



Oregon

John A. Kitzhaber, Governor

Oregon Commission on Black Affairs
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MINUTES (Revised)
Oregon Commission on Black Affairs
Saturday, January 21, 2012
PCC Cascade Campus, Technology Education Building, Rm 222
565 N Killingsworth St., Portland, OR 97217

Attendees

Chair: Carlos Jermaine Richard
Vice Chair: Samaura Stone
Commissioners: Karol Collymore, Judge Kemp, Phyllis Rand, Willie Woolfolk, Clifford Walker, Lorraine Wilson, Rep. Lew Frederick
Guests: Linda Hamilton, Blacks in Government, Eugene; Calvin O. Henry, Oregon Assembly of Black Affairs
Staff: Lucy Baker, Nancy Kramer

I. Call to Order

The meeting was called to order at 9:03am. A quorum was established.

II. Review and approval of minutes from 11-19-2011 meeting

Motion (Collymore/Rand): To approve the minutes with the notation in the 2nd paragraph that Commissioner Walker disagreed with the OCBA decision that no more could be done re the Dumas Case. **Carried.**

III. Review and approval of the agenda

A brief statement from Commissioner Rand was added to the agenda immediately before the "Discussion on the Creswell Incident" item.

Motion (Collymore/Kemp): To approve the agenda with the addition of a statement by Commissioner Rand. **Carried.**

IV. Commissioner Rand's appreciation to the OCBA:

Commissioner Rand's term on the OCBA expires with the January meeting. She expressed her thanks to the Commissioners for their hard work on important issues, and for being her friends and teachers. She gave a special thanks to the staff. She requested that meeting minutes and agendas still be sent to her. It was noted that this request would be granted.

The Commissioners thanked Commissioner Rand for her service (individually and as a whole).

V. Agenda Items Carried Over from the 11-19-2011 Meeting

Discussion on Creswell Incident:

Commissioners Wilson and Walker led this discussion. Commissioners had differing opinions about the status of the case both in the District Attorney (DA)'s office and within the OCBA. There was a period of review during which the following information and opinions were noted:

- Commissioners Wilson and Walker are very concerned about the Creswell incident and how it has been handled by the D.A.'s office and the OCBA. There was discussion about this incident during the November OCBA meeting which has not been resolved in their view.
- Chair Richard saw the redacted police report and felt there was not much in the report to go on.
- Commissioner Walker would like a complete report from the Lane County D.A.'s office.
- Commissioner Wilson noted that the Lane County D.A.'s office in Eugene has closed the Creswell case. Although the case has been closed the larger issues remain.
- Commissioner Wilson wants the OCBA to make a statement with a policy regarding hate crimes. Currently, a hate crime in Oregon is considered intimidation. The Commissioner met with the Lane County D.A. in Eugene about the Creswell incident and Senate Bill 44 (SB44). She asked him to review the bill and for an opinion as to what should be added to it. The D.A. felt the bill was adequate to enforce the law, and if it would be of interest to the OCBA, he is willing to come and speak to the OCBA.
- Commissioner Wilson wants to move SB 44 forward, talk to other District Attorneys and find out if SB44 would provide tools to protect blacks in Oregon regarding hate crimes.
- Representative Frederick feels it is appropriate and important for the OCBA to say SB44 needs to move forward. Most D.A.s say the language in SB44 would be helpful in prosecuting hate crime cases. The upcoming Legislative session is short so it is unlikely SB44 would get far, and recommended championing it for the 2013 legislative session.
- In the 2011 legislative session, SB44 failed for political reasons, not due to lack of support in the community.
- It is important to pool resources and look for partners to support SB44 in 2013. Examples given were other groups that have experienced hate crimes: the Lesbian, Gay, Bisexual and Transgender (LGBT) community, and the other Advocacy Commissions. The Bureau of Labor and Industries (BOLI) might be interested in partnering as well. Two possible partners suggested were the Q Center and Basic Rights Oregon.
- Information about SB44 has been made available to the OCBA prior to the Creswell incident. The Attorney General came and spoke to OCBA about SB44, Commissioner Avakian of BOLI and Representative Frederick have also discussed it at meetings.

The Commission considered possible steps that could be taken around this issue including the following discussion points:

- A suggestion was made to create a strategy to work in partnership with the other Commissions, and draft a letter to those potential partners asking for their support with SB44 in 2013.
- Chair Richard volunteered to draft a letter to the other Commissions (that could also be used to invite other organizations to partner with the OCBA).
- Chair Richard acknowledged that Commissioner Wilson laid a great foundation for moving forward on this issue, and the more supporters in the community the better. He thanked her for her work.
- There will be a new Attorney General in 2013 with primaries being held in May 2012. A suggestion was made to invite the Attorney General (AG) candidates to an OCBA meeting to hear the candidates' positions on civil rights protections. It would be an opportunity to share OCBA's interest in improving hate crimes protections, support the reintroduction of SB44 and hear from the AG candidates what their stand is on these.
- Chair Richard asked Nancy Kramer to send out Senate Bill 44 to all the Commissioners, [Summary of SB44 attached. Entire Bill is 17 pages and can be found at <http://www.leg.state.or.us/11reg/measpdf/sb0001.dir/sb0044>]. Nancy said she would do so.

