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WILL A POLICE CORRUPTION SCANDAL IN ANTIOCH OPEN THE DOOR FOR REFORM?

BY LISA P. WHITE

An unprecedented corruption scandal that has exposed rampant racism and potential civil rights abuses centering on the Antioch Police Department, threatens the integrity of the criminal legal system in Contra Costa County and presents a crucial test of District Attorney Diana Becton's commitment to police accountability and institutional reform.

The unfolding scandal, which may lead to hundreds of dismissed cases and overturned convictions, also demonstrates the need for two critical state laws the ACLU of Northern California recently worked to pass—the Kenneth J. Ross Police Decertification Act, which established a statewide process for stripping

licenses from police officers fired for serious misconduct; and the Racial Justice Act, which prohibits convictions or sentences based on race, ethnicity, or national origin and allows individuals to challenge racial bias in their criminal case.

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NEW ACLU VIDEO HIGHLIGHTS CALIFORNIA'S SLAVERY HISTORY FOLLOWING RELEASE OF HISTORIC CA REPARATIONS REPORT

BY TAMMERLIN DRUMMOND

The ACLU of Northern California has released a new video that makes the connections between the enslavement of Black people in California during the 19th century Gold Rush and systemic racism today.

California's Hidden History of Slavery: The Case for Reparations, is a four-minute short that examines California's little-known Fugitive Slave Act. We launched the video in July to coincide with the long-awaited public release of the historic California Reparations Task Force Report. Watch it at www.aclunc.org/gold-chains-reparations.

It is the latest installment in our public education campaign, Gold Chains: The Hidden History of Slavery in California, which we began in 2019 to expose our state's little-known history of enslaving Black and Indigenous people.

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TURN TO PAGE 10 TO VOTE
IN OUR BOARD ELECTION

LEGISLATIVE UPDATE

BY CARMEN-NICOLE COX

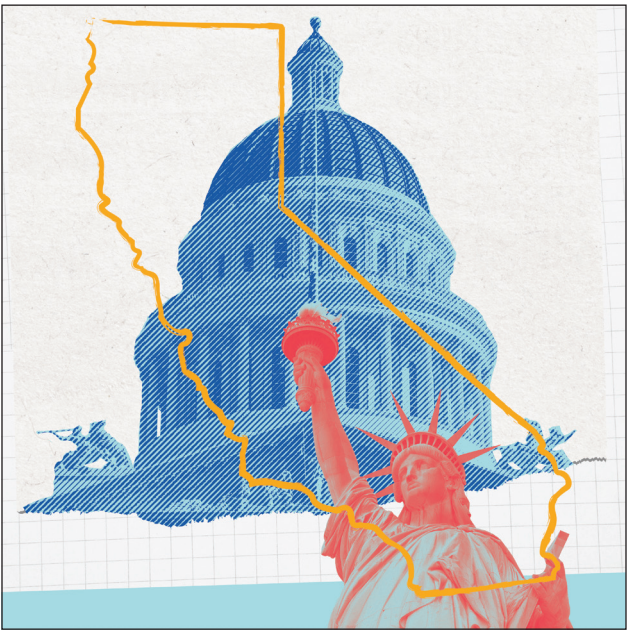
Standing in solidarity with community and owing to your reliable and multifaceted support, ACLU California Action had another fruitful year in state policy advocacy.

BILLS SIGNED BY THE GOVERNOR

SB 852 was signed by the Governor early in signing season. The bill seeks to end the use of “probation ruses” by Immigration and Customs Enforcement (ICE). This deceptive tactic is particularly egregious during home enforcement operations where ICE agents present themselves as probation officers to gain warrantless entry into homes and conduct warrantless searches of people and property. ACLU will always fight to ensure that our immigrant community members are not living under the threat of unlawful or unnecessary detention.

The governor also signed **SB 274**, expanding the existing ban on “willful defiance” suspensions in schools. Some examples of “defiance” include wearing a hat, not having a belt, and falling asleep in class. Black and Latino boys in special education, students with disabilities, and LGBTQ+ students are disproportionately labeled as defiant. With **SB 274**, California rejects the funneling of students into the school-to-prison pipeline. The prohibition on willful defiance suspensions now applies to grades 6-12 until July 1, 2029 (there is a permanent ban for grades K-5).

AB 764 strengthens the **FAIR MAPS Act**, which prohibits partisan gerrymandering. Because the Governor signed this bill, the Act now applies to special districts, school districts, county boards of education, and community college districts. This is important because protecting incumbents should not be the goal of redistricting. Maps should be drawn to reflect and empower a jurisdiction’s diverse communities, rather than splintering neighborhoods and communities of interest.



