The Commission convened in Suite 1150 at
1331 Pennsylvania Avenue, Northwest, Washington, D.C.
at 9:33 a.m., Martin R. Castro, Chairman, presiding.

PRESENT:

MARTIN R. CASTRO, Chairman
ROBERTA ACHTENBERG, Commissioner*
GAIL L. HERIOT, Commissioner
PETER KIRSANOW, Commissioner*
DAVID KLASNEY, Commissioner
KAREN K. NARASAKI, Commissioner
PATRICIA TIMMONS-GOODSON, Commissioner
MICHAEL YAKI, Commissioner*

MARLENE SALLO, Staff Director

* Present via Telephone

** Present via Video teleconference
STAFF PRESENT:
TERESA BROOKS Was she present?
JAMES BOTANA, Chair, Illinois SAC*
PAMELA DUNSTON, Chief, ASCD
ANGELA FRENCH-BELL, Assistant Staff Director for Civil Rights, OCRE
LATRICE FOSHEE
DORIS GILLIAM
SEAN GOLIDAY
JERRY GONZALES, Chair, Georgia SAC*
ALFREDA GREENE
JENNIFER CRON HEPLER, Parliamentarian
BENNIE A. BRAXTON
MICHELE YORKMAN, Director, IT

COMMISSIONER ASSISTANTS PRESENT:
SHERYL COZART
ALEC DEULL
JASON LAGRIA
CARISSA MULDER
JUANA SILVERIO
ALISON SOMIN
KIMBERLY TOLHURST
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CHAIRMAN CASTRO: Okay. This meeting will come to order. This is a meeting of the U.S. Commission on Civil Rights.

It is currently 9:33 a.m. Eastern Time on December 12th, 2014. Our meeting is taking place here at the Commission's headquarters located at 1331 Pennsylvania Avenue in Washington, D.C.

I'm Chairman Marty Castro. Commissioners who are present at the meeting are myself, Commissioner Heriot, Commissioner Timmons-Goodson, Commissioner Narasaki and Commissioner Kladney.

Commissioners Kirsanow, Achtenberg and Yaki are participating by phone. A quorum of the commissioners is present.

Is the court reporter present?

THE COURT REPORTER: Yes.

CHAIRMAN CASTRO: He is. And is the Staff Director present?

STAFF DIRECTOR SALLO: Present.

CHAIRMAN CASTRO: All right. So, the meeting will now come to order. The first item is the Approval of the agenda.

But before I proceed to that, I wanted to do two things. One, provide the floor to our Staff
Director to speak to us about a loss in the family of the U.S. Civil Rights Commission that occurred last week. And then I'll have a few remarks thereafter. And then we'll move on to the approval of the agenda and amendments that I know will be made to this morning's agenda.

Madam Staff Director.

I. REMARKS REGARDING LOSS OF LILLIAN DUNLAP

STAFF DIRECTOR SALLO: Thank you, Chairman Castro. At the end of last week the Commission lost one of its dear employees, Lillian Dunlap, who worked in the Office of the General Counsel.

She had worked there for several years. She had worked under the guidance of several general counsels. And at times, did extensive work for Kim while Kim was our acting staff director.

Throughout those changes and the pressures of the job, she always rose to the occasion. She was an excellent editor, truly enjoyed doing that type of work.

She was strong-willed, as we all know. But if you really got to know Lillian, she had a heart of gold. And if you needed any assistance, she was always there ready, willing and able to help you.

If you were having a bad day, Lillian had
a bad day with you. She will truly be missed. She was a quiet and a very private woman, but cared for by staff here.

And at this point in time, I know that folks were inquiring as to whether a service will be done by her family, and they will not be holding a service.

And so, at this point in time what I plan on doing is getting a plaque done, a memorium plaque. And hopefully we can hang that in the hallway near where she used to sit.

And perhaps at that point in time once we're hanging it up, we could all join together and just say a few kind words for her.

CHAIRMAN CASTRO: Thank you, Madam Staff Director. I don't know if anyone else wants to say a few words about Lillian before we move on?

COMMISSIONER HERIOT: Mr. Chairman.

CHAIRMAN CASTRO: Yes.

COMMISSIONER HERIOT: I just wanted to add that I thought Lillian was a wonderful woman. Always willing to work.

I found her very helpful. Very polite. And I will miss her.

CHAIRMAN CASTRO: Thank you. Thank you all. And, again, we will keep you posted as to the
memorial plaque and we'll do something special around that. So, she will be missed.

**II. REMARKS BY CHAIRMAN CASTRO**

CHAIRMAN CASTRO: I wanted to just say a couple of words before we get into the formal program. For Commissioner Achtenberg and I, next month will be four years since President Obama appointed us to this commission. And we have been honored to serve and continue to serve.

And reflecting on the things that have been happening in the United States just over the last two weeks, issues of Garner and Brown and conditions of police interactions with minority communities.

And even as we look back a few more weeks we see cases involving Muslim Americans and the issues of sexual assault in the U.S. military. And just last week in the news another 12-year-old committed suicide because of LGBT bullying.

These are all issues that our commission has had the fortune and the commitment to address over the last few years, and there are many more that we need to address going forward.

And I think as we reflect on what we need to do certainly over the next year as we are poised to begin calendar year 2015, although we are now in our
fiscal year and we're hoping that we'll get some funding soon to continue the work that we're doing, I think it's important for us to reflect on the work we do, but also on how we do it and who counts on us to do it.

This morning I received a text from a dear, old friend and it said, "In the sky there is no distinction between east and west. People create distinctions out of their own minds and then believe them to be true." It's a statement by Buddha.

And I think a lot of what we're seeing in America today are created distinctions that we have put upon ourselves that divide us whether what's going on in Ferguson, whether what we saw when we went down to Orlando on the Stand Your Ground hearings and what the Arab and Muslim American community is raising right now about the renewed racial profiling lines.

These are all false distinctions that we as humans have created for us. And I'm glad that in particularly the last few weeks, but also in the last four years, we as a commission have come together in a bipartisan fashion not always agreeing on everything, but certainly moving forward in as agreeable a manner as this commission has had in a long time.

And as we face 2015 and as we face renewed issues, this commission needs to be engaged. This
commission needs to be heard. This commission needs to once again be the nation's conscience on Civil Rights issues.

So, when matters like those that have been happening the last few weeks occur, we are not an afterthought, we are the first in line. Because not only are the people who are the victims of these challenges that are being faced in the country relying on us, our communities are relying on us and our children and our grandchildren are looking to what work we're going to do today to make their lives better.

So, even today we have a number of items that are on the agenda and that will be added to the agenda that are timely matters. And we will continue to try to address those and we have to figure out the best and fastest and most efficient way to do it, but also the way to do it in the most united fashion that we can given our different points of view and perspectives.

So, I'm excited about the opportunities that face us today and in the weeks and months ahead, and I look forward to continuing as we start the new year to working with each and every one of you.

And I also want to thank the staff starting with our Staff Director, but on through our entire staff.
not only here, but in our regional offices for all the work that they've been doing this year, 2014, to help us make the Commission once again what it has always been, as I said, the nation's conscience on Civil Rights.

I know we face challenges financial and otherwise, but everyone has risen to the occasion. And as chairman, I just want you to know that I, and I know that -- I will speak for the Commissioners on this, we recognize and appreciate the work of all of our staff as members of our State advisory Committee who do this on a volunteer basis. So, thank you.

Madam Staff Director.

STAFF DIRECTOR SALLO: Sorry to follow up with this, but I just want to advise all the Commissioners that today we are actually testing our live stream services.

CHAIRMAN CASTRO: Oh, now you tell me. I should have been looking at the camera. Thank you. And that's another important step for us is to be able to share the work that we're doing here not only with the individuals in the room or those who happen to phone call in, but those who may be able to watch us on this thing called the internet.

So, Commissioner Heriot.
COMMISSIONER HERIOT: I just seek clarification. When you say "testing," is it actually live streaming, or we're --

STAFF DIRECTOR SALLO: If you were to go in the next room, you could actually see us on the --

COMMISSIONER HERIOT: Can people elsewhere see us?

COMMISSIONER KIRSANOW: Yes, this is Kirsanow. I can see you all and this is a great feature. Everyone looks so distinguished and it's a good thing I'm not there to mar the proceedings.

(Laughter.)

CHAIRMAN CASTRO: I bet you wish you were here now, don't you?

COMMISSIONER KIRSANOW: No. Chairman Castro looks so distinguished. My goodness.

(Laughter.)

COMMISSIONER KIRSANOW: Is there any ability to Skype with the Commissioners that aren't there?

STAFF DIRECTOR SALLO: Not today. We have a portable machine now that we can wheel, but that service needs -- oh, I'm sorry. My apologies.

Not today. In the future, because we do have a portable system, but it needs to be set up in the
room. So, it won't be done any time in the next -- sorry. I'm being told. Give me a second.

CHAIRMAN CASTRO: Okay. Maybe.

STAFF DIRECTOR SALLO: But it's never Skype though.

(Comments off record.)

STAFF DIRECTOR SALLO: Okay. So, yes, we will be able to do it, but we can't use Skype due to federal regs. So, we do have a system in place. And once the wiring is checked out within here, then we can start using that as well.

COMMISSIONER HERIOT: I don't want to sound too down-market here, but, like, can we like have a Facebook page that would allow us to say, okay, there's a meeting going on, so people could know --

STAFF DIRECTOR SALLO: So, Jason and Lenore have worked to come up with a prototype for our Facebook page. We just have to ensure at this point in time what's left is to ensure that we're -- that all the federal guidelines are being met before it can go live. So, yes, we would be doing that as well.

CHAIRMAN CASTRO: I imagine this is one of the items on our strategic plan. So, we're moving ahead.

COMMISSIONER HERIOT: Facebook?
CHAIRMAN CASTRO: No. Well, use of social media and technology.

COMMISSIONER HERIOT: I guess that's the term that makes it sound more --

CHAIRMAN CASTRO: Dignified.

(Laughter.)

STAFF DIRECTOR SALLO: So, we've already launched a Twitter account through the RPCU Chief. And so, when they've had briefings, he's actually Tweeted out information through the Twitter account and it's been well-received.

And staff has been given a manual on how to address social media and do the press releases and come up with statements. So, we're slowly gearing up to go full force.

COMMISSIONER HERIOT: Can the Commissioners get a copy of that manual so we know what to do with social media, too?

STAFF DIRECTOR SALLO: Yes.

CHAIRMAN CASTRO: And let me also suggest before the meeting is over if you could find out the Twitter handle for that and we could share it not only with the Commissioners, but with our viewing and listening audience?

STAFF DIRECTOR SALLO: I'll reach out to
CHAIRMAN CASTRO: All right. Thank you.

COMMISSIONER KLANDNY: Mr. Chairman.

CHAIRMAN CASTRO: Yes.

COMMISSIONER KLADNY: I'd like to thank the director and the staff that's worked on this. I know it's very important.

I've been on the Commission three-and-a-half years and I think it's about time that we did this and got it accomplished. And I think it will be a big help for the Commission and its visibility.

CHAIRMAN CASTRO: I agree. Thank you.

STAFF DIRECTOR SALLO: So that everyone knows, the briefing that will take place on January 30th as previously indicated, it will be live streamed.