Representative Frederick noted that SB44 is an attempt to try to bring the prosecution of hate crimes to a different, stronger level that would give the Attorney General more authority to prosecute.

General Discussion on Hate Crimes:

Commissioner Walker was asked to lead the general discussion on hate crimes. It was noted that the State requires training on the identification and reporting of hate crimes. Commissioner Walker consulted with the Department of Justice (DOJ) who advised that the Department of Public Safety and Standards Training (DPSST) is responsible for training police officers on this issue. He attended one of these training – which he was not permitted to record – and felt that the State has not been clear about what a hate crime is. He noted that the people responsible for reporting hate crimes do not know what hate crimes are.

Commissioner Walker noted that he asked that a question be forwarded to the Attorney General about what a hate crime is. The AG has not yet responded. Commissioner Walker also requested a copy of the written curriculum. He was asked to circulate the curriculum amongst the OCBA. [This was distributed to Commissioners via email on 2/7/12] A question was raised as to why, if identifying hate crimes is part of the training curriculum, is it not discussed, and if it is discussed why is more time and detail not given to officers.

In Redmond police officer reported an incident as a hate crime, but the District Attorney did not prosecute it as a hate crime. It appears that there are no hate crimes occurring but it is because they are not recognized and not reported.

There was some clarification about the particular issue being discussed and the following points were noted:

- Hate crimes are being prosecuted as assaults, not hate crimes.
- There is a lot of information about hate crimes being reported in Oregon online.
- One section of SB44 was to try to find a way for the Attorney General's office to prosecute if the local District Attorney's office fails to do so. Jurisdiction requirements are different across the State. The question was raised: Can the AG's office step in to a case and prosecute on the basis of what it sees (which may differ from what the local DA sees)?
- There was interest in having hate crimes be reported to a central desk in Oregon. It was noted that there is a central point in the state to report hate crimes, but the problem is they are not being reported as hate crimes.
- The suggestion was made to start an African American hate crimes task force.

Discussion on partnership with Urban League:

Commissioner Woolfolk did not agree with Commissioner Dixon's decision to bring up an issue about the Urban League's finances at an OCBA meeting. He questioned Representative Frederick about his knowledge of the Urban League's financial issues prior to the OCBA making a donation to the Urban League for Legislative Day. It was noted that Representative Frederick hears about many questionable situations every day but does not know if they are true. The dialogue became very passionate.

Chair Richard called for a point of order with Commissioner Woolfolk and eventually Commissioner Woolfolk left the meeting.

Commissioner Wilson asked for the floor to make a statement that she and other Commissioners feel that Commissioner Dixon should not have mentioned the Urban League situation at an OCBA meeting. She considers it to be a personal platform of Commissioner Dixon's and not appropriate to bring to the OCBA.

Chair Richard called for a point of order, noting that the subject does not have to do with the Urban League partnership.

Chair Richard called for a short break. The meeting resumed at 10:26AM.

Roll call was taken. In attendance: Commissioner Rand, Vice Chair Stone, Commissioner Wilson, Chair Richard, Commissioner Kemp, Commissioner Collymore, Representative Lew Frederick, Commissioner Walker, staff Lucy Baker, and Nancy Kramer. Guests included Linda Hamilton and Dr. Cal Henry,

Committee Reports:

By-laws Committee

Chair Richard will ask Commissioner Dixon to share any updates on the bylaws.

Legislative Committee

Commissioner Wilson reported that the Legislative Committee is moving forward with Senate Bill 44.

Visibility/Outreach Committee

Commissioner Kemp reported that the Committee is working on an OCBA evening meet and greet, prior to a Saturday OCBA meeting. It will be from 6pm - 8pm. The Committee will contact some partners in Portland, and will also let Commissioners know the date.

The issue of how to reimburse Commissioners coming in from out-of-town, given the limited travel budget, was raised. It was noted that the Oregon Commission on Hispanic Affairs is considering having outlying Commissioners to offer outreach in their own communities. Community rooms are often available for free, and there are sponsorship opportunities for food and drinks. The meet and greet might be a good model for engaging local communities to meet the local Commissioner(s).

It was noted that OCBA has long wanted to get out of Portland and hear what other Black Oregonians are experiencing, but there are budget issues.

Advocacy Committee

Chair Richard has not met with the Advocacy or Executive Committees. The Advocacy Committee will work with the Legislative Committee on SB44, and on the invitations to Attorney General candidates.

It was clarified that Advocacy Committee will be doing outreach to build coalitions around SB44 for the 2013 Oregon Legislative Session.

