**ARIZONA CIVIL RIGHTS ADVISORY BOARD**
Minutes of Public Meeting
October 17, 2013

Board Members Present
Wendy Freeman (Vice Chairperson)
Janet Bain
Beverly Dupree
Robert Garcia
Juan Ciscomani

Board Members Absent
Jeff Lavender (Chairperson)
Daisy Flores

Staff Members Present
Sandra Kane, Executive Director
Jennifer Larson, Legal Counsel

## I. Call to Order

Sandra Kane called the meeting to order at 4:09 p.m., with the following Board Members present telephonically: Janet Bain, Robert Garcia, Juan Ciscomani, Beverly Dupree, and Wendy Freeman. The meeting took place at 1275 W. Washington, Transportation Conference Room, Phoenix, Arizona.

## II. Ratification of actions taken by Board on September 24, 2013

Ms. Kane explained that this ratification meeting is necessary because the notice and agenda for the September 24, 2013 meeting was not posted on the Attorney General's website 24 hours before the meeting, as required by open meeting law. Unless ratified within 30 days, all actions taken at that meeting are null and void. To comply with the open meeting law, a detailed written description of the Board's prior actions was sent to the Board and made available to the public 72 hours in advance of this meeting. Such detailed written description of the prior actions is incorporated herein and attached as **Exhibit A.**

This meeting is being called to ratify the following: (a) approval of the July 10, 2013 minutes; (b) approval of motion to distribute the summary of the survey results to law enforcement agencies related to SB 1070 in a format that maintains the anonymity of all participants to all survey recipients and to extend the deadline for non-responsive agencies to respond to survey; and (c) approval of motion to appoint a subcommittee to draft recommendations in response to the public forums and survey to law enforcement agencies on law enforcement post SB 1070.

Beverly Dupree made a motion to ratify the (a) approval of the July 10, 2013 minutes; (b) approval of motion to distribute the summary of the survey results to law enforcement agencies related to SB 1070 in a format that maintains the anonymity of all participants to all survey recipients and to extend the deadline for non-responsive agencies to respond to survey; and (c) approval of motion to appoint a subcommittee to draft recommendations in response to the public forums and survey to law enforcement agencies on law enforcement post SB 1070. After Janet Bain seconded the motion, the Board voted to approve the motion 5-0.

## III. Call to Public

There were no members of the public present.

## IV. Adjournment

Upon motion by Beverly Dupree, which was seconded by Janet Bain, the Board voted to adjourn the meeting at 4:13 p.m.

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## EXHIBIT A

## ARIZONA CIVIL RIGHTS ADVISORY BOARD

### Description of Prior Actions to be Ratified on October 17, 2013

The following actions described below were taken at a meeting of the Arizona Civil Rights Advisory Board ("ACRAB" or "Board") held on September 24, 2013 at the Office of the Arizona Attorney General. The following Board Members were physically present at the meeting: Chairperson Jeff Lavender, Vice-Chairperson Wendy Freeman, Beverly Dupree, and Janet Bain; and the following Board Members were present telephonically: Daisy Flores, and Robert Garcia. Daisy Flores was present for only the first part of the meeting.

These actions must be ratified by the Board because the September 24, 2013 meeting was not properly noticed. Below is a description of the actions the Board seeks to ratify, as well as any related deliberations, consultations and decisions by Board members.

- **Approval of July 10, 2013 minutes.**

Jeff Lavender asked the Board to discuss and approve the July 10, 2013 minutes. Upon a motion by Janet Bain to approve the July 10, 2013 minutes, which was seconded by Beverly Dupree, the Board voted unanimously to approve the minutes.

- **Approval of motion to distribute the summary of the survey results to law enforcement agencies related to SB 1070 in a format that maintains the anonymity of all participants to all survey recipients and to extend the deadline for non-responsive agencies to respond to survey.**

Executive Director Sandra Kane discussed ACRAB's public forums and online surveys related to law enforcement post- SB 1070. Ms. Kane stated that they had received the results from the online survey and a summary had been prepared from the results. 134 agencies received the survey. Of those, 34 responded. Most of the agencies responded to all of the questions, but many skipped several questions. Ms. Kane discussed the results of the survey. 76.5% of responding agencies keep the date, time and location of contacts made during an investigative or traffic stop, and only 5.9% of agencies keep information regarding the immigration status of the person contacted. If an individual is arrested, 91% of responding agencies keep information on the reason for the initial contact, 79% keep information on the ethnicity of the arrestee, and 35% keep information on whether ICE was contacted. When conducting a search, 79% of responding agencies keep information on the grounds for the search, 41% keep information on the ethnicity of the person searched, and 11.7% keep information on the immigration status of the person searched. 41% of agencies said they would be willing to implement a data retention policy as to searches and contacts, and 47% of agencies skipped the question. 73.5% of agencies do not have a policy of inquiring into immigration status of crime victims. 79% of agencies do not have a policy of routinely inquiring into immigration status of crime witnesses. 26% of agencies would adopt a policy prohibiting officers from inquiring as to immigration status of crime victims and witnesses, and 70.6% of agencies skipped the question. Some of the larger agencies such as Phoenix and Tucson did not respond to the survey.