And so, we will send out the link two weeks prior to that. And it will also be on our press release so that folks that want to view the actual briefing, they can see the link on the press release. And they can log in from their computer.

COMMISSIONER HERIOT: If it's announced on Facebook and then all of us send it out again, a lot more people will actually see it who we know are interested in it.

STAFF DIRECTOR SALLO: I will send it out,
yes.

CHAIRMAN CASTRO: Great. Thank you.

(Comments off record.)

CHAIRMAN CASTRO: And just one point of personal privilege before I go on to the agenda, I just want to acknowledge that my sons, Nez and Maximo, and their mom are in the room today. So, I know people will be nice to me as a result, right?

(Laughter.)

III. APPROVAL OF AGENDA

CHAIRMAN CASTRO: All right. So, we move on now to the approval of the agenda. I move that we approve the agenda.

Is there a second? There will be a second, and then we'll do the amendments.

COMMISSIONER TIMMONS-GOODSON: All right.

CHAIRMAN CASTRO: So, Commissioner Heriot.

COMMISSIONER TIMMONS-GOODSON: I will second.

CHAIRMAN CASTRO: Okay. Are there any amendments?

COMMISSIONER TIMMONS-GOODSON: Mr. Chair, I would move that we amend the agenda --

CHAIRMAN CASTRO: Your mic was on, but you just didn't have it close enough.
COMMISSIONER TIMMONS-GOODSON: I'll get it right. Mr. Chair, I move at this time that we amend the agenda so as to allow us consideration of sending a letter urging an independent investigation into a situation in North Carolina.

CHAIRMAN CASTRO: Okay. What I'm going to do, I know there's a number of these. I'm going to take them all at once.

Do we have a second on that motion?

COMMISSIONER KLANDNEY: Yes, I'll second.

CHAIRMAN CASTRO: Okay. I also need to make a motion to amend -- actually, Commissioner Heriot, why don't you go first. Do you have a motion?

COMMISSIONER HERIOT: I'm concerned about the procedure here.

CHAIRMAN CASTRO: Do you want to vote each one individually?

COMMISSIONER HERIOT: Aren't we supposed to? I mean, isn't that the way Roberts Rules would have it? Because otherwise it gets all mixed up.

CHAIRMAN CASTRO: Well, I know we've done it before en masse, but it could be that not everyone may support each one of these.

So, maybe we should vote them in the --

COMMISSIONER HERIOT: Well, we could move
them as a package and then have one vote.

CHAIRMAN CASTRO: That's what I'm seeking to do. Okay. So, then we'll have another amendment.

MS. HEPLER: Are you planning to do it -- are you saying you're going to put everything altogether and then vote? But what if people want some and not the other?

COMMISSIONER HERIOT: That's the way it is with every motion. People want some, and not the other. That's what's called compromise, yes.

MS. HEPLER: I'm saying the --

COMMISSIONER HERIOT: But that's what compromise is all about.

MS. HEPLER: So, it's going to be a package deal? That's what I'm just trying to find out.

CHAIRMAN CASTRO: That's what I'm trying to do.

COMMISSIONER HERIOT: Well, why don't we like move them all. How many are there?

CHAIRMAN CASTRO: I've got on my list here one, two, three, four, five. They are mostly minor matters, but there are a couple letters that we want folks to take a look at.

And then there's an approval of the notational vote that we conducted on the Ferguson
letter.

STAFF DIRECTOR: It's just putting it on the record.

CHAIRMAN CASTRO: Putting it on the record.

I'm sorry. It's not a vote on it. So, let's go through them. And then if there's an issue, we'll act accordingly.

So, I'm going to make a motion to amend the agenda to allow me to read into the record the specifics of the notational vote that occurred on November 25th, 2014, regarding the Commission's statement on the Ferguson Grand Jury results.

PARTICIPANT: I'll second it.

CHAIRMAN CASTRO: Okay. Commissioner Heriot, you have the -- I think you wanted us to take a look at a field briefing paper?

COMMISSIONER HERIOT: Yes. I would like to move that the Commission conduct a -- I guess we would call it a "field briefing," but this is in conjunction with an already pending --

CHAIRMAN CASTRO: Right.

COMMISSIONER HERIOT: -- sexual harassment report that would allow us to look into the situation at UVA that was reported in Rolling Stone Magazine back in November.
CHAIRMAN CASTRO: Okay.

COMMISSIONER HERIOT: And that that would become part of our sexual harassment report.

CHAIRMAN CASTRO: Okay. So, we have a second on that?

COMMISSIONER KIRSANOW: Kirsanow, second.

CHAIRMAN CASTRO: Okay. Commissioner Kladney, you have a briefing paper you'd like us to look at?

COMMISSIONER KLADNEY: I'd like you, the Commission, to consider a field briefing paper on policing practices and prosecution of police, deadly force -- abuse of deadly force.

COMMISSIONER HERIOT: I second that.

COMMISSIONER KLADNEY: Thank you.

CHAIRMAN CASTRO: We have a motion on the business meeting for January. Who wants to make that motion?

I'll make a motion that we discuss the vote to hold the business meeting on January 29th right before our hearing, a briefing on immigration.

COMMISSIONER KLADNEY: I'll second.

CHAIRMAN CASTRO: Okay. And then also a discussion and vote on the Commission statement regarding the updated DOJ profiling guidelines.
COMMISSIONER KLADNEY: I'll second it.

CHAIRMAN CASTRO: Okay. So, now we have a number of amendments. Are there any further amendments?

(No response.)

CHAIRMAN CASTRO: Hearing none, then what we'll do is vote to approve the agenda as amended. I'll take since there's a number of items here --

COMMISSIONER HERIOT: This is not Roberts Rules of Order at all.

CHAIRMAN CASTRO: You want to vote on each of them individually?

COMMISSIONER HERIOT: I can move that we consolidate all five of those proposals and someone can second that. And then we can vote on that motion, if that's what you want to do.

CHAIRMAN CASTRO: The Commissioner has made a motion.

COMMISSIONER KLADNEY: No, I think we ought to vote on them individually.

CHAIRMAN CASTRO: Individually? All right. Then I'll take them individually and I'm going to do a roll call vote just so that I have -- because obviously there's folks who want to vote for or against some of these.
So, let me -- on the first item which is Commissioner Timmons-Goodson's motion to examine the --

COMMISSIONER HERIOT: I just want to clarify. We're just voting on whether or not to put this on the agenda at this point.

CHAIRMAN CASTRO: To amend the agenda, that's all. We're not --

COMMISSIONER HERIOT: We're not actually talking about the issues.

CHAIRMAN CASTRO: This is just agenda.

COMMISSIONER K Ladney: I'm sorry. I thought we were talking about voting on them individually.

COMMISSIONER HERIOT: No.

CHAIRMAN CASTRO: No, we're talking about --

COMMISSIONER HERIOT: Just putting them on the agenda right now.

COMMISSIONER K Ladney: All right.

COMMISSIONER HERIOT: I move that we amend the agenda for all of these six things.

COMMISSIONER K Ladney: I second that.

CHAIRMAN CASTRO: Is there a second to that -- okay. Subject to that amendment, are there -- is there a motion?

On the motion to approve the agenda, all
those in favor say "aye."

GROUP RESPONSE: Aye.

CHAIRMAN CASTRO: Any opposed? Any abstentions? Okay. It unanimously passes. And what we'll do then is we'll at the beginning of program planning -- actually, we'll do it at the end of program planning. So, our next item on the agenda --

COMMISSIONER HERIOT: No, we now have to approve the agenda.

CHAIRMAN CASTRO: We just did.

COMMISSIONER HERIOT: No, we just approved the amendment.

CHAIRMAN CASTRO: All right. All in favor of the agenda say "aye."

GROUP RESPONSE: Aye.

CHAIRMAN CASTRO: All opposed. Any abstentions?

IV. PROGRAM PLANNING

CHAIRMAN CASTRO: The first item on the agenda as amended is the program planning. We now have about eight items on that agenda.

So, the first is a review and vote on the 2015 Statutory Enforcement Report Discovery Plan. Madam Staff Director, do you want to handle that?

STAFF DIRECTOR SALLO: The plan has been
circulated to the Commissioners. The Commissioners at this point in time, if you have any additions or questions on the matter at hand or any corrections? And then the Commissioners would have to vote to adopt.

CHAIRMAN CASTRO: Are there any questions?

COMMISSIONER HERIOT: I'm sorry.

CHAIRMAN CASTRO: Commissioner Heriot.

COMMISSIONER HERIOT: I just need to look at something for a minute.

STAFF DIRECTOR SALLO: Absolutely.

(Pause.)

CHAIRMAN CASTRO: And those commissioners who are on the phone if you do want to ask a question, just let me know so I can hear you and put you in queue.

(Pause.)

COMMISSIONER HERIOT: Mr. Chairman.

CHAIRMAN CASTRO: Yes, Commissioner Heriot.

COMMISSIONER HERIOT: I think on the discovery plan I have a couple of minor concerns that I think we can talk about after, you know.

STAFF DIRECTOR SALLO: Okay. Sure.

COMMISSIONER HERIOT: Just things like I noticed in the original concept paper there was a discussion of the possibility that some of these private corporations running prisons might, you know, be
greater problems, or lesser problems. I don't know, but I thought that we need some specific focus on that and a couple of other minor things.

I would like to say generally, though, that I have not been very happy over the last seven years with the discovery plans because they're not detailed enough.

And I'm not saying anything in particular about this one. What I'm saying is that we have had some reports in the past where I think things went seriously awry because the specifics of the discovery plan, you know, contain the seeds of the destruction of the report.

An example of this would be the Religious Liberties Report that we did some time ago where we had social scientists completely misunderstanding what court opinions are and how they're not a cross-section of decisions, because they're focused on those cases where a Motion for Summary Judgement or a Motion to Dismiss was plausible and, hence, in a more typical case, settled and there was no court opinion.

And the social scientists involved didn't understand that and it meant the, you know, the core of the report was flawed.

And, you know, had I seen it early on, I
could have pointed that out. And instead like --

STAFF DIRECTOR SALLO: Well --

COMMISSIONER HERIOT: -- it was too late by

the time it came to me.

STAFF DIRECTOR SALLO: -- it's been

redrafted and will hopefully be recirculated to

everyone by the end of this calendar year. And

hopefully you'll be happy with the rewrite, because it

hasn't been voted on yet.

COMMISSIONER HERIOT: I'm talking about

like a report from seven years ago.

STAFF DIRECTOR SALLO: Oh. Oh, okay.

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: Yes, it's not our fault.

It's our predecessors.

COMMISSIONER HERIOT: Not your fault. Not

your fault, Madam Staff Director.

STAFF DIRECTOR SALLO: Okay.

COMMISSIONER KLADEY: Now, there is a long

memory.

COMMISSIONER HERIOT: Absolutely. And I

really want to make sure that with the discovery that

we're on top of this as it unfolds.

So, when we get a draft of the actual

interrogatories, I'd appreciate that if you'd send that
out to the Commissioners.

STAFF DIRECTOR SALLO: Sure.

COMMISSIONER HERIOT: And like if we see a problem, we can hit the panic button then instead of like six months later when it's too late.

STAFF DIRECTOR SALLO: Yes, ma'am. Will do. Okay.

CHAIRMAN CASTRO: Thank you.

