



Civil Rights Department Commission on the State of Hate

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Minutes

Commission on the State of Hate

Joint Forum by the Commission on the State of Hate and the Civil Rights Council on Inclusive Justice: Addressing Hate and Upholding Civil Rights for People with Disabilities

September 26, 2024, 5:30 pm PT

Oakland Asian Cultural Center
Pacific Renaissance Plaza
388 Ninth Street, Suite 290
Oakland, CA 94607

<https://us02web.zoom.us/j/81984175218>

and/or

1-669-444-9171 and Webinar ID: 819 8417 5218

Commissioners Present

Chair Russell Roybal
Commissioner Regina Cuellar
Commissioner Andrea Beth Damsky
Commissioner Cece Feiler
Commissioner Brian Levin
Commissioner Erroll Southers

Councilmembers Present

Chair David Garcia
Councilmember Denny Chan
Councilmember Jonathan Glater
Councilmember Hellen Hong
Councilmember Adetunji Olude
Councilmember Julie Wilensky

Civil Rights Department Staff Present

Adam Romero, Deputy Director of Executive Programs
Alec Watts, Assistant Deputy Director

Rebecca Goodsell, Research Data Specialist
Kevin Thomas, Research Data Specialist
David Kalkstein, Research Data Specialist
Monica Chavez, Associate Governmental Program Analyst
Gregory Mann, Senior Attorney Mediator
Shilpa Ram, Assistant General Counsel
Mariel Block, Senior Counsel
Alexandria Sadler, Senior Counsel

Others Present

An estimated 15 members of the public participated in person.

An estimated 97 members of the public participated virtually.

I. Welcome

Commissioner Cuellar welcomed everyone to the Commission on the State of Hate's third community forum of 2024 and wished everyone a Happy Hispanic Heritage Month and National African Immigrant Heritage Month. She shared that translated closed captioning and interpretation services were available for this forum.

Commissioner Cuellar provided a land acknowledgment.

She discussed the Commission's goals and forums, announced that it was a joint forum with the Civil Rights Council, and introduced herself and the other Commissioners.

Councilmember Chan introduced himself, discussed the Civil Rights Council's goals and authority, and introduced the other councilmembers.

Commissioner Cuellar shared that the forum is taking place during United Against Hate Week, provided information for CA vs. Hate resource hotline as well as the Community Conflict Resolution Unit, and reviewed the public comment process, and guidance and disclaimer.

II. Informational Presentations on the Topic: "Inclusive Justice: Addressing Hate and Upholding Civil Rights for People with Disabilities"

Councilmember Chan Introduced the first presenter, Eric Harris, Associate Executive Director of External Affairs of Disability Rights California.

Presentation by Eric Harris:

- Emphasized Disability Rights California's advocacy across all types of disabilities, including physical, mental health, intellectual, developmental, sensory, and learning disabilities.
- Highlighted the prevalence of disability, noting that many people will develop disabilities throughout their lives, especially as they age.
- Advocated for incorporating disability perspectives in all policymaking, statewide and locally.
- Acknowledged ongoing challenges for people with disabilities despite legislative advancements like the Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act.
- Discussed stigma around mental health disabilities and the reluctance to disclose them due to fear of discrimination.
- Stressed the importance of open conversations about disabilities to reduce stigma and promote inclusivity.
- Raised concerns about discrimination and hate, often stemming from dehumanizing views of marginalized groups, including people with disabilities.
- Discussed the power of policy to drive change and acknowledged the need for societal shifts in attitudes towards disability.
- Encouraged integrating disability into educational curriculum and societal conversations to uplift the disabled community.
- Stressed the importance of not prioritizing one aspect of identity over another in hate crime reporting.
- Urged commissions, legislatures, and business entities to include disabled people of color in the decision-making process from the outset, rather than after negative incidents occur.

Councilmember Chan introduced the second presenter, Dr. Karen Nakamura, Haas Distinguished Chair of Disability Studies and Professor of Anthropology, University of California, Berkeley.

Presentation by Dr. Karen Nakamura:

- Discussed the complexities of the word "hate" when certain actions qualify as hate crimes.
- Shared a personal story of experiencing possible hate, highlighting the difficulty of identifying bias in certain situations.
- Noted an upward trend in FBI hate crime data against Asian Americans, expressing concern over growing hostility.
- Raised the issue of when subtle forms of discrimination or bias should be considered hate crimes.

