

**AB 3121 TASK FORCE TO STUDY AND DEVELOP  
REPARATIONS PROPOSALS FOR AFRICAN AMERICANS**

**MEETING MINUTES**  
**March 29, 2022, 8:30 A.M.**  
**<https://oag.ca.gov/ab3121>**

The meeting of the Task Force was conducted via Blue Jeans video and telephone conference at <https://primetime.bluejeans.com/a2m/live-event/kwbgqkek>.

**Members Present:** Chairperson Kamilah V. Moore, Senator Steven Bradford, Dr. Cheryl Grills, Lisa Holder, Dr. Jovan Lewis, Don Tamaki, Monica Montgomery-Steppe.

**Members Absent:** Vice Chair Brown and Member Jones-Sawyer Joined the meeting later.

**1. Chairperson Welcome**

**Chairperson Moore** welcomed everyone to the first day of the March 2022, AB 3121 Hearing and opened the meeting at 8:50 a.m.

**Chair Moore** called for a roll call attendance to establish a quorum. **Parliamentarian Dorothea Johnson** called the roll. Members present during roll call included: Chair Moore, Member Bradford, Member Grills, Member Holder, Member Lewis, Member Montgomery-Steppe, Member Tamaki.

5 members are needed for a quorum, there were 7 members present and a quorum was established.

Vice Chair Brown and Member Jones-Sawyer joined the meeting after the roll call.

**Chair Moore** reminded everyone of the full agenda and the need for a strict adherence to the meeting timeline.

**Chair Moore** then turned the meeting over to **Aisha Martin-Walton** for the Public Comment.

**2. Public Comment.**

**Aisha Martin-Walton** provided directions for public comment. Pursuant to the vote of the Task Force in the previous meeting, the Public Comment period for this meeting was extended to 90 minutes. There were approximately 30 comments. Public comments reflected individuals, community organizations and businesses in support of reparations. Most of the commenters recommended to the Task Force that they vote for reparations eligibility based on lineage of African Americans who are the descendants of slaves in the United States.

### 3. **Action Item: Approval of February, 2022 Meeting Minutes**

**Chair Moore indicated that the minutes were provided to the Task Force with the materials and they had an opportunity to review them. She asked if there were any comments, corrections, and hearing none,** called for a motion to approve the February Meeting Minutes.

**MOTION:** Member Grills moved to approve the February Meeting Minutes as presented. It was Seconded by Member Tamaki.

**Chair Moore called for the Discussion:** No discussion

**Chair Moore** called for the vote. **Parliamentarian Johnson** called the vote:

**AYES:** Chair Moore, Member Grills, Member Holder, Member Lewis, Member Tamaki  
**NAYS:** 0

There were 5 members voting. There were 5 **Ayes** and 0 **Nays**.

The motion passed and the February 2022 meeting minutes were approved as presented.

### 4. **Community Engagement Plan Update: Member Grills**

**Member Grills** provided an update on the Community Engagement Plan by informing the Task Force of the calendar schedule for the Listening Sessions. One Listening Session was held in January 2022 and another one is currently scheduled for the week of March 28<sup>th</sup>. Listening Sessions have also been planned for April, May, June, and July. Some of the Anchor organizations will be holding multiple Listening Sessions as well. The sessions are not intended to provide a particular perspective or position but rather to provide an open forum discussion on the basic information available regarding reparations. The participants within the community will be able to identify and share their personal stories of the harms inflicted on Black Americans (for example, Foster Care, incarceration, youth, and elderly etc.) as well as discussions and recommendations on what form reparations should take and what should be included. The sessions will take place in a variety of areas around the state.

**Member Grills** encouraged Task Force members to attend the Listening Sessions cautioning adherence to the **Bagley Keene** rules. **Member Grills** also stated that she and Mr. Stoll work to continually seek out additional funding and have been successful in securing a California Foundation award of \$300,000 to be used by the Bunche Center, the Communication Firms, and in support of the Listening Sessions. A second grant proposal was submitted to an organization on the east coast and she hoped to hear from this organization soon.

**Chair Moore** thanked Member Grills for her update. She then shared her concerns that the

Anchor Organizations should be organizing the Listening Sessions and not the Communication Firms. Chair Moore also had a concern that some of the deliverables outlined in the Bunche Center Contract have been missed.

**Member Grills** said the Communication Firms have already been approved and confirmed for the April Task Force meeting to discuss their process and path forward of support. Member Grills also stated that she would follow up on Chair Moore's concerns and provide an informed response at the April Task Force meeting.

**Chair Moore** asked for comments and concerns or questions. Hearing none, Chair Moore indicated that she had questions and concerns relative to two of the communication firms. Chair Moore also identified several concerns regarding the Bunche Center's adherence to certain terms of the contract. Chair Moore indicated that the seriousness of this concern was expressed to the point of possibly opening the process again.

**Member Grills** responded and indicated that had she known of the concerns ahead of time, she would have sought answers to the concerns raised. She stated that the Bunche Center was faced with concerns above and beyond their control by the University and state regulations but would provide responses at the April meeting when the Bunche Center was already scheduled to be addressing the Task Force.

**Chair Moore** called for the DOJ Updates, which were provided by Special Assistant Attorney General Damon Brown.

## **5. Information, Discussion and Potential Action Items: Department of Justice Updates**

SAAG Brown advised that during the February meeting a request was made for DOJ to circulate a doodle poll for a May meeting if there was a decision to convene a meeting. The schedule for future meetings that was voted upon did not include a May meeting and the next meeting after the April meeting is scheduled for July 2022. If the Task force would like to convene a May meeting, DOJ would like to provide an opportunity to advise so we can turn our attention to plan a May meeting or continue to plan for a July meeting. There were no questions or comments by the Task Force on this item.

SAAG Brown noted that the next meeting will take place on April 13<sup>th</sup> and 14<sup>th</sup> and notice had to be posted by April 1<sup>st</sup>. SAAG Brown also reminded the Members that if they were not going to be at the noticed location but would like be at a remote location and participate telephonically, they must notify DOJ prior to the posting of the notice of the meeting, and that the location had to be noticed and accessible to the public.

SAAG Brown also noted that the Task Force members needed to clarify how witnesses were to be confirmed.

Member Holder stated her concerns regarding the decision of the Task Force to limit witnesses of one particular panel to one hour, but in reality, the number of witnesses and

the time for witnesses was expanded. It was noted that the Task Force's collective directive in its previous meeting relative to the time allotted and number of witnesses was not followed.

Chair Moore raised the question as to who determined who had the final authority to select the witnesses who would testify, when more than the approved number were confirmed as 'available'. Chair Moore stated that she and Vice Chair Brown believe they were given authority by the Task Force to finalize the agenda including selecting which confirmed witnesses submitted by other task force members would be placed on a panel and selected to present. Chair Moore stated that the DOJ did not agree that the Task force provided this authority to she and the Vice Chair, therefore Chair Moore is asking the task force to that clarify today.

SAAG Brown clarified that not all of the witnesses included on the agenda were timely, but they were added to the agenda after their availability was confirmed, however the original eight witnesses included by Member Grills were provided in a timely manner. Chair Moore subsequently added three additional witnesses, after the time for providing witnesses had elapsed. Chair Moore and Vice Chair Brown then made the decision to expand the amount of time for the panel beyond the one hour previously approved by the Task force.

SAAG Brown requested that the Task Force provide direction to DOJ as to how and by whom decisions were to be made with respect to the selection of witnesses, as it is outside the scope of DOJ's administrative and technical support.

SAAG Brown advised that there may be additional issues DOJ may need to resolve between the March and April meeting when conferring with the economic experts in developing the Executive Summary and to facilitate this DOJ recommends the Task Force consider designating two members to review and incorporate edits that would then come back to the full Task Force for consideration and final approval in April.

Member Holder asked, in the interest of time, to table these important items to 'Unfinished Business' tomorrow.