STAFF DIRECTOR SALLO: Thank you.

CHAIRMAN CASTRO: If there are no further comments or questions on the discovery plan and timeline, is there a motion to accept it?

COMMISSIONER KLAKEY: Yes, I'll make a motion.

COMMISSIONER ACHTENBERG: So moved.

COMMISSIONER KLAKEY: I'll make a motion.

CHAIRMAN CASTRO: Okay. And, Commissioner Achtenberg, you'll second?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay. Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I abstain on the ground like I want to wait to see when things get a little bit more clear.

CHAIRMAN CASTRO: Commissioner
Timmons-Goodson, how do you vote?

    COMMISSIONER TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

    COMMISSIONER NARASAKI: Because I worked on some of these issues, I will have to recuse myself from this vote.

CHAIRMAN CASTRO: Okay. So, I'll count you as an abstention. Commissioner Kladney, how do you vote?

    COMMISSIONER KLASDNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

    COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

    COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Commissioner Kirsanow, how do you vote?

    COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: And I vote yes. The motion passes with one, two, three, four, five, six yeses and two abstentions.

Okay. So, we will now -- we had scheduled for today a discussion and vote on updating select
commission reports.

I know that what held it up at the last meeting was that we did not yet have a final budget. We don't have a -- do we have a final budget now?

STAFF DIRECTOR SALLO: We don't have a final budget, but the number is 9.2 million. So, the House voted last night. We're waiting for the Senate, but that is the number.

CHAIRMAN CASTRO: Okay. So, it looks like we at least know what we're going to get for sure, or can that still change?

STAFF DIRECTOR SALLO: Well, I don't believe it can still change. But once we receive the final number, then I will put together the budget, circulate it to the Commissioners so you know where we stand and what line items can be covered by the budget.

CHAIRMAN CASTRO: Okay.

STAFF DIRECTOR SALLO: Then we can have a discussion in January.

CHAIRMAN CASTRO: So, that's what I would suggest then that for January we move this item to the January agenda where we will have the solid budget number.

And what I would also ask commissioners, I know some commissioners have indicated some of the
reports they'd like.

I think Commissioner Narasaki and her staff put together a nice little summary of what they're interested in and why.

So, I think it would be helpful to our deliberations that if each commissioner who has a topic from our prior reports that we would like to revisit, that they prepare a similar brief summary of why and circulate that to the Staff Director two weeks prior to the January meeting.

The Staff Director will then circulate that to all commissioners so that we can come into January with detailed information that will help our discussion.

And of course the final budget will be in hand and the Staff Director can also tell us based on that budget how many of these we can do, and how many of our briefings, standard briefings we can do so that we can measure it all.

Commissioner Kladney, then Commissioner Narasaki, then the Staff Director.

COMMISSIONER KLANDNEY: Mr. Chairman, I think that's a wonderful idea.

CHAIRMAN CASTRO: Thank you.

COMMISSIONER KLANDNEY: But my concern is
when we talk about updating reports, is shouldn't we also ask the Commissioners who submit for updates how they propose to update the report?

Because I think there's numerous ways it can be done and some more efficient than others --

CHAIRMAN CASTRO: Right.

COMMISSIONER KLADNEY: -- rather than holding all new hearings or --

CHAIRMAN CASTRO: Oh, absolutely. In fact, the Staff Director and I have talked about that. And I'm sure that that's what she's going to mention in her remarks.

So, I'll have Commissioner Narasaki make her statement, and then Staff Director can explain the various forms of updating that we might want to consider.

COMMISSIONER KLADNEY: Thank you, Mr. Chair.

CHAIRMAN CASTRO: You're welcome.

COMMISSIONER TIMMONS-GOODSON: I was just going to make the motion that supports your suggestion.

CHAIRMAN CASTRO: Okay. Well, hold a second while -- well, you can make the motion or we can use it to discuss, however, either way, but let's hear from the Staff Director.
STAFF DIRECTOR SALLO: Irrespective of the fact that we don't have the final budget, we always allot out of the gate for five briefings every fiscal year. So, then contingent upon all the other outstanding things that we need to accomplish, we can see if we can accommodate an additional briefing or field briefing.

But at the very minimum, there are some publications -- I circulated the catalog of publications from April of 2013. And some of the documents that we have issued, they can easily be updated just by staff doing the research and updating the reports. And they don't necessarily require briefings.

I had not seen the concept paper that was submitted for the policing practices, but I just glanced through it. And right in there you've already included reference to three previous publications that we have that fall in line with this concept paper.

So, that's another way that we can update previous publications by incorporating those into any upcoming briefings as well.

And as we move forward, perhaps we as a unified body can get together and come up with ideas on how we can become a bit more efficient in updating the documents while using the staff that we have.
CHAIRMAN CASTRO: Okay. Commissioner Narasaki.

COMMISSIONER NARASAKI: So, I move that this become an agenda item at the January business meeting.

COMMISSIONER KLANDMEY: I second that.

CHAIRMAN CASTRO: All right. All in favor say "aye."

GROUP RESPONSE: Aye.


The next item on our program planning agenda is for me to read into the record the notational vote specifics. So, which I will do now.

Pursuant to Administrative Instruction AI-1-7, the Office of the Staff Director submitted a notational voting package via email to commissioners on November 24th, 2014. The purpose of the notational vote was to vote on issuing a press release regarding the Ferguson, Missouri Grand Jury decision on November 24th, 2014. The Commissioners were advised that the deadline for notational voting was November 25th, 2014, at 11:00 a.m. The notational vote failed as not enough commissioners voted by the stated deadline. However, on November 25th another notational voting package was sent to all commissioners via email. The deadline for
voting was 4:15 p.m. on November 25th, 2014. Seven commissioners voted in favor of the press release, and one commissioner abstained. Therefore, the motion passed. Mr. Rorey Smith, the Commission's general counsel, certified the passage of the motion pursuant to AI1-7(5) and dated the certification on December 2nd, 2014, end quote.

STAFF DIRECTOR SALLO: And the certification will remain on file in the Office of the Staff Director.

CHAIRMAN CASTRO: Okay. Thank you. Next item on the agenda is discussion and vote on the UVA sexual assault field briefing request. I'll hand over the microphone to Commissioner Heriot.

COMMISSIONER HERIOT: Does everyone have a copy of this?

CHAIRMAN CASTRO: I believe so.

COMMISSIONER HERIOT: Okay.

CHAIRMAN CASTRO: Yes, we circulated it to everyone.

COMMISSIONER HERIOT: Okay. What I'm proposing is that we supplement the sexual harassment --

CHAIRMAN CASTRO: Can you speak a little louder into your microphone, Commissioner.
COMMISSIONER HERIOT: I'm sorry.

CHAIRMAN CASTRO: That's okay.

COMMISSIONER HERIOT: What I'm proposing is that we supplement our sexual harassment briefing with a field hearing -- or, you know, we can do it here, I suppose, since Charlottesville is not that far away -- that looks into the allegations of gang rape at a fraternity at the University of Virginia.

This is a very, very serious allegation on a very, very serious topic. It has received a great deal of attention in the news and there are some disputes involved in this.

And I think this is an area where the Commission's fact-finding expertise could come in handy. So, I think that's something we need to look at.

CHAIRMAN CASTRO: So, you're making a motion that we consider this.

COMMISSIONER HERIOT: Uh-huh.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER KIRSANOW: Kirsanow second.

CHAIRMAN CASTRO: All right. Any discussion, Commissioners?

COMMISSIONER TIMMONS-GOODSON: This is Commissioner Timmons-Goodson. As I read over the proposal, it would appear that we would be called upon
to have the young lady testify.

Is that what is anticipated?

COMMISSIONER HERIOT: I don't necessarily think that that would be required. I think that's something that we could work out and decide, you know, what the best way to investigate the facts here are.

It may be more appropriate to have her submit a statement. I don't think it would be necessarily a situation where we would want to compel her testimony.

There are many ways to look into this and I don't really think that at this point it would be wise to come up with an absolute plan.

What we want to do is find out what happened and what -- and in particular, also, what the University's response to that was.

CHAIRMAN CASTRO: Commissioner Kladney.

COMMISSIONER KLADNEY: I have a problem with just looking at one individual case. I have always thought especially since we did the sexual assault in the military and some of the responses and the statements that we got, we received from the Commissioners, that perhaps if we wanted to do a general briefing on sexual assault on campus, it would be a much better and sought after type of briefing because we
would take in a series of other campuses and what went
on in terms of data and those types of things.

I believe looking at an individual case is
fraught -- I like that word -- fraught with all sorts
of problems especially in light of the press issue being
involved, the spectacle and the fact that basically we
would be doing a trial. And I don't think that's our
purpose. Thank you.

CHAIRMAN CASTRO: Commissioner Narasaki.

COMMISSIONER NARASAKI: I agree with
Commissioner Heriot that it raises serious issues that
would be helpful to supplement the hearing that we
already had, but my feeling is that perhaps it would be
better handled by asking staff to look at the case in
terms of how it might -- how they might want to
investigate staff to add to our report because I feel
that we have very constrained resources and we already
had a hearing very recently on -- related to this issue.

CHAIRMAN CASTRO: Any other commissioners
with to comment? Commissioner Heriot.

COMMISSIONER HERIOT: Well, I think in
response to Commissioner Kladney, this is not simply an
investigation into one case and that we've, you know,
got a pending report on this basic issue.

This particular case has received a
tremendous amount of attention in the press. It is a particularly horrific case and one where, you know, a leading university has been accused of failing to deal with an important issue, failing to respond appropriately.

We have been in the last few weeks looking into particular cases. We have done the Ferguson letter. We have been working on a letter with regard to Eric Garner. So, I don't quite understand the notion of this is a particular case.

We didn't have that same attitude with other issues that have been before the Commission including the Nevada hospital case that we did our EMTALA report centered around. And that of course was Commissioner Kladney's report.

So, no, I don't agree with that and, you know, we're not simply looking into one case. We're looking at the high-profile case that surrounds an issue that we've already decided to look into.

CHAIRMAN CASTRO: Staff Director, please.

STAFF DIRECTOR SALLO: I just have one concern. Because it is an ongoing criminal case, I just don't see how much information they might be willing to provide us. And that's the only thing I'd like to put out there.
CHAIRMAN CASTRO: Any other commissioner on the phone, perhaps, who wants to comment?

COMMISSIONER KIRSANOW: Mr. Chair, Kirsanow here.

CHAIRMAN CASTRO: Go ahead, Mr. Kirsanow.

COMMISSIONER KIRSANOW: Just very briefly I note that at least as I understand what is going on or the reporting there that this is not an isolated case.

The only allegation is that this is a systemic problem that there is a rape culture, as the term has been used, at University of Virginia and perhaps other schools, too, and that this is not an isolated incident.

We had a horrific crime that was committed -- another horrific crime that was committed on or about the University of Virginia campus that led to the death of a young lady.

And there has been numerous allegations that University of Virginia has basically kind of looked the other way not with respect to that particular case, but has not been adequately addressing what the students claim has been a widespread -- or widespread instances of rape and sexual assault.

CHAIRMAN CASTRO: Any other commissioners?

(No response.)
CHAIRMAN CASTRO: Hearing none, then, what we'll do is we'll take a vote on the motion to conduct a field briefing as proposed by Commissioner Heriot. Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: Commissioner Timmons-Goodson, how do you vote?

