

## XV. Preliminary Recommendations for Future Deliberation

### Enslavement

- End legal slavery in California by doing the following:
  - » Deleting language from the California Constitution that permits involuntary servitude as punishment for crime by passing ACA 3 (Kamlager).
  - » Repealing Penal Code Section 2700, which states that the California Department of Corrections and Rehabilitation (CDCR) “shall require of every able-bodied prisoner imprisoned in any state prison as many hours of faithful labor in each day and every day during his or her term of imprisonment as shall be prescribed by the rules and regulations of the director of Corrections.”
  - » Pass legislation that makes education, substance use and mental health treatment, and rehabilitative programs the first priority for incarcerated people. In addition, allow incarcerated people to make decisions regarding how they will spend their time and which programs and jobs they will do while incarcerated.
  - » Require that incarcerated people who are working in prison or jail be paid a fair market rate for their labor.
  - » Prohibit for-profit prison companies from operating within the system (i.e. companies that control phone calls, emails, and other communications).
  - » Require that any goods or services available for purchase by incarcerated people and their families be provided at the same cost as those goods and services outside of prison.
  - » Allow people who are incarcerated to continue to exercise their right to vote.
- Implement a comprehensive reparations scheme, as will be detailed in the Task Force’s Final Report.
- Transmit the Task Force’s Final Report and findings to the President and the Congress with a recommendation that the federal government create a Reparations Commission for African Americans/American Freedmen through statute or executive action.
- Request that the State of California and the U. S. federal government facilitate data disaggregation for Black/African racial groups.

### Racial Terror

- Make it easier to hold law enforcement officers (including correctional officers) and their employing agencies accountable for unlawful harassment and violence, including 1) a provision overruling the extratextual “specific intent” requirement that California courts have read into the Bane Act; 2) a provision eliminating state law immunities that shield officer misconduct, and explicitly rejecting protections analogous to qualified immunity under federal law; and 3) a provision for additional special damages when the unlawful conduct is shown to be racially motivated.
- Create forms of expression, acknowledgment, and remembrance of the trauma of state-sanctioned white supremacist terror, possibly including memorials, and funding a long-term truth and reconciliation commission.
- Estimate the value of Black-owned businesses and property in California stolen or destroyed through acts of racial terror, distribute this amount back to Black Californians, and make housing grants, zero-interest business and housing loans and grants available to Black Californians.

### Political Disenfranchisement

- Create forms of acknowledgment and apology for acts of political disenfranchisement.
- Pass legislation that is in alignment of the objectives stated in AB 2576 (Aguiar-Curry) and establish separate funding:
  - » for voter education and outreach
  - » to provide state funding and charge the Secretary of State office with making grants to county registrars for programs that integrate voter registration and preregistration with civic education for programs that increase voter registration within the county’s underrepresented communities and high school students.
- Consider legislation to prevent dilution of the Black vote through redistricting.
- Require legislative policy committees to conduct racial impact analyses of all proposed legislation and require the Administration to include a comprehensive

racial impact analysis for all budget proposals and proposed regulations.

- Allow individuals with felony convictions to serve on juries and prohibit judges and attorneys from excluding jurors solely for having a criminal record.

### Housing Segregation

- Identify and eliminate anti-Black housing discrimination policies practices.
- Compensate individuals forcibly removed from their homes due to state action, including but not limited to park construction, highway construction, and urban renewal.
- Prevent current banking and mortgage related discrimination, including but not limited to discriminatory actions as a result of artificial intelligence and automated data analytics.
- Repeal Article 34 of the California Constitution.
- Repeal or counteract the effects of crime-free housing policies that disproportionately limit Black residents' access to housing.
- Establish a state-subsidized mortgage system that guarantees low interest rates for qualified California Black mortgage applicants.
- Identify previous, and eliminate current, policies and practices that overwhelmingly contribute to the vast overrepresentation of African Americans among the unhoused population.
- Identify and eliminate any policies with blatant anti-black residency requirements or preferences; invalidate and deem unlawful, any contract with anti-Black racial covenants.
- Provide clean and secure public housing for vulnerable populations including those persons who are formerly incarcerated, in the foster care system, and unhoused individuals.
- Provide development incentives for businesses that provide healthy foods, specifically grocery stores, in predominantly-Black neighborhoods to address increasingly prevalent food swamps.