In the interest of time and consideration for ensuring the Community of Eligibility decisions are made, the Task Force did not continue its discussion of this item and agreed via a consensus (7 members present) to **move agenda item #5 to Potential Action Item #21 Unfinished Business.**

**6. Potential Action Item: Hearing Proposal Chair Moore and Member Lewis**

In the interest of time Chair Moore recommended that this agenda item be moved to agenda item #21 "Unfinished Business" on March 30.

**7. Lunch: (5 min)**

## 8. **Witness Panel #1 - Community of Eligibility**

Before introducing the speakers, Chair Moore asked Parliamentarian Johnson to call the roll. Present: Chair Moore, Member Grills, Member Holder, Member Lewis, Member Tamaki, Member Montgomery- Steppe.

There are six members present and 5 members are necessary to reestablish a quorum and a quorum has been established.

Chair Moore announced that a quorum has been reestablished.

**Chair Moore** introduced each of the panelist prior their testimony.

### a. **Witness Testimony: Dr. Evelyn McDowell**

**Dr. McDowell** is an Associate Professor and Accounting Department Chair at Rider University in New Jersey.

**Dr. McDowell** has no official stance on reparations. However, she spoke on the feasibility of lineage based reparations. She is a member of the Sons and Daughters of the United States Middle Passage (SDUSMP) organization that has successfully helped its members trace their lineage through a process of research and analysis of the Census, Birth and Death certificates, Negative Evidence (State Laws that tracked the enslaved), Enslaved were sometimes listed as property on the Wills of the owner and Living relatives. She shared her discovery of family traced lineage as an example of her successful ancestral trace efforts.

### b. **Witness Testimony: Dr. Antoinette Harrell**

**Dr. Harrell** is an American historian, genealogist, and civil rights activist who has spent the last ten years conducting peonage research throughout the Mississippi Delta and Louisiana.

**Dr. Harrell's** testimony spoke to the difficulty she faced when researching her family history. She warned of the pitfalls, lack of access to historical records, and the issue of many enslaved families were separated and/or split due to being sold, traded, and auctioned. Records were sometimes destroyed or buildings that housed permanent records were burned down leaving no research mechanism. She also wanted to note the costs associated with doing the research, such as the necessity to travel to find reputable proof of lineage could be expensive.

### c. **Witness Testimony: Dr. Hollis Gentry**

**Dr. Gentry** is a genealogy specialist at the Smithsonian's National Museum of African American History & Culture Library

**Dr. Gentry** shared the personal experience of her successful trace of her ancestral connection to the enslaved using Public Court records, Bank records (land bought by a relative using a Bounty earned as a Civil War Veteran), Freedman's Bureau Records and national Archives, such as the National Museum of African American History and Culture Library, including records of the Daughters of the Revolution (DAR).

**d. Witness Testimony: Kellie Farrish**

**Ms. Farrish** is a dedicated Genealogist with over 15 years of experience in DNA analysis and lineage tracing using DNA.

**Ms. Farrish** provided instructions for how one might want to do genealogy research to locate enslaved ancestors using the Familysearch.com website. Historically speaking, Ms. Farrish's research noted a timetable that specifies little to no free Africans or Caribbeans living in the United States. Only Africans who were enslaved lived in the United States. She testified that the 1790 Naturalization Act that allowed only white men from Western Europe to obtain citizenship after living in the United States for 2 years didn't expand to Africans until 1870 as documented in the census of the same year. It was the Reed-Johnson Immigration ACT of 1924 that allowed a national origin quota of only 2% of the population of a nationality would be granted a U.S. Visa. For Africans, which amounted to approximately 1200 Africans that would be able to migrate to the United States. This limiting approach would only allow 2% of Africans to migrate to the United States by 1925. On the other hand, thousands of Caribbeans migrated to the United States between 1910 – 1930. Ms. Farrish noted three approaches for determining if you have ancestral enslaved lineage:

1. Identify Ancestors born in the South prior to 1865
2. Identify Ancestors living in the United States prior to the 1900s
3. Identify Ancestors living in the South prior to the Great Migration of the 1940s.

Ms. Farrish closed her presentation by doing a tutorial on how to use the website of <http://www.Familysearch.com>

**e. Witness Testimony: Tony Burroughs**

**Burroughs** is the founder and CEO of The Center for Black Genealogy. He is an internationally known genealogist who taught genealogy at Chicago State University for fifteen years.

**Mr. Burroughs'** testimony centered on the challenges of tracing ancestral lineage as far back as 157 years. For authenticity, one must prove identity and relationships with evidentiary documents such as birth and/or death certificates, obituaries, court records, and sometimes documented oral histories etc. many of which are not available online and did not survive the years. The life of the enslaved often times resulted in being

loaned out to pay a debt, or their last names were changed from the original owner because they were taken from their families and sold. Some of their names were changed for protection as a result of the Underground Railroad. as a result, the work required to research heritage requiring authentic proof is time-consuming and could be costly.

**f. Witness Testimony: Robin C. Semple**

**Ms. Semple** is a Vice Chancellor at Rutgers University and a Founding Member and Co-President of the Richard B. Dickensen Chapter of the Afro-American Historical and Genealogical Society.

**Ms. Semple** provided the following resources that can be used to compile proof of being a descendant of the enslaved. She listed Census records, Court House records, Property records, Wills and Probate records, newspapers, as well as Manifests that might exist. Specifically, information could be found in the Freedmen's Bureau records, the Colored troops Military Service records 1863-1865, the United States Census of 1870, Cohabitation Register, and the United States African American Photo Collection 1850-2000 may help to substantiate a descendant of enslavement claim. She stated that proof may require several documents. Ms. Semple also believes this endeavor should require the following proof standards:

1. Reasonably exhaustive research
2. Complete and accurate source citations
3. Thorough analysis and correlation
4. Resolution of conflictive evidence
5. Soundly written conclusions based on the strongest evidence.

**g. Witness Testimony: Gregory Carr**

**Dr. Carr** is Associate Professor of Africana Studies and Chair of the Department of Afro-American Studies at Howard University and Adjunct Faculty at the Howard School of Law.

**Dr. Carr** stated that there were creative ways to approach the issue of eligibility. Immigration is a central theme in human history. However, forced immigration due to colonization provide context for global, regional, and local obligations to address harm for specific groups. Dr. Carr made the four assertions which he thought might be useful to the task Force to define eligibility beyond race and lineage. He also asked the task force to think about the question of how do you decolonize the modern world when the harm predates today? The four assertions Dr. Carr presented are as follows:

1. Remedies will require international efforts of will and must look at harm in the past.

2. It is best to study how race and lineage intersect and interact with legal definitions and beyond. Therefore, race and lineage are inadequate tools for group based harm.
3. The racial category of Black is based on white colonialism that establishes black with racial regimes thereby establishing the eligibility of global harm via local repair efforts.
4. Country, state, and municipal level repair methods should not preclude other remedies. California should not be precluded from other government reparations. In summary how do you assess group harm if the group was never asked, and the group keeps shifting. Dr. Carr agrees that race is not legally sustainable.

**h. Witness Testimony: Jessica Ann Mitchel Aiwuyor**

**Ms. Mitchel Aiwuyor** is a cultural communications expert, author, and publisher based in the Washington, DC area.

**Ms. Aiwuyor** discussed the violations of civil and human rights resulting from the systemic racism endured by African Americans. She also suggested that the need for reparations must be ongoing and inclusive to address both lineage and harms for those who migrated from southern states as well as those who resided in California during the enslavement era.

**i. Witness Testimony: Marcus Champion**

**Mr. Champion** is a staunch reparation advocate and is a founding member of The National Assembly of American Slavery Descendants Los Angeles and The Coalition for a Just and Equitable California where he serves on the Advisory Board of both organizations.