COMMISSIONER TIMMONS-GOODSON: No.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER YAKI: Commissioner Yaki. I have a clarification question.

CHAIRMAN CASTRO: Sorry. Yes.

COMMISSIONER YAKI: I thought I heard Commissioner Heriot say that there could be a field briefing or just a briefing at headquarters. I was trying to --

CHAIRMAN CASTRO: She did say that.

COMMISSIONER YAKI: I wanted to get clarification on that.

CHAIRMAN CASTRO: She did that and I said "field briefing." So, I think that's how the original motion was crafted, but it could be a non-field briefing.

Commissioner Narasaki, how do you vote?
COMMISSIONER NARASAKI: No.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER Kladney: No.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: No.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: And I vote no. Although, I do like Commissioner Narasaki's suggestion that staff should look into this issue and determine what, if anything, they might be able to garner from that and include in --

COMMISSIONER HERIOT: Then so moved.

CHAIRMAN CASTRO: Well, let me make my vote. So, I vote no on the motion --

COMMISSIONER HERIOT: Okay.

CHAIRMAN CASTRO: -- as crafted.

COMMISSIONER HERIOT: So moved.

CHAIRMAN CASTRO: Let me make the --
COMMISSIONER HERIOT: So moved.

CHAIRMAN CASTRO: -- announcement on this.

So, the motion fails with one, two, three, four, five nos and three yeses.

COMMISSIONER HERIOT: I move that we do exactly what the Chairman just said.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER YAKI: Second.

COMMISSIONER KIRSANOW: Kirsanow, second.

CHAIRMAN CASTRO: Okay. Any further discussion on that?

COMMISSIONER Kladney: Yes.

CHAIRMAN CASTRO: Yes, Commissioner Kladney.

COMMISSIONER Kladney: I would like to -- I guess I am -- I must not be awake this morning, but what form are we talking about the staff looking into it and reporting back?

Is that they're going to add to a report, they're going to give us information so that we can decide later, or exactly what avenue are we taking with this motion?

CHAIRMAN CASTRO: I would leave that to the staff's discretion to determine whether or not this is information they want to -- I mean, if you want to amend
COMMISSIONER Kladney: I don't want to do anything.

CHAIRMAN CASTRO: Well, then you can vote no.

COMMISSIONER Kladney: I understand that, but just for clarification --

CHAIRMAN CASTRO: What I intended --

COMMISSIONER Kladney: -- for the rest of the Commissioners --

CHAIRMAN CASTRO: Sure. What I understood Commissioner Narasaki to say and what I intended through my inadvertent motion was that our staff take a look at the issue at UVA and determine whether or not there's information there that could be included in the report that is based on the briefing that we conducted.

COMMISSIONER Heriot: What I would like to see is for the staff to actually interview witnesses and to develop the record.

CHAIRMAN CASTRO: That's not my intention.

COMMISSIONER Heriot: Yes, but that was my motion, not yours. I'm the movant, not you.

CHAIRMAN CASTRO: Well, you said you were going to --

COMMISSIONER Heriot: But still, I'm still
the movant. So, I'm the one --

CHAIRMAN CASTRO: -- base the motion on what I said.

COMMISSIONER HERIOT: Yes. Well, you know, I'm now, you know, my motion now --

CHAIRMAN CASTRO: Okay.

COMMISSIONER HERIOT: -- is to interview witnesses, develop the record on what happened.

CHAIRMAN CASTRO: Thank you for the clarification.

Commissioner Narasaki.

COMMISSIONER NARASAKI: Well, I feel like it was actually initially my idea.

CHAIRMAN CASTRO: There we go.

(Laughter.)

COMMISSIONER NARASAKI: But it has seriously gone awry somehow. So --

CHAIRMAN CASTRO: So, tell us what you really meant.

COMMISSIONER NARASAKI: So, although it is now formally Commissioner Heriot's motion. So, of course she can make it into what she believes is appropriate.

My feeling is that -- my very first hearing was on the issue of Title 9 enforcement in this area.
So, I do feel it's appropriate since the record is still open or since the report is still being worked on to take into account current events.

And so, I think it's appropriate to think about the extent to which this case or others highlight some issues that need to be somehow accounted for in the report that will be issued.

So, I actually felt like the Chair that I would like the staff to come back with what they might think is appropriate given our resources and the timing of the report.

So, I was not actually envisioning directing the staff to go down and do interviews unless that became something that was appropriate. So, that is what I'm willing to support.

COMMISSIONER KLADNEY: Mr. Chairman.

CHAIRMAN CASTRO: Yes, Mr. Kladney.

COMMISSIONER KLADNEY: I am getting the feeling that Commissioner Heriot is focusing in on this case with tasking the staff to go down to UVA and ask questions, do an investigation.

I had the feeling that Commissioner Kirsanow was talking about a more broadly-based look at UVA and the incidences that have occurred there, say, in the last 10 years or five years or whatever period
of time, because we're talking in very big terms here.

And I'm not exactly sure -- from what I took from the motion from Commissioner Heriot is it's this case. And in that case, I oppose it. Thank you.

CHAIRMAN CASTRO: Any other comments from commissioners before I call for a vote?

COMMISSIONER ACHTENBERG: Mr. Chairman.

CHAIRMAN CASTRO: Who is that? Commissioner Yaki?

COMMISSIONER ACHTENBERG: No, it's Roberta Achtenberg.

CHAIRMAN CASTRO: I'm sorry, Commissioner Achtenberg.

COMMISSIONER ACHTENBERG: I would support a general inquiry, but the motion of the staff with the interviewing witnesses when there is an ongoing criminal investigation strikes me as probably not the use of Commission resources that I would be willing to support. So, if that's the motion, I won't support it.

However, if the motion is a more general one as that one by Commissioner Narasaki, that is something that I would be able to --

CHAIRMAN CASTRO: I think Commissioner Heriot has made clear that it's her motion and what she specifically intends of it.
COMMISSIONER ACHTENBERG: No, no. I understand.

CHAIRMAN CASTRO: I know. So --

COMMISSIONER ACHTENBERG: I respect that.

CHAIRMAN CASTRO: I appreciate that and we respect that. And for that reason, I would vote against it as well. So, I am now going to call it for a vote.

Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: Commissioner Timmons-Goodson, how do you vote?

COMMISSIONER TIMMONS-GOODSON: No.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: No.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADENY: No.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: No.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: No.

CHAIRMAN CASTRO: Commissioner Kirsanow,
how do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: And I vote no. One, two, three, four, five, six nos to two yeses. The motion fails.

We will now move on to Commissioner Kladney's item on the potential field briefing on police brutality.

Commissioner Kladney, you have the floor.

COMMISSIONER Kladney: I think the paper says it pretty clearly in the front side. In the last couple of months there has been some very high-profile shootings in the minority community.

The one that I had proposed a month or so ago, a paper on Ferguson and staff talked to me about having the SAC in Missouri do it. And I was fine with that.

But when Tamir Rice, a 12-year-old boy in Cleveland was shot, I felt that it kind of rose to the Commission level a more important question which is tactics and strategies of police departments and the use of grand juries in these types of cases which tend to shield the prosecutor and the process from the public.

So, I embarked on writing this paper and then I submitted it to several people. They had a
couple of changes. So, I put everybody's name on it as an author. And I think that that's the purpose of the paper.

CHAIRMAN CASTRO: So, we have a motion. Is there a second?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Let's have some discussion. Anyone have any comments? Commissioner Timmons-Goodson.

COMMISSIONER TIMMONS-GOODSON: I don't have a lot to add to what Commissioner Kladney has written in the paper.

I can't recall many things more timely than this particular situation. It seems to be systemic. And while the Commission has reviewed the issue and similar issues in the past, I don't see how we can say no to this one and I endorse it wholeheartedly.

CHAIRMAN CASTRO: Madam Staff Director.

STAFF DIRECTOR SALLO: I applaud the paper. I think it's, as Commissioner Timmons-Goodson said, it's very -- it will be very well-received.

I do have one question. I just saw it for the first time today, but I do have a question on the panels.

I don't see any federal agencies that will
be included in the panels. And I was wondering if there is any thought of bringing in DOJ’s COPS or BJA simply because they do provide the funding for the trainings and they just released new training manuals as a result of these instances.

COMMISSIONER KLADNEY: I was -- I left the panels vague so that --

STAFF DIRECTOR SALLO: Okay.

COMMISSIONER KLADNEY: -- staff and other commissioners can recommend people --

STAFF DIRECTOR SALLO: Excellent.

COMMISSIONER KLADNEY: -- for witnesses. I don't think the author of a paper should delineate exactly who's coming, because then they dictate how the briefing comes out.

STAFF DIRECTOR SALLO: No, I appreciate that. No, but I just -- a new document just came out in November. So, I'll circulate that to everyone.

COMMISSIONER KLADNEY: And one more thing. I did -- and I don't know if the funds are available. And if the funds aren't available, I guess we wouldn't do a field briefing, but I would hope that we could do this up in New York.

STAFF DIRECTOR SALLO: It sounds like a good idea and I'll be able to tell you more after we get our
COMMISSIONER KLADNEY: Thank you.

STAFF DIRECTOR SALLO: You're welcome.

CHAIRMAN CASTRO: All right. Any other comments or questions from commissioners?

Commissioner Narasaki.

COMMISSIONER NARASAKI: Yes. I just wanted to add that I strongly endorse this as both topical and important.

The Commission did over a decade ago a very important report and I think it's more than timely to build on that report in wake of recent events.

CHAIRMAN CASTRO: Any other commissioners wish to comment?

COMMISSIONER KIRSANOW: Commissioner Kirsanow here.

CHAIRMAN CASTRO: Commissioner Kirsanow. Then Commissioner -- was that Yaki?

COMMISSIONER KIRSANOW: I'll yield to Commissioner Yaki.

CHAIRMAN CASTRO: Okay. Commissioner Yaki, go ahead.

COMMISSIONER YAKI: Thank you very much, Mr. Chair. I just wanted to say I think this is extremely important to have.
And I would hope that one of the outcomes from this and they're prejudging, but I hope one of the outcomes would be the Commission actually working to create some model rules or regulations around some of the tactical issues that are raised by -- in Commissioner Kirsanow -- or Commissioner Kladney's concept paper.

In looking at it, I would say that -- and echo what I believe Commissioner Narasaki was saying is that there are -- parts of the concept paper override the who's guarding the guardians papers that the Commission has done twice; once in the '80s and once revisited in 2000.

And I would just note that in the 2000 report, we were very clear on our skepticism of the ability of a prosecutor to be directly involved in the handling, investigation and charging of potential police misconduct civil right violation-type issues.

And we see that -- at least in my opinion I have seen that in Ferguson. And I think a lot of America has seen that with regard to Eric Garner's case in New York.

And I think that it's important for us for our history and for what we have done in the past and what we intend to do in the future to highlight --
continue to highlight that this agency has been and has identified that as a concern for some time. And maybe we need to muscle it up a little bit in terms of this particular investigation and hearing and come out with even stronger statements regarding the position of a prosecutor as investigator and charger in these types of proceedings especially with regard to a grand jury.

CHAIRMAN CASTRO: Thank you, Commissioner Yaki.

