



Civil Rights Department Commission on the State of Hate

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COMMISSION ON THE STATE OF HATE

Meeting Notice and Agenda

February 1, 2023, 12:30 pm

Members of the public may join remotely using the following remote meeting information:

<https://us02web.zoom.us/j/89598996044>

and/or

1-669-444-9171 and Meeting ID: 895 9899 6044

Commissioners Present

Chair Russell Roybal
Vice Chair Bamby Salcedo
Commissioner Cynthia Choi
Commissioner Regina Cuellar
Commissioner Andrea Beth Damsky
Commissioner Cece Feiler
Commissioner Brian Levin
Commissioner Shirin Sinnar
Commissioner Erroll G. Southers

Civil Rights Department Staff Present

Kevin Kish, CRD Director
Becky Monroe, CRD Deputy Director
Alec Watts, CRD Deputy Director
Mariel Block, CRD Senior Legislative and Regulatory Counsel
Marquez Equalibria, CRD CCRU
Gregory Mann, CRD CCRU
Christina Teixeira, CRD CCRU

Others Present

An estimated 53 members of the public participated virtually.

I. Call to Order and Establishment of a Quorum

Chair Russell Roybal

Chair Roybal welcomed guests and fellow Commissioners to the meeting and called the meeting to order at 12:32 p.m. and then turned the meeting over to CRD Assistant Deputy Director, Alec Watts who conducted roll call.

II. **Welcome**

Chair Russell Roybal

Chair Roybal again welcomed everyone to the meeting and began by addressing and acknowledging the tragedies that occurred in Monterey Park and Half Moon Bay, California, as well as the killing of Tyre Nichols in Tennessee, and the greater effect these events have in the communities that the Commission serves. He then highlighted the work Commissioner Choi is doing with the community in Half Moon Bay.

Commissioner Choi then addressed the call for meaningful change and action in response to these events and expressed what great tragedies they were. She then highlighted the number of mass shootings that have already occurred in the new year, and then highlighted the importance of the work the Commission is doing for communities that are disproportionately impacted. Commissioner Choi then spoke about the work that she is doing for the community in Half Moon Bay.

Chair Roybal then recognized the various community-based organizations that have been working with the communities in Half Moon Bay and Monterey Park and provided resource links for people affected by these events in the chat function of the meeting.

Members of the public were able to access the meeting agenda and attachments on the Commission's website, and Chair Roybal gave a brief overview of the public comment process for the meeting.

III. **Review of the Agenda**

Chair Russell Roybal

Chair Roybal reviewed the agenda for the meeting.

IV. **Approval of the Minutes**

Chair Russell Roybal

Chair Roybal reviewed the minutes from the December 1, 2022 meeting and asked for edits, amendments, and public comments on the minutes.

Commissioner Damsky noted to add the adjournment time to the minutes.

No public comments regarding the minutes.

Commissioner Feiler moved to approve the minutes and Vice Chair Salcedo seconded the motion. The Commission unanimously voted to approve the minutes.

V. **Civil Rights Department Report**

Director Kevin Kish and Deputy Director Becky Monroe

Director Kish gave two CRD updates from the past month.

1. In January CRD filed the first state lawsuit enforcing legal protections for housing choice voucher holders. Currently in the litigation phase of the lawsuit.
2. The 2023 pay data reporting portal is live and functioning on the CRD website. Large California employers are obligated to report demographic and pay data to CRD each year.

Deputy Director Monroe then gave updates regarding the work of the Community Conflict Resolution Unit from the past month. She began by recognizing their mandate to help communities and address discrimination, especially in light of the recent tragedies, and figuring out the ways they can provide support. She noted that they have begun doing this by assisting NGOs and government agencies as well as community-based organizations. She then announced that the CA vs. Hate resource line and network is up and running, and that they are working with an outreach and marketing firm to spread awareness of the resource line across the state. She highlighted the grants available from CDSS, as well as the State Library.

VI. **Informational Presentation and Discussion: Community Conflict Resolution Unit**

Marquez Equalibria, Gregory Mann, and Christina Teixeira

Gregory Mann gave a quick overview of CRD, highlighted the CCRU Mission, and explained the history of CCRU and its formation in 2022.

Christina Teixeira explained the jurisdiction and authority of CCRU and that services must be requested or initiated by communities, related to community disputes, disagreements, or difficulties, and must arise from discriminatory practices. She then went on to highlight who they work with, and how that work is conducted.

Marquez Equalibria explained the services provided by CCRU which are designing conflict resolution processes, facilitating community engagement processes, education and training, technical consultations, and mediating community disputes. He then gave several examples of community conflicts and highlighted the other CRD initiatives combatting hate.

