

MEETING MINUTES
January 27, 2023, 9:00 A.M.
<https://oag.ca.gov/ab3121>

San Diego State University
Parma Payne Goodall Alumni Center—Fowler Family Ballroom
5250 55th Street
San Diego, California 92182

Members Present: Chairperson Kamilah V. Moore, Senator Steven Bradford, Member Lisa Holder, Assembly Member Reginald Jones-Sawyer, Dr. Cheryl Grills, Dr. Jovan Lewis, Member Monica Montgomery-Steppe, and Member Don Tamaki.

1. Chairperson Call to Order

Chairperson Moore called the January 2023 AB 3121 Reparations Task Force meeting to order at 9:03 a.m., on January 27, 2023, at the Parma Payne Goodall Alumni Center—Fowler Family Ballroom in San Diego California. Chair Moore welcomed everyone to the California Reparations Task Force Hearing.

Chair Moore asked **Parliamentarian Doreathea Johnson** for a roll call vote to determine whether a quorum was established. **Parliamentarian Doreathea Johnson** called the roll.

Members present: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Jones-Sawyer, Member Lewis, Member Montgomery-Steppe, and Member Tamaki.

Parliamentarian Johnson stated that 5 members were needed for a quorum, 9 members were present at the time the roll was called, and a quorum was established.

2. Welcoming Remarks from California Secretary of State Shirley N. Weber, Ph.D., and Special Acknowledgments

Chair Moore acknowledged the author of AB 3121, **Secretary of State, Dr. Shirley Weber**, who provided welcoming remarks and a background on the origin and necessity of AB 3121. She also spoke of the importance of addressing the harms that were inflicted upon African Americans who were most affected and focusing on the remedies that will not only change lives but will also address the impacts of racist structures and institutions that still exist. Dr. Weber thanked the Task Force and participants for the important work that was being done.

Chair Moore also welcomed San Diego Mayor Todd Gloria and the California State 78th District Representative Assembly Member Chris Ward to the Reparations Task Force

meeting. Mayor Gloria and Assembly Member Ward welcomed the Task Force Members, with a special acknowledgement to members San Diego Council President Pro Tem Montgomery-Steppe, California State Senator Bradford, and California State Assembly Member Jones-Sawyer. Both Mayor Gloria and Assembly Member Ward thanked the Task Force and expressed their gratitude for the work being done in support of AB 3121.

3. **Public Comment**

Chair Moore reminded everyone that Public Comment was scheduled for one hour, of which 40 minutes were allocated for in-person comments and 20 minutes for phone-line comments. Chair Moore stated that each speaker had two (2) minutes to make their comments.

Aisha Martin-Walton reiterated the time limit of two minutes for each speaker and moderated the public comment portion of the meeting agenda. There was a hybrid audience, some in-person and others participated virtually. There were approximately 25 comments, 18 in-person and 7 comments provided via the phone line. Public comments reflected individuals, businesses, and community organizations in support of reparations. Several commenters thanked Task Force members for their vote in support of lineage-based eligibility for reparations. Several commenters urged Task Force members to work to draft legislation based on proposals, in preparation for the sunset of the AB 3121 work. Many encouraged the re-establishment of the Office of Freedmen's Affairs to assist in determining eligibility and implementation of reparations proposals. Some commenters suggested that a birth certificate alone should determine eligibility, reparations should work to repair harms dating back to slavery, cash payments should be processed immediately, and that Black Americans should be considered a protected-class and granted a tax-exempt status. Some commenters proposed other forms of reparations like increased access to public contracting, free college education, grants for homeownership, business grants, access to low-to-no interest business capital and home loans.

4. **Action Item: Approval of the December 2022 Meeting Minutes.**

Following the conclusion of the Public Comment period, the chair thanked the participants who made public comment and moved to Agenda Item #4, Approval of the December 2022 meeting minutes.

Chair Moore stated that the December minutes had been sent to the Task Force members in advance for review. She asked if the Task Force members if they had any questions, comments, or corrections to the December 2022 minutes.

Member Grills was recognized and added two minor edits on pages 7, first paragraph to delete the words, "and or needed" and on page 8, in the paragraph under Pathologizing the African American Family, where it states" this narrative has been with us for generations 'because impressions of black families have been based on the television' news" instead of "because", insert "for generations and these impressions of black families have been reinforced on the news..." for clarification.

There were no further questions, comments, or corrections, raised. **Chair Moore** called for a motion to approve the December 2022 Meeting Minutes, as corrected..

MOTION:

Vice Chair Brown moved to approve the December 2022 Meeting minutes, as corrected.

Member Bradford Seconded the Motion.

There was no further discussion raised and Chair Moore asked **Parliamentarian Johnson** to call the roll for the vote:

Parliamentarian Johnson called the roll:

Ayes: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Jones-Sawyer, Member Holder, Member Lewis, Member Montgomery-Steppe, and Member Tamaki

Nays: 0

Parliamentarian Johnson stated there were 9 members present and voting: **9 Ayes** and **0 Nays**.

The motion passed and the December 2022 meeting minutes were approved as corrected.

5. Discussion and Potential Action: Advisory Committees' Report on Recommended Answers to Experts' Five Key Questions/Economic Expert Analyses- Presenters: Chair Moore, Member Lewis, and Economic Experts

Chair Moore opened this discussion by asking if the Economic Experts were on the line and turning to Member Lewis to lead the discussion.

Experts, Professor Thomas Kraemer and Dr. William Spriggs were identified as present and Member Lewis led the discussion on the Five Key Questions that are designed to frame the eligibility component. These key questions focus on residency and how residency impacts eligibility for the recommended reparations. The Task Force has been provided with the preliminary suggestions that Chair Moore and Member Lewis identified. The Economic experts, Professor Thomas Kraemer and Dr. William Spriggs were introduced and welcomed by Member Lewis. The damage time frames are organized with the five areas of harm and are appropriately responded to thorough financial compensation which can be calculated to provide financial compensation, The five areas of harm were identified by the Economic Experts below, with the stated time frames:

The Five Key questions are:

- I. What is the damage time frames? This becomes even more important for the prioritization of African American descendants of persons enslaved in the United States.

The five Harms/Atrocities that were selected within the framework categories that were presented by the Economic Experts are:

- **Unjust Property taken by Emanate Domain (1900-Present)**
- **The Devaluation of Black Business (1900 – Present)**
- **Housing Discrimination has been determined , in principle, the period of redlining (1933-1977, but there is consideration for the expansion to 1900-Present)**
- **Disproportionate Black Mass Incarceration and Over Policing (1970 – Present)**
- **Health Harms (1900-Present)**

****Present** is considered to be September/30/2020 (The day Governor Newsome signed the Legislation into law.

To explain part of the rationale for some of these timelines, the economic experts stated that it is important to understand that those timelines are primarily informed by available data to establish and thereby calculate the harms experienced by the eligible community. Further, that it is important to recognize the fact that it is known that the harms are on-going; and known that harms have existed prior to the dates set forth above; but in order to have a feasible and legitimate financial baseline or a basis for a financial rationale, the experts stated they had to rely on available data.

Vice Chair Brown stated that, in support of Member Lewis’s comment relative to the harms existing prior to the time cited above, that to be accurate, the harms began when Peter Hardeman Burnett was elected the first governor of the state of California in 1849. His first official act in California was to ensure the passage of an anti-Black measure forbidding the settlement of Blacks in California.

Chair Moore clarified that the date should be changed to 1849, when Peter Hardeman Burnett became Governor of California who imported racist ideals into the formation of the new state of California. Chair Moore further expressed that the state of California should have to give an apology for its role in perpetuating the institution of slavery, given the official actions taken. In addition, the State of California, must include in that apology, a public censure or admonishment of Peter Hardeman Burnett.

Member Lewis stated that the history helps explain and support the accuracy of

the harms initiated, suffered and perfected against African Americans in this country during the period of slavery and continue to be reproduced throughout state of California's formation over the early years of this country. Member Lewis further stated that the denial of information is a kind of harm. It is an injury. As the denial of African American history is an injury,

He added, that the economist's job is to calculate the price or cost of that harm, they have the job of recovering the data necessary to make a calculation. The dates provide a framework around which the economists can build a model for calculating economic compensation. With that background, the economic experts provided an update on where they are in securing the necessary responses to their data requests and the methodologies that they are using.

II. Will there be a California residency requirement? If yes, how will it be determined?

- The Economic Advisory Committee suggested that residency should be determined when an individual within the Community of Eligibility initially experienced the state sanctioned atrocity or incident of Slavery. Because this is a major issue, Chair Moore and Member Lewis sought feedback from the Task Force of what the residency requirements should entail along with what the implications might be?

Chair Moore then asked the Task force to go around the room and give their individual thoughts regarding Residency requirements. Specifically,

- Will there be a California residency requirement?
- If yes, how will it be determined?

There was consensus from the Task Force members that there should be a residency requirement.

Member Lewis felt the answer to Question IV had been provided based on the feedback expressed by the Task Force members. The take-away was to simplify and have a more generalized approach to determine residency. Member Lewis stated that Questions II and IV are related, so he and Chair Moore will take the Task Force recommendations and come back with a more precise recommendation to present.

