

ARIZONA CIVIL RIGHTS ADVISORY BOARD

Minutes of Public Meeting

September 12, 2014

Board Members Present

Juan Ciscomani (Vice Chairperson)

Janet Bain

Beverly Dupree

Daisy Flores

Robert Garcia

Howard Meyers

Board Members Absent

Jeff Lavender (Chairperson)

Staff Members Present

Sandra Kane, Executive Director

Jennifer Larson, Legal Counsel

I. Call to Order

Juan Ciscomani called the meeting to order at 1:10 p.m., with the following Board Members present: Daisy Flores, Janet Bain, Robert Garcia and Howard Meyers. Beverly Dupree joined the meeting telephonically. The meeting took place at the Arizona Attorney General's Office, Capital Center Building, Basement Floor Conference Room B.

II. Introduction of Board Members

The newest Board member, Howard Meyers, was introduced, and each of the Board Members introduced themselves and gave a brief description of who they are and what they do.

III. Approval of Minutes of January 21, 2014 Meeting

Upon motion by Janet Bain, which was seconded by Daisy Flores, the Board unanimously approved the meeting minutes for January 21, 2014.

IV. Call to Public

Sandra Kane stated that the Board has invited speakers to attend and speak to the Board during the Call to the Public part of the meeting. She reminded the Board that under the open meeting law, the Board cannot have a dialogue with people who speak during the call to the public. If the Board has ideas or issues they would like to incorporate, they can discuss those ideas in the planning part of the meeting later.

Darrel Christenson with Arizona Bridge to Independent Living (ABIL) spoke to the Board about inclusive home design and about the inclusive home design act, which was introduced at the federal level by a representative from Illinois. The act would require that newly constructed single family homes have at least one entrance built at zero grade level, rather than a 4 inch step at the front door, have an accessible route throughout the floor plan so that there would be wider doorways, and have, at least, a half bath on the first floor. Mr. Christenson further explained that in 2002, Pima County passed a similar inclusive design ordinance. Since then, 21,000 homes have been constructed with these types of features. Per the ordinance, builders added adjustable heights to the electrical devices, ranging from

15 – 40 inches. Normally, outlets are placed 9 inches off the ground. If the height is raised to 15 inches, there is no cost differential, but it makes a huge difference for accessibility. Installing lever style hardware as opposed to round doorknobs used to be considered an upgrade. It is now becoming a standard. Also, installing a grab bar is cost efficient and easy to do. It is only \$100 extra to add during construction. Installing a ramp is only \$600 more; this is the equivalent to the cost of a bay window. These construction efforts make for more reasonable costs of an accessible home and it reduces the high cost of retrofit. They create a safer environment and save money doing so. Sixty percent of all houses will have a person with a disability or altered construction due to a person with a disability in the lifetime of a house. Mr. Christenson expressed an interest in working with the Board to make this a statewide effort.

Dr. Paul Eppinger, Executive Director of the Arizona Interfaith Movement, addressed the Board regarding his organization and upcoming events. He explained his organization is comprised of 25 different faith groups and meets every month. He invited the Board to attend the Arizona Interfaith Movement Dinner on October 30, 2014, as well as the Golden Rule Banquet on April 16, 2015.

V. Training

(a) Civil Rights Division

Sandra Kane summarized the functions of the Arizona Civil Rights Division (ACRD or Division) and the Arizona Civil Rights Advisory Board (ACRAB). She gave an overview of some issues ACRAB has been a part of in the past. She explained that ACRAB, per the Arizona Civil Rights Act, is a part of the ACRD, and that Board members are members of the public appointed by the Governor. This purpose of ACRAB is to further civil rights in Arizona.

Some of ACRAB's functions include doing surveys of the existence and effect of discrimination because of race, color, religion, sex, age, disability, or national origin in the enjoyment of civil rights by any person within the state; fostering through community effort in cooperation with public and private groups in the state the elimination of discrimination; issuing publications of the results of studies, investigations and research that in the judgment of the Board and Division will promote goodwill and eliminate discrimination; and making recommendations.

ACRAB has done a number of things over the years. ACRAB looked into legislation that could be enacted to address school bullying. ACRAB held public forums regarding the crime free lease addendum. ACRAB also conducted a survey of police departments regarding racial profiling.

(b) Powers of Arizona Civil Rights Advisory Board.

Sandra Kane reminded the Board members that because ACRAB is an advisory board, it cannot require that any particular action be taken.

The role of the secretary of the Board is handled by the Division. ACRAB does not have a budget. Jennifer Larson and Sandra Kane are both employed full-time by the Arizona Attorney General's Office as Assistant Attorney Generals. The Division's secretary, Donna Chrisjohn, also assists the Board.

VI. Division Report.

(a) Status of Cooke litigation and requested injunctive relief.

Ann Hobart gave an update on the Cooke litigation, in which a jury trial recently occurred. The jury came back after a day of deliberation in favor of all three of the State's claims which included: discrimination based on religion, harassment, and pattern or practice of discrimination. The jury returned a verdict in the amount of \$5.2 million for the Cookes. In regard to the pattern or practice claim, which only pertains to the State, the jury found the Defendants to have liability. The State requested injunctive relief for this claim, including policy changes with regard to the way housing services are administered and the elimination of policies that had been applied to keep people who are not of the FLDS faith from being able to live comfortably in the Colorado City and Hildale communities. The State also sought civil penalties under the Arizona Fair Housing Act under its pattern or practice claim. The Division also sought attorney's fees. The Court awarded the State \$50,000 in civil penalties from each of the five defendants and the State's attorneys' fees. The Court also gave the State a very broad ten year permanent injunction against discrimination, retaliation, harassment, and coercion because the jury had found that the communities had engaged in these practices. The judgment, however, did not pinpoint the specific policies that the communities were using to discriminate and harass. The judgment is still subject to review. Right now the Division is working on its application for attorney's fees.