Commissioner Sinnar asked the members of CCRU their thoughts on cultivating conflict resolution skills of community leaders who may already be on the ground, how do they develop the expertise and what are their initial thoughts on developing the expertise of people in the community.

- Marquez Equalibria explained that early in the process the team went through several exercises to identify the unit's priorities, one of those being identified as training. He noted that the unit has been discussing developing a training to enhance conflict resolution skills of others. He then highlighted another project in collaboration with the Los Angeles Metro on an anti-hate campaign and developing a de-escalation guide for the Metro employees. He also mentioned they are thinking of the training in modules and making it easily digestible for people.
- Christina Teixeira then explained something else the unit is working on is making sure that government and stakeholder processes are as inclusive as possible and emphasized the point Marquez made about creating a training for others to use to enhance their conflict resolution skills.
- Gregory Mann explained that they believe a lot of these efforts should be led by locals and community groups, so a part of their mission is to capacity build for others and provide support.

Commissioner Choi recommends to look at the data where they are seeing patterns to help inform the work.

Commissioner Feiler supports the discussion and emphasized that if they look into hate incidents they can jump in on earlier prevention and hopefully break the cycle before it becomes major

criminal acts.

Director Kevin Kish added that within the Community Conflict Resolution Unit the goal is to bolster, increase, and support, rather than supplant. He also emphasized the importance of the team's work to identify scenarios, events and geographic areas where they might not be getting requests, but where services can still be needed.

VII. **Informational Presentation and Discussion: Overview of Existing Law Regarding Hate Activity**
Deputy Director Becky Monroe

Commissioner Damsky gave some background information on this presentation. She explained in the first meeting of the Subcommittee on Recommendations for Law Enforcement she and Commissioner Southers had a discussion on how they are defining hate crimes and thought this would be a good presentation to have for the entire Commission so that everyone is working on a common starting point.

Deputy Director Monroe explained how hate crimes are defined under California law and Federal law, what a hate incident is and how it can be defined, an overview of the Ralph Act, what a person can do if they are targeted for hate, and what opportunities there are to increase support for those who are targeted for hate.

A. Commission Discussion

Commissioner Feiler asked for an example of something that is criminal, civil, and one that is neither but still creates trauma to an individual.

- Deputy Director Monroe gave the example of a burning cross intending to send a threat to someone or a person assaulting someone based on a protected category as a criminal offense, and if someone is discriminated against for something like genetic information or a medical condition that could be a civil offense, and lastly she explained that certain offensive speech may not violate any civil or criminal laws but can still cause harm. She also explained if someone puts an offensive sign in their yard, while offensive, it is not a civil or criminal violation, unless, as Commissioner Feiler asked for clarification, that sign or symbol in someone's yard is a swastika, noose or burning cross as those symbols can be considered inherently threatening. Commissioner Levin then highlighted the case Virginia vs. White for more information regarding these symbols.

Commissioner Damsky asked if domestic violence could fall under any of the hate crime or incidents category, as well as violence against children, and if that could be considered age discrimination.

- Deputy Director Monroe answered by explaining gender-based violence can be considered a hate crime, but there is no clear answer if domestic violence can be considered a hate crime. She also explained there is no clear answer regarding children being targeted for hate based on age discrimination.

Chair Roybal asked Commissioner Damsky if this information was sufficient to use for the work in her subcommittee.

- Commissioner Damsky responded by saying that it is helpful and would be useful if the information presented was in a chart form.

VIII. Discussion Regarding the Definition of a Hate Crime with Respect to the Commission's Work

Vice Chair Salcedo asked what can be done to ensure gender identity is included in the protected categories in the California law definition of hate crimes, and also asked what the process would be to have 'gender identity' included.

- Deputy Director Monroe explained that under the term "gender" in California law it has been made clear that it includes gender identity, and also explained to add 'gender identity' to the definition the Commission could make a recommendation to Legislature.

Commissioner Sinnar noted that the mandate most often refers to "acts of hate" rather than just specifically hate crimes. She also stated that the Commission should not be quick to define things as crimes, because then the solutions would lead towards law enforcement involvement. She then agreed that hate incidents should be included in defining the scope of work of the Commission in the report and elsewhere, and the definition Deputy Director Monroe gave is a good starting point.

Commissioner Levin highlighted that there are forms of aggression that don't necessarily fall under the hate crimes definition but should still be studied by the Commission.

Vice Chair Salcedo asked for Commissioner Levin to share the study he referenced for the Commissioners to look at.