**Mr. Champion** provided some context of how the wording of AB3121 was formed around eligibility. He discussed his opinion along with some experts of the need to adopt a lineage based standard for reparations because a race standard will violate Proposition 209. Mr. Champion and the CJEC organization worked to obtain buy in from Shirley Weber to include lineage based specifics into the AB3121 bill. Because of those conversations and rationale, the Bill now cites that the Task Force should study and develop reparations proposals for African Americans with “Special Consideration” for African Americans who are descendants of persons enslaved in the United States. The Bill also allows for the inclusion of descendants of free African Americans prior to the end of 19<sup>th</sup> Century as well.

**j. Witness Testimony: Mike Davis**

**Mr. Davis** is a former State Assembly Member and currently works for the Board of



Public works. After representing the 48th District (South Los Angeles and Koreatown–Wilshire area) from 2006 to 2012. He served as Vice Chair of the California Legislative Black Caucus and also chaired the Select Committee on Rail Transportation.

**Mr. Davis** began his testimony by stating his position of supporting a lineage based preference for reparations. He iterated that lineage based reparations corrects the notion of Proposition 209 which envelops discrimination and limits the ability to compete for publicly funded government contracts and jobs. In his opinion, a lineage based solution will right the wrong of Proposition 209. California has a history of shaping policy for the rest of the nation so we should not shy away from our rightful entitlement and go forward with a lineage based standard for reparations.

#### **k. Witness Testimony: Kevin Brown**

**Mr. Brown** is a Director of Policy, Advocacy & Legislative Affairs at Safer Foundation which is one of the nation’s largest nonprofits working tirelessly to disrupt the cycle of recidivism and social injustice in society.

**Mr. Brown** joined the call when the meeting had progressed to Agenda Item #9, the Discussion on Community of Eligibility, but the Chair permitted his testimony to be offered at that time.

#### **l. Task Force Comments and Questions**

The question and answer session followed the witness testimony. The Witness’ oral testimony can be found on <http://oag.ca.gov/ab3121>

### **9. Potential Action Item: Discussion on Community of Eligibility**

Chair Moore opened the Community of Eligibility by initiating a very detailed power point presentation supporting lineage based reparations.

During Chair Moore’s power point presentation, Witness Kevin Brown from Agenda #8 joined the call. Chair Moore then turned the meeting over to Kevin Brown so that he could give his Witness Testimony.

**Kevin Brown** stated that he is one of the founders of “Evanston Rejects Racist Reparations” This group was organized as a result of the reparations effort in Evanston Illinois which is being lauded as the First Municipal Oriented Reparations Program in the United States. Their group formed as a result of the effort for reparations and to really try and acquire what they deemed as an authentic reparations program. Unfortunately, their community group does not feel that the effort that is ongoing represents a true reparations program but more a social equity program that has essentially been renamed Reparations. Their group came together essentially to monetize reparations and turn it into a housing

project in Evanston. We support the California efforts for reparations as being lineage based.

Once Kevin Brown completed his testimony, he turned the meeting back to Chair Moore so that she could resume her presentation.

## **MOTION**

**Member Lewis** moved to define that the community of eligibility for reparations be based on lineage, determined by an individual being an African American descendant of a Chattel enslaved person or a descendant of a free Black person living in the United States prior to the end of the 19<sup>th</sup> Century. **Member Montgomery-Steppe** seconded the motion.

**Chair Moore** then called for the discussion: Member Jones-Sawyer raised a point of order, stating that the Chair was out of order in making a 45-minute presentation which was not agendaized. Member Jones-Sawyer requested equal time be allowed to each Task Force member to weigh in with their thoughtful analysis and position on whether the Community of Eligibility for reparations should be based on lineage or be race based.

Vice Chair Brown called the question.

Parliamentarian Johnson stated that the call of the question could not be used to preclude 'discussion'.

Vice Chair Brown, stated that as there was a state of unreadiness, those individuals who had questions or comments should have the opportunity to speak.

Member Tamaki, moved to table the scope of work and witness testimony to the next day, allowing the members an opportunity to discuss the issue.

Member Lewis recommended that the witnesses be moved from today's agenda to tomorrow's agenda and with the time that would free up, the vote could be taken today.

Member Bradford agreed with the two members, to allow the members have a discussion before taking a vote.

Chair Moore reminded the Task Force that there was a motion on the floor and discussion should commence.

DOJ SAAG Brown noted for the record that the economists could call in on the following day.

**Chair Moore** asked Parliamentarian Johnson to poll the Task Force for a consensus

**Parliamentarian Johnson** called roll to determine if there was a consensus to move the discussion forward and allow for other Task Force to weigh in on their position.

**Consensus to allow equal time and discussion on the topic of the Community of Eligibility from Task Force members:**

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

**No:** Member Montgomery-Steppe, Chair Moore

**Yes (7) and No (2)** The expert panel will be moved to the following day and the motion before the house will move forward with the discussion moves forward, based on a 7-2 vote.

The discussion allowed for the different perspectives to be presented and considered by each Task Force member. Discussion was offered by Vice-Chair Brown, Member Jones-Sawyer, Member Lewis, Member Holder, who provided clarification on the application of Proposition 209. Further discussion was provided by Member Grills, Member Bradford, Member Tamaki and Member Montgomery-Steppe

**Vice Chair Brown** called for the previous question to end debate.

Parliamentarian Johnson called the roll for the vote:

**AYEs:** Chair Moore, Vice Chair Brown, Member Lewis, Member Montgomery-Steppe

**NAYs:** Member Grills, Member Holder, Member Jones-Sawyer

**ABSTAIN:** Member Bradford, Member Tamaki There were nine (9) members voting; 4 Ayes, 3 Nays and 2 Abstentions. To pass the motion needed 2/3 vote or six (6) Aye votes. There were only four (4) aye votes, therefore

**The motion failed and the discussion on the main motion on the floor continued.**

**Member Holder** moved to Amend the Motion by Member Lewis.

**MOTION**

**Member Holder** moved to amend the motion to define the Community of Eligibility to be consistent with the 2.6 million African Americans in the State of California with an understanding that there will be special lineage considerations determined by an individual being an African American descendant of a Chattel enslaved person or the descendant of a free Black person living in the United States prior to the end of the 19<sup>th</sup> Century.

**Member Jones-Sawyer** seconded the motion

Discussion. A question was asked by Member Bradford as to whether the word ‘lineage’ could be used in the amended version to determine those who are African American? Member Jones-Sawyer added: “special lineage considerations determined by an individual being an African American descendant”.

Member Lewis asked what the amendment language ‘do’ and how are you defining “African American”.

Member Holder emphasized that this did not have to be a ‘final’ vote, rather that it was to create a scope of work so that the economists can have a benchmark to move forward

Member Bradford asked if the ‘2.6 million would capture those in the lineage based community.

Member Lewis said the amended definition was not what was posed by his motion, which is presumably smaller than the 2.6 million.

Member Bradford called for the question: Member Holder seconded the motion to end debate

Parliamentarian Johnson called the roll.

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

**NAYs:** 0

There were 9 members present and voting, 9 Ayes and 0 Nays. The motion to end the debate carried.

**Chair Moore** called on Parliamentarian Johnson to call for the vote on the amendment.

**Parliamentarian Johnson** called the vote.

**AYEs:** Member Grills, Member Holder, Member Jones-Sawyer

**NAYs:** Chair Moore, Vice Chair Brown, Member Lewis, Member Montgomery-Steppe

**ABSTAINED:** Member Bradford, Member Tamaki

There were 9 members voting: Ayes-3, Nays-4, Abstentions- 2

**The Motion to amend failed.**

The original motion was again before the body. A Vote was held on the first motion. Parliamentarian Johnson called the vote:

**AYEs:** Chair Moore, Vice Chair Brown, Member Bradford, Member Lewis, Member Montgomery-Steppe

**NAYs:** Member Grills, Member Holder, Member Jones-Sawyer, Member Tamaki

There were nine members voting, 5 members voted Ayes, and 4 members voted Nays

**The motion carried.**

10. **Break:**
  
11. **Potential Action Item: Discussion on Scope of Work (Task force agreed to table this item, Item #11, to Unfinished Business, Item #15, on the next day, March 30<sup>th</sup>.)**
  
12. **Recess Meeting until March 30, 2022, 9:00 a.m.**

**March 30, 2022**

**Criminal Justice System and Anti Black Bias (Hate Crimes)**

**Members Present:** Chairperson Kamilah V. Moore, Vice Chair Dr, Amos Brown, Senator Steven Bradford, Dr. Cheryl Grills, Lisa Holder, Assembly Member Dr. Jovan Lewis, Don Tamaki, Monica Montgomery-Steppe.