Beverly Dupree stated that she wanted to commend the agencies that participated in the survey. Ms. Kane noted that there seemed to be some disparity among what the agencies did with respect to crime victims and witnesses, but the majority do not have policies requiring officers to ask for their immigration status. Ms. Dupree noted that the survey does not tell the Board much more about the agencies that were accused of abusive treatment at the public forums. Daisy Flores stated that there seems to be a good range of responses in terms of the size of the agencies and that she was pleasantly surprised with the candidness of some of the responses. Jeff Lavender asked whether it was a cause for concern that some agencies are not keeping track of who they are pulling over or searching. Ms. Flores asked whether we know who the specific individual was that provided the response, and Ms. Kane responded that we do not have that information. Wendy Freeman inquired whether the Board followed-up with agencies who had not responded to remind them to respond. Ms. Kane and Jennifer Larson stated that agencies were reminded of the deadline at least two times. Ms. Flores noted that it was interesting to look at the questions that many agencies skipped-those dealing with data retention policies, and whether the agencies would be willing to adopt a policy prohibiting inquiries into immigration status of certain individuals.

Ms. Freeman asked whether the agencies have received the results of the survey so they know where they stand in comparison to other agencies. Ms. Kane responded that the results have not yet been disseminated. Ms. Freeman recommended sending the survey to all participants and inviting them to still participate.

Ms. Dupree made a motion to distribute the summary of the survey results in a format to maintain anonymity of the participants to the 134 survey recipients and ask the 100 agencies who did not respond to submit a response. Janet Bain seconded the motion, and the Board voted to approve the motion 5-0 (Daisy Flores was not present for vote). The Board also stated that the summary of the survey results could be sent to the email distribution list.

- **Approval of motion to appoint a subcommittee to draft recommendations in response to the public forums and online survey to law enforcement agencies on law enforcement post SB 1070.**

Beverly Dupree asked what the Board could do with the survey results that they received to serve the people that spoke to the Board at the public forums. Ms. Kane advised that in response to the survey and public forums, the Board could work with AZPOST to get training out to law enforcement agencies. The Board could write a letter to the governor and appropriate agencies with recommendations for action to the problems. Mr. Lavender recalled the ACLU's initial discussion of the lack of uniformity of data tracking policies among the law enforcement agencies and suggested that the Board contact mayors and city councils regarding such policies. Ms. Kane suggested that the Governor could also recommend legislation, and AZPOST could make recommendations about this. Ms. Dupree asked about sending a letter to the governor recommending legislation regarding the lack of data collection policies, and how that could be done. Ms. Kane stated that instead of drafting specific language for legislation, the Board could suggest categories of information that they would like to see agencies collect and should express why it is important for data collection policies to be consistent among agencies and why the Board feels that such policies are necessary. Ms. Dupree agreed with sending a letter to the governor to discuss the need for uniform policies and to inform the governor about what the Board discovered through the survey and forums. Ms. Freeman suggested speaking with specific lawmakers and inviting them to discuss what changes could be made legislatively. Ms. Dupree also

suggested once the Board drafts its recommendations, it could send the recommendations to law enforcement representatives for their input. Robert Garcia stated that it appeared to him like officers lose their sensitivity in light of SB 1070, and recommended additional training for officers.

Mr. Lavender asked the Board to consider whether they want to contact the governor, legislative leaders or individually meet with leaders. Ms. Dupree proposed drafting up specific recommendations before going out and meeting with or contacting individuals or groups. Ms. Freeman suggested appointing a subcommittee to draft recommendations for the Board to consider. Ms. Dupree, Ms. Freeman and Mr. Garcia all volunteered to be on the subcommittee. Ms. Bain stated that she would like to see the Board get invited to speak with law enforcement agencies. Mr. Lavender clarified that Board members would have to meet with law enforcement agencies in groups of under three, and the Board discussed that talking points would be helpful in that situation.

Mr. Garcia made a motion for the Board to appoint a subcommittee with Ms. Dupree, Ms. Freeman and Mr. Garcia to draft recommendations for the Board to consider and modify at the next meeting. Ms. Bain seconded the motion, and the Board voted to approve the motion 5-0 (Ms. Flores was not present for the vote).