(b) Other Division activities and related civil rights concerns.

The Division is also involved in some other cases that are at a more critical phase right now. The Division is involved in a matter with the City of Tempe regarding an alleged violation of the Arizona Fair Housing Act and Tempe's administration of their Section 8 Housing Choice Voucher program. Section 8 is a federal housing program to assist low income families. This program has very stringent requirements. As a matter of law, the City of Tempe lost their case in Superior Court and has now appealed it. We submitted our answer to their appeal.

The Division is also set to go forward on a trial in March of 2015 in *State v. Amorita Holdings*. This case arises under the Arizona Fair Housing Act and involves a crime free lease addendum.

VII. Old Business. Continued discussion of actions to be taken in response to public forums and survey to law enforcement post SB 1070 and related recent developments.

(a) Ruling in Arizona Dream Act Coalition v. Brewer on July 7, 2014.

Jennifer Larson updated the Board regarding the recent Ninth Circuit panel ruling in the *Arizona Dream Act Coalition v. Brewer* case. The panel held that Arizona's policy of not accepting Employment Authorization Documents (EADs) from Deferred Action for Childhood Arrivals (DACA) recipients as support for drivers licenses likely violated the Equal Protection Clause. The Ninth Circuit remanded the case to District Court to enter a preliminary injunction prohibiting the State from enforcing any policy by which ADOT refuses to accept EADs from DACA recipients as proof that they are authorized to be present in the United States. Defendants have filed a petition for rehearing before all the Ninth Circuit judges, and the Plaintiffs have moved for an injunction while the court considers the Defendants' petition. A ruling on the petition and injunction are pending.

(b) Possible interest re legislation similar to California’s “Trust Act” or data collection similar to legislation in Nebraska and Rhode Island, or other recommendations.

The Board discussed their interest in legislation similar to California’s “Trust Act” or data collection legislation similar to legislation in Nebraska and Rhode Island. Daisy Flores suggested that depending on the outcome of the governor election, the Board should consider recommending in January 2015 that the new Governor appoint a task force to look into requiring data collection by law enforcement agencies based on what the MCSO and DPS have been doing, as well as the information received from the public forums. Beverly Dupree stated that the City of Phoenix is holding a meeting about establishing relations between the police and the community and that she would attend and report back to the Board on the City of Phoenix initiatives. Daisy Flores then moved for the Board to recommend in January 2015 depending on the outcome of the governor election that the new Governor appoint a taskforce to look into data collection by law enforcement agencies. The taskforce could look at other states’ data collection statutes, develop recommendations for implementation in Arizona, and assign a body to review and analyze the data and to make recommendations. Robert Garcia seconded the motion. The motion passed. Janet Bain discussed the possibility of requesting that funds be set aside to train police and the community to improve community relations. Howard Meyers suggested that the taskforce could measure through surveys how the public perceives the police and recommend actions based on the results.

(c) Letter recommendations.

Daisy Flores volunteered to help draft the letter to the Governor in January. The Board decided to mention in a letter a recommendation regarding public perception of the police.

VIII. Human Trafficking and Child Prostitution Legislation.

Kathleen Winn reported to the Board about the Attorney General’s efforts to pass a bill regarding human trafficking, and that last year, the bill passed. She mentioned that the AG has two films regarding the issue of human trafficking. Beverly Dupree requested that the Board view one of the films.

IX. Planning re: New Civil Rights Topics to Address.

Daisy Flores discussed the housing issues raised by Mr. Christenson. Sandra Kane suggested a meeting in Pima County to hear from people about the Inclusive Design Ordinance and to see if the Board is interested in making a recommendation with respect to expanding the ordinance beyond Pima County. Howard Meyers suggested that it could be useful to go on a tour of a home that has been built under the standards of the Inclusive Design Ordinance.

Howard Meyers suggested talking to Dr. Eppinger to request if ACRA could speak at one of their monthly meetings about the ACRA and ACRA to show that the AG’s office is interested in promoting religious tolerance and to explain the other things the Division does.

Janet Bain suggested looking into the issues faced by older people in the workplace, and requested that someone speak to the Board about this issue. Beverly Dupree suggested inviting Robbin Coulon from the Area Agency on Aging to speak at a Board meeting.

Howard Meyers suggested looking into the issue of mental health and how the police interact with individuals with mental illness. He also mentioned the issue of homeless

individuals with mental illness and concerns about veterans with PTSD. He indicated that he could put the Board in touch with some mental health groups. He believes mental illness is a civil rights issue due to the prejudice surrounding mental illness. It is also hard to get mental healthcare, especially when there is a crisis.

Juan Ciscomani suggested having a telephonic meeting to further discuss and plan for these civil rights topics for the upcoming year.

X. Announcements and Current Events.

There were no further announcements.

XI. Adjournment.

Upon motion by Beverly Dupree, which was seconded by Janet Bain, the Board voted to adjourn the meeting at 4:03 p.m.