III. What year determines the beginning of harm? Are there different starting points and end points for each atrocity category?

IV. Will direct victims and/or all African American descendants of U.S. slavery in California (who meet the residency requirement) be compensated?

V. How will reparations be paid and measured to ensure the form of payment aligns with the estimate of damages?

6. **Discussion and Potential Action: Advisory Committees' Preliminary Recommendation(s) on Potential Remedies, Remedial Programs, Laws, and Apologies for Atrocities in Chapters 13 (The Wealth Gap) - Presenters: Member Lewis/Experts**

Senior Assistant Attorney General (SAAG) Michael Newman introduced the Deputy Attorney Generals Jesse Basbaum and Jennifer Gibson as well as Supervising Deputy Attorney General Christine Chuang from the DOJ Civil Rights section and thanked them for their support with the development of the presentations.

- **The Wealth Gap**

Member Lewis stated that the Wealth Gap is not really a harm. He went further to explain that the Wealth Gap is already represented within the Five areas of harms, and the gap is not being defined as the amount of money and assets etc. between Blacks and Whites and instead is harm based, therefore it is not necessary to designate as a separate topic of harm. The racial wealth Gap represents and compensates for the total sum of harms African Americans have faced from slavery to the Contemporary moment. The Task Force has effectively responded to it through the 12 areas around which the recommendations are being provided.

Member Lewis stated his plan is to come back to the Task Force with a documented explanation on why the Wealth Gap should not be designated as a separate harm.

- **Task Force Member Discussion**

There was no discussion

7. **Lunch Break**

Chair Moore reminded the Task Force members that the schedule was tight and that the meeting would resume at 1:45 p.m.

Chair Moore called the meeting to order at 2:00 p.m. and asked the **Parliamentarian Johnson** to call the roll to re-establish a quorum.

Parliamentarian Johnson called the roll.

Members present during roll call included: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Lewis, Member Montgomery-Steppe, and Member Tamaki.

Members absent: Member Jones-Sawyer is absent.

Parliamentarian Johnson stated there are **9** Task Force members and the number needed to establish a quorum is **5**. There were **8** members present, and a quorum has been re-established.

Chair Moore acknowledged and welcomed California State Assembly Member of the 79th District, Akilah Weber.

- 8. Witness Panel: Tax Law Considerations.** The Panel consisted of three witnesses; Sarah Moore Johnson, Raymond Odom and Dorothy Brown. The first witness Panel presenting, included Mr. Odom and Ms. Moore-Johnson, discussion the use of white wealth for reparative justice.

Sarah Moore Johnson is a Founding Partner at Birchstone Moore LLC, a boutique estate planning law firm in Washington, D.C., where her practice focuses on transfer tax planning and family wealth stewardship for clients whose net worth is \$50 million or greater, as well as the administration of estates and trusts.

Raymond Odom is a Senior Vice President at Northern Trust in Chicago, Illinois. He serves as a Managing Wealth Partner - Director of Wealth Transfer Services providing wealth transfer and estate tax consultation to Northern Trust partners and their clients.

Ms. Johnson and Mr. Odom contend that America was founded on Thomas Jefferson's vision of equality of opportunity, a meritocracy where wealth was relatively evenly distributed among the citizens. The purpose of the initial income tax and estate tax (enacted in 1913 and 1916, respectively) was not only to raise revenue, but also to break up and redistribute large concentrations of wealth held by robber barons and industrialists, which was leading to social unrest and economic volatility. When income and estate tax rates were at their peak levels from 1936 through 1980, home ownership exploded (albeit disparately benefitting White families) and the American middle class was born. By 1971, 61% of American households were middle class.

Beginning with California's Proposition 13 in 1978, which protected property owners from any increase in property taxes greater than 2% per year, an era of tax revolt ushered in regressive, or anti-tax policy. As tax rates were lowered and the estate tax exemption increased from \$675,000 in 2000 to almost \$13 million in 2023, wealth disparity in America has risen to levels not seen since the Estate Tax was implemented in 1916. The estate tax has been stripped of its usefulness by the increasing exemptions and declining rates, first enacted by The Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA") during George W. Bush's tenure as President. This exemption was doubled in 2018 by the Trump-era Tax Cuts and Jobs Act.

Ms. Johnson in referencing a book, entitled "Repair" by Catherine Frankie, a professor of law at Columbia University who expresses an openness of using white wealth for reparative justice suggesting that her inheritance at the death of her parents be used for reparations. A

remarkable benefit of the estate tax is that it is a tax on no one. It does not belong to the wealth creator who is deceased, nor to the wealth creator's family. Another book entitled "The Whiteness of Wealth" by Professor Dorothy Brown indicates that the tax code has incentivized white wealth building for years.

Ms. Johnson and Mr. Moore recommended that the Task Force harness Federal tax law incentives to create a public-private partnership to help fund reparations. Their wealthy clients would then willingly and enthusiastically embrace using their own money to pay for reparations.

Specifically, Ms. Johnson and Mr. Odom explained how it would work: Under existing Federal tax law, California could create a California state-sponsored Reparations Trust Fund, to which individuals could make federal and state income tax deductible charitable contributions. It must be used for a public purpose. Charitable contribution tax incentives are currently permitted under Tax code section 170 for contributions made to the United States, a state, or local, used exclusively for public purposes. In other words tie a wrong or harm to the source of revenue. In Evanston Illinois, reparations were framed where the wrongs occurred: over policing and cannabis, so because cannabis is legal they taxed cannabis and used the tax to go to the people who were over policed. Evanston tied the revenue to the wrong. Estate tax is a narrative that allows you to use the state to right a wrong. Now charities have gotten into the mix. Georgetown University (GU 272) is a good example, as well as churches.

They went on to explain the following: The idea would be to develop incentives to allow private citizens and companies to redistribute their wealth. To be clear, racial repair is a matter of justice based on broken promises and human rights violations. Therefore Reparations cannot proceed from a request for generosity. While it is incorrect to call racial repair charitable work, nevertheless we have a tax deduction framework for charitable contributions that is easily understood and readily adopted by wealthy white taxpayers. They believe the tax deductions should be allowed for private contributions to racial repair because individual taxpayers would be paying a debt of the federal or state government on the government's behalf. What California could do today to implement this idea. Again, California could create a state-sponsored trust fund like the Georgetown Fund to which individuals could make federal and state charitable contributions so long as it is for exclusively public purposes recognized at the Federal level. Precedence can be found in Bob Jones University vs the US Supreme Court. If the state of California or a group of individuals could obtain a ruling from the IRS that confirmed that racial reparative justice is a public purpose then contributions to a state run trust fund that administers and distributes reparations might be tax deductible in the same manner as contributions to public charities even at the federal level.

Existing organizations would tie their purpose to the purposes of reparations; for economic, housing benefits, educational opportunities, health care incentives or criminal justice reforms. These organizations could be permitted to make expenditures for communities at large or to make direct payments to individuals. These charities could be given the most positive tax status making them extremely attractive to wealthy individuals. Individual

cash payment to African Americans could be held in a 501c40 similar to the 529 college savers plans, which is income tax free. It should also be eligible to be passed to family members upon the recipient's death allowing Black Americans to finally have an inheritance to be passed on to other generations.

In closing the Ms. Johnson and Mr. Odom advised create a 501c 40 at the Federal Level to serve a purpose reparative justice as a public purpose, then swollen fortunes will be returned to those with stolen fortunes. Even if the Estate Tax is not used as the source of funds for reparations, it is important that the revenue source be tied to the wrong. California should find a current revenue source that has a clear tie to a current problem created by historic and government-sponsored, encouraged, or ignored racism

Professor Dorothy A. Brown is the Martin D. Ginsburg Chair in Taxation at Georgetown University Law Center and is an advocate for economic and social justice. She is the author of *The Whiteness of Wealth: How the Tax System Impoverishes Black Americans- and How We Can Fix It*. She is well known for her work in a variety of areas: the effects of tax policy by race, class, and/or gender; workplace equity and inclusion; and law school reform.

Professor Brown explained that there are several ways that federal income tax system disadvantages black Americans, while at the same time advantaging white Americans. Black Americans are less likely to gain access to the tax breaks that their white peers receive and therefore are more likely to pay higher taxes than their white peers. Professor Brown offers the following solution: a reparations tax credit designed to compensate black taxpayers for their decades of paying higher taxes. Unfortunately, such a tax credit is unlikely prevail against a federal constitutional challenge given the lack of proof that Congress enacted specific tax provisions with the specific intent to discriminate against black Americans. Professor Brown contends that a second-best alternative is a wealth tax credit applicable to all taxpayers in households with below median wealth. Given the racial wealth disparity, this will result in a disproportionate percentage of black households receiving the credit, but will be available to taxpayers regardless of race or ethnicity thereby passing the test for constitutionality. Professor Brown further explains that reparations should not be treated as taxable income and that it is important that African Americans are not paying for their own reparations, which means the source of funding needs to be carefully considered.
and Materials.