### Separate and Unequal Education

- Add Black students to the existing three student groups listed in the Supplemental Grants provisions of the Local Control Funding Formula (LCFF). Methodically guide this funding to provide instructional supports, enrichment, and counseling to Black students.
- Identify and eliminate racial bias and discriminatory practices in standardized testing, inclusive of state-wide K-12 proficiency assessments, undergraduate and postgraduate eligibility assessments, and professional career exams (ex. STAR, ACT, SAT, LSAT, GRE, MCAT, State Bar Exam).
- Provide funding for free tuition to California colleges and universities.
- Provide funding for African American/American Freedmen owned and controlled K-12 schools, colleges and universities, trade and professional schools.
- Adopt mandatory curriculum for teacher credentialing that includes culturally responsive pedagogy, anti-bias training, and restorative practices and develop strategies to proactively recruit African American teachers to teach in K-12 public schools.
- Reduce arbitrary segregation within California public schools and the resulting harms to Black students at majority-nonwhite under-resourced schools, by creating porous school district boundaries that allow students from neighboring districts to attend.
- Increase the availability of inter-district transfers to increase the critical mass of diverse students at each school so that students are assigned, or able to attend, public schools based on factors independent of their parents' income level and ability to afford housing in a particular neighborhood or city.
- Provide scholarships for Black high school graduates to cover four years of undergraduate education (similar to the G.I. Bill model) to address specific and ongoing discrimination faced in California schools.
- Implement systematic review of public and private school disciplinary records to determine levels of racial bias and require all schools to implement racially equitable disciplinary practices.
- Require that curriculum at all levels and in all subjects be inclusive, free of bias, and honor the contributions

and experiences of all peoples regardless of ethnicity, race, gender, or sexual orientation.

- Advance the timeline for ethnic studies classes in public and private high schools
- Adopt a K-12 Black Studies curriculum that introduces students to concepts of race and racial identity; accurately depicts historic racial inequities and systemic racism; honors Black lives, fully represents contributions of Black people in society, and advances the ideology of Black liberation.
- Encourage identification and support of teachers who give culturally nurturing instructions and adopt new models for teacher development to improve teacher habits in the classroom.
- Improve funding and access for educational opportunities for all incarcerated people in both juvenile and adult correctional facilities.

### **Racism in Environment and Infrastructure**

- Identify and address the impact of environmental racism on predominantly Black communities including, but not limited to, unequal exposure to pollutants associated with roadway and heavy truck traffic, oil drilling, drinking water contamination, and current or former heavily-industrial and other potential pollutants in Black neighborhoods.
- Require and fund the statewide planting of trees to create shade equity and minimize heat islands in Black neighborhoods.
- Ensure that state and local allocation of resources to public transit systems is equitable on a per-rider basis for methods of transit that are disproportionately utilized by low-income, urban, and Black residents.
- Support development of policies and practices that limit the unequal citing of vice retail businesses (e.g., liquor stores, tobacco retail) in Black neighborhoods.
- Support Black neighborhoods to develop policies and practices that promote locating healthy retailers (e.g., grocery stores, farmers markets) within Black neighborhoods.
- Support the work of community-based organizations in identifying Black resident interests and needs within neighborhoods (e.g., farmers markets, public transportation).
- Support the work of community-based organizations to ensure safe access to neighborhood-level physical activity spaces (e.g., public parks).
- Reduce the density of food swamps (i.e., high densities of fast-food restaurants) in Black neighborhoods.
- Introduce climate change mitigation and adaptive capacity strategies and measures (e.g., cooling centers, increasing greenspaces that reduce urban heat island effects and air pollutant concentrations).
- Equalize community benefit infrastructure funding among Black and white neighborhoods (i.e. bike trails, drinking water pipes, sidewalks, etc.)

### **Pathologizing Black Families**

- Compensate families who were denied familial inheritances by way of racist anti-miscegenation statutes, laws, or precedents, that denied Black heirs resources they would have received had they been white.
- Realign federal Temporary Assistance to Needy Families funding devoted to direct assistance to impoverished families in order to provide greater funding to poor Black families that have historically been denied equal welfare benefits pursuant to a variety of subversive racist policies and practices.
- Address the severely disparate involvement of Black families within the child welfare and foster care systems.
- Review and adopt policies that caregivers in the child welfare system are allowed to meet the requirements and have access to resources to care for family members.
- Ensure that Black men and women have access to effective, high quality, trauma-informed, culturally competent intimate partner and/or guardian violence treatment and services outside of the criminal legal system.
- Eliminate past-due child support owed to the government for non-custodial parents.
- Eliminate the collection of child support as a means to reimburse the state for current or past government assistance.
- Ensure that all child support payments are provided directly to the custodial parent and the child.