There was more discussion around supporting SB44. The OCBA is interested in knowing Governor's position on SB44 as well as that of the Secretary of State's office and the Treasurer's office. It was suggested that rather than speak with the current Attorney General, it is more important to talk with the AG candidates to learn what they think of SB44 and what impact it would have on prosecuting hate crimes. The idea is that the candidate would become accountable early, and the OCBA would be a plank in their platform.

VI. New Business

Recruiting of OCBA Commissioners:

Commissioner Wilson led this discussion. She would like to see the OCBA have a strong say in who serves on the OCBA. Currently, individuals send their applications to the Executive Appointments office, not the OAC Office, and Executive Appointments does not alert the OACO when an application is submitted. The OAC Office often learns that a Commissioner has been selected when it receives notice of their hearing.

Director of Executive Appointments Kendall Clawson wants help recruiting people of color for all boards and commissions. It was also noted that the Governor has an

agenda he wants to accomplish and appoints those individuals who will support his agenda. It is important that more people of color serve on all types of commissions, including land use and licensing boards, and others that are not historically Black issues.

Representative Frederick clarified that Executive Appointments to Boards & Commissions are approved by the Governor and Commissioners serve at the pleasure of the Governor. Kendall Clawson vets individuals for the Governor and the Governor has the final say.

Lucy Baker will get more information about this from Kendall. If there is interest, the OCBA can invite Kendall to a meeting to hear more about this topic directly from her.

Frequency of OCBA Meetings:

The Commissioners discussed holding meetings every other month rather than every month. Pros and cons were named for each side

MOTION (Collymore/Kemp): The OCBA will meet every other month starting in January, committees to meet in the even months. CARRIED.

Wilson - no

Stone - yes

Rand - yes

Rep Frederick - yes

Walker - no

Kemp - yes

Collymore - yes

Richard - yes

VII. Administrator's Report

Hate crimes internship:

Commissioner Walker, Director of Diversity Frank Garcia and Lucy Baker met to discuss this internship. They are all are interested in seeing this become a reality. Commissioner Gil Carrasco of the Oregon Commission on Hispanic Affairs, who is also a Professor of Law at Willamette University's College of Law, is willing to help supervise a Law student, for a summer internship. It was noted that having an attorney supervise this internship is required when hosting a law student as an intern.

Budget Update:

Lucy Baker sent out a December financial report. The General Fund (GF) amount budgeted for each Commission of \$4,125 includes stipends for 9 Commissioners meeting every other month for the biennium, plus the amount allotted for travel reimbursement. The OCBA has already spent approximately half of the funds. Lucy Baker is considering options for each Commission to manage its GF. That may include donating stipend funds in order to increase travel or other use of GF for that Commission.

It was agreed that the current budget does not reflect actual expenses needed to properly represent all of Oregon's Black communities across the entire state. The OACO's Agency Request Budget for the current biennium included a special package of \$22,000 additional GF to assist with Commissioner travel. The Governor's Balanced Budget request for the OACO did not include that package.

VIII. Announcements

- February 3rd, 2012 is the Blacks in Government event in Eugene. All Commissioners are invited to attend.
- February 6th, 2012, the Governor will proclaim Oregon's Black History month at 11:00 or 11:15am, signing the Proclamation in the ceremonial office. Marilyn Keller will open the legislative session. Please bring everyone you can.

IX. Public Remarks

Dr. Cal Henry from Oregon Assembly of Black Affairs (OABA):

Dr. Henry thanked the Commission for an opportunity to speak. He announced the 2012 Oregon Black Political Convention will be April 13 – 15 at the Crowne Plaza Portland Convention Center.

Dr. Henry felt the Commissioners were not clear in the role of the Commission. As a State agency, the OCBA has the power to go to each State agency for support with issues of concern. The OCBA ought to be working with the Attorney General, the health department and the District Attorney in order to be effective in its role.

The Commissioners thanked Dr. Henry for his time.

Linda Hamilton from Blacks in Government (BIG):

Last year was BIG's first Black History month celebration which was a success. This year's celebration will be on February 3rd at the Valley River Inn in Eugene. Judge John Acosta is coming to speak at the event.

She also wants to put organize a group of people to go the signing of the Governor's proclamation on February 6th. She invited the OCBA to meet in Eugene, and she would spread the word so people would attend.

The Commissioners thanked Linda Hamilton for her time.

X. Adjourn

Motion (Collvmore/Kemp): To adjourn the meeting. CARRIED.

The meeting adjourned at 11:32am.

SUMMARY of Senate Bill 44

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

- Renames crime of intimidation as hate crime.
- Includes commission of assault in fourth degree as hate crime in first degree when committed by one person and motivated by perception of victim's race, color, religion, national origin, ethnicity, gender, disability or sexual orientation.
- Requires court to impose term of incarceration of at least 60 days when person is convicted of assault in fourth degree as hate crime.
- Modifies authority of certain law enforcement officials to bring civil action based on commission of hate crime.
- Directs law enforcement agencies to report statistics regarding hate crimes to Department of Justice.
- Declares emergency, effective on passage.