Task Force Comments and Questions

9. Discussion and Potential Action: Subpoena Advisory Committee Report and Recommendations – Members Holder and Tamaki

Member Holder opened by thanking the DOJ Research Center for providing the Advisory Committee with research that assisted with crafting their recommendations regarding the Criminal Legal System.

Member Holder then provided some context as to what the Advisory Committee is doing along with sharing some of their preliminary recommendations. The expectation is to have the Task Force review the preliminary recommendations and provide feedback as to what the final recommendations should contain.

Background and Context

The Task Force Interim Report establishes that the criminal legal system is a sector responsible for some of the most egregious state sanctioned human rights abuses against Black people.

Data tells the story of racial injustice objectively and convincingly. That is why robust, uniform, and strategic data collection is key to rehabilitating California's legal system within the reparations framework.

The Task Force is leveraging its mandate to help to strengthen the Racial Justice Act by requiring all California District/City Attorney offices and Superior Courts to disclose the nature of the data collected regarding race at every level of the criminal prosecution process. The advisory team deployed a survey to gather the information on data collection protocols in each prosecution office and court. This survey is a preliminary step to inform our recommendations to rehabilitate the criminal legal system within a reparations construct.

The Racial Justice Act (RJA) is existing law that can potentially serve as an effective backstop to racial profiling and anti-black bias in the California criminal legal system, if advocates have access to competent prosecutorial data to establish bias. Under the current parameters of the RJA, the data collection and transparency requirements are insufficient.

1. The summation of the data collection protocol survey shows that data that implicates race is not being collected systematically or uniformly across all prosecutorial offices. Therefore, the Task Force should recommend fixes to the Racial Justice Act that require greater uniformity in data collection.
2. Based on our focused conversations with the leading advocates who use the Racial Justice Act, we can draw the conclusion that the RJA is undermined by the lack of prosecutor transparency, which blocks advocates access to data relating to racial bias in prosecution. Therefore, to try and correct biased prosecutions, the Task Force should recommend that systems be put in place to facilitate data transparency.

RECOMMENDATIONS *(Member Holder stated that Reparations is not just about a check. It's about rehabilitating these systems that have exacted a tremendous amount of harm against Black people. These systems have to be changed.)*

- 1 **Racial Justice Act Commission:** Create a Commission, similar to the RIPA Board, to track, audit, monitor, and analyze data generated by the RJA process. This Commission could be styled as an arm of the Freedman Agency. • Establish KPIs and other quality control metrics to ensure compliance by prosecutor offices and courts. • Publish annual reports on prosecutorial bias for public consumption. • Establish a

federal nexus, which ensures that California data on prosecutorial bias and criminal legal racial profiling is uploaded and synced to national racial profiling databases.

- 2 **Increase Public Oversight:** Provide grants, technical assistance, and other resources to watchdog organizations and community based organizations to build expertise and capacity for Racial Justice Act advocacy and compliance monitoring. As a practical matter, this will have the effect of deputizing private Attorney Generals with the skills and infrastructure to leverage public pressure as a quality control for RJA compliance.

Chair Moore and **Member Montgomery Steppe** thanked **Members Holder and Tamaki** for this groundbreaking work and for making good use of the Reparations Task Force Subpoena power.

10. **Discussion and Potential Action: Communications Advisory Committee Comments and Communications Firm Implementation Plan Updates and Outcomes**

Chair Moore turned the meeting over to Dr. Shawna Charles of the Charles Communication Group (CCG) for an update on some of the January activities CCG has been engaged with as well as the opportunity to dialog and solicit feedback from the Task Force regarding the Master Power Point document which was a request made to CCG from Task Force members at the December Task Force meeting:

Dr. Charles provided an update on some of the January activities and shared some of the CCG's potential planning events.

JANUARY ACTIVITIES

- Booked and coordinated Media interviews for Task Force Members
- Conducted media outreach for San Diego public meeting participation
- Conducted media coaching and messaging
- Developing social media content and calendar for Communications Committee review and Task Force approval
- Initiated planning for potential February and May communications and education events
- Developed Master PowerPoint presentation of Interim Report Executive Summary I

Discussion

Chair Moore asked about CCG's plan for Black History Month.

Dr. Charles explained that the Black History Month is still in the initial planning stages, and she was not in a position to share that information today but would be happy to speak with Chair Moore offline regarding their planning efforts.

INTERIM REPORT – EXECUTIVE SUMMARY POWER POINT

- Master PowerPoint presentation has been developed, and reviewed by the Communications Committee and presented for Task Force approval.
- This is a baseline format of how the individual chapters (1- 13) of the Interim Report would be presented.
- PowerPoint provides a tool for the Task Force members to utilize in their in-person presentations, as well as posting on their individual websites.
- The PowerPoint includes notes to provide the presenter with additional talking points for reference. Interim Report – Executive Summary PowerPoint The Executive Summary PowerPoint consists of 3 Key Topics
- Description of statute AB 3121
- Reparations Task Forces responsibilities and members
- Interim Report Executive Summary
 - Interim Report Overview
 - Identified Harms with National vs California impacts
 - Key Findings of the Task Force
 - Access information for the Interim Report document

Discussion

Dr. Charles reminded everyone that the Master Power Point document was created at the request of the Task Force. The request was to create a baseline overview of the 500 page report that could be used individually as a tool and is designed to facilitate each Task Force member to be able to speak on behalf of the Task Force as a whole with a prepared document that has been reviewed and approved. **SAAG Newman** stated the approved document can then be layered with each Task Force member's own opinions.

Dr. Charles also reminded everyone that the Master Power Point was sent to Task Force members prior to the January meeting for review.

The Task Force used this time to provide edits, updates, and/or recommendations of the Master Power Point document as requested by **Dr. Charles**.

Task Force Members expressed overall satisfaction with the Master Power Point document as a baseline approach and helpful tool but felt that images and graphics were needed. **Dr. Charles** stated that the Master Power Point is an initial draft and was meant to just get feedback. The final will include graphics.

There was also a request to provide an actual Power Point version. **Dr. Charles** said she could provide a Power Point version that has starter notes.

Chair Moore raised a question regarding the position of Sole Designee. **SAAG Newman** explained that under Bagley Keene, once someone has been voted to be the Sole Designee or on an Advisory Committee, they continue to serve in that capacity until there is another vote that undoes the first vote. The Sole Designee and the Advisory Committee are two different components. He added that with regards to the Bunch Center Contract, **Member Grills** is Sole Designee and was designated to be Sole Designee to help manage the contracting of the Bunch Center which is a very complicated process because it is an urgency agreement between DOJ and UCLA for services including invoicing, finalizing the Report, ownership of the copyright etc.

SAAG Newman also explained that the Bunch Center agreed to work on the Communication piece as an addendum to what they were already working on. The Advisory Committee is responsible for carrying out the work of the Task Force with regards to communications, working directly with the Charles Communication Group

Member Lewis thanked **Chair Moore** for getting clarification on the roles and responsibilities regarding the Advisory Committee and the Sole Designee so that everyone understands that relationship.

As a new member of the Communications Advisory Committee, **Member Lewis** provided some guidance with regards to public engagement:

If individual members of the Task Force are contacted to do any kind of public events or make public comments, please make sure **Dr. Charles and the Advisory Group** is in the loop. He stated that you can copy her on any correspondence to ensure there is a catalog of activities amongst the Task Force. This will enable CCG to provide support where needed and to also discern if a retraction may be required. The lack of communication, allows for inaccurate reporting and sometimes necessitates ‘putting out fires’. As the Task Force has different relationships and networks, its important that a broad net is cast thereby enabling the amplification of the work the Task Force is doing and the need for reparatory justice. This is to further ensure that the Charles Group knows what is happening and if there is a need for support such as retraction of some sort, it can be timely made and

effective. The Advisory Committee requested transparency and complete communication to ensure support can be provided when and where needed.

Member Lewis recommended that the slides be condensed. Would like to see another draft with, not just the visuals, e.g, graphics but also with more concise language, it would be helpful.

Member Bradford a new member of the Communications Advisory Committee thanked Dr. Charles for her work.

Member Jones-Sawyer also thanked the Charles Communications Group for joining the team and he appreciated her willingness to provide her expertise. He assured her that he would work with CCG so that the Task Force can move forward.

Member Tamaki expressed his need and request for the PowerPoint as soon as possible, as he makes presentations once or twice weekly and the PowerPoint will be helpful in distilling and giving an overview of the 500 page report. He commended Dr. Charles on the distillation. Recommended images and graphics, that will make it more readable. Satisfied with the content its helpful.

Chair Moore asked **SAAG Newman** to elaborate on the confidentiality issues.

SAAG Newman stated that DOJ has advised on communicating with the Task Force members and DOJ Staff with privileges and confidentiality with regards to certain things that are not part of the statue and therefore not permissible to the Task Force.

