

**ARIZONA CIVIL RIGHTS ADVISORY BOARD**

Minutes of Public Meeting

Thursday, April 4, 2013

Board Members Present

Jeff Lavender (Chairperson)  
Wendy Freeman (Vice-Chairperson)  
Daisy Flores  
Beverly Dupree

Board Members Absent

Juan Ciscomani  
Robert Garcia

Staff Members Present

Sandra Kane, Executive Director  
Jennifer Larson, Legal Counsel  
Brian Kolosick, Administrative Assistant

**I. Call to Order (Chairperson Jeff Lavender)**

Chairperson Jeff Lavender called the meeting to order via telephone at 4:08 p.m., with the following Board Members present by telephone: Wendy Freeman, Beverly Dupree, and Daisy Flores.

**II. Phoenix Public Forum re: Law Enforcement Post-SB 1070**

The Board discussed ways in which the forum could be improved upon. Wendy Freeman suggested encouraging more first person stories. Beverly Dupree stated that many comments focused on things that the Board could not control. Beverly Dupree also expressed a concern that many of those who spoke were guilty of being here unlawfully and that this undermined arguments of racial profiling. Wendy Freeman concurred with Ms. Dupree's comments. Daisy Flores thought the forum went well and that a lot of people did not understand the real issue that ACRA was interested in. Ms. Dupree expressed support for working towards a recommendation that agencies collect data relevant to the implementation of SB 1070. In addition, Ms. Dupree informed the Board of conversations she and Ms. Flores had with two young members of the audience. Ms. Dupree informed them that no one is able to drive without a Driver's License and that they are going to be pulled over when a tail light is out. Sandra Kane reminded the Board, in cases of civil rights violations, there is always a reason that sounds legitimate. The purpose of the Civil Rights Division is to determine if those "legitimate" reasons are being used as a pretext to discriminate against members of a protected class. The question then becomes if those stops were lawful or were people really being stopped because of their membership in a protected class.

Sandra Kane noted that many people at the forum had difficulty speaking English and admitted being undocumented but still set aside their fears to speak at the forum, even though law enforcement officers were present. She stated that it is hard to get people to attend these forums and offered kudos to the ACLU for getting people to speak. Sandra Kane further indicated it was interesting to hear about community policing, and the fear of witnesses and victims in reporting crimes, and asked about the Board's interest in that issue. Jeff Lavender commented that the greatest impact of the "fear" component was hearing that children are fearful that their parents or family members won't be coming home at night. Ms. Dupree asked how the Board can move forward with recommendations regarding SB 1070 when the complainants are in fact illegal immigrants. Daisy Flores stated that many people at the forum described pretextual stops that law enforcement conducted just to make contact with them, and that they also heard from people that were in the U.S. lawfully. She recommended that the Board move forward by holding the forum in Tucson and then determining whether SB 1070 is being used as a shield to engage in racial profiling. Beverly Dupree expressed her support to gather more information by holding a forum in Tucson and informed the Board that she will be attending a Phoenix City Council Meeting to find out what the law enforcement leadership has to say with respect to SB 1070. Sandra Kane indicated that all state law enforcement agencies were contacted and invited to the forum and some were asked to send representatives to speak at the forum. Representatives from the Glendale and Phoenix Police Departments were present at the forum; however, they chose not to speak. The Phoenix Police Department expressed concern that they would be sued if they did not implement SB 1070. She expressed concern that other law enforcement agencies may have the same concerns in Tucson. Daisy Flores and Beverly Dupree expressed hope that the Board may have a better result if it contacts the Tucson Police Department directly because the TPD appears to be very cooperative and concerned about any misrepresentations of its officers. Jeff Lavender told the Board that he would ensure that speakers at the next forum limit their testimony to first person accounts related to SB 1070.

### **III. Planning for Tucson Public Forum re: Law Enforcement Post SB-1070. Selection of committees.**

The Board discussed creating committees to handle specific aspects of the planning for the Tucson forum. The Board nominated Juan Ciscomani to work on the location of the event because his wife works at Pima Community College. Jeff Lavender asked for the list of all organizations that were invited to the prior forum. Jennifer Larson indicated she will send the list to Jeff Lavender, and he informed the Board that he will have his secretary make contact with those on the list. Sandra Kane explained the difficulties the Division had with the press release, and that the press release was ultimately not sent out. Jeff Lavender inquired as to whether the Board could send its own press release. Sandra Kane asserted that if everyone sees and approves the press release, there is no harm in contacting news

agencies to make them aware of the forum. She also noted that the turnout success might be attributed to contacting student groups and placing flyers in neighborhoods.

#### **IV. Planning for Next Meeting**

The Board agreed on the following possible dates for a forum: May 15, 29, or 30. The Board agreed that the forum should take place from 5:00 p.m. to 7:00 p.m. Sandra Kane explained the need for administrative staff and security, and stated that there is no budget for the forum. The previous forum was sponsored by the Attorney General's Office Community Outreach Section. Jeff Lavender indicated that he may be able to provide some staff and volunteered his spouse and students. Jeff Lavender agreed to inform Juan Ciscomani of the possible forum dates.

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

None.

#### **VI. Announcements and Current Events**

Sandra Kane informed the Board that the ACLU has sent documentation related to data collection of racially profiling from the DPS Case. She will email the Board the information that she received.

#### **VII. Adjournment**

Upon motion by Wendy Freeman, which was seconded by Beverly Dupree, the Board unanimously voted to adjourn the meeting at 4:49 p.m.