

AB 3121 Task Force Meeting

Organization and Formatting of the Final Report

March 4, 2023
Agenda Item 22

Proposed Overall Organization

Part I: Updated Executive Summary

Part II: Interim Report Chapters

Part III: International Reparations Framework and Examples of Other Reparations Schemes

Part IV: How the State of California will offer a formal apology on behalf of the people of California for the perpetration of gross human rights violations and crimes against humanity on African slaves and their descendants

Part V: Economic Expert Analysis and Final Recommendations of Task Force Regarding Calculations of Reparations and Forms of Compensation and Restitution

Proposed Overall Organization continued

Part VI: Policy Recommendations to the Legislature

Part VII: Report on Racial Justice Act Implementation

Part VIII: Bunche Center Report on Community Engagement and Input through Community Listening Sessions

Chapter IX: Concept or Themes for Curriculum Built Around the Task Force's Report and Other Recommendations for Educating the Public

Part X or Appendix: Compendium of Statutes and Case Law that Contributed to an Unjust Legal System

Part I: Updated Executive Summary

Part II: Interim Report Chapters

Chapter 1: Introduction

Chapter 2: Enslavement

Chapter 3: Racial Terror

Chapter 4: Political
Disenfranchisement

Chapter 5: Housing Segregation and
Unjust Property Takings

Chapter 6: Separate and Unequal
Education

Chapter 7: Racism in Environment
and Infrastructure

Chapter 8: Pathologizing Black
Families

Chapter 9: Control Over Creative,
Cultural, and
Intellectual Life

Chapter 10: Stolen Labor and
Hindered Opportunity

Chapter 11: An Unjust Legal System

Chapter 12: Mental and Physical
Harm and Neglect

Chapter 13: The Wealth Gap

Part III: International Reparations Framework and Examples of Other Reparations Schemes

Chapter 14: International Reparations Framework

- In the UN Principles on Reparation, the UN General Assembly held that any full and effective reparations scheme must include the following five forms of reparations: Restitution, Compensation, Rehabilitation, Satisfaction, and Guarantees of Non-Repetition
- Who qualifies for reparations under the UN Principles of Reparation?
- What constitutes gross violations of international human rights law and serious violations of international humanitarian law under the UN Principles on Reparation?
- What are victims' rights to remedies under the UN Principles on Reparation?
- What must full and effective reparations include under the UN Principles on Reparation? (Restitution, Compensation, Rehabilitation, Satisfaction, and Guarantees of Non-Repetition)
- Statutes of Limitation

Part III: International Reparations Framework and Examples of Other Reparations Schemes

Chapter 15: Examples of Other Reparations Schemes

- International schemes (or international reparations and racial equity schemes)
 - Germany-Israel
 - Chile
 - South Africa
 - Canada
- Domestic schemes (or domestic reparations and racial equity schemes)
 - Federal
 - U.S. Indian Claims Commission
 - Tuskegee Study of Untreated Syphilis in the Negro Male
 - 9/11
 - Sandy Hook Elementary School
 - Iranian Hostages
- State
 - Rosewood, Florida
 - North Carolina Sterilization
 - Virginia (eugenics)
 - Chicago Police Department
 - Evanston, Illinois
 - Asheville, North Carolina
 - Providence, Rhode Island
 - California Sterilization Compensation Program

Part IV: How the State of California will offer a formal apology on behalf of the people of California for the perpetration of gross human rights violations and crimes against humanity on African slaves and their descendants

Chapter 16: Recommendation for a formal apology enacted by the Legislature and signed by the Governor, for the atrocities documented in Chapters II-XIII, and a request for forgiveness

Part V: Economic Expert Analysis and Final Recommendations of Task Force Regarding Calculations of Reparations and Forms of Compensation and Restitution

Chapter 17:

- How, in consideration of the Task Force's findings, any form of compensation to African Americans, with a special consideration for African Americans who are descendants of persons enslaved in the United States, is calculated
- What form of compensation should be awarded, through what instrumentalities, and who should be eligible for such compensation
- How, in consideration of the Task Force's findings, any other forms of rehabilitation or restitution to African descendants are warranted and what form and scope those measures should take
- Expert analysis

Part VI: Policy Recommendations to the Legislature

Chapter 18: Introduction/General Proposals

- California American Freedman Affairs Agency
- Repeal or Amend Proposition 209
- Conduct Racial Impact Analyses
- Agency Transparency
- Legislative Findings