The Task Force Statue AB 3121 sets forth the scope of the Task Force work. There is also a public education and Communications Committee that are both carrying out the work of the Task Force, all of which is subject to a set of requirements:

- There is not an appropriation for Billboards or other kinds of public advertising.
- The Task Force is not set up to be a Lobbying Organization or anything similar that can advocate. The role of the Task Force is to provide advice directly to the Legislature and to educate the public about that advice. The scope of that does not allow for items such as advertising, lobbying, writing a letter on behalf of the State of California, or endorsing Federal Reparations. Essentially because of the way the Task Force is setup, all actions must be run through the Legislature, i.e., the Task Force cannot have its own website. The Task Force is considered a governmental body, that is hosted by the DOJ and is advising the Legislature. The Task Force website is embedded into the DOJ website and has been deemed as an official governmental body.

- Dr. Charles stated that the goal is to provide a repository of content that any member of the Task Force can use, however, you will need to use your personal outlets to share information.

11. **Discussion and Potential Action: Advisory Committees' Recommendation(s) on Educating the Public and Formal Apologies**

Member Tamaki stated that he presented an outline on Public Education and turning the monumental Report into a curriculum.

The curriculum Report is a tremendous achievement. It can not only be taught in traditional K-12 format but also online, it can be taught in modules for colleges and universities as well as non- educational institutional teaching such as Newsrooms and policy makers. Member Tamaki has been in communication with a UC Berkley Professor of Education and possible a professor at UC Davis. At the last meeting the Task Force approved the DOJ to proceed with providing assistance. The hope is to get a proposal from them and to begin the contracting process it will go well beyond the June 30, 2023. The curriculum consultants will then be reporting to the DOJ who will be carrying out the will of the Task Force. Member Tamaki requested to add Member Grills, if she is willing, to join the Education Advisory Subcommittee:

He added that Member Grills is a Professor with years of teaching experience and working with curriculums. There is both an educational component and some of the work may be budgeted and some may not. Member would also be a tremendous resource to have on his team for both curriculum development and to identify private money. Member Tamaki stated that he needs her professional skills and expertise.

Because the Task Force will be sun setting on June 30,2023 and the fact that it takes a long time to develop a great curriculum, Member Tamaki expressed interest in making the following motion to add Cheryl Grills to Public Education Team.

MOTION

Member Tamaki moved to add Member Grills, if she is willing, to join him on the Public Education Advisory Committee Team.

The Motion was **Seconded by Jones-Sawyer**

Chair Moore asked for discussion on the matter

Member Montgomery-Steppe asked if in the future that such motions be provided earlier ahead of time, to provide time to consider the matter and ask questions, review materials, to allow an informed decision.

Chair Moore agreed, stating that it took a lot to consider a motion such as the one currently before the body but wanted to necessary to fast-track the motion.

Member Tamaki stated that he needed help and expertise to get the funding process underway and asked the Task Force consider that and the fact that since the Task Force sunsets on June 31, 2023, the work that the Education Advisory Committee is tasked with needing to be fast-tracked.

After further discussion, **Chair Moore** Asked Parliamentarian Johnson to take the roll, for the vote

AYEs: Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Jones-Sawyer, Member Lewis, Member Montgomery-Steppe and Member Tamaki

NAYs: None

Abstention: Chair Moore

Madam Parliamentarian announced the vote, stating that there were 9 Task Force Members Present: 8 Ayes, 0 Nays, 1 Abstention

Madam Chair stated that the Motion Passed.

Madam Chair noted that the next item was a break. She stated what was left on the agenda and that there was a panel scheduled to be heard. The Task Force decided by census, to forego the break.

12. Break (No Break was Taken)

In the interest of time, the Task Force decided by census to not take a break and moved to Agenda item #13.

13. Witness panel: Local Municipal Reparation Efforts,

Madam Chair Moore read the bios of each panelist and proceeded with the first speaker.

Sheryl Evans Davis, EdD is a change maker who leads relationship-driven, community-centered initiatives. Named Executive Director of the San Francisco Human Rights Commission in 2016, Davis is a passionate advocate for equity, access, and educational opportunity for all. For nearly three decades, she has made contributions as an educator and leader with expertise in community outreach and engagement, workforce development, youth development, and violence prevention.

Brittini Chicuata (she/her) serves as Director of Economic Rights at the San Francisco Human Rights Commission. In this capacity, she focuses on policy and programs to build economic equity and uplifts economic opportunities to improve quality of life for the most marginalized in San Francisco.

Dr. Evans stated that there are two parallel efforts underway in San Francisco. One was the Dream Keeper initiative. Forty five Blacks live in San Francisco. The Dream Keeper Initiative (DKI) is an intergenerational pilot effort that aims to ensure San Francisco's diverse Black communities are experiencing joy, feelings of safety, advancing educationally and economically, are holistically healthy, and are thriving. The \$60 million was used to invest in six foundational actions which contribute to meeting the DKI goal; culturally affirming spaces that celebrate Black people, transformative and intergenerational social-emotional wellness, grow financial health and economic-wellbeing, Black-centered education and enrichment, Black-led and Black-centered narrative shift and building organizational knowledge and infrastructure. In their first year, 141 grants were issued to community partners and \$60 million was allocated to improve the life outcomes for San Francisco's diverse Black communities. San Francisco created an infrastructure to roll the funds out which consists of 38 positions. As of now \$120 million has been allocated across the city.

In June of 2020, Supervisor Shamann Walton introduced legislation to create the San Francisco African American Reparations Advisory Committee. It passed in December of 2020 and sunsets in January 2024. The Committee's work is based on the United Nations' conditions of reparations: rehabilitation, compensation, satisfaction, restitution, and guarantees of non-repetition. In December of 2021 the Committee submitted its draft plan to the SF Board of Supervisors and the SF Human Rights Commission. The Committee proposes 111 recommendations and primary recommendations include issuing a formal apology for past harms, establishing an independent office of Reparations within the city for implementation, and creating and funding a committee of stakeholders to ensure equity and continuity in the implementation of relevant policy initiatives. It was shared that Vice Chair Brown is a member of the SF Reparations Committee. Eligibility requirements include being identified as an African American or Black on public documents for at least ten years, are 18 years or older and pick (2) among: born or migrated to San Francisco between 1940 and 1996, incarcerated because of the failed war on drugs, having a record of school attendance in SF schools during the consent decree, a descendant of slavery before 1865, displaced for urban renewal between 1954 and 1973 or listed or direct descendant of a certificate of preference holder, which are promissory notes given to those displaced and a member of a marginalized group experiencing lending discrimination between 1968 and 2008.

City of Berkeley

Berkeley Vice Mayor **Ben Bartlett** is a nationally recognized policy leader and Attorney. Ben drives innovation for new approaches to government with an eye for equity, justice, and shared prosperity. Since 2016, Ben has passed more than 100 transformative policies. Including Block chain municipal Micro bonds, modular supportive housing for the homeless, health innovation zone, health impact bonds, civilian mental health emergency response, cannabis equity, racial equity in city contracting, EV infrastructure, opportunity zone governance, and local reparations.

The City of Berkeley's reparations efforts seek to address the impact of systemic racism on Berkeley's Black community. The city's process involves informing the community on

the effects of segregation, interacting with the community via dialogue sessions, recommending reparations policies, and following the framework of reckoning, acknowledgment, accountability, and redress. Potential outcomes of implementing reparations policies in Berkeley include promoting the creation of generational wealth, boosting economic mobility and opportunity for the African American community and addressing racial disparities in areas such as education, employment, homeownership, health attainment, criminal justice.

City of Sacramento

Kelly Fong Rivas serves as Senior Advisor for Sacramento Mayor Darrell Steinberg; she is the first Racial Equity Advisor to any Sacramento Mayor. She managed Steinberg's 2016 mayoral campaign and transition into office, serving as Chief of Staff from 2018 to mid-2022 before transitioning to her current role to focus on advancing racial equity, public health, and safety.

Chinua Rhodes joined Mayor Steinberg's office in 2021 as the Director of Community Engagement. He also serves as President on the Sacramento City Unified School District Board of Education. Rhodes is a father of five, and a community organizer who previously organized around housing and youth justice policy.

The City of Sacramento's reparations effort is a mayoral initiative, not yet endorsed by the full city council or incorporated into the City's priorities. The process involves evaluating the government's role and responsibility, preparing research and resources for a community led process, and engaging with the community. No formal program, commission, committee, task force, or decisions will be made about municipal reparations without a community led and engaged process. Additionally, it is important to ensure any outreach, engagement and activity with the community utilizes a trauma informed approach and provides culturally relevant resources for community to process the wounds we are opening with the intent to repair and heal. Concurrent related projects in the City of Sacramento include the African American Experience Project, CityStart, Center for Sacramento History, and the Sacramento Centered on Racial Equity (SCORE) Initiative.

Task Force Comments and Questions

- Member Grills thanked the presenters and requested that they review the recommendations and provide input/comment as local government plays a big role in these efforts.
- Moore inquires to SF regarding eligibility and how it was determined (e.g., what experts were talked to)

Ms. Brittini advised that eligibility was determined by the Committee. They are currently retooling their recommendations and having experts provide input on the matter. The initial thought was that SF Reparations AC was hesitant to work with the City's Counsel. Ms. Davis notes that the Committee is working with Stanford Law School whereby two

semesters of classes/students have reviewed the report/recommendations. The SF Reparations AC was also directed to dream big.