**Members Absent:** None

**13. Chairperson Welcome**

**Chairperson Moore** welcomed everyone to the second day of the March 2022, AB 3121 Hearing and opened the meeting at by restating that the Task Force vote to approve lineage-based eligibility for reparations.

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

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

There are nine members on the Task Force. Five (5) members are needed for a quorum and there were 9 members present. A quorum was established.

**Chair Moore** reminded everyone of the full agenda and the need for a strict adherence to the meeting timeline.

**SAAG Brown** updated agenda for the March 30<sup>th</sup> Task Force meeting.

**Chair Moore** then turned the meeting over to **Aisha Martin-Walton** for the Public Comment.

**14. Public Comment**

Aisha Martin-Walton provided directions for public comment. There were approximately 30 comments. Public comments reflected individuals, community organizations and businesses in support of reparations. Most of the commenters thanked Task Force members who voted that reparations eligibility be based on lineage of African Americans who are the descendants of slaves in the United States, or free before the 19<sup>th</sup> Century.

Some commenters made the following suggestions: Data on Black people should be disaggregated, that American Descendants of Slaves should be made a protected class, the Task Force should look into the Fair Housing Rumford Act, the California state government should pay the cost for people to locate their ancestors, the form of reparations should be medical, education and cash, the cash should be tax free and cover back rent owed due to COVID, the length of time for reparations should be long term, the amount should be provided monthly or annually, be above the poverty line and based on today's costs, the economists proposals should be considered and cash payments should be at the top of the list.

**15a. Potential Action Item: Discussion on Scope of Work (moved from Agenda Item #11 on March 29<sup>th</sup> to Agenda Item #15 on March 30)**

The Economic Consultant team presented two Models for the consideration of the Task Force that could be used as the framework for determining the calculations for reparations.

**Model One – National Reparations Framework**

**Model Two- State Specific Atrocities Framework (Harms specific to California)**

After much discussion, the Task Force decided to vote to use **Model Two (State Specific Atrocities Framework- Harms specific to California)**. Model Two consists of at least the following harms identified by the Expert Team:

- Unjust Property Taking by Imminent Domain
- Intellectual Property Deprivation
- Homelessness
- Unwarranted Police Violence
- Segregated Education
- No Representative Estate Commission
- Housing Discrimination
- Labor Discrimination
- Environmental Harm
- Mass Incarceration and Sentencing
- Health Harms
- Transgenerational Effects
- Other Potential Harms

**Chair Moore** called for a motion:

**MOTION: Member Jones-Sawyer** moved that the Task Force adopt Model Two that includes all 13 stated specific harms and atrocities to provide a framework for calculating Reparations. **Member Tamaki** Seconded the motion.

**Chair Moore** called for the Discussion: Member Lewis added Tertiary University level education to the list of harms associated with the Segregated Education item listed in the Model Member Grills presented a list of parameters which needs to be articulated to the expert team:

1. Who (lineage), and what the threshold is for establishing harm
2. Residency requirements
3. The categories of harm
4. For what time frame for each category of harm
5. What level of evidence is required
6. How to address emotional and physical health consequences
7. Operationalization

Chair Moore asked for further discussion. There was no further discussion and she called for the vote.

**Parliamentarian Johnson** called the role for the vote:

**AYEs:** Chair Moore, Member Bradford, Member Grills, Member Holder, Member Jones-Sawyer, Member Lewis, Member Tamaki, Member Montgomery-Steppe

**NAYs:** 0

There were 8 members present and voting. There were 8 Ayes, 0 Nays.

Chair Moore announced that the Motion carried.

Member Holder moved that the Task Force to discuss and analyze if there are additional harms to be added to the Model 2. The motion died due to a lack of a second. The Task Force listed the following harms to include.

- Crack Cocaine Epidemic
- Slavery that existed in California between 1850-1865
- Black Exclusion Policies
- Family Welfare
- Foster Care
- Mass Incarceration
- Black Juvenile Justice System
- Gangs

## 15b. **Witness Panel #1 Criminal Justice System**

**Chair Moore** introduced each of the panelist prior their testimony

### a. **Witness Testimony Rachel Barkow**

**Professor Barkow** is the Charles Seligson Professor of Law and the Faculty Director of the [Zimroth Center on the Administration of Criminal Law](#) at NYU. Her scholarship



focuses on administrative and criminal law, and she is especially interested in applying the lessons and theory of administrative law to the administration of criminal justice.

Dr. Barkow focused her presentation on the Criminal Justice System's Disparate Impact on Black America. She noted there are structural biases that cause people of color to turn towards criminal activity. The United States incarcerates more people than any other country in the world. About two million people are in local jails and millions more are under the control of the probation and parole systems. "State policy drives mass incarceration," stated Barkow. California is second in the total number of persons incarcerated. There are more than 60% of the incarcerated people are people of color, in California, the percentage is higher with 72% of the incarcerated population being people of color. Black people are detained more often, have higher bail fees, and have a greater chance of incarceration and mistreatment while incarcerated. Black Americans are also more likely to receive higher sentencing when discretionary decisions are allowed.

She also focused her presentation on policing. With more than one hundred million traffic stops, Black people are more likely to get pulled over than white people. Black drivers were less likely to get stopped after sunset, when the "veil of darkness" makes one's race less apparent. Therefore, the darker the sky, the less pronounced the disparity. Black people are more likely to get searched after a stop, but White people are more likely to be found with illicit drugs. She noted that police officers are pulling Black people over for alleged mechanical or equipment problems or record checks. Her slides show overall that Black Americans are more likely than Hispanics or Whites to experience incidents of racial discrimination or violence.

**b. Witness Testimony: Dr. James Pitts**

**Dr. Pitts** is an assistant professor in the Department of Criminology at Fresno State.

Dr. Pitts gave a presentation that focused on how the Criminal Justice system can be used to justify reparations as it pertains to slavery and contemporary slavery. Black Americans are still facing racial discrimination disparities legally and socially economically. In terms of income, we [Black Americans] tend to earn about half that of our White counterparts. In terms of wealth, we have fewer assets to pass down. And in terms of unemployment, we find ourselves unemployed at rates twice that of our White counterparts. There is an over-policing of Black communities, and this led to more disparities, more arrests, more use of force, more police misconduct, and more Black Americans being killed by the police. Black Americans' have a strained view of the police. "Without acknowledgment, reconciliation becomes less likely," states Pitts. Even though Stop and Frisk were declared unconstitutional, while it was neutral on its face, it was applied to Blacks and other People of Color more than to any other race. The war on drugs was fought in the Black community, five grams of crack cocaine would get a Black person a life sentence, while anyone else convicted of having 500 grams of powder cocaine would get the same sentence. Crack cocaine (which is not

pure and is often cut with baking powder) was often found in the Black communities and powder cocaine (which is pure) is found in the wealthier communities. Pitts notes, "...the police, in many ways, constitute the gatekeepers of the [justice] system that unjustly and systematically subjects a disproportionate number of Black Americans to injustices." It also leads to lower socioeconomic status, which is seen when Black Americans are less favorable in court, when they cannot afford cash bail, or when they cannot afford a private attorney. Research shows that you are less likely to get a favorable outcome if you are forced to use a public defender. Research also shows that having to rely on a public defender leads to a longer prison sentence. Pitts states, "We need to be mindful that mass incarceration is reminiscent of slavery, inmates can be forced to work for free." While the 13<sup>th</sup> amendment was supposed to abolish slavery, its only exception was as punishment for a crime. Prisoners are often called slaves of the state." In short, the 13<sup>th</sup> amendment only abolished enslavement by a private owner. 1 in 3 Black people will be in jail or prison at some point in their lives. Black people are 35% of the prison population and 13% of the general population. White people account for 62% of the general population and are 34% of the prison population.

