



Civil Rights Department

Commission on the State of Hate

651 Bannon Street, Suite 200 | Sacramento | CA | 95811
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
www.calcivilrights.ca.gov | CSH@calcivilrights.ca.gov

Minutes

Commission on the State of Hate Meeting Notice and Agenda

December 9, 2024, 9:00 am

Commissioners Present

Chair Russell Roybal
Vice Chair Bamby Salcedo
Commissioner Cynthia Choi
Commissioner Andrea Beth Damsky
Commissioner Cece Feiler
Commissioner Brian Levin
Commissioner Erroll Southers

Ex Officio Members Present

Abby Browning, Ex officio member of the Commission
Damon Brown, Ex officio member of the Commission

Civil Rights Department (CRD) Staff Present

Rishi Khalsa, Deputy Director of Communications
Alec Watts, Assistant Deputy Director of the Research & Strategic Initiatives Unit
David Kalkstein, Research Data Specialist
Monica Chavez, Associate Governmental Program Analyst
Marquez Equalibria, Assistant Deputy Director of the Community Conflict Resolution Unit
Gregory Mann, Senior Attorney Mediator
Kendra Tanacea, Attorney Mediator
Shilpa Ram, Assistant General Counsel

Others Present

An estimated 23 members of the public attended virtually.

I. Welcome

RUSSELL ROYBAL
CHAIR

BAMBY SALCEDO
VICE CHAIR

CYNTHIA CHOI
COMMISSIONER

REGINA CUELLAR
COMMISSIONER

ANDREA BETH DAMSKY
COMMISSIONER

CECE FEILER
COMMISSIONER

BRIAN LEVIN
COMMISSIONER

ERROLL SOUTHERS
COMMISSIONER

A. Call to Order

Chair Roybal called the meeting to order at 9:01 am.

They welcomed everyone to the ninth meeting of the year for the California Commission on the State of Hate. They shared that translated closed captioning is available for this meeting.

B. Establishment of a Quorum

Assistant Deputy Director Watts conducted the roll call.

C. Review of the Agenda

Chair Roybal reviewed the agenda and public comment process.

Links Sent in the Chat:

https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2024/11/CSH-Meeting_12.09.2024_NoticeAgenda.pdf

II. Informational Presentation on the California State Legislature

Assemblymember Chris Ward

Commissioner Damsky introduced Assemblymember Chris Ward.

Assemblymember Ward announced that he is now the Chair of the LGBTQ Caucus, provided legislative updates on AB 3024 (Stop Hate Littering Act), AB 1979 (Doxing Victims Recourse Act), and AB 1955 (SAFETY Act), and discussed a grant program that provides resources to local organizations to enhance community safety.

Commissioner Feiler asked for clarification on the disclosure policies in reference to AB 1955. Assemblymember Ward responded that the SAFETY Act protects educators from being required to disclose a student's sexual orientation or gender identity.

Commission Discussion

Commissioner Feiler asked about the legislation addressing hate littering (AB 3024).

Assemblymember Ward responded that AB 3024 had been signed into law as a tool for district attorneys.

Vice Chair Salcedo expressed gratitude for Assemblymember Ward's work and asked how California can protect transgender, gender diverse, and intersex (TGI) people from the federal government.

Assemblymember Ward responded that the legislature is discussing what steps and types of protections need to be set.

Commissioner Levin discussed making the Commission permanent, having the Senate work with more subject matter experts and the public, and the importance of supporting trans and undocumented communities.

Commissioner Damsky thanked Assemblymember Ward for his work.

Commissioner Choi asked about how AB 3024 addresses freedom of speech.

Assemblymember Ward responded that the bill focuses on actions while respecting First Amendment rights.

Public Comment

The Commission received one public comment.

III. Informational Presentations on Restorative Justice

A. Shirin Sinnar, William W. and Gertrude H. Souders Professor of Law, Stanford Law School

Chair Roybal introduced Professor Shirin Sinnar.

Professor Shirin Sinnar provided an overview of restorative justice and how it relates to the Commission's goals. Her presentation included the following:

- In its first annual report, the Commission stated that one of its goals was to develop policy recommendations to prevent hate crimes, such as restorative justice models.
- Community groups have been advocating for alternatives to traditional criminal justice.
- The challenges of restorative justice are the limited program availability and its voluntary nature, which requires participant consent.
- There is a growing focus in the US among community groups and government institutions for applying restorative justice to hate crimes.
- Restorative justice includes a broad range of mechanisms to repair the harm from a crime, incident, or act in a way that brings together people that have been affected by it. These mechanisms can be located within government institutions or in collaboration with community-based organizations.
- Discussed a range of state, national, and international restorative justice examples within the context of hate crimes.