14. Discussion and Potential Action: Legislative Extension of the Task Force

Moore suggested this item be tabled.

Item 14 was tabled until Day 2, January 28th.

15. Discussion and Potential Action on Department of Justice Updates:

There were no updates.

16. Chair Moore recessed the meeting until the next day, January 28, 2023, at 9:00 a.m.

DRAFT

January 28, 2023

Redressing the Harms delineated in Report 1

17. Chairperson Call to Order

Chairperson Moore called-the 2nd day of the January 2023 AB 3121 Reparations Task Force meeting to order at 9:11 a.m., on Saturday, January 28, 2023.

Chair Moore asked **Parliamentarian Doreathea Johnson** for a roll call vote to establish a quorum. **Parliamentarian Doreathea Johnson** called the roll.

Members present during roll call included: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Lewis, Member Montgomery-Steppe, and Member Tamaki.

Absent: Member Reginald Jones Sawyer

Parliamentarian Johnson stated there are 9 members on the Task Force and the number necessary for a quorum is 5. There were 8 members present at the time the roll was called, and a quorum was established.

Chair Moore thanked the District 4, Council President Pro Tem and Reparations Task Force Member, Montgomery-Steppe for hosting the January 2023 Task Force Meeting. She also thanked Shawna Charles of CCG (Charles Communication Group) for their contributions towards a great meeting turnout.

Member Jones-Sawyer joined the meeting shortly after the roll was called and prior to the beginning of Public Comment.

Chair Moore reminded the Task Force members that Parliamentarian Johnson was present and available during the meeting, should any member have questions about procedure.

Chair Moore stated the time and stated that we were at Agenda Item # 18, Public Comment and turned the meeting over to Aisha Martin Walton to proceed with Public Comment.

18. Public Comment

Aisha Martin-Walton moderated the public comment portion of the meeting agenda. There was a hybrid audience, some in-person and others participated virtually. There were approximately 37 comments, 25 in-person and 12 comments provided via the phone line. Public comments reflected individuals, businesses, and community organizations in support of reparations. Several commenters thanked the Task Force for their work. Some commenters expressed their concern with the use of language that is not specific to descendants of American Slavery. Several commenters suggested that reparations respect Black Americans humanity, publicly acknowledge generational harms, and guarantee non-

repetition. Some other suggestions for reparations proposals include establish a hate crime bill to protect Black Americans, address health care and wealth disparities, investment in community and recovery centers, free land, and direct, monthly cash payments. Commenters also expressed concern over possible eligibility requirements and the burden it may place on those who are not able to produce relevant records.

At the conclusion of Public Comment, DOJ Staff member, Ms. Martin-Walton thanked those who participated, reminded those who were present, that public comment is heard at the beginning of each hearing session and could always submit their comments in writing, to the Task Force. She then turned the meeting back to Chair Moore, who moved to Agenda Item #19, Special Acknowledgements.

19. Special Acknowledgements

Chair Moore acknowledged the special guests, including:

Sharon Whitehurst Payne – San Diego Unified School District- Board Trustee

Sean Elo-Rivera- San Diego City Council President-District 9, gave the following remarks; City Council Member Rivera thanked the Task Force members for the work they are doing to address the injustices that have been done to Black Communities across California. He stated however the burden of correcting those injustices does not fall solely on the shoulders of the Reparations Task Force alone. City Council President Rivera believes regardless of the results rendered based on the work of the Task Force, the city of San Diego is also responsible for the atonement of the harms created and/or perpetuated by the applicable city government agencies against Black persons .

14. Chair Moore moved to table agenda item, #14; Discussion and Potential Action on “Legislative Extension of the Task Force”.

- **Agenda item 14 was Tabled from January 27, 2023**

In order to further assist, support and ensure the successful rollout of the Final Report, Member Bradford expressed the need to extend the Task Force work for one year beyond the sunset date of July 1, 2023, Member Bradford assured everyone that this work effort will not change the timeline/delivery of the Final report and the Task Force and DOJ are on track to deliver the final report by the due date of July 1, 2023. He clarified that an extension will provide a strategy that will provide for the continuity of the Task Force to further ensure a successful rollout. Member Bradford added that the extension will allow more time to make sure that it is implemented correctly. We are here to address the atrocities the wrongs that occurred here in California. The extension of time will also enable the Task Force to provide a final report to articulate to the legislature and to assist with the rollout.

MOTION

Vice Chair Brown recognized that the Task Force has been apprised of what needed to be done and in the spirit of Member Bradford's comments, moved that the Task Force support, in spirit, the extension of the Task Force for the implementation purposes of the Final Report for only one year ending on July 1, 2024.

Member Tamaki Seconded the motion.

Chair Moore called for the discussion. The Task Force discussed the importance of continuing this support for an additional year. Several Task Force members discussed the positive and negative impacts of extending the Task Force in spirit only until July 1, 2024. Because the Task Force sunsets on July 1, 2023, they would no longer have the power to make changes to the Final Report. As a result, this extension would be in spirit only and for the sake of continuity, provide the Task Force the ability to continue to provide assistance that reassures a successful rollout and implementation of the Final Report

Chair Moore asked **Parliamentarian Johnson** to take the vote:

Ayes: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Lewis, Member Montgomery Steppe, Member Tamaki

Not Voting: Member Jones-Sawyer

Parliamentarian Johnson stated there were **9** members present: **8 Ayes, 1 Not Voting**

The Motion Passed

20. Discussion and: Action Item: Advisory Committee's Final Recommendations on Potential Remedies, Remedial Programs, Laws, and Apologies for Atrocities in Interim Report, Part 1

- **Chair Moore** turned the meeting over to **SAAG Newman** to facilitate this section of the agenda. **SAAG Newman** stated the process for the next two agenda items would be to review and discuss each of the comprehensive policy proposals submitted by the individual Task Force Advisory Committees during the December 2022 Task Force meeting. Any changes, updates, or questions can be addressed with each policy proposal review. At the completion of those discussions, the Task Force would vote to authorize DOJ in conjunction with each individual Advisory Committee to proceed with the agreed upon recommendations to be presented at the next meeting in outline format. This vote would also allow DOJ to continue to work towards the written material that would constitute the recommendations for the Final Report. Below are four general policy proposals that have been developed.

- **AB 3121 Consolidated Policy Proposals**

- I. General Policy Proposals of the Task Force**

- A. California American Freedman Affairs Agency-** The intended recipients or beneficiaries are American Freedman also known as descendants with satellite offices across the state in addition to a main office.

- B. Repeal or Amend Proposition 209**

- C. Racial Impact Analyses**

- 1. 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

- 2. Incorporate Disparate Impact Analysis in Legislation and Government Contracting

- D. Legislative Findings**

Chair Moore welcomed **San Diego City Council Member Marni Von Wilpert of District 5** and thanked her for her participation.

Discussion

Chair Moore discussed the justification around the creation of the Freedman's Affairs Agency with the Task Force and referenced the Interim Report.

Member Grills suggested that the Freedman's Affairs Agency could be used as a monitoring body, an advisory body and the implementation portion could be performed by existing community based organizations familiar with processes of implementation.

SAAG Newman noted that if there are substantial changes to any proposals found in the 90-page document, the Task Force Members should vote to direct the DOJ as to the specific modification to that existing proposal.

Chair Moore asked for the motion.

After much discussion and a few attempts to word the motion amongst Task Force members, **Member Grills** stated the final and accepted version of the motion as follows:

MOTION

Member Grills moved to state the proposal in a motion with a modification to the role of

the Freedman's Bureau to act as an oversight and monitoring body rather than as a bureaucracy; such as an external report card body on the extent to which the state is doing the implementation as needed; to provide direct resources where possible to existing community based organizations to implement some of the tasks that are listed while other tasks remain under the direct implementation of the Freedman's Affairs Agency.

Member Bradford Seconded the motion.

Chair Moore called for the discussion:

Member Montgomery-Steppe stated that she would not support the motion; while the intent is good, she does not believe that the systems serve the eligibility community appropriately, as they were based on foundations that never intended to serve this community. Member Montgomery-Steppe added that handing the responsibility over to an agency that is not serving will not serve the community. She further added One of the major issues in California is the execution and implication in our agencies that come from those who govern who are more concerned about instant gratification than what it takes to run agencies which a systemic issue. Member Grills, stated that the points raised in the proposal indicates the Bureau should be formed and implemented.

Chair Moore asked **Parliamentarian Johnson** to take the vote:

Ayes: Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Jones-Sawyer, Member Lewis, Member Tamaki

Nays: Chair Moore, Member Montgomery-Steppe

There were **9** members present and voting: **7 Ayes** and **2 Nays**

Chair Moore announced that The Motion Passed

Member Lewis raised a question to DOJ regarding the small window of time afforded the Task Force for review, turnaround, and production of the Advisory Committee proposals for the Final Report. He asked if it would be possible for the Task Force members to obtain a preliminary copy of the documents for review earlier than the 5 or 6 days previously given so that they could have additional time to review and provide more in-depth feedback? **Member Lewis** stated that he felt that this extra time would lend itself to a healthier discussion. At the same time, he acknowledged the tremendous amount of work required by DOJ and the time constraints that are imposed on the deliverables as well as the need to vote on the Final document by February 8th, 2023.