B. Public Comment

Greg DeGiere, Civil Rights Advocate, Arc of California: Mr. DeGiere stated that the legal term "hate crime" was a legal misnomer and explained that one would believe at first sight that the term "hate crime" meant a crime committed out of hate but that's not what it means, it means that it is a crime committed because of bias against any one of many protected categories under the hate crimes law. Second, he stated that there are no protected groups or categories or classes under the hate crimes law, there are protected characteristics. He explained that this is important for two reasons, one is for simple accuracy and the other is because the term "protected characteristics" makes it clear that the laws protect everyone and not specific groups of people. And lastly he wanted to address anti-disability hate crimes and the fact that there is a very inclusive list of what disability means but is not often widely-recognized leading hate crimes based on disability to go unrecognized by law enforcement, or even by victims.

Dylan Hosier, Israeli American Civic Action Network: Mr. Hosier agreed with Commissioners Sinnar and Levin's comments regarding the definition of hate. He wrote that it was the legislative intent for the Commission to examine and address broader issues, including acts of hate and/or the state of hate, not just hate crimes as defined by law. Often incidents or acts of hate precede hate crimes, especially violent hate crimes. He also agreed with Commissioner Sinnar's comments that we need to be careful not to define everything as hate.

Chat Comment: Will Becky Monroe's slides be made available to public attendees?

- Chair Roybal stated they will make the slides available on the Commission website.

C. Action by Commission

Chair Roybal asked if anyone wanted to make a motion to have the subcommittee take this up and work with staff to come back with a recommendation to the Commission at the next meeting.

Commissioner Cuellar moved to have the Policy Subcommittee come back for a recommendation for the board.

Chair Roybal asked Commissioner Cuellar for clarity, should this go back to the original subcommittee or the Policy subcommittee? Commissioner Cuellar revised her initial statement and recommended it go back to the original subcommittee, the Subcommittee on Recommendations for Law Enforcement.

Commissioner Southers stated that despite their best efforts as a subcommittee of 2 people, it is important that the entire Commission understand and agree on how they are going to move forward and coming to a consensus on what they are using as their scope, and particularly as it relates to his subcommittee for what they are communicating to law enforcement that they should also be using as their scope.

Commissioner Cuellar moved to have the Subcommittee on Recommendations for Law Enforcement work with staff and come back with recommendations for the Commission to discuss and approve. Commissioner Feiler seconded the motion. The Commission unanimously voted to approve the motion.

Public Comment

No further public comment.

IX. **Discussion and Action Regarding Vice Chair Duties and Proposed Addendum to the CSH Policy Manual**

Assistant Deputy Director Alec Watts

A. Commission Discussion

Deputy Director Alec Watts highlighted the two proposed amendments to the CSH Policy Manual:

1. Enumerate the duties of the Office of the Vice Chair
2. Add term expiration date for 2 Commissioners, Feiler and Cuellar

B. Action by Commission

Chair Roybal asked if there was a motion to approve the amendments to the CSH Policy Manual.

Commissioner Levin moved to approve the amendments to the CSH Policy Manual, Commissioner Southers seconded. The Commission unanimously voted to approve the motion.

C. Public Comment

No public comment.

X. **Proposal and Action Regarding Meeting Schedule**

Chair Roybal

A. Commission Discussion

Chair Roybal introduced the discussion around setting a regular meeting schedule for Zoom meetings and based on feedback from Commissioners and discussion with staff regarding the days and times that work with their schedules, Wednesday mornings, Fridays or evenings work best.

It was explained that as of right now the Commission can still meet via Zoom but starting July they will need to begin in-person meetings unless the underlying laws and rules change. When the in-person meetings start, the location will be determined, and have historically rotated between convenient locations in the state.

Meetings will be scheduled once a month.

B. Action by Commission

Chair Roybal proposed that meetings be held on the 3rd Wednesday of every month, beginning at 9 a.m. and then amended that proposal to have the meetings held on the 4th Wednesday of every month, beginning at 9 a.m. to better work with the Commissioners' schedules.

C. Public Comment

No public comment.

XI. Update from the Subcommittee on Data and Research

Commissioners Brian Levin and Shirin Sinnar

Commissioner Sinnar highlighted what the subcommittee focused on in their meetings which included identifying pressing research gaps when it comes to the prevalence, prevention, and responses to hate crimes and hate incidents, and assessing the best models for collaboration with researchers to address these gaps. She then noted that they have looked into different research institutes that work on this issue and that engage in policy relevant research. Commissioner Sinnar then asked the Commissioners to weigh in on what they think some of the key research needs are for their work in their own subcommittees.

Commissioner Levin emphasized Commissioner Sinnar's information and reiterated that they're not only looking at substantive areas but also what kind of models would be the best to deliver research. He then spoke about the current research and data on hate crimes and incidents.