B. Thalia González, Professor of Law and Harry & Lillian Hastings Research Chair and Co-Director of the Center for Racial and Economic Justice, University of California Law, San Francisco

There was no presentation by Professor Thalia González.

C. Yotam Shem-Tov, Assistant Professor of Economics, University of California, Los Angeles

Professor Shirin Sinnar introduced Dr. Yotam Shem-Tov.

Professor Shem-Tov gave an in-depth presentation of his research study focused on the San Francisco-based Make-It-Right restorative justice program. The presentation included the following points:

- Professor Shem-Tov presented a study on the “Make-It-Right” restorative justice conferencing program that focuses on addressing the offenders' and harmed parties' needs.
- The key elements of restorative justice involve preparation, a discussion with the victim, accountability from the accused, and post-discussion monitoring of agreed resolutions.
- The program was implemented as a diversion initiative. Those who participated showed lower rearrest rates compared to the control group.
- Future research needs larger scale studies to assess scalability, suitability for other types of crimes, and the broader impacts on victims and offenders.

Commission Discussion

Commissioner Choi asked about the approach to restorative justice within the criminal justice system.

Professor Shem-Tov responded that there has to be accountability for restorative justice to work. Commissioner Levin asked about the selection process for those included in restorative justice programs.

Professor Shem-Tov responded that different people and jurisdictions have opposing views on who is eligible for restorative justice programs.

Professor Sinnar added that it might be better to focus on individual criteria, such as identifying the types of people who are most suitable for these programs. She went on to state that restorative justice programs face some political resistance.

Public Comment

One commenter advocated for restorative justice to also include resources for the broader community that is affected.

Professor Sinnar noted that some restorative justice programs involve the broader community. Additionally, she suggested that the Commission consider partnering with other relevant Committees to explore what can be done to support and study restorative justice programs in California.

One commenter described the restorative justice work being done in K-12 schools in Orange County.

Links Sent in the Chat:

https://law.stanford.edu/wp-content/uploads/2021/06/Alternative-to-Hate-Crimes-Report_v09-final.pdf

<https://www.aspeninstitute.org/wp-content/uploads/2024/05/Restorative-Justice-Convening-Report.pdf>

<https://capolicylab.org/impacts-of-make-it-right-program-on-recidivism/>

IV. **Approval of the Minutes: October 23, 2024, Commission Meeting**

Commissioner Damsky moved to approve the October 23, 2024, meeting minutes; Commissioner Feiler seconded.

Commission Discussion

Commissioner Levin discussed Commission meeting attendance.

Vice Chair Salcedo asked a process question related to approving the minutes.

Action by the Commission

- Ayes 6: (Vice Chair Salcedo, Commissioner Choi, Commissioner Damsky, Commissioner Feiler, Commissioner Levin, Commissioner Southers)
- Nays: 0
- Abstain: 1 (Chair Roybal)

Links Shared in the Chat:

https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2024/12/Attachment-A_CSH-Meeting_10.23.2024_Minutes.pdf

The Commission took a break from 10:43 – 10:48 am.

V. **Civil Rights Department Report**

Assistant Deputy Director Watts reviewed the different programs and initiatives within the Civil Rights Department designed to protect Californians from hate violence.

Commission Discussion

Commission Choi asked if the Community Conflict Resolution Unit (CCRU) had any assessments of their key learnings.

Assistant Deputy Director Marquez Equalibria responded that there are key insights for specific situations that they can share later.

Commissioner Choi suggested CCRU present at a future Commission meeting to discuss those learnings.

Chair Roybal asked if staff could look into adding that to a future agenda item.

Commissioner Levin shared concerns related to cuts to the California budget and suggested the Commission find ways to assist programs such as CCRU and CA vs Hate.

Commissioner Browning shared how the Office of Emergency Services (OES) is helping community organizations receive the resources they need to effectively serve their communities.

Vice Chair Salcedo thanked Commissioner Browning's efforts to continue to engage with community programs.

VI. Presentation and Discussion of POST's Law Enforcement Training: "Assembly Bill 449 - Hate Crimes"

Chair Roybal shared that the Commission, in collaboration with POST, created a law enforcement training video based on AB 449.

Commissioner Damsky provided a short overview of the work that went into the development of the law enforcement training video.

The video of the training was played during the meeting, available via this link:
<https://www.youtube.com/watch?v=L3-z5iAwC9U>

Commission Discussion

Commissioner Southers shared that the Police Chief of the Los Angeles Police Department has mandated all LAPD personnel to view the training video.

Commissioner Levin emphasized the importance of this project and thanked Commissioner Damsky for her work on the POST training.