Commissioner Kirsanow.

COMMISSIONER KIRSANOW: Yes. Thank you, Mr Chair. I support this as an appropriate and important use of Commission resources. The Tamir Rice situation is something that transpired not too far from my home.

And there had been reporting regarding the officer involved in the shooting and whether or not there had been an appropriate background check. And these are tragic circumstances that I'm hopeful it notes exploring whether changes in police procedures will reduce police shootings, ultimate shootings particularly those that resulted in between 95 to a hundred deaths of blacks each year.

In the process, I hope we'll also examine and induce evidence and testimony on changes in police procedures that will reduce the epidemic of between
6,000 and 6,200 blacks killed each year by other blacks.

I also note one other reason I support this is because Commissioner Kladney promised that if I voted for Commissioner Yaki and himself, would refer to me no longer as a Klingon.

CHAIRMAN CASTRO: Okay. And I also think that --

COMMISSIONER YAKI: I was not a party to that agreement. I just want you to know.

CHAIRMAN CASTRO: What was that, Commissioner Yaki? You didn't agree to that?

(Comments off record.)

CHAIRMAN CASTRO: All right. Even in today's paper, Commissioner Kladney and others, there's discussion about there's no accurate count of civilians who are killed by police. Although there's a very specific, as there should be, detailed accounting for the police officers who are killed in the line of duty.

So, perhaps one of the side benefits of doing something like this is we can create a database that will make the work of future commissions and future local administrations better knowing exactly the scope of these sorts of situations.

So, any other additional comments?

COMMISSIONER ACHTENBERG: Mr. Chairman.
CHAIRMAN CASTRO: Yes, Commissioner Achtenberg.

COMMISSIONER ACHTENBERG: Yes, Mr. Chairman. I support the paper as well. And in particular to the extent that the issue of implicit bias could be explored in depth looking toward the -- perhaps the opportunity for the Commission to opine on training that might be available for law enforcement personnel that might become if not mandatory, then at least identified as a best practice so that the bias issue can one day hopefully be taken off the table.

So, I'm very much in support of this and I think there is a lot of good work we can do both with regard to collection of statistics, as well as addressing officer training and very specifically express interest in training with regard to, among other issues, implicit bias.

CHAIRMAN CASTRO: Staff Director. Then Commissioner Kladney.

STAFF DIRECTOR SALLO: To add to that, I attended a meeting this week where they actually indicated that part of the task force that's being put together by the White House will definitely be taking a look at implicit bias training and the need for that with the police officers. So, I think that it would be
timely.

CHAIRMAN CASTRO: Commissioner Kladney.

COMMISSIONER KLADNEY: I would also like to add that I think yesterday or the day before we added a footnote in our paper about police data on these shootings. And The Wall Street Journal had an article about how poorly the FBI collects data on the shootings where they collect from like 700 police departments and there's --

CHAIRMAN CASTRO: It's all voluntary. That's the problem.

COMMISSIONER KLADNEY: And there's another 2500 or 3,000 police departments that do not report. So, that's something we can get into.

CHAIRMAN CASTRO: Yes.

COMMISSIONER KLADNEY: I think this paper we can actually hold a two or three-day hearing on this, but I'm sure our budget will not allow that.

CHAIRMAN CASTRO: No. We could do that on a lot of things, and I wish we could. We'll see. So, any further discussion? If not, I'm going to call this vote.

COMMISSIONER YAKI: Mr. Chair.

CHAIRMAN CASTRO: Yes. Who is that?

Commissioner --
COMMISSIONER YAKI: Commissioner Yaki.

CHAIRMAN CASTRO: Go ahead.

COMMISSIONER YAKI: I just wanted to add that this is particularly important to the region in which I live. Because in 2013, a young Latino boy, 13-year-old, was shot in circumstances very similar to that of Tamir Rice by a Sonoma County sheriff's deputy.

And, again, it was involving a pellet gun that resembled an AK-47 and there are a lot of questions about what exactly went on. But what is known is that this young boy was hit by seven shots within six seconds.

And this is an issue that members -- former members of the California Advisory Committee had brought to my attention. And we've been talking and working on issues such as this for some time.

So, I think that this is very important. And I think what will be found out is that there will be instances of this across the country and I think that will be important in the testimony as showing that the breadth of this -- this is not, you know, a -- this is an issue that spans the country from east to west, north to south.

And we need to take very careful attention at the issue to the -- to whether there's a disproportionate number of young minority children also
who have been involved in these kinds of deadly accidents as well.

And as a side note, I am concerned about how our fascination and obsession with guns and gun replicas plays a large part in this. Because while we want to have better practices for police, it's also hard for police sometimes to make a quick determination. And this is something that's going to have to be part of how we address this in the investigation of this enormous market in replica weaponry that while -- that does not fire lethal bullets, but from every appearance except for certain types of proposals right now being fashioned about making them neon, putting, you know, visible stickers and decorations on them to show that they are not real guns, you know, how much of that is just simply a band-aid on the bigger problem of the gun culture that we have created in this country.

CHAIRMAN CASTRO: Thank you, Commissioner Yaki. And I also do want to thank Commissioner Kladney for his initial draft allowing us to add the focus on what's going on similarly in Latino communities and other communities of color.

So, certainly the intention here is to be broad on a topic that is touching many communities in many parts of the country.
So, with nothing further, I'm going to call this for a vote now so we can move on to our other agenda items.

Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I'll vote yes.

CHAIRMAN CASTRO: Commissioner Timmons-Goodson, how do you vote?

COMMISSIONER TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: And I vote yes. So, the motion passes unanimously.
Next, we will move on to a discussion of a business meeting being held on Thursday, January 29th, 2015.

Madam Staff Director, do you want to speak to that, or shall I?

STAFF DIRECTOR SALLO: Well, I proposed January 29th in the afternoon starting at 1:00 p.m., which would be the day before our full-day briefing.

And the reason why I'm proposing that is because we do have business matters that are pending that I would like to address them that day including voting on upcoming SACs that need to be reappointed.

COMMISSIONER TIMMONS-GOODSON: So moved.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER NARASAKI: Second.

CHAIRMAN CASTRO: Any additional discussion or questions on that?

(No response.)

CHAIRMAN CASTRO: Hearing none, all those in favor say "aye."

GROUP RESPONSE: Aye.


Next we will have a vote --
COMMISSIONER HERIOT: What time did we say?

CHAIRMAN CASTRO: 1:30.

STAFF DIRECTOR SALLO: 1:00 p.m., please.

CHAIRMAN CASTRO: 1:00 p.m., sorry.

COMMISSIONER HERIOT: 1:00 p.m.

CHAIRMAN CASTRO: Next on the amended agenda items is a motion by Commissioner Timmons-Goodson for consideration of a letter involving -- or requesting an independent investigation.

I'll turn it over to you, Commissioner.

COMMISSIONER TIMMONS-GOODSON: Yes. Thank you very much, Mr. Chair.

CHAIRMAN CASTRO: You're welcome.

COMMISSIONER TIMMONS-GOODSON: My fellow commissioners, I emailed a number of articles that may give you additional information to supplement my brief presentation, but like many of you I've been struck by the death of so many African Americans recently.

I'd like to share with you a situation in my home state of North Carolina. Lacy -- Lennon Lacy was a junior high school -- a junior in high school in a small, rural county in North Carolina and his body was discovered about mid-August hanging from a swingset in a trailer park neighborhood. It was not his home
neighborhood.

The State Bureau of the Investigation concluded within five days that Lacy's death was a suicide, but there have been many questions that have arisen since that time.

The family with the assistance of the NAACP and others have gone out and conducted additional -- an additional investigation to include bringing in a forensic scientist and to try to provide additional information.

The family has met with the US Attorney of the Eastern District and asked that he conduct an independent investigation.

They have indicated a willingness to be able to accept whatever the truth is, but they have many questions about the adequacy of the investigation.

And so, I ask the Commission to consider sending a letter to the elected -- excuse me -- to the US Attorney expressing support and, in fact, urging him to conduct an independent investigation. I have drafted a very rough draft of a letter so stating.

CHAIRMAN CASTRO: So, that's your motion. Is there a second?

MEMBER ACHTENBERG: Second.

CHAIRMAN CASTRO: Discussion? Any
commissioners? Questions, discussion? Commissioner Heriot.

COMMISSIONER HERIOT: I just want to say I haven't had time to look at this yet. So, I'm going to have to abstain on this. I might be willing to sign the letter ultimately.

CHAIRMAN CASTRO: Okay.

COMMISSIONER HERIOT: So, my abstention does not mean that I won't sign the letter. It just means I haven't looked at this.

CHAIRMAN CASTRO: Okay. Any other commissioners?

(No response.)

CHAIRMAN CASTRO: Hearing none, then I will take a roll call vote on this. Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I abstain.

CHAIRMAN CASTRO: Commissioner Timmons-Goodson, how do you vote?

COMMISSIONER TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?
COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: I abstain for the same reasons as Commissioner Heriot. I have just received this and haven't had an opportunity to look at it. I may sign on after I've had an opportunity to consider it.

CHAIRMAN CASTRO: Okay. And I vote yes. So, the motion passes with one, two, three, four, five, six yeses and two abstentions. Thank you, Commissioner Timmons-Goodson.

COMMISSIONER TIMMONS-GOODSON: Mr. Chair.

CHAIRMAN CASTRO: Yes.

COMMISSIONER TIMMONS-GOODSON: I am certainly open to any suggestions on the letter. And I put that out there.

CHAIRMAN CASTRO: Okay. Thank you.

COMMISSIONER HERIOT: So, does that mean
that the vote --

CHAIRMAN CASTRO: Well, actually the vote is on this letter, right? Is that what you're asking? The vote passes on the passage of this letter.

COMMISSIONER HERIOT: So, does that mean we can't change it at this point?

CHAIRMAN CASTRO: Well --

COMMISSIONER HERIOT: Or do we want to, like, have another motion that we can agree upon changes?

COMMISSIONER TIMMONS-GOODSON: Okay.

COMMISSIONER HERIOT: I move that the letter be subject to edits that the signing commissioners may agree upon over the course of the next few days.

COMMISSIONER TIMMONS-GOODSON: I second.

CHAIRMAN CASTRO: Okay. Any discussion on that? Did you want to say something, Madam Staff Director?

STAFF DIRECTOR SALLO: Well, I'll just say that I can work closely with Sheryl to get the letter out.

CHAIRMAN CASTRO: Okay. If no discussion, I'll just -- I will take a voice vote on that. All those in favor say "aye."

GROUP RESPONSE: Aye.

Next we move on to the motion where I have circulated a letter on the recently released DOJ profiling guidelines.

In the last few days while I've been here in Washington, I've met with leaders of the Arab American/Muslim American communities and they continue -- well, they join us in being very pleased with seeing an update here. There are still some gaps that they're very concerned about.

In the context of meeting with them to talk about our report which was issued recently on federal civil rights engagement with Arab and Muslim American communities, this issue was coming up.

So, in connection with that report given our focus on and our findings and recommendations on some of these very issues, I thought it might be useful for us to both commend the Justice Department for the tremendous work its done in moving forward on this issue, but also reminding them that there are some areas which do continue to need attention.