**c. Witness Testimony: Thomas Harvey**

**Thomas Harvey** is the Executive Director of the Children's Defense Fund-CA and National Litigation Strategist.

Mr. Harvey stated, "The legacy of enslavement drives child poverty, especially in California, which has among the largest poverty levels in the nation." He also noted Black people are systematically denied housing, quality health care, ample and nutritious food, equitable education, safe neighborhoods, and access to resources and opportunities. His work has shown him the disproportionate treatment of Black people in the legal system. The legal system has provided harm by enforcing Black Codes, convict leasing, Jim Crow laws, the Drug War, and the overall disproportionate treatment of Black people in the criminal legal system.

Professor Harvey stated the legal system has reflected the pernicious strains of American racism. According to the Children's Defense Fund's 2021 report on the state of children in the U.S., a disproportionate number of Black children are incarcerated in the juvenile or adult systems. 530,000 were arrested in the U.S., a child or teen was arrested every 59 seconds. Black 2.4 times more likely to be arrested verses white children. Black youth are nine times more likely to receive an adult sentence the White students. Black youth are less likely to misbehave in school compared to white students and more likely to be homeless.

Data around police killings shows that police shot and killed 1055 nationwide in 2021, Black people about for 13% of the population accounted for 27% of those who were shot in 2021. Over nine hundred people were killed in Los Angeles County since 2001, 233 of those killed were black.

The legacy of slavery is visible every day within the criminal legal system. It is persistent today, in the housing, education, the accumulation of wealth, employment and the child welfare system. The remedies have to be comprehensive: Direct cash payment for those who survive the harm, massive system changes to end that harm in the future, and the creation of systems that will offset those harms.

**d. Witness Testimony: Kika Keith**

**Kika Keith** is founder of Life Development Group, co-founder of the Social Equity Owners and Workers Association, and now a Social Equity cannabis retail license owner.

Ms. Keith opened her testimony stating there are distinct parallels between the institution of slavery which was constitutionally and statutorily sanctioned by the United States and the war on drugs which was marred by racism and was enforced with racism motivation. Before 2017, before learned about the legalization of recreational cannabis in California. She was the owner of a beverage company that marketed to Whole Foods, Bristol Farms, and the like. She was raised in impoverished neighborhoods. Black men were eight times more likely to be arrested and convicted for cannabis use than white men. The fabric of the Black family was broken into the prison system, the foster care system, and the graveyard. The whole community was criminalized.

With reparations, we must consider the legacy of the days when we were kidnapped and brought to these shores. Our very beginning speaks of traumatic stress that was passed down to generations but has been visited upon us by civil society and by government policy, as well. The father of the war on drugs did not keep his overtly racist comments behind the closed door. Richard Nixon signed into law the Controlled Substance Act, which remains in force today. The Nixon campaign and White House had two enemies, (1) the anti-war electorate and (2) Black people. Marijuana criminalization is a textbook case of how structural racism and white supremacy is embedded in false laws and policy in the United States. These laws have continued to lead to the incarceration of Black people. The resulting mass incarceration has caused three million children to live in a home where at least one parent is incarcerated. One in 9 Black children is in foster care compared to 1 in 57 white children.

From 1980 to the 2000s, the “this is your brain on drugs” anti-drug campaign pushed the perils of cannabis as a gateway drug all across America. Black people have borne the burden of incarceration even though whites have higher rates of use. Black people are 8% of Los Angeles, but 40% of the arrests. In just a few years, cannabis has transformed from an illicit product to the fifth most valuable crop in the United States and a multi-million-dollar industry. But this economic success does not benefit the Black community targeted by the war on drugs as it was dominated by white-owned businesses. There is also a hypocrisy in granting cannabis equity licenses for

communities harmed by criminalization. But unfortunately, these efforts fall short as they do not name Black communities harmed by the war on drugs. The 14<sup>th</sup> amendment demands that the government treat similarly-situated people the same but with the cannabis community, this is not happening. Once again, Black people were kept out of an industry, just like with the cotton industry, the tobacco industry, the auto industry, and the alcohol industry. It was the same with the cannabis industry, Black people were set up with predatory investments with sharecropper agreements. This, despite legislation designed to address this. Along with others, she filed a lawsuit against Los Angeles and 1300 days later, she finally opened the first woman-owned cannabis business.

**e. Witness Testimony: Cerise Castle**

**Cerise Castle** is a Los Angeles-based journalist specializing in arts and culture, civil rights, crime, and human interest stories

Ms. Castle is the descendant of Isaac Wingfield, who was a slave that was bought and sold on the Wingfield plantation. Her presentation aims to show the culture of the Los Angeles Sheriff's Department of Deputy Gangs is a symptom of a broken system. A deputy gang is identified by Penal code 186.22 which defines a gang as having an organization that has common names or common signs and has as one of its primary activities, the commission of one of a long list of California criminal offenses, whose members have engaged in a pattern of criminal gang activity either alone or together. These crimes included murder, rape, kidnapping, and money laundering. The deputy gangs are not cliques; they are gangs. There are about eighteen deputy gangs that are not new. They are responsible for about nineteen murders, and most of these victims were experiencing a mental health crisis. Los Angeles County keeps a list of all lawsuits related to deputy gangs and the litigation related to this case has cost the county above \$100 million (funded by taxpayers) over the past 30 years. No action has been taken on the issue of deputy gangs despite their existence being well known. There are at least four gangs inside the jails, the best known is the 3000 boys. From 2010 to 2017, there were three assaults, one non-fatal shooting, and 5 deaths, and all of the deputies are still employed by LASD. Deputies in the Antelope Valley were more likely to stop and question Black teens up to four times as often as their White peers. Deputies engage in a system called "hunting" where they stop people of color that do not know their rights. The deputies are rarely personally held financially liable because of qualified immunity. LASD continues to avoid accountability. Sheriff Alex Villanueva continues to say that there are no deputy gangs within the LASD. Deputy gangs are a symptom of a broken system.

**f. Witness Testimony: Tasha Henneman**

**Tasha Henneman** oversees PRC's public policy and government affairs, as well as all communications functions.

Ms. Henneman does work on “Dismantling the Pre-school to Prison Pipeline.” She shows the effects of expulsion from pre-school. Preschoolers are expelled at rates three times than K-12 students. Henneman refers to the 3 B’s: Black, Boy, and Bigger. Expulsion is the permanent removal (ages 2-5) from an early childhood setting; a pushout is when the school is constantly communicating with the family about the behavior of the child and the family feels that they are being pushed out; in-school suspension where the kids are sent out of the classroom and out of school suspensions is when the parents or caregivers are called to pick up the child early due to behavior issues. 4-year-olds are 50% more likely to be expelled than 3-year-olds. Boys represent 54% of the preschoolers but 78% of the suspensions. Black children are 5 times more likely to be expelled than their Asian peers. An average of 250 black preschoolers are being expelled or suspended each day. The children were expelled for the following reasons: talking back, not talking nicely, being too loud, explosive behavior, not standing, not sitting still in circle time, using bad language, and reasons that were unclear to the parents. Although we have seen progress, the state has a long way to go. In 2014, the passage of AB420 mandated that kids from kindergarten through 3<sup>rd</sup> grade cannot be expelled and in 2019 extended this suspension through 8<sup>th</sup> grade.