SAAG Newman stated that there will be extensive back and forth communication between DOJ and the Task Force until the Final Report is complete. The draft outline of the proposals will include feedback with plenty of time to weigh in on the edits. However, **SAAG Newman** agreed to circulate the preliminary outlines for review by the Task Force earlier, however there is unfortunately a compressed due date for Task Force member

feedback on all proposals on February 8.

II. ENSLAVEMENT- Chair Moore (Changes to Proposals I and J)

- A.** Formal apology from the Legislature for the following:
Allowing enslavement, the adoption of the fugitive slave law and its subsequent enforcement. The apology must include the censure of first elected California Governor, Peter Hardeman Burnett.
- B.** Formal apology for opposing Congress's Reconstruction Civil Rights laws and for delaying ratification of the 14th and 15th Amendments
- C.** Legal resolution affirming the State's protection of descendants of enslaved people
And guaranteeing protection of the civil, political, and socio-cultural rights of descendants of enslaved people.
- D.** Legislation allowing incarcerated people to vote.
- E.** Amending the California Constitution to prohibit involuntary servitude.
- F.** Payment of fair market value for labor provided by incarcerated (whether in jail or prison) persons
- G.** Emphasizing "Rehabilitation" in the California Department of Corrections and Rehabilitation (CDCR)
- H.** Abolition of the death penalty

The Changes in this chapter were the addition of proposals I and J:

- I.** Accelerate scheduled closures of identified California state prisons; commit to closing 10 California state prisons over the next five years; savings should be redirected to the American Freedmen Affairs Agency and to re-use of facilities.
- J.** Prohibit private prisons from benefiting from contracts with CDCR to provide reentry services to incarcerated or paroled individuals.

Discussion:

Chair Moore stated per a California State Budget committee meeting, she learned that California is experiencing a budget deficit, and have scheduled two state prisons to close in the next few years. The committee is also recommending the closure of more prisons. **Member Jones-Sawyer** indicated that he has been working on prison closure for many years and the Legislature has identified 10, five

of which will be closed soon and a savings over the next five years of approximately \$200 million. He recommends the funds go to programs to end the school to prison pipeline. He is pleased to see closing prisons is one of the proposals. **Member Grills** requested clarification on the re-use of the facilities given that their locations are not near Black communities? **Vice Chair Brown** suggested that they could be used to provide organic farming to address food deserts. Member Jones-Sawyer will be recommending that the prisons be leased to tech companies generating revenue to benefit Black communities. **Member Holder** shared information about the context in which the prison industry was created in California 40-50 years ago in non-Black communities. She agreed that they should be re-purposed in a way that the harm ceases and never happens again and use them to shift the narrative.

Chair Moore attributes the recommendation to a prominent Community Based Organization (CBO), called CURB prisons, which is a coalition of organizations with the intent to use the closed prison facilities in productive ways.

A discussion Task Force members regarding various opportunities to reuse the closed prison structures as a resource to benefit of Black communities.

As a result of the Task Force discussion, Chair Moore asked if a motion was in order.

- **SAAG Newman** noted that DOJ will investigate this item for more clarity and document as part of the next iteration of proposals for edits and consideration by the Task Force.
- **Chair Moore** agreed with **SAAG Newman's** suggestion to postpone a motion for this item. **Chair Moore** asked DOJ to also clarify the Freedman's Motion made by **Member Grills**.

III. RACIAL TERROR PROPOSALS - Grills (New Changes are for items C, D, and E.)

- A.** Establish and Fund Community Wellness Centers in Black Communities
- B.** Proposal to Fund Research to Study the Mental Health Issues Within California's Black Youth Population, and to Address Rising Suicide Rates Among Black Youth.
- C.** Expand the Membership of the Mental Health Services Oversight and Accountability Commission (MHSOAC) and Require the Appointment of an Expert in Reducing Disparities in Mental Health Care Access and Treatment to the MHSOAC
- D.** Fund Community-Driven Solutions to Decrease Community Violence at the Family, School, and Neighborhood Levels

- E. Proposal to Implement Procedures to Address the Over-diagnosis of Emotional Disturbance Disorders, Including Conduct Disorder, in Black Children
- F. Eliminate Legal Protections for Peace Officers Who Violate Civil or Constitutional Rights
- G. Comprehensive Audit of State and County Facilities: Assess and Remedy Racially Biased Treatment of Black Adults and Juveniles in Custody in County Jails, State Prisons, Juvenile Halls, and Youth Camps

Discussion

Member Grills stated that the Mental Health Services Oversight & Accountability Commission (MHSOAC) is powerful, however, they have not demonstrated a real understanding of the mental health needs of the Black Community and how the decisions that are made directly impact the approval of needed funding and programs. They have yet to include someone on their commission who understands the mental health disparities. There are many cases in the Black Community of over and under diagnosis, as well as mis-diagnosis of mental health issues resulting from Racial Trauma.

Vice Chair Brown affirmed Grill's point with regards to Proposal D referencing the Murder of Tyre Nichols in Tennessee.

IV. POLITICAL DISENFRANCHISEMENT PROPOSALS - Bradford/Montgomery-Steppe (No updates/Changes)

- A. Formal Apology on Behalf of the State of California—Exclusion as Witness
- B. Formal Apology on Behalf of the State of California—Opposition to the 14th and 15th Amendments
- C. Formal Apology on Behalf of the State of California—Disenfranchisement
- D. Formal Apology on Behalf of the State of California—Monuments of White Supremacy
- E. Formal Apology on Behalf of the State of California—Black Panther Party
- F. Require District-Based Voting and Independent Redistricting Commissions to Safeguard Against the Dilution of the Descendant Voting Bloc

- G. Increase Funding to Support the California Department of Justice’s Enforcement of Voting Rights in California
- H. Pass Legislation Aligning with the Objectives of AB 2576 and Establish Separate Funding to Support Educational and Civic Engagement Activities
- I. Provide Funding to NGOs Whose Work Focuses on Increasing Civic Engagement Among Descendants
- J. Declare Election Day a Paid State Holiday and Provide Support to Essential Workers to Increase Access to the Polls
- K. Remove the Barrier of Proving Identity to Vote
- L. Increase Jury Participation of Persons with Felony Convictions and Discourage Judges and Attorneys from Excluding Potential Jurors Solely for Having a Prior Felony Conviction
- M. Increase Efforts to Restore the Voting Rights of Formerly Incarcerated Persons

Discussion:

Member Grills stated that Item M should also include the assurance that the voting rights of those who are currently incarcerated that may still have the right to vote, are able to exercise that right.

Vice Chair Brown noted the need to address voting rights issues that still occur within College Campuses as well.

V. HOUSING SEGREGATION AND UNJUST PROPERTY TAKINGS - Bradford/Montgomery-Steppe (No updates/Changes/discussions)

- A. Prioritize Responsible Development and Environmental Health in Communities and Housing Development.
- B. Policies Overhauling the Housing Industrial Complex.
- C. Expand First-Time Homeowner Grants and Increase Funding to Community-Based Organizations and Related Programs.
- D. Provide Property Tax Relief to Descendants, Living in Formerly Redlined Neighborhoods, Who Purchase or Construct a New Home.
- E. Shared Appreciation Loans and Subsidized Down Payments, Mortgages, and Homeowner’s Insurance.

- F. State Review and Approval of All Residential Land Use Ordinances Enacted by Historically and Currently Segregated Cities and Counties.
- G. Repeal Crime-Free Housing Policies.
- H. Increase Affordable Housing.
- I. Restitution for Racially Motivated Takings.
- J. Funding to Assist with Residential Homeownership

21. Lunch Break

Before leaving for lunch, Chair Moore reminded the Task Force members that the schedule was tight and that the meeting would resume at 1:45 p.m.

Following the Lunch Break, Chair Moore called the meeting to order and turned to the Parliamentarian to call the roll and ascertain if a quorum,

Chair Moore asked the **Parliamentarian Johnson** to call roll to re-establish a quorum.

Parliamentarian Johnson called the roll:

Members present during roll:

Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Jones-Sawyer, Member Lewis, Member Montgomery-Steppe, and Member Tamaki.

Parliamentarian Johnson announced that five members are needed for a quorum, there were 9 members present and advised the Chair that a quorum was re-established.

22. Discussion and Action Item: Advisory Committee’s Final Recommendations on Potential Remedies, Remedial Programs, Laws, and Apologies for Atrocities in Interim Report, Part II.

Member Tamaki summarized the changes. Fifteen proposals and substantive changes were presented.