Part VI: Policy Recommendations to the Legislature

Chapter 19: Enslavement

- Issue a formal apology from the Legislature for allowing enslavement, adopting a fugitive slave law, and subsequent enforcement; apology must include censure of first elected California Governor, Peter Hardeman Burnett
- Issue a formal apology for opposing Congress's Reconstruction civil rights laws and for delaying ratification of the 14th and 15th Amendments
- Enact legal resolution affirming the state's protection of Descendants and guaranteeing protection of the civil, political, and sociocultural rights of Descendants
- Enact legislation to create compensation fund for all direct descendants of American slaves forced to labor specifically in the state of California (i.e. Descendant legacy families in Coloma, CA)
- Amend the California Constitution to prohibit involuntary servitude
- Pay fair market value for labor provided by incarcerated (whether in jail or prison) persons
- Emphasize the "Rehabilitation" in the California Department of Corrections and Rehabilitation (CDCR)
- Abolish the death penalty
- Prohibit private prisons from benefitting from contracts with CDCR to provide reentry services to incarcerated or paroled individuals

Part VI: Policy Recommendations to the Legislature

Chapter 20: Racial Terror

- Establish and Fund Community Wellness Centers in Black Communities
- Fund Research to Study the Mental Health Issues within California's Black Youth Population, and to Address Rising Suicide Rates among Black Youth
- 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
- Fund Community-Driven Solutions to Decrease Community Violence at the Family, School, and Neighborhood Levels
- Proposals to Address Discrimination, Harassment, and Violence Against Black Californians Who Identify or Appear as LGBTQ+ and to Reduce Disparities in Mental Health and Health Care Outcomes for Black members of the LGBTQ Community. [in progress]
- Implement Procedures to Address the Over-diagnosis of Emotional Disturbance Disorders, Including Conduct Disorder, in Black Children
- Proposals to Disrupt the Mental Health Crisis and County Jail Cycle viii. Eliminate Legal Protections for Peace Officers Who Violate Civil or Constitutional Rights
- Assess and Remedy Racially Biased Treatment of Black Adults and Juveniles in Custody in County Jails, State Prisons, Juvenile Halls, and Youth Camps

Part VI: Policy Recommendations to the Legislature

Chapter 21: Political Disenfranchisement

- Formal Apology on Behalf of the State of California—Exclusion as Witness
- Formal Apology on Behalf of the State of California—Opposition to the 14th and 15th Amendments
- Formal Apology on Behalf of the State of California—Disenfranchisement
- Formal Apology on Behalf of the State of California—Monuments of White Supremacy
- Formal Apology on Behalf of the State of California—Black Panther Party
- Require District-Based Voting and Independent Redistricting Commissions to Safeguard Against the Dilution of the Descendant Voting Bloc
- Increase Funding to Support the California Department of Justice’s Enforcement of Voting Rights in California
- Pass Legislation Aligning with the Objectives of AB 2576 and Establish Separate Funding to Support Educational and Civic Engagement Activities
- Provide Funding to NGOs Whose Work Focuses on Increasing Civic Engagement Among Descendants
- Declare Election Day a Paid State Holiday and Provide Support to Essential Workers to Increase Access to the Polls
- Remove the Barrier of Proving Identity to Vote xii. Increase Jury Participation of Persons with Felony Convictions and Discourage Judges and Attorneys from Excluding Potential Jurors Solely for Having a Prior Felony Conviction
- Increase Efforts to Restore the Voting Rights of Formerly Incarcerated Persons and Provide Access to Those Who Are Currently Incarcerated and Eligible to Vote

Part VI: Policy Recommendations to the Legislature

Chapter 22: Housing Segregation and Unjust Property Takings

- Prioritize Responsible Development and Environmental and Public Health in Communities and Housing Development
- Enact Policies Overhauling the Housing Industrial Complex
- Collect Data on Housing Discrimination
- Provide Anti-Racism Training to Workers in the Housing Field
- Expand Grant Funding to Community-Based Organizations to Increase Home Ownership
- Provide Property Tax Relief to Increase Home Ownership
- Provide Direct Financial Assistance to Increase Home Ownership
- Require State Review and Approval of Residential Land Use Ordinances by Municipalities with High Levels of Segregation
- Repeal Crime-Free Housing Policies
- Increase Affordable Housing for Black Californians
- Provide Restitution for Racially Motivated Takings
- Provide a Right to Return for Displaced Black Californians
- Provide Funding to Assist Black Californians With Making Residential Homeownership a Reality

