

ARIZONA CIVIL RIGHTS ADVISORY BOARD

Minutes of Public Meeting

Monday, December 10, 2012

Board Members Present

Jeff Lavender, Chairperson

Robert Garcia

Juan Ciscomani

Beverly Dupree

Daisy Flores

Wendy Freeman

Ezra Loring

Board Members Absent

None

Staff Members Present

Sandra Kane, Executive Director

Jennifer Larson, Legal Counsel

Brian Kolosick, Administrative Assistant

**I. Call to Order**

Chairperson Jeff Lavender called the meeting to order via telephone at 2:03 p.m., with the following Board Members present by telephone: Robert Garcia, Juan Ciscomani, Beverly Dupree, Daisy Flores, Wendy Freeman, and Ezra Loring.

**II. Approval of Minutes of October 24, 2012 Meeting**

Upon motion by Robert Garcia, which was seconded by Beverly Dupree, the Board unanimously voted to approve the minutes of the October 24, 2012 Board meeting.

**III. Old Business**

(1) Anti-Bullying

Sandra Kane informed the Board that she and Jennifer Larson attended a Parent/University program in the Washington Elementary School District to hear Nicole France Stanton, the wife of Phoenix Mayor Greg Stanton, make a presentation on school bullying and to learn about Mrs. Stanton's approach to bullying and to what extent the Board might be able to participate in her efforts. The program also featured a speaker who spoke on the psychology of the bullying process. They asserted that zero tolerance programs are not effective, and that schools should focus on soliciting the involvement of bystanders. Bystanders are reluctant to speak up for fear of negative consequences. Peer mediation is not widely successful because in mediation both parties agree to give something up. In the case of bullying, the victim has nothing to give up or a way to prevent the bullying from continuing. Afterward, Sandra Kane and Jennifer Larson contacted Mrs. Stanton. Mrs. Stanton indicated that she is currently working with Arizona State Senator Katie Hobbs in drafting new anti-bullying legislation which would include definitions of bullying, anti-bullying training guidelines, a requirement of parental notification, a rebuttable presumption, granting access to electronic devices used to bully, and making these legislative items applicable to charter schools. In addition, Mrs. Stanton is planning a series of activities and presentations throughout the state. Sandra Kane informed the Board that Ms. Stanton is

interested in soliciting the involvement of ACRAAB with these initiatives. Beverly Dupree expressed her interest in the development of the legislation. She indicated that previous items of legislation, when identifying particular target groups, digress from the key issue of bullying. Moreover, the removal of particular target groups would result in a more comprehensive application of the legislation as it may include groups that are underrepresented (e.g. autistic children). Sandra Kane informed the Board that she will continue to look for ways to involve ACRAAB in Mrs. Stanton's anti-bullying initiatives.

Jeff Lavender discussed the results of a survey given at his school which was aimed to gauge perceptions of bullying on campus, which he had provided to the Board for discussion. Ezra Loring stated that the majority of the bullying seems to take place at school or on the way to or from school. However, the results of the survey indicated that most bullying was occurring through electronic media. Beverly Dupree commented that the statistics of the survey seemed to vary greatly. Jeff Lavender responded that there is sometimes a disconnect with the students between the abstract issue of bullying and what actually occurs on campus. For example, most students felt that school bullying was a problem; however, most students indicated that they had little to no personal experience with bullying. Beverly Dupree inquired as to whether or not the children's responses included possible cyber bullying. Juan Ciscomani asked what was going to be done with the results of the survey. Jeff Lavender reported that the information was used by faculty and students to develop a strategy to combat bullying. Ezra Loring explained how bullying is perceived to be a "rite of passage," which clouds the perception of what bullying means. Jeff Lavender defined bullying as a situation where you feel uncomfortable or fear for your safety. Beverly Dupree spoke about the difference between "rites of passage" and "hazing." Sandra Kane drew the Board's attention to a recent news story where a disabled student was being bullied. In response, her parents reached out to the football team. The football team became protectors of the disabled person and prevented further victimization.

(2) Law enforcement training regarding civil rights protections following SB 1070.