- Pointed out that FBI data on hate crimes primarily focuses on race, ethnicity, and sexual orientation, with disability underreported, partly due to difficulties in how people identify and report incidents.
- Discussed intersectionality, emphasizing how multiple aspects of identity, such as race and disability, complicate the experience of discrimination.
- Criticized media portrayals of racialized violence, particularly the inaccurate framing of Asian American hate crimes.
- Highlighted stigma around psychiatric disabilities and the historical legacy of trauma in Asian American communities, making it difficult for individuals to discuss and report incidents openly.
- Suggested changes to the 911 system, proposing separate emergency numbers to reduce the risk of harm to people with psychiatric disabilities and advocated for improved collaboration between communities of color and law enforcement to increase mutual understanding regarding mental health.
- Emphasized the need for more reporting of hate crimes and for systems that allow individuals to check multiple identity categories when reporting incidents.
- Stressed the importance of educating immigrant communities about the U.S. legal system, especially regarding emergency services.

Commissioner Cuellar introduced the third speaker, Greg deGiere, a Civil Rights Advocate for the Arc of California.

Presentation by Greg deGiere:

- Shared national data on rates of violent acts against people with disabilities and law enforcement's response, concluding that people with disabilities are systematically denied access through the criminal justice system.
- Mentioned successful programs that were terminated, such as the State Crime Victims with Disabilities Initiative and the "Face It. It's a Crime" awareness campaign.
- Highlighted data that reported financial abuse disproportionately affects older adults due to declines in financial literacy, costing over \$36 billion annually in the U.S.
- Stressed that anti-disability hate crimes are severely underreported, with only 18 cases recorded by California police last year.
- Noted that the Senior and Disability Justice Act was passed, requiring law enforcement agencies to adopt policies addressing senior and disability victimization.
- Urged the Commission to work with senior and disability groups to recommend that the legislature make a bill to hold law enforcement agencies accountable.
- Discussed that senior and disability groups made multiple recommendations for the Master Plan on Aging, but the Elder and Disability Justice Coordinating Council has not addressed these recommendations due to limited resources.
- Suggested the Commission make a recommendation to the Little Hoover Commission to develop a comprehensive plan to address those recommendations made by the senior and disability groups.

Commissioner Feiler thanked all the speakers and reviewed the process for public comment.

Public Comment (Room)

The Commission received six in-person public comments. Commenters raised several issues with respect to disability including:

- Bullying and stigma faced by individuals with disabilities, and the difficulty of changing societal attitudes
- The new national 988 mental health crisis number as an alternative to 911
- The need for inclusion of, and listening to, disabled people in policy and advocacy
- The relationship between disabilities and housing status as well as medical neglect

Invited speakers Eric Harris and Dr. Nakamura provided brief responses to comments.

Public Comment (Zoom):

The commission received 22 public comments virtually via Zoom. Commenters raised a number of issues including:

- The need for increased protection against elderly abuse, such as financial abuse
- The exclusion and violation of the rights of children with disabilities in school settings
- The ongoing need to protect people with disabilities from discrimination in housing, education, accommodation, and employment
- The challenges faced by unhoused people with disabilities and the need for increased protection and support, including increased accountability of shelters and street workers
- The need to protect the voting rights of people with disabilities
- The need for improved accessibility at public events and in public spaces
- A need for an alternative to 911 for emergency calls related to disability abuse and hate crimes

Staff read the public comments submitted via email.

Commission/Council Discussion

Commissioner Levin expressed gratitude and described the increase in anti-disability hate crimes based on recent FBI data.

Councilmember Hong shared optimism about using current systems to improve disability-related hate crime reporting, seeing it as a significant opportunity for progress.

Commissioner Damsky found many of the stories shared to be heartbreaking, particularly on the need to reframe PTSD as a normal response to trauma rather than a disorder.

Councilmember Cuellar expressed appreciation for the speakers and the public.

III. Public Comment on Items Not on the Agenda

The Commission received public comments on items not on the agenda. The comments addressed topics such as discrimination against people with disabilities in schools and needed support and protections for people with disabilities.

IV. Adjournment of the Meeting

Councilmember Hong thanked all the participants, speakers, and staff for participating in the forum. She adjourned at 8:19 pm.