**g. Witness Testimony: Nicole Porter**

**Nicole Porter** manages The Sentencing Project’s state and local advocacy efforts on sentencing reform, voting rights, and eliminating racial disparities in the criminal justice system.

Ms. Porter stated the Sentencing Project has been doing work since the 1980s to call out the racial disparities that are exacerbated by criminal legal practices that lead to the over-representation of black residents in the prison system and amounts arrests and other parts of the criminal justice system and addressing racial disparities and through this conversation, the reparative justice that might be possible is a part of the growing coalition of interest in this country. The Sentencing Project deals in data. Behind each data set is a Black man behind the wall, is a Black child that will visit a parent in jail. The prison population has declined by about 11% in the past 10 years after reaching an all-time high in 2009. But the reduction follows a nearly 700% increase in the prison population between 1972 and 2009. In 2019, 1.4 million persons are incarcerated, it will take 6 decades to cut the U.S prison population in half. California has seen a reduction of about 30% since 2009 with the help of a reduction in sentencing reform.

Black Americans are incarcerated in state prisons across the country at nearly five times the rate of whites. Racial disparities in California’s criminal legal system go beyond differences in criminal offending and stem from implicit bias in police arrests, rates of conviction, and sentencing. In California, the Black/white disparity of 9.3-to-1 is one of the highest in the nation. While racial disparities in arrests have decreased, they persist statewide. Racial disparities in California arrests peaked in 1992 when the

African American arrest rate—the number of arrests per 100,000 African Americans—was 3.6 times greater than the white arrest rate. Although these disparities have narrowed, in 2016 the African American arrest rate was still 3.0 times the white arrest rate.

Officials have worked to address racial injustice in the state’s criminal legal system. California’s 2020 Racial Justice Act prohibits prosecutors from seeking, obtaining, or imposing a criminal conviction or sentence based on race, ethnicity, or national origin. The law allows defendants to challenge a range of discriminatory trial practices, including racial bias in jury selection. Evidence that a judge, attorney, law enforcement officer, expert witness, or juror “used racially discriminatory language “or otherwise “exhibited bias or animus towards the defendant” at trial could establish a violation of the Racial Justice Act. The RJA also allows defendants to prove that their convictions or sentences were racially motivated by presenting evidence that other people of color were more frequently charged with more serious offenses or received more severe sentences than white people.

The Sentencing Project strongly supports efforts to center racial justice and reparations for communities harmed by mass incarceration in all laws, policies, and practices developed to reform California’s criminal legal system. The policy remedies you are considering have implications for other jurisdictions across the country. The features of the recommendation that I have mentioned would go far in aligning California’s public policies to advance racial justice.

#### **h. Witness Testimony: Brendon Woods**

**Brendon Woods** has more than 15 years of experience in criminal defense litigation and has held positions of increasing responsibility within the Alameda County Public Defender's Office and was appointed Public Defender in December 2012.

Mr. Woods is the Public Defender for Alameda County. He is the first Black person to hold this office in his county and he was the only Chief Black Public Defender until October 2021 within the 58 counties in California. He stated that Black Californians have a complete lack of representation. Slavery is the heart of the story but if only look at this history, we sell ourselves short. The 13<sup>th</sup> amendment did not make slavery legal it gave it a different title. The jail in Alameda County holds almost 4000 people and is 48%, Black. Mr. Woods noted that the have Public Defender is working to make things better. They are in the Community-based organization at the discussions because they’re essential. They passed SB310 which would delete the prohibition relative to the person who has been convicted of a felony from being eligible and qualified to be a prospective juror. They have assisted with the passage of AB37 which would extend the requirement to mail a ballot to every registered voter in all elections and apply them to all local elections. And AB2542 which would prohibit the state from seeking a

criminal conviction or sentence based on race, ethnicity, or national origin. Woods also mentioned that the state needs bail reform, needs to end three strikes, needs to look at getting rid of the death penalty and increasing mental health services within the community. He concluded by reminding the Task Force that the criminal legal system today is racist, and it is built on the legacy of white supremacy, he also notes there is nothing just about it and it is not colorblind, and it does not treat people equally.

**i. Witness Testimony: Susan Burton**

**Ms. Burton** is the founder of A New Way of Life, a nonprofit organization that provides housing and other support to formerly incarcerated women.

Ms. Burton shared her story and journey beginning with the lost her five year old son in 1982. He was hit and killed by a police car. Overwhelmed with grief, she took to numbing her pain with alcohol and drugs. Over the next 15 years, she was arrested and released six times, with limited money, no ID, and no social security card. She had been assaulted as a child and when she lost her son when he was a child, society responded to my trauma by locking me away.” In 1996, she learned that society responded to the trauma of others differently. White middle-class women were offered treatment services instead of incarceration. She fought for the same services and was able to obtain treatment at the CLARE Foundation in Santa Monica. When she became sober in 1997, she began to wonder how life would have been had these services (instead of incarceration) been readily available to people like herself. In 1998, she opened A New Way of Life Reentry Project by purchasing a home in South LA. Her vision was that this home would offer formerly incarcerated women in South LA a space for healing, power, and opportunity. She sought out residents for the house by visiting the downtown LA bus station and offering formerly incarcerated women a place to live as they worked to rebuild their lives. Today, A New Way of Life has 10 safe houses and is growing.

In the early 2000s, she realized that the work to rebuild the lives of formerly incarcerated women had to be multifaceted and abolitionist. In 2003, along with Dorsey Nunn, she started All of Us or None (AOUON), a grassroots civil rights organization fighting for the rights of incarcerated and formerly incarcerated people and our families. In 2006, she launched our Women Organization for Justice & Opportunity (WOJO) Leadership Lab for formerly incarcerated women. In 2007, with Saúl Sarabia, Joshua Kim, and she began ANWOL’s Legal Clinic. And in 2021, she put together the Family Reunification Legal Team. They are now operating, 10 safe homes throughout Los Angeles County, from South Los Angeles to Montebello to Long Beach. The houses now can serve 73 women, along with their children, at any given time. In 2020, they provided services for 94 women, along with their children. They offer their residents holistic support from case management to workforce and development training, and more.

They now have 3 staff attorneys dedicated to offering pro bono legal services for formerly incarcerated individuals. These services include Sentencing Expungement; Reclassification & Reduction; Prop. 47 & Prop. 64 petitions; Occupational Licensing. In 2020, they began providing pro bono legal services to 201 clients, with 602 petitions for expungement (with a 92% success rate).

- j. The question and answer session followed the witness testimony. The witnesses' oral testimony can be found on <http://oag.ca.gov/ab3121>

**16. Lunch- There was no lunch break**

**17. Witness Panel #2 Anti-Black Bias (Hate Crimes)**

**Chair Moore** introduced each of the panelist prior their testimony

**a. Witness Testimony: David Price**

**Mr. Price** serves as Director of Racial Equity for the Civil + Human Rights and Equity Department for the City of Los Angeles.

Mr. Price said Hate Crimes have been on the rise and especially aimed at Black people. Mr. price shared that the mission of his department is to maintain and strengthen the city's diversity, equality, and accountability. His focus is on reducing bias and injustices while leveling the playing field through community engagement and equity initiatives and upward mobility programs.