VI. SEPARATE AND UNEQUAL EDUCATION - Tamaki/Brown (Changes to items A, J, K, and M)

- A. Increase Funding to Schools Through the Local Control Funding Formula to Address Racial Disparities

- B. Fund Grants to Local Educational Agencies to Address COVID-19 Pandemic Impacts on Education
- C. Systematic Review of School Discipline Data
- D. Improved Access to Educational Opportunities for All Incarcerated People
- E. Adoption of Mandatory Curriculum for Teacher Credentialing and Trainings for School Personnel and Grants for Teachers
- F. Strategies to Recruit African American Teachers
- G. Requiring Curriculum at All Levels Be Inclusive and Free of Bias
- H. Advance the Timeline for Ethnic Studies Classes
- I. Adopt a K-12 Black Studies Curriculum
- J. Adopt the Freedom School Summer Demonstration Pilot Program
- K. Reduce Racial Disparities in the STEM Fields for African American Students such as creating pathways to increasing enrollment into the medical profession.
- L. Expand Access to Career Technical Education for Descendants
- M. Reduce K-12 Public School Segregation by Enabling Students to Attend Schools from Other Districts
- N. Fund Free Tuition to California Public Colleges and Universities
- O. Eliminate Standardized Testing for Admission to Graduate Programs in the University of California and California State University System
- P. Identify and Eliminate Racial Bias and Discrimination in Statewide K-12 Proficiency Assessments

Discussion

Member Tamaki commended DOJ for their support on the **Separate and Unequal Education** chapter. He then provided a quick overview of the proposal changes for this chapter. These changes were designed to bring increased funding and focus to:

-Provide oversight and curriculum reform,

- Address racial disparities,
- Adopt proven well-rounded summer programs that include academics, civic engagement, character, and leadership building, as well as to
- Expand access to career driven schools for African American students.
- Shine a light on the Historically Black College and University (HBCU) Charles Drew University of Medicine and Science.

A lengthy discussion among Task Force members regarding the Pros and Cons of Proposal Item M (Reduce K-12 Public School Segregation by Enabling Students to Attend Schools from Other Districts).

Member Tamaki stated Proposal that Item M is voluntary, and the intent was to address Redlining and hyper-segregation. The Task Force discussion raised the point that integration shouldn't automatically connote equality. There is nothing wrong with a majority Black school in a majority Black neighborhood. The problem is when the schools in Black neighborhoods are not properly funded. Uprooting and transporting Black students out of their neighborhoods to better schools instead of funding the school in Black neighborhoods has the potential to do additional harm.

Even though there was more support from the Task Force for making Black schools and neighborhoods equitable, fair, and resourced, there was consideration from various Task Force members for the provision of Wrap Around Services. **Member Lewis** suggested a modification of Item M to state that if a school has inter-district programs it must also provide wrap-around services.

Member Grills noted that Item D should be expanded to include improved access to educational opportunities for evidence-based incarceration for those who are still in custody. She also noted that Blacks are the least likely to have access to educational programs while in Jail.

SAAG Newman stated that Prop 209 and wrap-around services at schools are addressed in other chapters in the Report. He noted that Bullet Point A also addresses specific concerns for increased funding for schools in Black neighborhoods. **SAAG Newman** assured the Task force that he had the guidance he needed and will work with the Advisory Committee and DOJ to incorporate the feedback raised during this discussion into the final document. He also asked Task Force members to provide their input to DOJ by February 8.

VII. RACISM IN ENVIRONMENT AND INFRASTRUCTURE

Proposals to address the harms discussed in this chapter are set forth in Chapter 12, Mental and Physical Harm and Neglect (See Chapter 12)

VIII. PATHOLOGIZING BLACK FAMILIES -Grills

(Addition to item F: Policies to Address Disproportionate Homelessness Among Black Californians **F4, F5, F7, F8**)

- A.** Reduce and Seek to Eliminate Racial Disparities in the Removal of African American Children From Their Homes and Families
- B.** Establish and Fund Early Intervention Programs that Address Intimate Partner Violence (IPV) Within the African American Community
- C.** Eliminate Interest on Past-Due Child Support and Eliminate Back Child Support Debt
- D.** Eliminate and/or Curtail Law Enforcement Activity in California Schools
- E.** Eliminate or Reduce Charges for Phone Calls Between County Jail Inmates and Their Families
- F.** Policies to Address Disproportionate Homelessness Among Black Californians
 - 1.** Streamline and incentivize development of permanent supportive housing (PSH) and extremely low income (ELI) housing.
 - 2.** Mandate anti-bias and other trainings for staff of homeless services providers.
 - 3.** Fund permanent supportive housing (PSH) diversion programs for individuals incarcerated in county jails.
 - 4.** Fund a study and analysis of county jail efforts to secure housing for incarcerated individuals upon release.
 - 5.** Develop and launch racial equity initiative.
 - 6.** Allocate broad-based funding to community-based organizations.
 - 7.** Increase compensation for homeless services providers.
 - 8.** Enact civil rights protections to guard against housing and employment discrimination.

9. Strengthen housing eligibility and tenant protections.

10. Fund and implement measures to protect homeowners.

Fund and implement measures to protect homeowners.

Discussion:

Member Grills provided some insights on the pathologizing of the Black family and the impacts of homelessness among those Black families in California. Black families are more likely to fall victims to the Child Welfare system because they are unhoused. This situation often puts a huge strain on the ability to keep the family unit whole and functioning. As a result, we need to streamline and incentivize the development of permanent supportive housing as well as launch racial equity initiatives that allocate broad-based funding for Community Based Organizations who are connected to the families that need affordable and safe housing.

There was no discussion among Task Force Members

**IX. CONTROL OVER CREATIVE, CULTURAL, AND INTELLECTUAL LIFE
- Chair Moore (Addition: Replacing Monuments and Relics)**

- A. Formal Apology on Behalf of the State of California—Minstrel Shows
- B. Formal Apology on Behalf of the State of California—Discrimination in the Arts
- C. Formal Apology on Behalf of the State of California—Discrimination in Law Enforcement & Regulations
- D. Formal Apology on Behalf of the State of California—Bias in Cinematic Depictions
- E. Formal Apology on Behalf of the State of California—Targeted Harassment of Artists & Businesses
- F. Formal Apology on Behalf of the State of California—Disruption of Leisure Activities
- G. Provide State Funding to Descendants to Address Disparity in Compensation Among Athletes in the University of California and State System
- H. Prohibit Discrimination Based on Natural and Protective Hair Styles In All Competitive Sports

- I. Provide State Funding to Support Descendant Athletes in Capitalizing on their Name, Image, and Likeness and Intellectual Property
- J. Identify and Remove Monuments, Plaques, State Markers and Memorials Memorializing and Preserving Confederate Culture; Erect Monuments, Plaques and Memorials Memorializing and Preserving Reconstruction Era and the Descendant Community
- K. Provide Funding to the Proposed California American Freedmen Affairs Agency, Specifically for Creative, Cultural, and Intellectual Life
- L. Eliminate the Practice of Banning Books Maintained by the California Department of Corrections and Rehabilitation
- M. Public Disclosure of Compensation and Benefits for Artists Across All Media Industries in California

Discussion

Chair Moore stated that previously item J only addressed the removal of monuments, plaques, State Markers which are Memorials of the Confederate culture. She is now replacing those Confederate Culture memorials with new monuments, plaques, State Markers, that memorialize, preserve, and honor the Reconstruction Era and the descendants of the Black Community.

Member Grills announced that a Journalism bill that may have recently passed in California is earmarked for funding of \$25 Million. This funding will go to the UC Berkeley's Graduate school of Journalism to fund Fellows for the cultivation of Journalist. However, Black Media Groups don't have that same access to funding due to the barriers that continue to be implemented by institutions and government policies. These barriers allow the harms to persist and hinder Black Media Groups from the ability to respond to and diminish the anti-Black narratives that are so often produced by predominate white media. Black Media groups should have adequate funding to create, promote, and control the distribution of their own story.

Member Grills offered to share the Black Media studies with the Task Force.

Chair Moore thanked Member Grills for sharing this concern. She also mentioned that within the Cultural Affairs Branch of the Freedman's Affairs Agency there is a proposal directed towards Black Media that could be reworked to also address this issue.

**X. STOLEN LABOR AND HINDERED OPPORTUNITY-
Montgomery-Steppe/Bradford - (No New Proposals)**

- A. Greater Transparency in Gubernatorial Appointments
- B. Guaranteed Income Program for Descendants
- C. Licensure for People with Criminal Records
- D. Transforming the Minimum Wage Back into a Living Wage
- E. Advancing Pay Equity through Employment Transparency and Equity in Hiring/Promotion
- F. Professional Career Training G. Apprenticeship Grant Program H. Funding Black Businesses

Discussion

Member Lewis stated that with the creation of Black businesses, there should also be consideration for the development of a component to assist with the facilitation of investments that will create a funding source for African Americans. Our dollars should no longer go into banks that profited from slavery. This discussion led to the issue of addressing how to develop a solid proposal for the Wealth Gap and how it should be presented in the Final Report. **SAAG Newman** reminded everyone that as they work through the recommendations chapter by chapter with the Task Force, the layout of the final report is still in the developmental stage. Discussions and final decisions regarding the Wealth Gap will be answered as the organization and layout of the Final Report is solidified.

