers
3 may be profiling folks, then that extra five or ten
4 minutes that it's costing them right now could save an
5 extra 500 lives in a couple years, and it will all be
6 worth it then.
7 So I'm asking you all, when you hear that
8 argument about time consumption that you let it bounce
9 off your ears because we're looking towards the future.
10 And in doing that, we have to spend the necessary time
11 focusing on those variables that are causing so many of
12 our people to suffer here.
13 I appreciate you all for hearing us out today.
14 I ask that you keep in mind the stories you heard and
15 the pain you heard when you're making those decisions
16 and finalizing the regulations.
17 MS. HOVIS: Thank you.
18 -oOo-
19 STATEMENT OF JULIA DUDLEY
20
21 MS. DUDLEY: Afternoon, to you. I definitely
22 wasn't slated to speak but I felt compelled to do so.
23 My name is Julia, J-U-L-I-A, D-U-D-L-E-Y.
24 And I have been a long time resident of Fresno,
25 but my roots are actually in San Jose. And I think

1 today is so important because my family has continually
2 had to go through racial profiling, even in front of my
3 house where we lived in a very affluent neighborhood
4 and we might have been one or two black families.
5 I watched my brother get beat up by nine or ten
6 cops because they didn't believe that was his house.
7 And I had to testify and watch these cops lie in court,
8 and it was traumatizing. Because he was in a car with
9 another non-black person, so they pulled him over and
10 assumed it wasn't his car. So that was my first
11 unfortunate incident with the police. And then it
12 continued, where I was always pulled over because of who
13 I was, because of being black and driving in a car down
14 a street where they felt I didn't belong.
15 Now we fast-forward here to Fresno, California,
16 where I live now. I'm a business owner. I'm an
17 entrepreneur. I'm also part of the African American
18 media. So I came here today, and we wanted to make sure
19 to have a story.
20 But I think it's also important I share my
21 story. And just last year, at the end of the year, we
22 were pulled over coming from my shop. We were
23 terrified. Me and my husband were very terrified. We
24 were in our car, which was a Mustang. The officer asked
25 what were we doing in a Mustang, why were we there,

1 where were we coming from. I was asked these -- this
 2 myriad of questions as if I didn't even belong being a
 3 business owner or even in my car.
 4 So that is not just happening to me but a whole
 5 bunch of people that look like me, a whole bunch of
 6 other black and brown folks that look like me. And I
 7 was shaking and I was terrified. And I shared it on
 8 Facebook. I couldn't get over it for weeks. And every
 9 time I saw an officer, all I could do was be fearful and
 10 look forward. And even when I was pulled over, I didn't
 11 know if we were going to be shot. No one was around.
 12 I'm looking around to see where I could -- who's
 13 watching and what I can do.
 14 No one should feel that terrified when they're
 15 pulled over by an officer. And loudly I remember
 16 speaking to the officer, letting him know, "Officer, I
 17 can't -- my license. It's in the back in my purse." And
 18 I was very scared to reach back. I'd already watched the
 19 Sandra Bland. Myself being a part of the media, it was
 20 a very terrifying experience for me.
 21 I've been stopped, my son's been stopped, my
 22 husband has been stopped, everyone's been stopped in my
 23 family. For what?
 24 And also being 15 years as an educator, as a
 25 state-mandated reporter, it was very important for me to

Page 49

1 write out paperwork. And when something happens in the
 2 classroom, you had to write it out. Time is nothing.
 3 Time is of the essence. And it's very important for us
 4 to take our time when we must write that report. When
 5 we must be a part of the solution versus the problem.
 6 If I didn't write about things that happened to
 7 my students, and they would tell me about stuff going on
 8 at home, should I be that teacher that says, heck, I
 9 don't have time to write that out? Should I have done
 10 that?
 11 So that's why it's so important for us to look
 12 at time as not an issue but part of it, to take the time
 13 to write that information down so we can see where the
 14 problem is and look forward to solutions.
 15 MS. HOVIS: Thank you.
 16 So since the public hearing is slated to go
 17 until 4:30, we sit and stay here until 4:30. That's how
 18 it works. So we will be here.
 19 Thank you for being here everybody who came,
 20 honestly. I'm just really pleased to see that -- the
 21 energy and commitment to ensure that AB 953 is
 22 effectively implemented because it's certainly
 23 consuming our lives. And it's just really great to have
 24 members of the public so participatory. So thank you so
 25 much.

Page 50

1 And if you want to speak and haven't done so, we
 2 have an open mic.
 3 (Whereupon the meeting concluded at
 4 4:30 p.m.)
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Page 51

1 STATE OF CALIFORNIA)
) ss.
 2 COUNTY OF FRESNO)
 3
 4 I, MIRANDA K. ANTHONY, Certified Shorthand
 5 Reporter, in and for the State of California, do hereby
 6 certify:
 7 That the foregoing proceedings were taken before
 8 me at the time and place herein set forth; that any
 9 witness in the foregoing proceedings, prior to
 10 testifying, were duly sworn; that a record of the
 11 proceedings was made by me using machine shorthand which
 12 was thereafter transcribed under my direction; that the
 13 foregoing is a true record of the testimony given.
 14 I further certify that I am neither financially
 15 interested in the action, nor a relative or employee of
 16 any attorney or party to this action.
 17 IN WITNESS WHEREOF, I have this date subscribed my
 18 name.
 19
 20 Dated: ___/___/___
 21
 22
 23 _____
 24 MIRANDA K. ANTHONY, CSR NO. 13453
 25

Page 52

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