Chair Roybal discussed the importance of CA vs. Hate.

VII. Chair and Subcommittees Updates and Discussion

A. Chair Russell Roybal

Updates provided by Chair Roybal:

- Since the October meeting, the Commission has recognized Sikh Awareness and Appreciation Month, Native American Heritage Month, and the Transgender Day of Remembrance.
- The Commission will hold elections for the Chair and Vice Chair of the Commission during the January meeting.
- For those affected by a hate incident, support and information are available through the CA vs. Hate Resource Line.

B. Subcommittee on Data and Research

Updates provided by Commissioner Levin:

- In collaboration with ISH at UCLA, the Subcommittee held a hate crime prevention convening of experts and policy members

C. Subcommittee on Policy Recommendations and Best Practices in Other Jurisdictions

Updates provided by Commissioner Choi:

- There are threats against foreign-born immigrants at the federal level, and California has some measures to try and protect those communities.
- Encouraged the Subcommittee on Community Forums to continue to work on forums related to disability.

D. Subcommittee on Recommendations for Law Enforcement

Updates provided by Commissioner Damsky:

- Now that the POST training has been completed, the Subcommittee is promoting the training.
- Reviewed some of the projects the Subcommittee is interested in, which focus on prevention, tribal jurisdictions, and the work of other human relations commissions and police oversight boards operating within the state.

E. Subcommittee on Community Forums

Updates provided by Research Data Specialist David Kalkstein:

- The joint forum listening session was held in partnership with California Commission on APIA Affairs, California Racial Equity Commission, and FIRM, a community-based organization, in Fresno.
- Those in attendance included members from the Oaxacan, Shik, Hmong, Cambodian, and Afghan communities.
- Some of what was heard during the listening sessions included people's experiences with racist and xenophobic harassment, lack of foreign language access, and concerns regarding deportation.

Assistant Deputy Director Watts asked Commissioners if they have suggestions for future community forum topics.

Commission Discussion

Chair Russell Roybal suggested continuing to host community forums in rural areas, partnering with more CBOs, and holding a forum on how hate impacts transgender and non-binary communities.

Commissioner Levin emphasized the importance of a forum discussing the TGI community and suggested forums focusing on the unhoused, undocumented, and religious communities. He also requested that the Commission work towards finding ways to better publicize community forums.

Chair Roybal requested that the Commission continue to hold community events in partnership with other state-level commissions.

Commissioner Damsky suggested a forum on being proactive against hate.

F. Subcommittee on Funding

No updates from the Subcommittee on Funding

Public Comment

One commenter asked if there would be a second forum on disability.

Assistant Deputy Director Watts responded that future topics are being collected, but no topics have been finalized.

Links Sent in the Chat:

<https://www.cavshate.org/>

VIII. Discussion and Action: Commission Meeting Schedule and Subcommittees

Chair Roybal shared that they have worked with staff to align on a proposal for next year's Commission meeting schedule. The proposal includes more opportunities for subcommittees to collaborate during a public meeting beginning after the full Commission meeting scheduled for May.

Commission Discussion

Commissioner Levin asked about the logistics of the proposed meetings.

Chair Roybal responded that this format allows subcommittees to collaborate in a way they haven't been able to previously.

IX. Discussion and Action: Chair and Vice Chair Election Process

Chair Roybal reminded everyone that Chair and Vice Chair elections will occur during the first Commission meeting of 2025. They reviewed the potential revisions to the election process in the handbook with regard to self-nomination and the protocol to be used in case of a tie.

Commissioner Choi moved to approve the amendment to the handbook; Commissioner Damsky seconded.

Public Comment

One commenter wanted the Commission to support a law enforcement bill and requested that the Commission ask the Little Hoover Commission to investigate hate and discrimination against the disability community.

Chair Roybal responded that the comment would be more appropriate during Agenda Item XI.
Public Comment on Items Not on the Agenda.

Action by the Commission:

- Ayes 6: (Chair Roybal, Vice Chair Salcedo, Commissioner Choi, Commissioner Damsky, Commissioner Levin, Commissioner Southers)
- Nays: 0

X. Commission Member Announcements

Vice Chair Salcedo reminded everyone that December 10th is Human Rights Day.

Commissioner Damsky announced that the Committee of One Hundred has released their report titled the State of Chinese Americans Survey 2024.

XI. Public Comment on Items Not on the Agenda

One commenter requested that their earlier suggestion to discuss issues related to disability be added as a future agenda item.

XII. Future Agenda Items

No future agenda items were discussed.

XIII. Adjournment of the Meeting

Commissioner Damsky moved to adjourn; Commissioner Choi seconded. The meeting adjourned at 12:21 pm.