

## **ARIZONA CIVIL RIGHTS ADVISORY BOARD**

Minutes of Public Meeting

June 24, 2013

### **Board Members Present**

Jeff Lavender

Juan Ciscomani

Beverly Dupree

Daisy Flores

Wendy Freeman

### **Board Members Absent**

Janet Bain

Robert Garcia

### **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 at 1:13 p.m., with the following Board Members present: Beverly Dupree, Juan Ciscomani, and Daisy Flores. Wendy Freeman arrived shortly thereafter. The meeting took place at the Arizona Attorney General's Office, Caps Center Building, 4<sup>th</sup> Floor Conference Room.

## **II. Approval of Minutes of May 30, 2013**

Upon motion by Beverly Dupree, which was seconded by Juan Ciscomani, the Board unanimously approved the meeting minutes for May 30, 2013.

## **III. Summary of Public Forums re Law Enforcement SB-1070 and Follow-up Actions**

Jeff Lavender stated that the Board has now held two public forums on law enforcement post-SB 1070 in Phoenix and Tucson. Jeff Lavender also stated that he had received an email from Robert Garcia regarding Mr. Garcia's recommendations, which Mr. Lavender would read into the record. Sandra Kane noted that no members of law enforcement spoke at either forum regarding their policies and procedures or actions as a result of the implementation of SB 1070. She suggested that the Board take a survey of different law enforcement agencies and their policies before the Board finalizes any formal recommendations. Juan Ciscomani expressed the desire to hear the perspective of law enforcement and whether SB 1070 has been effective in preventing or prosecuting criminal activity. Sandra Kane reminded the Board that law enforcement agencies were invited to the forums, but she has received some feedback that some law enforcement agencies have expressed concern that they will be sued in the event they do not enforce SB 1070. Therefore, they may be reluctant to participate in a forum and/or survey. Beverly Dupree seconded the concern that the Board has heard from only one side, resulting in an unbalanced perspective on the issue.

The Board discussed possible questions to include in a survey and identified potential recipients of the survey. Daisy Flores reminded the Board about the ACLU's case against the DPS, which requires the DPS to collect data as a result of the settlement. She indicated that it may be necessary to recommend that the legislature mandate these agencies to begin collecting relevant data if they are not already doing so. Sandra Kane indicated that AZ POST does not seem to have information about the internal policies of law enforcement agencies with regards to this issue. Moreover, DPS only began collecting data as a result of the lawsuit filed against them. Daisy Flores noted that many agencies keep statistics; however, these statistics do not include information that would be relevant to the implementation of SB 1070. Beverly Dupree suggested that the Board come up with a list of questions and a list of law enforcement agencies to which the Board can send the surveys. She also noted that at the Tucson forum many Tucsonans expressed concern about the relationship between Border Patrol and the Tucson Police Department. She suggested including a question on the survey about whether there are policies in place with respect to family separations.

Jeff Lavender suggested that City Managers may be more receptive to the surveys because of their political astuteness. The Board discussed using Survey Monkey to administer the survey. Juan Ciscomani expressed his concern that those being surveyed might simply copy/paste the information from their agencies' website. He indicated that short and simple questions would help ensure participation and more meaningful responses. Wendy Freeman indicated that she agrees with Jeff Lavender's suggestion to deliver the surveys to the City Managers to ensure participation. Daisy Flores suggested that the survey should also be sent to ACASA (Arizona County Attorneys and Sheriffs Association), Arizona Association of Chiefs of Police, AZ POST, ACJIS, and the Arizona Constables. Ms. Flores suggested including a cover letter with the survey that would state the intent of the survey and express the benefits of survey participation.

Jeff Lavender and the Board decided to appoint a committee to draft questions for the survey. Daisy Flores and Wendy Freeman agreed to serve on the committee. Daisy Flores indicated that she already has many questions in mind and will present them to Ms. Freeman for her review and input. Ms. Flores indicated that the questions could be ready within a week. The Board decided to look into using Survey Monkey to distribute the survey. The costs of using the service to distribute the survey were discussed. The Board decided that the survey should contain no more than ten questions and should be clear and concise. Sandra Kane also suggested using the police liaison within the Attorney General's Office to obtain points of contact within law enforcement. She indicated that she will reach out to him before the next meeting. Ms. Kane also suggested reaching out to police unions regarding the survey.

#### **IV. Planning for next Meeting**

The Board agreed to hold a telephonic meeting on July 10, 2013 at 4:00 p.m. to discuss and approve the survey that will be distributed to participants.

## **V. Division Report**

Sandra Kane reported that the EEOC (Equal Employment Opportunity Commission) and State of Arizona v. GEO Group case was successfully litigated by the Division's Tucson Unit Chief Counsel. The case involved sexual harassment in the workplace. On the first day of trial, a settlement was reached consisting of \$140,000 for the two victims and the adoption of extensive policy changes. In addition, Ms. Kane updated the Board on the status of the Division's ongoing litigation in Cooke/State of Arizona v. Colorado City in which a trial date will be determined on June 25. She also advised the Board that Colorado City had brought a separate lawsuit to declare that the occupancy agreement issued to the Cookes and others were void and that the Cookes were not the rightful occupant of their home. The court ruled in the State's favor, deciding that the City waited too long to bring its suit to challenge the occupancy agreements and that the Cookes are the rightful occupants. Ms. Kane also stated that the decision in the ASARCO case has been appealed to the Ninth Circuit and was argued last week. In the ASARCO case, the jury awarded punitive damages of approximately \$860,000; however, they only awarded nominal compensatory damages to the individual plaintiff. The outcome of the appeal is pending.

## **VI. Call to Public**

None

## **VII. Announcements and Current Events**

None

## **VIII. Adjournment**

Upon motion by Daisy Flores, which was seconded by Beverly Dupree, the Board unanimously moved to adjourn the meeting at 2:05 p.m.