## Executive Summary

- Eliminate the annual interest charged for past due child support.
- Allow incarcerated parents, when appropriate, to strengthen and maintain their relationships with their children by doing the following:
  - » Provide on-going wrap around family reunification and maintenance services to incarcerated people and their families.
  - » Provide mental health support designed specifically to heal trauma and strengthen family ties, including both individual and family treatment when needed.
  - » Develop spaces and programs for incarcerated people to spend time with their children in non-institutional, non-punitive settings when appropriate.
  - » Prohibit the state prison system and local jails from cancelling family visits as a form of punishment.
  - » Require that all visitation policies be culturally competent, trauma-informed, and non-threatening for the family members.
  - » Allow free telephone and video calls to allow incarcerated parents to maintain connections to their children and other family members, for cases not involving domestic or familial abuse.
  - » Accommodate telephone and video meetings between incarcerated parents and their children's caregivers, physicians, and teachers to allow parents to participate in decision making regarding their children's care, needs, and education.

### **Control Over Creative Cultural and Intellectual Life**

- Identify and eliminate anti-Black discrimination policies in the areas of artistic, cultural, creative, athletic, and intellectual life.
- Provide financial restitution and compensation to athletes or their heirs for injuries sustained in their work if those injuries can be linked to anti-Black discrimination policies.
- Compensate individuals who have been deprived of rightful profits for their artistic, creative, athletic, and intellectual work.
- Identify and eliminate discrimination in the industries of art, culture, invention, sports, leisure, and business,

including but not limited to: ensuring access to patents and royalties for cultural, intellectual, and artistic production; prohibiting discrimination and glass ceilings that harm Black artists and entrepreneurs; removing anti-Black memorials and monuments; placing clear restrictions on the use of artistic works in disciplinary or law enforcement actions; and providing a pathway to compensation for student athletes.

### **Stolen Labor and Hindered Opportunity**

- Identify and eliminate racial bias in employment and advancement, especially for Black Californians seeking public employment or promotion to higher-paying positions in government. Pass legislation to advance pay equity.
- Adopt a clean slate policy for both young people and adults to ensure that eligible criminal record expungements are done quickly and equitably.
- Remove unnecessary barriers to employment for individuals with criminal records.
- Raise the minimum wage and require scaling-up of the minimum wage for more experienced workers, require provision of health benefits and paid time off, and provide other missing protections for workers in food and hospitality services, agricultural, food processing, and domestic worker industries.
- Require or incentivize private and public employers to undergo training regarding bias in employment practices and measures to address bias in hiring, promotion, pay, and workplace practices.
- Create a fund to support the development and sustainment of Black-owned businesses and eliminate barriers to licensure that are not strictly necessary and that harm Black workers.
- Create and fund intensive training programs that enable Black Californians to access employment opportunities from which they have been excluded.
- Ban employment practices that lock in and perpetuate historic and continuing discrimination and should make eligibility for public contracts contingent on elimination of employment practices that disproportionately harm Black workers.
- Address disparities in transportation that limit access to jobs.

- Increase funding to the California Department of Fair Employment and Housing and other relevant state agencies to effectively enforce civil rights laws and regulations.

### **An Unjust Legal System**

- Eliminate discriminatory policing and particularly killings, use of force, and racial profiling of African Americans.
- Eliminate and reverse the effects of discrimination within the criminal justice system including, reviewing the cases of incarcerated African Americans in order to determine whether they have been wrongfully convicted or have received longer or harsher sentences than white people convicted of the same or similar crimes.
- Review the security level determinations made by the California Department of Corrections and Rehabilitation in order to eliminate and reverse anti-Black discriminatory policies and decisions that have resulted in a disproportionate number of Black incarcerated people being identified as members of security threat groups, held in segregated housing, or housed in higher security levels than their white peers.
- Prevent discrimination by algorithms in new policing technologies.
- Eliminate the racial disparities in police stops.
- Eliminate the racial disparities in criminal sentencing and the over incarceration of African Americans.
- Eliminate the over-policing of predominantly Black communities.
- Eliminate the racial disparities and discrimination against African Americans in the parole hearing process (including in the criminal risk assessments used to determine suitability for parole).
- Eliminate both implicit and explicit bias in the criminal justice system, including implementing training and accountability for prosecutors, judges, parole commissioners, and parole and probation officers.
- Reduce the scope of law enforcement jurisdiction within the public safety system and shift more funding for prevention and mental health care.
- Invest in institutions that reduce the likelihood of criminal activity such as care based services, youth development, job training and increasing the minimum wage.
- Require the Board of State and Community Corrections (BSCC), CDCR, the Judicial Council and the Commission on Peace Officer Standards and Training, and the Board of Parole Hearings to work with the Attorney General to collect comprehensive data on policing, convictions, sentencing, and incarceration, including the use of less lethal weapons by law enforcement and demographic characteristics on a regular (monthly, quarterly, annual) basis. As part of the data collection, mandate that law enforcement (at all levels) report the data accurately and in a timely manner. In addition, require that the data be made available through an open data system that can be accessed and downloaded by researchers, advocates, policy makers and the public.