Member Holder recommended a proposal for the **Stolen Labor and Hindered Opportunity** could be to build Professional Pipelines that teach people about Investment Banking, enlists CPA and tax advisors, and creates Career and Licensure training programs, etc.

Member Grills recommended suggestions for funding reparations:

- Create a California Tax on luxury items
- Conduct an analysis of California unclaimed rebates
- Redirect a portion of unclaimed assets

XI. AN UNJUST LEGAL SYSTEM – Holder/Jones Sawyer – (No New Additions)

- A. Allocate Funds to Remedy Harms and Promote Opportunity

- B. Provide Voting Rights to Incarcerated Individuals
- C. Abolish Involuntary Servitude from the California Constitution
- D. End Discriminatory Gatekeeping at the State Bar
- E. Prohibit Cash Bail and Reimburse Those Acquitted or Exonerated
- F. Recommend Abolition of the Qualified Immunity Doctrine and Provide a Remedy for Victims
- G. Dismantle the School to Prison Pipeline and Decriminalize the Youth Justice System
- H. Clarify and Confirm Decriminalization of Transit and Other Public Disorder Offenses
- I. Move Public Disorder Infractions and Low-Level Crimes Outside of Police Jurisdiction
- J. Prohibit Pretextual Traffic and Pedestrian Stops, Probation Inquiries, and Consent-Only Searches
- K. Enhance Laws that Require Bias Elimination Training
- L. Mandate Policies and Training on Bias-Free Policing
- M. Promulgate Model Law Enforcement Policies Designed to Prevent Racial Disparities in Policing
- N. Strengthen and Expand the Racial Justice Act
- O. Repeal Three Strikes Sentencing

Discussion

Member Holder stated that the materials that she presented on January 27th regarding the need to strengthen and expand the Racial Justice Act should be included In this chapter.

**XII. MENTAL AND PHYSICAL HARM AND NEGLECT – Tamaki/Brown –
(New Additions)**

- A. Addressing Health Inequities Among Black Californians**
 - 1. California Health Equity and Racial Justice Fund
 - 2. Single-Payer or Increases to MediCal Reimbursement Rates
- B. Evaluating the Efficacy of Health Care Laws, Including Recent Enactments**
- C. Addressing Anti-Black Discrimination in Health Care**
- D. Mandating Standardized Data Collection**
- E. Providing Medical Social Workers/Health Care Advocates**
- F. Remediating the Higher Rates of Injury and Death Among Black Birthing People**
- G. Advancing the Study of the Intergenerational, Direct, and Indirect Impacts of Racism**
- H. Remediating the High Rates of Mental Health Issues/Suicide Among Black Youth**
- I. Fund and Expand the UC PRIME-LEAD-ABC Program to be Available at All UC Medical Campuses**
- J. Create and Fund Equivalents to the UC PRIME-LEAD-ABC Program for Psychologists, Licensed Professional Counselors, and Licensed Professional Therapists**
- K. Permanently Fund the California Medicine Scholars Program and Create and Fund Equivalent Pathway Programs for Students in the CSU and UC Systems**
- L. Reviewing and Preventing Racially Biased Disciplinary Practices by the Medical Board of California**
- M. Address Food Injustice**
- N. Test For and Eliminate Toxicity in Descendant Communities**
- O. Increase Trees in Redlined Communities**
- P. Develop Climate Resilience Hubs in Redlined Communities**

Q. Remove Lead in Drinking Water

R. Prevent Highway Expansion and Mitigate Transportation Pollution

Discussion

Member Tamaki reviewed the new proposals/recommendations for the Mental and Physical Harm and Neglect Chapter. These new proposals include new health initiatives to monitor the effectiveness and the allocation of monies spent by the recommended Creation of the California Health Equity and Racial Justice Fund. There should also be a process to monitor the efficacy of existing programs as well as for the medical providers. This process should include consequences for the offenders. Additionally, there is need to provide more medical social workers and health care advocates to address and assist patients with navigating the systems and helping to solve or remedy issues that might arise with their care.

Member Jones-Sawyer shared his personal testimony regarding the limitations of the health care system, as well as the implicit biases that directed by health care professionals when caring for Black people.

Member Grills stated with regards to the pipeline issue, consideration should be given for the development of a graduate study aid program to support African American prospective students entering into completing their Master's in Social Work (MSW's), Marriage Family, Social Work (MFT's), and Psychology programs. These programs could be modeled after the Federal Child Welfare Title 4E program. Another consideration would be to allow Graduates to work in community based clinics and Organizations. Member Grills also shared information from her meeting with the Executive Director of the California Black Health Network. She agreed pass along the information obtained from this meeting with the advisory committee.

XIII: The Wealth Gap

This item will be discussed further at the March 2023 meeting in the context of the topic, Five Key Questions.

There were two outstanding issues raised at this time regarding chapter reviews:

Member Lewis requested clarification on structurally how and where each of the recommendations for reparations payments should be documented within the Final Report.

SAAG Newman stated that the Task force can place this in a number of areas of the report or create a special section

Member Holder stated that she would like to meet with DOJ regarding the Housing Section proposals. She believes that there were a couple of items that may have been left out of the most updated version of the proposals that were reviewed at the December Task Force Meeting.

SAAG Newman agreed to review the list of proposals in question.

Member Holder stated that she would like to meet with DOJ regarding the Housing Section proposals. She believes that there were a couple of items that may have been left out of the most updated version of the proposals that were reviewed at the December Task Force Meeting.

SAAG Newman agreed to review the list of proposals in question.

Chair Moore called for a motion to allow DOJ to move forward with the corrections that have been identified.

MOTION:

Vice Chair Brown moved that the Task Force allow DOJ to move forward with the corrections that correspond to any of the chapters of the report where applicable.

The Motion was **Seconded** by **Member Montgomery-Steppe**

There was no discussion

Chair Moore asked **Parliamentarian Johnson** to take the vote:

Ayes: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Jones-Sawyer, Member Lewis, Member Montgomery-Steppe, Member Tamaki.

Nays: None

Parliamentarian Johnson stated there were 9 Task Force members present and voting. There were 9 **Ayes**, 0 **Nays**

The Motion Passed

23. Break (No Break was Taken)

24. Discussion and Action Item: Next Meeting Agenda: Task Force Members

Chair Moore informed the Task Force that the February meeting would follow the same outline as the January meeting. The panels for discussion would be on Implementation. There will also be representatives from the reparations efforts from the local municipalities for the City of Richmond and the City of Palm Springs. The remainder of the meeting will be mostly dedicated to a review and to discuss any revisions, additions, or deletions to proposals from the Advisory Committees. There was a discussion centered on the dates selected for the February meeting. February 27th and 28th were originally selected however, the Task Force voted to change the dates to March 3 and 4th. **Chair Moore** stated that the community was requesting the February meeting to be held in the Inland Empire instead of Sacramento. **SAAG Newman** noted that Sacramento had been selected based on the last vote of the Task Force. **SAAG Newman** also reminded everyone that the final in-person meeting location had also been voted on as well by the Task Force. The location was purposely selected because of its proximity to historical Allensworth and release of the Final report. In light of the previous vote, **Chair Moore** decided to withdraw her request to change locations for the February meeting.

Member Tamaki requested that the meeting dates for March April, and May be selected ASAP so that the Task Force could block out those dates. **SAAG Newman** agreed with Member Tamaki and informed the Task Force that the April Doodle Poll had been sent to the Task Force members however, they had only received five responses. He agreed to resend the Doodle poll to follow-up on confirmation of availability.

Member Holder requested that the Task Forces make some time on the agenda to further discuss the generation of a letter to the Federal Government and to Congress regarding recommendations from the Task Force.

Chair Moore asked for a motion to finalize the agenda for the February meeting.

Member Montgomery Steppe moved to adopt the agenda as is with the March 3rd and 4th dates and to be held in Sacramento.

Member Jones-Sawyer Seconded the motion.

Chair Moore asked for the discussion: There was no discussion.

Chair More asked Parliamentarian Johnson to take the vote:

Parliamentarian Johnson called the roll for the vote.

Ayes: Chair Moore, Vice Chair Brown, Member Bradford, Member Grills, Member Holder, Member Jones-Sawyer, Member Lewis, Member Montgomery-Steppe, Member Tamaki

Nays: None

Parliamentarian Johnson stated there were nine members present and voting: 9 Ayes, and 0 Nays.

The Chair announced that the Motion Passed.

It was stated that any recommendations for Expert witnesses must be received by Feb. 8

SAAG Newman stated that because of the date change for the next meeting, he will need the expert recommendations for Legislative Implementation experts, Federal suggestions, and Local Reparations Efforts submitted. **SAAG Newman** also reminded the Task Force that their edits and feedback on the Advisory Committee proposals by February 8th as well.

25. Discussion and Potential Action Item: Unfinished Business

There was no unfinished business.

Member Montgomery-Steppe graciously thanked her supportive staff for their dedication and hard work and hoped that everyone had a warm welcome to San Diego.

26. Task Force Member Closing Remarks and Meeting Adjourn

Chair Moore adjourned the meeting.

DRAFT