**b. Personal Testimony: Darris Young**

**Mr. Young** is the Impact Manager of African Americans and Pacific Islanders at the Bay Area Regional Health Inequities Initiative

Mr. Young shared his personal story and also provided some pertinent facts about the school to prison pipeline and the Zero Tolerance practices and policies that are disproportionately placed on students of color that ultimately lead to the criminal justice system. Mr. Young also reviewed the 13<sup>th</sup> Amendment that state one cannot be enslaved unless you have been convicted of a crime. This law was used to convict innocent Blacks of crimes so that they can become free labor for prisons

**c. Witness Testimony: Cynthia Roseberry**

**Ms. Roseberry** is the Deputy Director of Policy in the Justice Division of the ACLU. Ms. Roseberry spoke on the California Fugitive Slave Law enacted to provide a legal right to capture and return fugitive slaves who escaped a slave territory to come to



California because it was a free state. Also, that California would allow white people to bring in their slaves from other states to work the Gold mines even though California was a free state. The trauma that is so easily ignited in us when we see a police officer and you wonder if you will be able to go home. She talked about the disparity in health, unemployment, legacy admission to colleges that were not available to Blacks and how incarceration destroys Black families and the constant surveillance of the Black communities.

**d. Witness Testimony: Katherine Hubbard**

**Ms. Hubbard** is an attorney whose work focuses on litigation challenging the criminalization of poverty, particularly debtor's prisons and wealth-based pretrial detention and coordinates Civil Rights Corps' bail reform efforts in several states across the country.

Ms. Hubbard shared an example of Anti Black racism in the criminal legal system and how it often results in higher bail cost and pre-trial detention, even if ultimately found innocent. She also spoke of the median money bail in California as exceptionally high and usually unaffordable. Ms. Hubbard stated that the disproportionate financial cost that the criminal legal system has inflicted on Californians should be included in the reparations calculations

**e. Witness Testimony: Max Markham**

**Markham** serves as the Vice President of Policy & Community Engagement at the Center for Policing Equity, leading the organization's campaign strategy and government affairs work, while developing grassroots policy advocacy in partnership with communities all over the country. Mr. Markham is the Vice President of Policy and Community Engagement at the Center for Policy Equity which is research and action organization that uses science to identify and reduce the cause of racial disparities and police interaction. He also advocates for large scale and meaningful change in public safety. Mr. Markham discussed the history of anti-Black racism in policy and addressed ways that reimagining public safety and investing in Black communities as a positive step forward.

- f. The question and answer session followed the witness testimony. The witnesses' oral testimony can be found on <http://oag.ca.gov/ab3121>

**18. Break – There was no Break**

**19. Witness Panel #3 -History of Policing & War on Drugs**

**Chair Moore** introduced each of the panelist prior their testimony and advised that panelist Aaron Harvey could not attend and D'Andre Brooks would take his place.

**a. Witness Testimony: D'Andre Brooks**

**D'Andre Brooks** spent his young adult years incarcerated but decided to take control of his future and manifesting a new life for himself. He is now pursuing a Master of Public Administration from San Diego where he received his bachelor's degree. He is a member of the San Diego Commission on Gang Prevention and Intervention as well as a Juvenile Justice Program Associate at the Children's Initiative in San Diego.

Mr. Brooks shared his personal story of how he was pulled into the life of gangs and drugs. That life created an opening to ultimately be sent to prison for a crime he did not commit. The war on drugs created a lot of fatherless homes and single parent households. This situation thrust he and his friends to gravitate to the street life and gangs. There was a heavy presence of police always in his community harassing everyone. Mr. Brooks said It felt like they were just hoping to catch them at anything. Street life did put him in a bad situation, and he went to prison for ten years for something he did not do. Mr. Brooks said he thought once he tried to get his life back on track, things would change with the police, but it didn't. He was still a victim of their harassment. He was stopped many times for no reason and then just let go. He said no one in his community appreciated law enforcement. The war on drugs continue to put communities at risk and makes them feel unsupported.

**b. Witness Testimony: Geneviève Jones-Wright**

**Jones-Wright** was a San Diego County public defender from 2006 to 2019. She co-founded and serves as the Executive Director of an impact litigation non-profit, Community Advocates for Just and Moral Governance which works to achieve racial and social justice and holds government accountable to all people, especially those who are marginalized.

Ms. Jones-Wright shared some insights from an historical perspective. She addressed some of the historical points focusing on the policies and on racism in the United States, California, and San Diego. Ms. Jones -Wright testified that the effects of slavery and white supremacy still persist and is rooted in the attitudes, decisions, policies, and laws of today, and is reflected in the correlation of mistreatment and dehumanization that occurs with the over policed African American neighborhoods, the courts, and the prison system. This happens simply because our skin is seen as a threat. After the civil war, slave patrols were used to round up newly freed men and women. It was considered a violation to walk around Black and free. Unfortunately, this violation still results at a disproportionate rate for African Americans especially, and especially for the homeless, forcing them to engage with the criminal legal system.

Ms. Jones-Wright cited that the very first Governor of California blocked Black people from coming to California. In 1870 the California Supreme Court upheld a law for mandatory school segregation. Even though California was considered a free state it enacted its own Jim Crow and Black Codes enforcement between 1850- 1947.

Ms. Jones-Wright voiced that African Americans in San Diego are victims of over-policing as well as arbitrary and selective enforcement of the law. The over-policing in San Diego is rooted in white supremacy.

**c. Witness Testimony: Dave Menschel**

**Mr. Menschel** is a criminal defense attorney and President of Vital Projects Fund, a charitable foundation that seeks to end mass incarceration, with a focus on curtailing cruel and excessive sentences, holding police and prosecutors accountable, ameliorating barbaric prison conditions, and reaffirming the humanity of incarcerated people.

Mr. Menschel's testimony focused on the laws within California that target African Americans when the law is immoral, unjust, and enforced in a racially disparate manner. Especially when that law caused the individual to be unjustly criminalized and over sentenced resulting in mass incarceration. He believes righting these wrongs could be a model for reparations. Mr. Menschel cited for examples of cases (i.e., expungement of marijuana convictions) that could result in reparations:

1. Proposition 36 - Amended the Three Strikes law
2. SB 1010 - Eliminated the Crack Cocaine Disparity (77% of those convicted were Black).
3. SB 2437 - Amended the Felony Murder Rule
4. SB 394 - Eliminated the Life Without the Possibility of Parole sentence for juveniles.

**d. Witness Testimony: Charles Ramsey**

**Mr. Charles Ramsey** is the Former Washington D.C. Chief of Police, Philadelphia Police Commissioner, and Co-Chair of President Obama's Task Force on 21st Century Policing.

Mr. Ramsey highlighted his years of experience with policing. Most of his years were spent in the Narcotics division so he had first- hand experience dealing with the impacts of drugs, specifically crack cocaine versus powdered cocaine and in reality, they were the same drug just a different form of it. Mr. Ramsey voiced his opinion regarding the War on Drugs, finding it have been a failure. He believed it failed on many levels but primarily it failed because nothing was provided for treatment, prevention, and alternatives to incarceration. Everything was geared towards enforcement and getting drugs off the streets. Providing more training to police in areas for crisis interventions

is never going to be as good as using social services professionals. Legislators pass laws to criminalize different behaviors and police enforce these laws. Public Safety needs to be redefined. It is Law enforcement, traditional fire, emergency management and emergency health. What is missing is Community Safety and funding to address homelessness, mental health and poverty. One solution would be for legislators to stop enacting laws that criminalize some of these issues and for cities to properly fund more social service responders. Mr. Ramsey advised that the entire criminal justice system needs to be reformed, yes police too, but not just police, because while they need reform, changes in one area of the criminal justice system affects other areas. Reform has to be thought through. Look at police, look at prosecution, look at defense, look at corrections, look at reentry. Mr. Ramsey stated that he has not talked to one police chief who objects to the police budget for public safety decreasing if public health workers will pick up the financial and operational slack. You need to look at all of these areas together because they are all connected. Mr. Ramsey's experience is that when change does occur it gets stuck in one place. Changes in individual criminal justice system areas have a ripple effect so there needs to be complete criminal justice system reform. The last comprehensive look at the system was when Lyndon Baines Johnson was President. It's time to take another look.