### **Mental & Physical Harm and Neglect**

- Eliminate anti-Black healthcare laws and policies and anti-Black discrimination in healthcare.
- Compensate, both financially and with cost-free high quality comprehensive services and supports, individuals whose mental and physical health has been permanently damaged by anti-Black healthcare system policies and treatment, including, but not limited to, those subjected to forced sterilization, medical experimentation, racist sentencing disparities, police violence, environmental racism, and psychological harm from race-related stress.
- Identify and eliminate discrimination and systemic racism, including but not limited to, discrimination by healthcare providers; inequity in access to healthcare; inaccessibility of health insurance; funding needs of health-focused community organizations; the dearth of clinical research on health conditions that affect African Americans; the underrepresentation of African Americans among medical and mental health providers; and the lack of race-conscious public health policy.
- Create free healthcare programs.
- Provide ongoing medical education, particularly on illnesses and other issues that historically impact health of African Americans; provide medical clinics.
- Implement Medi-Cal reforms to increase flexibility for the use of community evidence practices designed, tested and implemented by the Black community and

## Executive Summary

reduce the tendency to use culturally bankrupt evidence based practices that are not field tested.

- Identify and eliminate the biases and discriminatory policies that lead to the higher rate of maternal injury and death among Black women.
- Ensure that Black women have access to competent, trained medical staff and services for all of their lifetime reproductive healthcare needs including birth control, prenatal and postnatal care, labor and delivery, abortion services, and perimenopause, menopause and post-menopause care.

### The Wealth Gap

- Implement a detailed program of reparations for African Americans.
- Develop and implement other policies, programs, and measures to close the racial wealth gap in California.
- Provide funding and technical assistance to Black-led and Black community-based land trusts to support wealth building and affordable housing.

### The California African American Freedmen Affairs Agency

- Establish a cabinet-level secretary position over an African American/Freedmen Affairs Agency tasked with implementing the recommendations of this task force. The role of the agency is to identify past harms, prevent future harm, work with other state agencies and branches of California's government to mitigate harms, suggest policies to the Governor and the Legislature designed to compensate for the harms caused by the legacy of anti-Black discrimination, and work to eliminate systemic racism that has developed as a result of the enslavement of African Americans in the United States.
- The Agency should include the following:
  - » A branch to process claims with the state and assist claimants in filing for eligibility.

- » A genealogy branch in order to support potential claimants with genealogical research and to confirm eligibility.
- » A reparations tribunal in order to adjudicate substantive claims for past harms
- » An office of immediate relief to expedite claims.
- » A civic engagement branch to support ongoing political education on African American history and to support civic engagement among African American youth.
- » A freedmen education branch to offer free education and to facilitate the free tuition initiative between claimants and California schools.
- » A social services and family affairs branch to identify and mitigate the ways that current and previous policies have damaged and destabilized Black families. Services might include treatment for trauma and family healing services to strengthen the family unit, stress resiliency services, financial planning services, career planning, civil and family court services.
- » A cultural affairs branch to restore African American cultural/historical sites; establish monuments; advocate for removal of racist relics; support knowledge production and archival research; and to provide support for African Americans in the entertainment industry, including identifying and removing barriers to advancement into leadership and decision-making positions in the arts, entertainment, and sports industries.
- » A legal affairs office to coordinate a range of free legal services, including criminal defense attorneys for criminal trials and parole hearings; free arbitration and mediation services; and to advocate for civil and criminal justice reforms.
- » A division of medical services for public and environmental health.
- » A business affairs office to provide ongoing education related to entrepreneurialism and financial literacy; to provide business grants; and to establish public-private reparative justice-oriented partnerships.