XII. Update from the Subcommittee on Policy Recommendations

Commissioner Cynthia Choi and Vice Chair Bamby Salcedo

Commissioner Choi stated that she had not been able to meet with Vice Chair Salcedo due to the need of her rapid response to the recent tragedies in Monterey Park and Half Moon Bay. She then expressed interest in learning about the data sources the Commission is relying on.

Vice Chair Salcedo echoed Commissioner Choi's statements and then expressed interest in learning from the other subcommittees what their policy recommendations would be to see how this subcommittee could incorporate them on a broader scale to their policy recommendations.

XIII. **Update from the Subcommittee on Recommendations for Law Enforcement**

Commissioners Andrea Beth Damsky and Erroll G. Southers

Commissioner Southers stated that the subcommittee has established a regular meeting schedule and noted that the topic of the Commission's report was brought up at their first subcommittee meeting where they also discussed what they would be able to contribute to the report by July. The subcommittee also discussed identifying and determining a common definition and determining the hate crime reporting status of identified law enforcement agencies and are considering some auditing. Commissioner Southers then suggested that the Commission create presentation slides with consistent branding.

XIV. **Update from the Subcommittee on Community Forums**

Commissioners Regina Cuellar and Cece Feiler

Commissioner Feiler stated that aside from the 4 required community forums, they believe listening sessions would be beneficial. These would be meetings with smaller groups where they could sit and listen to what they need and what is going on. She noted that the subcommittee has been working with Deputy Director Monroe and the members of CCRU to create these listening sessions as well as the forums. The subcommittee is hoping to have their first listening session at the end of February.

Commissioner Cuellar highlighted that the subcommittee is hoping to have their first listening session with religious leaders and asked the Commission if they have any suggestions of who to reach out to in their own communities.

Commissioner Feiler then noted that one of the areas they would like to have a forum on is around the police.

Commissioner Southers let the subcommittee know that he will connect them with the LAPD Clergy Council as well as the LA Council of Religious Leaders, and also noted that he Chairs the faith-based task force in South LA.

XV. **Update from the Subcommittee on Best Practices and Solutions from other Jurisdictions**

Commissioners Cynthia Choi and Regina Cuellar

Commissioner Cuellar stated that the subcommittee has been working on a strategic plan that will list their goals, key action items, and a timeline, and noted that the subcommittee has set up a regular meeting schedule.

Commissioner Choi noted that the scope is very broad and that the subcommittee would also like to do a lit review, and invite experts in.

XVI. **Update from the Subcommittee on Funding**

Chair Roybal and Vice Chair Salcedo

Vice Chair Salcedo stated the subcommittee was able to meet and discuss possible funding needs and how they are going to be able to allocate the funding.

If any subcommittees have resource needs, forward those requests to Assistant Deputy Director Alec

Watts.

XVII. **Commission Member Announcements**

Commissioner Levin highlighted the data and reporting statistics of law enforcement agencies and hate crimes.

XVIII. **Public Comment on Items Not on the Agenda**

The Commission may not discuss or act on any matter raised during the public comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Government Code §§ 11125 and 11125.7 (a))

Dylan Hosier, Israeli American Civic Action Network: Can one of the Commissioners give an update on the current status of law enforcement agencies reporting of hate crime statistics in California. Additionally, are there stats collected voluntarily or is there a mandate for California law enforcement agencies to report to California DOJ? If there is no mandate, should that policy be considered in the future? What is the current level of participation amongst law enforcement agencies reporting hate crime stats to the state or federal government?

- Deputy Director Monroe responded by stating that in California, law enforcement agencies are required to report their data to the Attorney General's office, but there is no federal requirement with respect to reporting data to the FBI for full crime reporting. And in regards to the participation level, nationally it is incredibly low.

Mr. Hosier later commented that he represents the Israeli community and in regards to the proposed listening sessions he wanted to note one of the things they have seen which is in the community the larger focus is on the American Jewish community while not recognizing the unique challenges that the immigrant Jewish communities face, and he just asks that in the listening sessions they pay attention to the various immigrant communities that may be masked by a more established American community.

Greg DeGiere: Mr. DeGiere thanked the Commission for their time and effort. And noted that if the main purpose of creating the Commission was to get policy recommendations for the Legislature and other agencies, the Commission is going to need to move very quickly as the deadline for introducing bills is 17 days from now, and he hopes that the Commission can look at the bills that have been introduced and by the next meeting provide some recommendations. He also asked the Commission to consider having their subcommittee meetings be public, and that the Commission seriously consider appointing non-member advisors to the subcommittees.

XIX. **Future Agenda Items**

Commissioner Choi requested information regarding the processes for requesting financial resources to carry out the work of their subcommittees.

Commissioner Southers requested information regarding the process of appointing non-member advisors to the subcommittees.

XX. **Adjournment**

Chair Roybal adjourned the meeting at 4:07 p.m.