Part VI: Policy Recommendations to the Legislature

Chapter 23: Separate and Unequal Education

- Increase Funding to Schools Through the Local Control Funding Formula to Address Racial Disparities
- Fund Grants to Local Educational Agencies to Address the COVID-19 Pandemic's Exacerbating Impacts on Education Disparities
- Implement Systematic Review of School Discipline Data
- Improve Access to Educational Opportunities for All Incarcerated People
- Adopt Mandatory Curriculum for Teacher Credentialing and Trainings for School Personnel and Grants for Teachers
- Employ Proven Strategies to Recruit African American Teachers
- Require that Curriculum at All Levels Be Inclusive and Free of Bias
- Advance the Timeline for Ethnic Studies Classes

Part VI: Policy Recommendations to the Legislature

Chapter 23: Separate and Unequal Education

- Adopt a K-12 Black Studies Curriculum
- Adopt the Freedom School Summer Demonstration Pilot Program
- Reduce Racial Disparities in the STEM Fields for African American Students
- Expand Access to Career Technical Education for Descendants xiii. Improving Access to Public Schools
- Fund Free Tuition to California Public Colleges and Universities
- Eliminate Standardized Testing for Admission to Graduate Programs in the University of California and California State University Systems
- Identify and Eliminate Racial Bias and Discrimination in Statewide K-12 Proficiency Assessments

Part VI: Policy Recommendations to the Legislature

Chapter 24: Racism in Environment and Infrastructure

- Increase Greenspace Access and Recreation Opportunities in Black Communities
- Test For and Eliminate Toxicity in Descendant Communities
- Increase Trees in Redlined Communities
- Develop Climate Resilience Hubs in Redlined Communities
- Remove Lead in Drinking Water
- Prevent Highway Expansion and Mitigate Transportation Pollution

Part VI: Policy Recommendations to the Legislature

Chapter 25: Pathologizing Black Families

- Reduce and Seek to Eliminate Racial Disparities in the Removal of African American Children From Their Homes and Families
- Establish and Fund Early Intervention Programs That Address Intimate Partner Violence (IPV) Within the African American Community
- Eliminate Interest on Past-Due Child Support and Eliminate Back Child Support Debt
- Eliminate and/or Curtail Law Enforcement Activity in California Schools
- Eliminate or Reduce Charges for Phone Calls Between County Jail Inmates and Their Families
- Address Disproportionate Homelessness Among Black Californians
- Address Disparities and Discrimination Associated with Substance Use Recovery

Part VI: Policy Recommendations to the Legislature

Chapter 26: Control Over Creative, Cultural, and Intellectual Life

- Formal Apology on Behalf of the State of California—Minstrel Shows
- Formal Apology on Behalf of the State of California—Discrimination in the Arts
- Formal Apology on Behalf of the State of California—Discrimination in Law Enforcement & Regulations
- Formal Apology on Behalf of the State of California—Bias in Cinematic Depictions
- Formal Apology on Behalf of the State of California—Targeted Harassment of Artists & Businesses
- Formal Apology on Behalf of the State of California—Disruption of Leisure Activities
- Provide State Funding to Descendants to Address Disparity in Compensation Among Athletes in the University of California and State System

Part VI: Policy Recommendations to the Legislature

Chapter 26: Control Over Creative, Cultural, and Intellectual Life

- Prohibit Discrimination Based on Natural and Protective Hair Styles In All Competitive Sports
- Provide State Funding to Support Descendant Athletes in Capitalizing on their Name, Image, and Likeness and Intellectual Property
- 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
- Provide Funding to the Proposed California American Freedmen Affairs Agency, Specifically for Creative, Cultural, and Intellectual Life
- Eliminate the Practice of Banning Books Maintained by the California Department of Corrections and Rehabilitation
- Public Disclosure of Compensation and Benefits for Artists Across All Media Industries in California

Part VI: Policy Recommendations to the Legislature

Chapter 27: Stolen Labor and Hindered Opportunity

- Greater Transparency in Gubernatorial Appointments
- Guaranteed Income Program for Descendants
- Licensure for People with Criminal Records
- Transforming the Minimum Wage Back into a Living Wage
- Advancing Pay Equity through Employment Transparency and Equity in Hiring/Promotion
- Professional Career Training
- Apprenticeship Grant Program
- Funding Black Businesses
- Funding African American Banks