Jennifer Larson reported that the Board had received the training video related to SB 1070 from AZ POST, and the video is about two hours long. She felt that the most relevant sections of the video for ACRAAB's review addressed racial profiling and the procedures officers are to take while enforcing SB 1070. Other parts of the video addressed the parts of the bill which were not going to go into effect. Sandra Kane informed the Board that Lyle Mann of AZ POST was willing to do a formal presentation to the Board to explain the training video. In addition, Ms. Kane provided some background about SB 1070, and explained which provisions that the U.S. Supreme Court had struck down and upheld. With respect to the section that was upheld, she noted that the Supreme Court's opinion indicated that it was too early to tell if the law would result in racial profiling. She reported that ACRAAB had been contacted, via email, by the ACLU, requesting to present information to the Board regarding SB 1070 and racial profiling.

**IV. Planning regarding other civil rights issues to address for the next year**

Jeff Lavender proposed continuing the discussions on school bullying and SB 1070. The Board discussed having a forum where Lyle Mann could speak about the SB 1070 training that has been provided to law enforcement. The Board expressed their interest in opening that presentation to the general public, provided that Lyle Mann is informed beforehand about the invitation to the general public. The Board proposed February 4, 5, 6, 11, and 13 as possible dates for the forum.

## **V. Call to the Public**

Dulce Juarez, ACLU representative, informed the Board that the ACLU had been monitoring incidents of racial profiling since the Supreme Court ruled on SB 1070 in June 2012. She stated that she was recently hired by the ACLU as the Immigration Rights Coordinator to document law enforcement problems related to Section 2(b) of SB 1070. Since June 20, 2012 the ACLU has partnered with El Respecto hotline, which allows community members to make reports regarding their safety and welfare. This hotline has received more than 5,000 calls on various issues. She asserts that the hotline has received numerous calls reporting police abuses, citing the Phoenix Police in particular. Callers indicate that they have been detained for minor infractions in order to check on their immigration status. She reported that the ACLU is greatly concerned about local law enforcement abuses in the application of SB 1070. She indicated that crime victims are afraid to report crimes to the police for fear of their own incarceration and/or deportation. In addition, she asserted that crime victims or witnesses of crimes are also being subjected to immigration checks. She informed the Board that they have received several complaints in the last three months from individuals who, despite being lawfully present in the United States, were detained for long periods of time by the police and turned over to ICE, although ICE later released them. The ACLU is working with local partners to continue to document abuses and working to hold state actors accountable for any civil rights violations. Ms. Juarez is concerned about officers looking at the way people are dressed or if they have thick accents in determining reasonable suspicion. The ACLU is interested in working with ACRAB to open a dialogue and to inform the public about these issues. Sandra Kane informed the Board that this is not the time for the Board to make decisions, but to ask questions of Ms. Juarez. Ezra Loring asked whether the ACLU is monitoring ICE. Ms. Juarez indicated that the ACLU is in contact with ICE, but does not monitor ICE's activities. Robert Garcia asked if the ACLU has a remedy or a different training that they can provide to law enforcement that complies with SB 1070. Mr. Garcia stated that if the issue is a behavioral problem, then it could be remedied via additional training. Moreover, the ACLU and its partners have a vested interest in assisting in the development of a more comprehensive training platform. Ms. Juarez indicated that the ACLU does not have training for police officers; rather, the ACLU is primarily interested in training the general public to know their rights. However, she said she would raise that issue with their legal department. Juan Ciscomani asked if there is any investigation being done to verify the truth of the complaints that the ACLU has received. Ms. Juarez replied that they were investigating the complaints.

## **VI. Division Report**

Ann Hobart thanked the Board for their work in advancing civil rights issues. Ms. Hobart reported that the Division has settled eight charges of employment discrimination against a particular nursing and rehabilitation center in Casa Grande. The charges were filed by six parties of Kenyan origin, an African American, and a Pacific Islander. Around March 2011, the nursing home retained a new director of nursing who, based on the investigations, discriminated against people of color. The charging parties were subjected to trumped up charges of patient abuse, disciplined for arbitrary acts, and terminated. The cases resulted in a total of approximately \$110,000.00 in compensation, letters of apology, favorable letters of recommendations, and reinstatement for at least one of the charging parties.

Ms. Hobart also reported regarding the status of the Division's litigation with respect to Colorado City. A hearing on motions for summary judgment in our fair housing case is scheduled for January, and motions for summary judgment are scheduled to be filed in January in a related case involving Colorado City in which the Division recently intervened.

**VIII. Announcement or Current Events**

None were offered.

**IX. Adjournment**

Robert Garcia moved to adjourn the meeting, and Juan Ciscomani seconded the motion. The Board unanimously voted to adjourn the meeting at 3:16 pm.