The letter I circulated has, I believe, received some proposed revisions from Commissioner Narasaki and I've looked at those.
So, my motion would be to approve the letter as amended by Commissioner Narasaki. And I believe you've circulated those changes to everybody, Commissioner?

Okay. So, do I have a second?

COMMISSIONER TIMMONS-GOODSON: Second.

CHAIRMAN CASTRO: Okay. Opening it up for discussion. Commissioner Heriot.

COMMISSIONER HERIOT: I'm going to have to vote against this one. This is a very tough issue. It requires a lot of thought and I haven't sorted it all out in my mind.

I don't think from what I saw -- I haven't looked at Commissioner Narasaki's edits yet, but from what I saw it didn't look like one that I could offer edits to and get myself to the point where I would be able to sign it.

It is a very, very tough issue. I understand everybody's concerns. And I think that those concerns, you know, have some merit to them, but it's such a tough issue I just feel I cannot sign onto this letter or anything that short on this topic.

CHAIRMAN CASTRO: Fair enough.

COMMISSIONER HERIOT: It's just too complicated.
CHAIRMAN CASTRO: Understood. Thank you, Commissioner Heriot. Any other comments, questions?

COMMISSIONER KIRSANOW: Mr. Chair, Kirsanow.

CHAIRMAN CASTRO: Yes.

COMMISSIONER KIRSANOW: Thank you, Mr. Chair. I would align myself with Commissioner Heriot's comments. I'm not going to vote against it. I'm going to abstain.

I would just simply note that I have not had an opportunity to even look at what DOJ has been up to with respect to the racial profiling.

And I would suggest we used to, as I recall, and I still think we do have an administrative instruction that either required us or at least strongly suggested that we try to introduce motions, written motions related to underlying letters and materials, things of that nature within a certain time frame.

I don't recall what it was. I think it was 48 hours prior to a meeting so commissioners would have an opportunity to take a look at it, deliberate and maybe even discuss among themselves before voting.

I'm just reluctant to move forward on something that I really have not had an opportunity to examine.
I understand Congress does that from time to time, from what I hear, but I'm not as swift as they are.

CHAIRMAN CASTRO: And I appreciate that.

And, you know, as you know, Commissioner Kirsanow and others, we recently have on a couple of occasions in the last couple weeks tried to use notational voting to move on some of these time-sensitive issues. And it worked in one case. It didn't work in another.

And given that we have this meeting already scheduled, I think that's why we're seeing these letters, but we'll certainly go back and see if there might be a more streamlined yet more thoughtful process that would be comfortable for everybody.

But we did want to get these out in front of commissioners before the meeting and hopefully -- it sounds like many did have a chance to see it and maybe some didn't.

Any other comments?

COMMISSIONER ACHTENBERG: Mr. Chairman, would this be subject to non-substantive editing? Is that implicit in the agreement to adopt?

CHAIRMAN CASTRO: As it was in the prior motion on Commissioner Timmons-Goodson's letter, yes.

COMMISSIONER ACHTENBERG: All right.
Thank you.

CHAIRMAN CASTRO: Any additional questions, comments? If not, I'll take a roll call vote on this.

Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I'm going to vote no.

CHAIRMAN CASTRO: Okay. Commissioner Timmons-Goodson, how do you vote?

COMMISSIONER TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: I abstain.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: I pass.

CHAIRMAN CASTRO: So, you want me to come back to you then.

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: YES.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Commissioner Kirsanow, how do you vote?
COMMISSIONER KIRSANOW: Abstain.

CHAIRMAN CASTRO: I vote yes. Commissioner Kladney, want to join the winning side?

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Okay. So, the motion passes with one, two, three, four, five yeses, two abstentions and a no. Two abstentions and a no. Commissioner Heriot was actually a no.

V. MANAGEMENT AND OPERATIONS

CHAIRMAN CASTRO: Okay. Thank you all. Now, we move on to management and operations. Madam Staff Director, is that right, or am I missing something?

STAFF DIRECTOR SALLO: No, you are correct.

CHAIRMAN CASTRO: Okay.

STAFF DIRECTOR SALLO: I would just ask -- our Illinois SAC Chair will only be able to remain on the call until 11:00. So, perhaps we can call on him first.

CHAIRMAN CASTRO: Okay. So, as you know, we've been trying to do more to engage our State Advisory Committees over the last few years. Part of that engagement has been having our SAC Chairs or representatives from SACs participate at some of our briefings.
Some have previously been on the phone and reported to us, some of them have even been physically here at our meetings.

And we have also -- some of us commissioners have attended SAC meetings back in our home states. And it's extremely important for us to be able to strengthen and expand the relationships we have with our State Advisory Committees, because they are indeed truly the eyes and ears of this Commission throughout the country.

They are volunteers who put time and effort into this and who are independent of us, but whose work should and does inform our work.

And I'm very pleased that today we've got a couple of members who we as a commission have appointed, including the first person we're going to invite to talk is James Botana who is a partner in a law firm in Chicago. Also, a dear friend and working colleague of mine. And he has become the chairman of the Illinois State Advisory Committee upon our vote recently.

And so, I'd love to have him present to us some of the work that the Illinois Advisory Committee is doing on the issue of immigration. James.

MR. BOTANA: Good morning, everybody.

My name is James Botana. I am a member of the State
Advisory Committee for the State of Illinois. And I want to thank the Commission for the opportunity on behalf of the Illinois State Advisory Committee to just become engaged in the process and have an opportunity to explain and to present one of the recent projects that the State Advisory Committee has had.

I have been the co-chair of the Immigration Subcommittee for the Illinois State Advisory Council. And over the last couple of years we have been going through the process of convening hearings to hear from panelists and in preparing a report, which is what I'm presenting today.

Again, I thank you for this opportunity. I haven't had the opportunity to meet any of you in person other than Chair Castro who, as he indicated, we go back a long way. We're good friends and professional colleagues as well.

But I want to also thank the staff at the local office, particularly David Mussatt and Melissa Wojnaroski, for their efforts in organizing the panel discussion and keeping all of us on track, which must have felt like herding cats at times in preparing the draft of the report and incorporating the comments and suggestions from the different members of the Advisory Committee.
Before you, I hope what you have is a copy of the report that's entitled "Civil Rights Implications of Comprehensive Immigration Reform in Illinois Immigrant Communities."

And I wanted to just briefly just address why we chose to undertake this project, what we tried to do and some of the testimony that we heard and some of the recommendations that we have as a subcommittee and as a committee as a whole.

What we chose to do is to focus on the impact of immigration legislation. And particularly at the time, it was Senate Bill 744, which, as we all know, did not pass. It did not go to the House and it's highly unlikely, obviously, to pass certainly in the form that it was a couple of years ago when it first came out.

What we chose to do is focus on the affected Senate Bill 744. And as an ongoing matter, immigration reform generally would have on immigrant communities specifically as opposed to how it would affect the population at large.

So, as you'll see from the report, it focuses specifically on how immigration reform, immigration reform efforts, any kind of legislation or executive action would affect what are traditionally considered parts of the immigrant community.
With the understanding, of course, that again that Senate Bill 744 would not pass, I think that the subcommittee and the committee as a whole felt that some of the issues that were raised by the panelists and some of the issues that are raised in the report and some of the issues that came through in the process are issues that are going to be ongoing in terms of some of the civil rights issues and some of the impact on specific immigrant communities any kind of reform would have.

And we thought it was worthwhile to go forward with the project particularly after we had heard from what ended up being about 15 different panelists from the Illinois community during the hearing that took place in September of 2013. So, a little over a year ago.

I wanted to just go briefly over what we saw. As you'll see from the report, there were basically two broad categories that we addressed, that the panelists addressed.

One of them was the -- one of the broad categories was the effects of any kind of immigration reform. And, again, at the time it was mostly Senate Bill 744 in its form at the time, the kinds of impacts that it would have on administration of justice type issues.
And the second part that we looked at through the panelists is the impact that Senate Bill 744 immigration reforms would have on specific groups within the immigrant communities.

Just to go over generally some of those administration of justice concerns and impact on different group concerns, we heard quite a bit of testimony again from 15 panelists that ranged all the way from law professors to community activists and to a number of different representatives from organizations that traditionally represent a number of the immigrant communities that we were hearing about.

In terms of administration of justice concerns, we looked at the types of impacts that -- I'm sorry -- the type of impact that Senate Bill 744 or other efforts would have on people who were sort of in the pipeline of the process, people who were immigrants who were subjected to deportation proceedings.

And some of the concerns were the issue of not having the right to an attorney in a process that although is considered civil by nature, has the types of consequences that are sometimes a lot more serious than a number of other criminal proceedings.

And Senate Bill 744, for instance, had provisions for assigning an attorney to a particularly
vulnerable population such as children or people with mental disabilities or people who -- or, I'm sorry, with children or mental disabilities, but not to others.

Some of the other concerns that we heard from panelists is the right to an informed defense and specifically the right for people who are in deportation proceedings to be able to look at their file and how we were hoping that the Bill would address the claims of privilege that might keep certain portions of the file from being accessed by the people in the proceedings.

And, again, the ongoing issue of backlog in the process and how that affects the right to a fair and speedy trial or right to fair and speedy hearing.

And, again, I know that these are civil proceedings and not subject to the fair and speedy trial constraints that would be subject to criminal cases, but, again, we heard testimony from a number of panelists about how these proceedings sometimes can have considerably more serious consequences in civil proceedings.

In terms of, again, administration of justice concerns we heard of the impact that this could have on a number of different populations such as non-citizen children, migrant and farm workers and particularly also members of the LGBT community who are
immigrants. And also heard quite a bit of testimony about the concerns about medical repatriation of people who are immigrants, non-citizens being repatriated, being sent back to their countries of origin when they're in the process of dealing with very serious illnesses.

The second broad category that we talked about that we heard testimony from was the civil rights concerns with proposed immigration law and how it affects all immigrant groups and specifically certain groups.

We heard quite a bit of testimony about concerns with e-Verify. Mainly, I would say a lot of the concerns were with the accuracy of the system and making sure that -- hopefully a part of the dialog is to make sure that the e-Verify system has some safeguards to ensure accuracy before it becomes a mandatory system as was proposed by Senate Bill 744 as may be proposed by any other immigration efforts, reform efforts to make sure that it's accurate because it will have dire consequences, obviously, for most employers and employees in terms of employees losing their jobs and employers not being able to have a reliable, predictable workforce.
We also heard about concerns with potential misuse of e-Verify to retaliate against specific segments of the workforce.

We heard about -- quite a bit of testimony also from panelists about the -- any kind of -- Senate Bill 744 or any kind of immigration reform effort that would include enhancements in border security and heard testimony about how that could affect the concerns with law enforcement, racial profiling specifically with profiling of certain national origin groups or perceived or actual religious groups.

Heard concerns about how the increase in just the manpower of border enforcement could have also an increase in excessive use of force.

We heard quite a bit of, again, the next segment of the presentation dealt with the merit-based point system that was proposed by Senate Bill 744. And I think the merit-based point system in terms of both addressing family concerns and an enhanced way of addressing labor concerns is something that will probably be a part of any kind of immigration reform.

And we heard some interesting testimony about how the merit-based point system could have some affects on particular groups such as national origin groups because, again, it is -- it was a system, it was
a bill that, again, preserves the preference for issuing immigration visas to nationals of undersubscribed countries.