Part VI: Policy Recommendations to the Legislature

Chapter 28: An Unjust Legal System

- Allocate Funds to Remedy Harms and Promote Opportunity
- Provide Voting Rights to Incarcerated Individuals
- Abolish Involuntary Servitude from the California Constitution
- End Discriminatory Gatekeeping at the State Bar
- Prohibit Cash Bail and Reimburse Those Acquitted or Exonerated
- Recommend Abolition of the Qualified Immunity Doctrine and Provide a Remedy for Victims
- Dismantle the School to Prison Pipeline and Decriminalize the Youth Justice System
- Clarify and Confirm Decriminalization of Transit and Other Public Disorder Offenses

Part VI: Policy Recommendations to the Legislature

Chapter 28: An Unjust Legal System

- Move Public Disorder Infractions and Low-Level Crimes Outside of Police Jurisdiction
- Prohibit Pretextual Traffic and Pedestrian Stops, Probation Inquiries, and Consent-Only Searches
- Enhance Laws that Require Bias Elimination Training
- Mandate Policies and Training on Bias-Free Policing
- Promulgate Model Law Enforcement Policies Designed to Prevent Racial Disparities in Policing
- Strengthen and Expand the Racial Justice Act
- Repeal Three Strikes Sentencing

Part VI: Policy Recommendations to the Legislature

Chapter 29: Mental and Physical Harm and Neglect

- Address Health Inequities among Black Californians
- Improving Health Insurance Coverage
- Evaluate Recently-Passed Health Care Laws
- Address Anti-Black Discrimination in Health Care
- Mandate Standardized Data Collection
- Provide Medical Social Workers/Health Care Advocates
- Improving Diversity Among Clinical Trial Participants
- Remedy the Higher Rates of Injury and Death among Black Birthing People and Infants
- Advance the Study of the Intergenerational, Direct, and Indirect Impacts of Racism

Part VI: Policy Recommendations to the Legislature

Chapter 29: Mental and Physical Harm and Neglect

- Remedy the High Rates of Mental Health Issues/Suicide Among Black Youth
- Meet the Health Needs of Black Elders
- Remedy Disparities in Oral Health Care
- Fix Racially Biased Algorithms and Medical Artificial Intelligence in Health Care
- Fund and Expand the UC PRIME-LEAD-ABC Program to be Available at All UC Medical Campuses
- Create and Fund Equivalents to the UC-PRIME-LEAD-ABC Program for Psychologists, Licensed Professional Counselors, and Licensed Professional Therapists
- Permanently Fund the California Medicine Scholars Program and Create and Fund Equivalent Pathway Programs for Students in the CSU and UC Systems
- Review and Prevent Racially Biased Disciplinary Practices by the Medical Board of California
- Address Food Injustice

Part VI: Policy Recommendations to the Legislature

Chapter 30: The Wealth Gap

Part VII: Report on Racial Justice Act Implementation

Chapter 31: Final Report drafted by DOJ Research Center based on survey conducted of district attorneys, superior courts, and major city attorneys

- Executive Summary
- Data Collection
- Results
 - Case Management System Use
 - Demographic Data Collected
 - Accused Individuals' Demographics Data
 - Victims' Demographic Data
 - Arrest and Judicial Matter Data Collected
 - Arrest Data
 - Judicial Matter Data
 - Release and Custody Data Collected
 - Released on Own Recognizance Data
 - Bail Data
 - Custody Date
 - Diversion Data Collected
 - Diversion Offer Extended
 - Accepted Diversion Outcome Data
 - Prosecutorial Decision Making & Outcomes Data Collected
 - Prosecutorial Declination Data
 - Decision to Prosecute Data
 - Plea Offers Data
 - Prosecution Outcomes Data
 - Appendix A
 - Questionnaires and Frequencies
 - Appendix B
 - Affirmative Responses by Agency

Part VIII: Bunche Center Report on Community Engagement and Input through Community Listening Sessions

Chapter 32: Final Bunche Center Report

Chapter IX: Concept or Themes for Curriculum Built Around the Task Force's Report and Other Recommendations for Educating the Public

Chapter 33:

- Educating the Public
- Potential Questions about Reparations, and Responses to Questions about Reparations

Part X or Appendix: Compendium of Statutes and Case Law that Contributed to an Unjust Legal System

(Prepared by consulting experts Dr. Marne Campbell and Eric Miller)
[reference for recommendations covered in Part VI]