- e. The question and answer session followed the witness testimony. The witnesses' oral testimony can be found on <http://oag.ca.gov/ab3121>

## **20. Potential Action Item: Next Meeting Agenda and Witnesses**

**The Task Force reviewed** the April agenda based on consensus reached during the February 24 meeting that day one of the April meeting be devoted to panel hearings on educational disparities in California. The specific areas of interest included:

**Witness Panel 1- Pre-K to 12<sup>th</sup> Grade Educational Institutions**

**Witness Panel 2- College and Professional Institutions**

**Witness Panel 3- School to Prison Pipeline**

Additionally, they agreed that the April Meeting will include a final review and approval of Report 1 and a discussion about how to educate the public about the contents of the report. The Task Force also agreed to assign a presentation by the communications firms about their communications strategy for the Task Force and include time to hear from the Economist expert team. Finally, the Task Force will receive an update from the subpoena advisory committee. Chair Moore asked Task Force members to provide DOJ with suggested witnesses as requested and DOJ may add additional names by task force members if witnesses decline. There was a discussion on the issues surrounding the first Task Force in-person meeting including Public Comment and Virtual Witness Testimony.

SAAG Brown reminded everyone that April 4th was the deadline for submitting witnesses for the April 13 and 14 meetings at the in-person meeting in San Francisco. It would be helpful if Task force members would to rank their witnesses by panel.

Chair Moore asked SAAG Brown to confirm that in-person meetings prohibit anyone to give virtual testimony. The meetings will be live streamed. Member Bradford expressed concern, because the Legislature who is also meeting in person allows phone-in testimony and does not want to do a disservice to the public to make them travel to the meetings. SAAG Brown advised that DOJ will look into this possibility and whether it has the capability and resources to do including considering an operator assisted phone line. He agrees that the objective is to be over inclusive and DOJ will do everything it can and advise the Task Force accordingly.

Chair Moore asked whether Public Commenters need to be at the meeting in person. SAAG Brown advised this issue also needs to be explored in the context of the language in Governor's executive order. Member Bradford stated that the Governor's order should not supersede the public's ability to participate remotely.

Prior to voting on the April agenda, Chair Moore stated that before she entertains a motion to adopt the agenda she wanted to revisit the Community Engagement Communications contracts between DOJ and the Bunche Center and the Bunche Center and the two communications firms. Chair Moore suggested that in light of the concerns she indicated earlier in the meeting, that in addition to the two firms presenting at the April meeting, she wanted the Task Force to also publicize between now and the April meeting the opportunity for other communications firms to present their ideas and strategies on how to educate the California public in April should the Task Force decide to not continue with the Bunche Center and communication firms contract.

Several Task Force members stated that effective public relations is important however the Task Force needs to hear from the two communications firms currently under contract about the issues raised and give them clear instructions of what the Task Force wants, rather than revisiting the contracts as suggested by the Chair. Member Montgomery-Steppe agreed with other members and notwithstanding the wonderful reputation of the Bunche Center, advised that on one occasion she reached out to one of the firms and did not get a reply so it would be good to hear from them and review the existing scope of work and share Task Force's expectations. Task Force members agreed that before reaching out to other organizations, representative Task Force members should meet with the Bunche Center and communication firms prior to the April meeting to let them know the concerns raised by Chair Moore so that they can come to the April meeting and address any outstanding issues. It was stated that this process would help members better understand the issues and allow the Task Force to make a more informed decision about the existing contracts prior to inviting other organizations to make proposals.

SAAG Brown suggested that the DOJ could facilitate a meeting with the Bunche Center, the communications firms, and two Task Force members before the next Task Force meeting

**Chair Moore** then asked for volunteers and mentioned Montgomery Steppe and Vice Chair Brown could meet with the Bunche Center and the Communication firms. The purpose would be to review the contract requirements and deliverables developed between the Bunche Center and DOJ and to inform them of the concerns of the Task Force in preparation of the April Task Force meeting. Member Montgomery-Steppe volunteered. Chair Moore suggested that the contract between the Bunche Center and the two communications firms also be reviewed. Member Montgomery Steppe stated that she would honor Dr. Grills position as the liaison to the Task Force for the Community Engagement Plan as she gathers the information.

Member Tamaki suggested that someone should meet with the Bunche center to clarify the concerns raised by the Task Force members.

SAAG Brown reminded everyone that the contract between the Bunche Center and DOJ is a public document and he agreed to provide the Task Force members a copy of the contract for their review.

**Chair Moore** asked for a Motion to adopt the Draft April Agenda as presented.

**MOTION: Member Montgomery-Steppe** moved to adopt the Draft April Task Force Agenda as presented.

**Vice Chair Brown** Seconded the motion

**Chair Moore** called for 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 Tamaki, Member Montgomery-Steppe.

**NAYs:** 0

There were nine members present and voting. **9 Ayes and 0 Nays**

The motion carried

Chair Moore stated that the motion carried and the April agenda was adopted as presented.

## **21. Potential Action Item: Unfinished Business**

**Agenda Item #5 DOJ Updates was tabled by consensus of the task force to item #21, Unfinished Business in the interest of time and in consideration of ensuring that the Community of Eligibility decisions are timely made.**

Chair Moore asked Task Force members to review a slide created by DOJ of two comments for Report 1 that Chair Moore submitted it to DOJ. She told task force members that DOJ stated that her comments might change the framing of the Report so, Chair Moore is presenting the two comments to the Task Force who could vote on whether or not to incorporate them into the Report:

**Comment 1** Change all references of Black American to African American

**Comment 2** Change all references of Race/Racism to Caste/Casteism/Casteist

Chair Moore explained the bases for her two proposed changes.

**Chair Moore** then called for a motion to adopt the changes reflected in the two slides.

Member Lewis voiced his concern with respect to comment 2. He stated that further time was needed to explain the concerns relative to changing references from ‘race/racism’ to ‘caste’ casteism/casteist

Member Grills expressed that the proposed changes would add unnecessary confusion.

Member Jones-Sawyer and Holder also expressed concerns and discomfort over the proposed changes, indicating that they would lead to confusion and needed greater analysis.

Vice Chair Brown voiced his belief that the language should be left alone.

## **MOTION**

**Member Bradford** moved to Table the discussion on this topic until the April Meeting.

The motion was seconded by **Vice Chair Brown**.

**Chair Moore** called for 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 Tamaki, Member Montgomery-Steppe.

**NAYs:** 0

Nine members voted: **Ayes:** 9 and **Nays:** 0

Chair Moore announced that there were 9 ayes and 0 nays, and that the motion carried. The matter was tabled to the next Task Force meeting.

**Chair Moore** announced that the meeting was adjourned.

Member Bradford asked for permission to make a statement. He wanted to call attention to the morning Public Comments for the record. He stated there were a lots of accusations made both positive and negative toward task force members. Including alluding to sabotage. He reminded everyone of the importance of having diversity of opinion and to suggest that when someone that has a different opinion is sabotage, is divisive. He added

that there is no need to attack members for having a difference of opinion and every member should be able to freely express their opinions.

SAAG Brown said it would not pose a problem to continue to take public comments and witness testimony, telephonically.

He also stated that the DOJ was looking for direction with respect to witness selection. Some discussion occurred among the Task Force members with suggestions of ways to solve the problem but there was no agreed-upon solution no was there a vote on how to handle excess witnesses.

**Potential Action Item #6: Hearing Proposal Schedule Chair Moore and Member Lewis (Agenda Item #6 was moved from March 29 to Agenda item #21 Unfinished Business** The Task Force did not address this item.

**22. Adjourn:**

**MOTION:**

**Vice Chair Brown** moved that the meeting be adjourned. **Member Jones-Sawyer seconded** the motion. Chair Moore called for the Discussion: No discussion

**Vice Chair Brown** called for the Question

**Chair Moore called for the vote.** Aisha Martin-Walton called the vote.

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

**NAYs: 0**

**ABSENT:** Member Bradford

There were eight members present, 8 Ayes, 0 Nay

The motion carried. The meeting was adjourned.