And that by its own nature, would affect countries that are oversubscribed by just sort of keeping that very long line at the door for people from countries who want to come here and make a life in the United States.

We heard also about particularly when it comes time to labor preferences how that would, by its own nature, affect women more than men to the extent that in many cases because of the way that the system was set up or was proposed, it would disproportionately affect women, disproportionately affect people with disabilities and also affect people who are older because of the way that the proposal is set up, the allocation of point systems that favored people who were younger as opposed to people who are in their 30s or 40s.

The recommendations that we had, again, as the Chair has mentioned, we are trying to be the ears and eyes of the Commission in the State of Illinois, is to take into consideration some of these points that were raised by the panelists during the session in any kind of dialog that the Commission chooses to have about immigration reform, and considering how these types of
immigration reform efforts would confront a diverse immigrant community, to make sure that the Commission in dealing with these types of issues also keep in mind a lot of the civil rights issues and a lot of the comments and a lot of the concerns that were raised by the panelists here.

And specifically we were informed that the Commission would have a briefing on the stay of civil rights at immigration detention facilities that's going to be held, I think, sometime in January of 2015. And that hopefully the Commission will consider some of the findings and the recommendations of this report in terms of the administration of justice and to use this as a resource to raise questions from presenters related to the issue of detention facilities for immigrants.

And we also know that the Commission is planning to have a briefing on examining workforce -- workplace, I'm sorry, discrimination against individuals in the LGBT communities to be held sometime in March of 2015.

And we're hoping that the Commission will use some of the findings and some of the recommendations and some of the concerns that were raised in this report regarding immigrant LGBT members and raise questions among presenters related to those findings as well.
And, again, thank you for the opportunity to both be involved in this and to present the report and some of the -- this brief summary of the report this morning.

CHAIRMAN CASTRO: Thank you, James. Under your leadership of the Committee that is focusing on immigration for the Illinois SAC and under the leadership of Chair Abrajano, I'm very proud of the work that your advisory committee has been doing not only on this topic of immigration, but on the issue of food deserts and religious freedom and prisons in Illinois.

You are an extremely active SAC. I can assure you that I am going to make sure that what you are presenting to us is utilized to the fullest extent in our January briefing.

And I also want to let members of the public know that by the end of the month this report of the State Advisory Committee that Mr. Botana reported on will be available on the Commission's website hopefully by the end of the month at USCCR.gov where we list and post reports not only of the Commission, but of our state advisory committees.

I do want to have our commissioners have an opportunity to briefly ask some questions of Mr. Botana before we go on to Chair Gonzales' report.
Commissioner Kladney.

COMMISSIONER KLADNEY: Thank you, Mr. Chairman. My questions pretty much revolve around the e-Verify program.

I know it's been around for over 20 years. And I didn't have an opportunity to review your report. So, if I could just ask you a few questions if you can recall these areas, I'd appreciate it. If not, I understand, but, like, what are the accuracy problems with e-Verify?

What's the percentage of inaccuracy?

MR. BOTANA: If you could bear with me for a second while I page through that part of the report, Commissioner, the accuracy of the system is I think that generally accuracy concerns that come into any kind of system where there's a record-keeping system particularly with immigrant communities, particularly, excuse me, with names that may be foreign sounding and get transcribed in an inaccurate sort of way.

COMMISSIONER KLADNEY: Would that be inaccurate like transcribed by the employer, or transcribed by the system, or both?

MR. BOTANA: It could be with both. Again, we're talking about a system that uses Social Security numbers as a way of cross-checking. We're talking
again about a number of numbers that are being transcribed.

One error in one specific -- an error in one number could result in a finding of a mismatch with a Social Security number.

People who hyphenate their names, people who sometimes -- again, I know in my community, in the Latino community the issue of using both the father's name and the mother's name and sometimes that being transposed incorrectly with the Social Security Office or with any other agency may result in ultimately some kind of a mismatch finding.

COMMISSIONER KLADNEY: Well, we find that on birth certificates all the time in my clinic. Sometimes they use the hyphenated name as the last name, sometimes they use the first name as the middle name and the birth certificates always wind up having to be changed by the time the child reaches the age of five.

So, what type of correction methods do they allow for this? If I apply for a job and they say you're not in the system, how many days do I have to correct it, or is there a time or an allotment, or is there any type of administrative proposal to give a 60, 90, 120-day correction period?

MR. BOTANA: I'm not aware of the system as
it was proposed in Senate Bill 744 allowing for a specific amount of time.

I know from my own experience in dealing with these types of issues for clients, the employee is given a certain amount of time to go to the Social Security Administration and to the other agency to go and try to correct the problem.

I don't know off of the top of my head exactly what the time period is that's allowed for that, but the employee is given some time to -- the employer gets what's called a mismatch letter. It communicates with the employees and gives the employees then some time to go and try to correct that problem.

COMMISSIONER KLANDNEY: Was your panel able to reach an agreement as to what that time period should be, or did they not --

MR. BOTANA: We did not address that at our level in terms -- and I don't remember off the top of my head hearing any specific recommendations from any of the panelists that were that specific in terms of the amount of time that should be allowed in order for people to be able to correct those.

COMMISSIONER KLANDNEY: And one last question. Does that correction, did anybody say the correction period worked or didn't work or there was a
problem getting to the Social Security office or whatever?

MR. BOTANA: Again, I don't remember any specific testimony about the system as it's working right now. And I think right now about a 10 or 15 percent of employers use the e-Verify because it's not mandatory. It's voluntary at this point.

And the Senate Bill 744 proposed to make it mandatory, but I don't remember hearing any testimony about the -- how fruitful it was or how effective it was to be able to try to make those corrections.

COMMISSIONER KLABDEY: Thank you very much.

MR. BOTANA: Absolutely.

CHAIRMAN CASTRO: Thank you, Commissioner Kladney. Anecdotally, in the immigration rights community there are many stories of the difficulty between interfacing with the various federal bureaucracies that could make the correction and the immigrants who are attempting to seek clarification or correction. So, there have been issues there.

I'm sure there's some specific information that may be in the record there, but just anecdotally that has been problematic.

Commissioner Narasaki.

COMMISSIONER NARASAKI: Yes. I just wanted
to actually commend the Advisory Committee for the very thorough report and the focus on civil rights.

Often the debate on immigration is focused solely on who gets to come in and who gets to stay and the issue of legalization and the focus on the civil rights issues and the breadth at which you did it in terms of also looking at specific populations like the LGBT community.

So, as someone who has worked on immigration issues for most of my professional life, it really is an incredible report and I hope that people will read it.

I will note just an anecdotal story on the e-Verify. So, the House Judiciary Immigration Subcommittee stole one of my staff attorneys who was a naturalized citizen. She was Korean American and she had been naturalized when she was very young.

And when she got hired, hers got flagged as not being a citizen. And it took her a month even though her boss was chair of the Immigration Subcommittee in the House.

And so, you could imagine the challenges if you don't have that kind of connection of really trying to go up against the federal government to get these records cleared.
CHAIRMAN CASTRO: Thank you, Commissioner Narasaki. Any other questions for Mr. Botana?

(No response.)

CHAIRMAN CASTRO: Hearing none, then I will now thank you, James, and we're now going to move on to your colleague from Georgia, Jerry Gonzales.

Many of you, I think, are familiar with Chair Gonzales of our State Advisory Committee in Georgia. He appeared and testified before us at our hearing on immigration issues in Alabama. He was at our hearing as well on Stand Your Ground Laws in Orlando in October.

And he's also very active in the leadership of the Georgia Association of Latino Elected and Appointed officials, which I have had the pleasure to speak to in my official capacity as chair.

And their report, Immigration and Civil Rights, Just and Fair Immigration Reform is an Urgent Matter for Georgia, has been issued already and is available currently for download on our website at USCCR.gov.

So, if anyone is following along right now, you can actually go to our website, pull up the report and listen to Chairman Gonzales talk about the work of the Georgia SAC. Jerry.
MR. GONZALES: Thank you, Chairman Castro. Certainly appreciate working with the U.S. Commission on Civil Rights on matters that are very important to us. And certainly appreciate the connection with you all this morning as well.

I wanted to provide sort of a brief update associated with specifically on the report that was issued and make sure that you all are aware as you move into this issue further anything that we can be of a resource in Georgia, you certainly can rely on us for that.

I do want to start by acknowledging my co-chair of the Immigration Subcommittee that we have who is Professor Joseph Knippenberg out of Oglethorpe University.

He was co-chairing the hearing that we had in 2013 on this matter. And certainly Oglethorpe students as well provided significant amount of support in the writing and drafting of the report. So, I want to acknowledge their contributions to that officially as well.

The focus of the report that we did was in reaction to the state's passage of an Arizona-style legislation in Georgia called HB 87. And we wanted to look at sort of the history, the administration of
justice within immigration and then look at particularly here in Georgia how -- its impact on the economy. And then also talking about the impact that we had started seeing on the implementation and the environment that has been created in Georgia because of that type of legislation that targets foreign-born communities, specifically Latino and Asian communities in the state.

So, in a nutshell, the immigrant community is very important to the state of Georgia. Particularly in the agricultural industry it is significantly important.

That is Georgia's number one industry. And without the immigrant community, our agricultural industry would disappear. And that is something that we heard testimony from professional associations of fruit and vegetable growers, as well as people within the service industry.

We heard from the Georgia Restaurant Association and certainly included information about the essential economy as a bipartisan collaboration to look at the essential workers in our economy to ensure that we can have these types of workers in order for other economies in our state to prosper.

So, we looked at various different aspects
of it from an economic perspective, but we also wanted to look at aspects and impact that has been felt across the community in a variety of different trends that we came to hear from the different community members.

One of those findings was, number one, is that public safety is being undermined. When there is a blurring of the lines of local community policing and federal law enforcement, that makes us all less safe.

You will have a segment of the population that is more reluctant to make any kind of contact with law enforcement because of fear of being put into immigration detention or deportation.

And we had a police chief mention or testify, a police chief in Doraville, John King, who happens to be of Mexican descent as well. And he mentioned that it makes it very, very difficult for him to be able to act in a way that enhances community policing, but at the same time upholds his duty to uphold all the laws in the state.

And it puts him in a very precarious situation where it -- the current state of affairs doesn't allow him to do his job in an effective manner. So, public safety was a big concern for many of the people that we heard testimony on.

Employers' as well as employees' rights
being subverted. Unequal competition by different employers and exploitation of workers because of their immigration status is a very serious concern.

Family unity was one area in which there was great focus upon. Unfortunately, children, U.S. citizen children have some parents that are undocumented. And we have a lot -- we have great number of households in the state of Georgia that are mixed-status families. And that's a big concern on how that law is going to be implemented.

And then even further there is lack of access to our higher educational system in the state of Georgia. Currently, Georgia is one of the few states in the country that has a ban of access to higher education to the top five universities to any undocumented students.

Even after they've been through the deferred action for childhood arrival process, the ban still holds true where they cannot attend the top five universities in the state of Georgia. And they are forced to pay out-of-state tuition at this point as well.

So, access to educational opportunities was another concern that was addressed from the testimony that we heard.
And then lastly, the free expression of religion was also a concern in the provisions of HB 87 that was passed in the state of Georgia. Certainly some -- particularly one testimony from former mayor of Uvalda, Georgia, Paul Bridges, indicated that because of his Christian beliefs, he felt the need to reach out and be a part of the growing Latino community in his neighborhood.

And because of his Christian beliefs of helping his neighbors, he felt that he was going to be targeted as part of this billing, which is why he became one of the co-plaintiffs against the state in the lawsuit that was filed at part of the state.

So, because of his religious beliefs, he felt that the law was putting an undue burden on him and putting him in a precarious situation with the state law as well.

So, a recommendation ultimately that we made as a commission that was voted unanimously with one extension, was essentially that our immigration system is broken and continues to be broken. And we do recommend that our Georgia congressional delegation work together in a bipartisan manner to ensure that we can address the issue once and for all.

Georgia's economy depends on that.
Georgia's civil rights community depends on that to ensure that we don't treat foreign-born immigrants in a hostile manner in the state of Georgia.

And certainly the steps that have -- so, that was the recommendation of our findings in our hearings. And if I could elaborate further, post the report being issued certainly the state of Georgia can benefit from President Obama's executive action.

It's estimated that 130,000 newly qualified for DACA II and the deferred action for parental accountability extension that the president did may be impacted in the state of Georgia. So, that's a significant part of the population, the undocumented population here in the state of Georgia that could be impacted.

And for DACA I, Georgia has had a very high rate of application, about 54 percent, where we have an estimated 40,000 young people that are eligible for the DACA I program that have -- and 54 percent of those have gone through that application process.

So, certainly immigration and the lack of action at the congressional level is a significant impact to our state and certainly appreciate the Commission's time to be briefed on this matter.

CHAIRMAN CASTRO: Thank you. Thank you,
Chair Gonzales, for your report and your work, as well as your leadership on this.

And I just want to before I give commissioners an opportunity to ask you some questions if they have them, is also acknowledge that your committee co-chair Joseph Knippenberg was also one of the witnesses who testified at our Alabama hearing.

And also just to indicate that I was pleased to attend the SAC hearing that was the basis for this report.

And one of the interesting things I learned there in addition to everything that you just reported on was to hear some of the local agricultural leaders, some of the local farmers particularly in your industry on peaches, indicate that need and how the folks that work those jobs picking the peaches, those are actually very skilled jobs. They're not unskilled labor.

And they testified about the fact that once immigrants as a result of the law in Georgia were not coming to the job, they brought in local non-immigrant work and workers who just did not know how to pick the peaches and were causing loss of crops because there is a very special technique and skill to that.

So, that was a lot of information that you shared with us that was very important and enlightening.
I'll now ask any commissioners who may have questions. Commissioner Narasaki.

COMMISSIONER NARASAKI: Yes. Thank you again for a very extensive report. I'm just curious. I have a question.

Two of the witnesses, Helen Kim Ho and Father Frank Mulcahy -- I assume he's Father -- from the Georgia Catholic Conference, both talked about the long family backlogs.

From some Asian countries, the wait to bring family members could be 10 to 20 years. And the waits to bring in spouses of legal permanent residents from Mexico is probably more than five to 10 years at this point, but that did not make it into the findings and I'm just wondering what the discussion was with the Committee on this.

MR. GONZALEZ: Thank you. And the testimonies that were provided by Ms. Ho and Mr. Mulcahy is not -- he's not a priest. He's actually the attorney that works as a lobbyist for the Georgia Catholic Conference and works with us on a variety of different issues.

The scope of the report that we had was centered around the impact and around the issue of HB 87, which is the State law that was passed. And we
certainly as we all know, immigration is a broad issue. And we couldn't cover all aspects of the challenges with immigration.

So, the focus was primarily around that, but certainly I agree that there is a significant backlog particularly within the Asian community that is a problem. And that is why we believe that addressing it from a holistic perspective and at the congressional level is the answer to ensure that we can get a robust, effective and efficient immigration policy that reflects the values and the will of this country.

And that's what, ultimately, what we made a recommendation for.

COMMISSIONER NARASAKI: Thank you.

CHAIRMAN CASTRO: Any other questions, Commissioners?

(No response.)

CHAIRMAN CASTRO: Hearing none, I want to thank both of you for your work and your leadership and these reports. And we very much appreciate that and look forward to continuing our strong relationship with all of our SACs, especially the two of yours. So, thank you very much.

We now move on to our Staff Director's report. Madam Staff Director, please proceed.
STAFF DIRECTOR SALLO: If I may, I would just like to give updates on a couple of bills that I thought might be of interest to the Commission.

And then nothing really has occurred since the last update that I provided that's not already included in the report.

And the reason why I'd like to pass on any extensive information is because we do have a NARA training schedule for this at 11:00 o'clock this morning and I believe that the trainer is already here.

CHAIRMAN CASTRO: Okay.

STAFF DIRECTOR SALLO: So, I wouldn't want to hold him up any further, but --

CHAIRMAN CASTRO: Okay.

STAFF DIRECTOR SALLO: -- I just want to put on your radar that HR 647, it's the Able Act of 2014, I've been looking at some of the pending bills and I thought that this was a bill that the Commission might be interested in knowing about.

It's Achieving a Better Life Experience Act of 2014. And what it's looking to do is to encourage and assist individuals and families in saving private funds for the purpose of supporting individuals with disabilities to maintain health, independence and quality of life. Since we do studies on folks with
disabilities, I was happy to see that submitted.

And secondly, I am happy to report that HR 1447, which is Death and Custody Reporting Act of 2013, has now passed the House and the Senate.

And the reason why I believe this is important to be aware of is because of the upcoming briefing that we will be holding in January.

And what this reporting act reauthorization requires is for states to receive allocations under specified provisions. And through those -- and requires the head of each federal law enforcement agency to report to the Attorney General annually certain info regarding the death of any person who is either detained or arrested by an officer of such agency, or is enroute to be incarcerated or detained -- or is incarcerated or detained at any federal correctional facility or federal pre-trial detention facility located in the U.S., which also includes the private immigration detention facilities.

CHAIRMAN CASTRO: Thank you. Anything else for the Staff Director? If not, I will turn our attention to our State Advisory Committee appointments.

VI. STATE ADVISORY COMMITTEE (SAC) APPOINTMENTS

CHAIRMAN CASTRO: I am now going to make a motion that the Commission appoint the following
individuals to the Indiana State Advisory Committee based upon the recommendation of our staff director. Diane Clements, Teri Caldwell, Elizabeth Cierzniak, Tammi Davis, Robert Dion, Morella Domínguez, Joseph -- I'm sorry -- Christopher Douglas, Richard Garnett, James Haigh, Robert Heidt, Leslie Hiner, Tony Kirkland, Billy McGill, Jr., Patti O'Callaghan, Ernesto Palomo, Carlton Waterhouse, Ellen Wu and Catherine Zuckert.

Pursuant to this motion, the Commission appoints Diane Clements as chair of the Indiana State Advisory Committee. These members will serve as uncompensated government employees. Under this motion, the Commission authorizes the Staff Director to execute the appropriate paperwork for the appointments.

Do I have a second?

COMMISSIONER HERIOT: Second.


COMMISSIONER NARASAKI: Yes, I want to commend the staff on pulling together a very strong slate including a good representation from the Native American community.

I do want to flag concern: I will support
the slate, but I do want to flag a concern about the fact that there is no -- at least from what we can tell from the background, no one with a disability reflected in the group, as well as my interest in trying to see some younger leaders be included in these slates.

I feel that the younger generation has a very different experience with race and different approaches, because they are more from the internet generation. And we might miss those issues if there's not that kind of diversity on these slates.

And even though I'm speaking against my own generation, I think it's time to start making sure that we're getting voices from the younger generation.

STAFF DIRECTOR SALLO: Yes, we do our best and we'll continue to try to target them.

CHAIRMAN CASTRO: Any other questions? Commissioner Heriot.

COMMISSIONER HERIOT: I'm going to be voting against the Indiana SAC slate as proposed. The Indiana SAC has caused some controversy in the past.

I note that Gerard Bradley who is one of the world's leading authorities on law and religion --

CHAIRMAN CASTRO: Commissioner, there's certain things that we --

COMMISSIONER HERIOT: -- was on the SAC.
CHAIRMAN CASTRO: -- cannot put on the record.

COMMISSIONER HERIOT: And, therefore, should still be on the SAC under our policies.

MS. HEPLER: We can't put anyone's name --

COMMISSIONER HERIOT: And has been subtracted from the SAC --

CHAIRMAN CASTRO: We have counsel who needs to say something.

COMMISSIONER HERIOT: -- list.

CHAIRMAN CASTRO: Can you hold on, Commissioner Heriot?

COMMISSIONER HERIOT: And so --

CHAIRMAN CASTRO: Can we turn off her mic?

COMMISSIONER HERIOT: -- I will be opposing that.

CHAIRMAN CASTRO: Thank you. Madam -- Ms. Hepler.

MS. HEPLER: Yes. Let's refrain from putting names on there in this discussion, you know. You can do offline. No names on the --

COMMISSIONER HERIOT: No. No, I mean, our job is to put together the best SAC that we can. I don't think that can be done without referring to people.

CHAIRMAN CASTRO: Commissioner Heriot --
COMMISSIONER HERIOT: I don't think it's controversial that Gerard Bradley is one of the leading authorities on law and religion in the world.

CHAIRMAN CASTRO: All right. Well, you've made your comment. Thank you. Any additional comments?

COMMISSIONER KIRSANOW: Kirsanow here.

CHAIRMAN CASTRO: Yes, Commissioner. And keep in mind Ms. Hepler's legal advice to us. Thank you.

COMMISSIONER KIRSANOW: Yes. I will respect Ms. Hepler's legal advice on this despite the fact that I don't think any controversial statements have been made. We're not making any statements with respect to a particular person whose name has already been mentioned several times before in a previous meeting, but he is -- the unnamed person is one of the premier scholars, legal scholars not just on religion, but a number of matters in the country. And I'm not sure why his name was left off.

This is not a reflection on any other candidate in the Indiana SAC. I simply have not been tendered an explanation for why this individual's name had been on, then it was taken off and he's not on there.

We should be, you know, very thankful that someone of his eminence would be willing to serve on the SAC.
I hope we're not now engaging in posing some type of religious test for membership on SACs. I trust we're not doing that, but I will be voting no.

CHAIRMAN CASTRO: Any other comments?

(No response.)

CHAIRMAN CASTRO: Hearing none, then I will call for a vote. Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: No.

CHAIRMAN CASTRO: Commissioner Timmons-Goodson, how do you vote?

COMMISSIONER TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: I abstain.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

(No response.)

CHAIRMAN CASTRO: Commissioner Achtenberg, I'll come back to you. Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

COMMISSIONER ACHTENBERG: Sorry, Mr.
Chairman. I was on mute.

CHAIRMAN CASTRO: Yes. How do you vote?

COMMISSIONER ACHTENBERG: I vote yes.

CHAIRMAN CASTRO: Okay. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: And I vote yes. The slate passes with one, two, three, four, five yes votes, two not votes and an abstention.

Okay. There is nothing further on our agenda. Therefore, I am calling this meeting adjourned. The hour is now 11:24 a.m. Eastern Time.

Thank you, everyone.

(Whereupon, the above-entitled matter went off the record at 11:24 a.m.)