ON THE 2024 NOVEMBER BALLOT


Our legislative work to enshrine a fundamental freedom to marry in the California constitution was successful. **ACA 5**, which places the repeal of Proposition 8 on the November 2024 ballot, was voted out of the legislature with only a single “no” vote. At the next general election, voters can ensure same-sex and interracial couples in California have a right to marry, no matter the makeup of the U.S. Supreme Court.

TOO DANGEROUS TO SURVIVE

We typically reserve this space to share affirmative wins—co-sponsored bills, rooted in equity and evidence that will leave our communities better off. This year we are compelled to also share two defensive wins—legislation we defeated to prevent bad policy

for Californians, particularly for historically disfavored groups.

AB 79 died in committee. The bill sought to regulate the use of weaponized unmanned vehicles. Our analysis determined that in practice, this policy would endorse and invite the sale, purchase, and use of weaponized robotics in California neighborhoods. We know that if law enforcement is given the greenlight, this militarized technology will become commonplace and killer robot cops will quickly turn into yet another avenue for secret surveillance and abusive behavior by law enforcement, particularly for over-policed residents, especially Black, Latinx, and Indigenous people.

Similarly, **AB 642** was defeated in committee because it would have invited, rather than prevented, widespread law enforcement use of facial recognition technology (FRT). This bill would have granted police discretion to transform streetlights, drones, or body-mounted cameras into community-wide surveillance networks that do not exist in California today. It would have ushered in a future where the state routinely and secretly identifies, tracks, and records people’s movements without their knowledge or consent. Already, six Black people, including 8-months pregnant Porcha Woodruff, have been wrongfully arrested. 

Carmen-Nicole Cox is the Director of Government Affairs for ACLU California Action.

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ANNUAL REPORT HIGHLIGHTS: STORIES FROM THE CENTRAL VALLEY

This year, our annual report has expanded into the digital realm. Experience it at www.aclunc.org/AnnualReport2022.

The iconic phrase “We the people” opens the U.S. Constitution, and it’s the theme of our 2022 Annual Report. Undoubtedly, when the Constitution was initially written “we” represented a fraction of the people it now does. The phrase only took on deeper and broader meaning as a result of generations of sacrifice and hard work, and constitutional amendments that abolished slavery, secured equal protection under the law, and protected the right to vote regardless of race and sex.

As the other stories in this issue of the *ACLU News* demonstrate, holding our country to the standards of its Constitution is work that’s never complete. Sometimes we are called to expand civil rights and liberties; other times to defend or protect existing ones. Whatever it may be, the work we at ACLU NorCal do with people throughout our region—regardless of their economic means or access to power—can only happen when we maintain strong relationships with our community partners, our clients, and supporters like you.

And strong relationships rely on strong communication. Our annual report shares highlights of the previous year’s advocacy, litigation, and organizing, as well as our financial outlook. This year, our annual report has expanded into the digital realm. We’re excited to announce that with a hybrid print/digital version of the report, we’re able to not only share our own words and numbers, but we provide direct access to the voices of the clients and activists who inspire us.

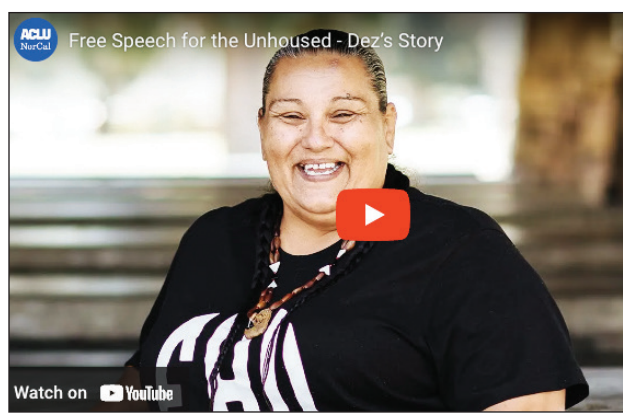
Visit www.aclunc.org/AnnualReport2022 and scroll down to watch videos in which Central Valley activists Jay Hockley, Sr., Dez Martinez, and Roman C. Rain Tree tell you what we have achieved together in partnership. Listen as Jay describes his role in expanding the vote, Dez shares how she insisted on her First Amendment rights, and Roman explains why a place name is a placeholder for justice. We hope you’ll be inspired to continue insisting our founding documents live up to their potential, and believing in what *we the people* can do—together. 

WATCH THE VIDEOS AT WWW.ACLUNC.ORG/ANNUALREPORT2022



VOTING: THE RIGHT TO BE HEARD JAY’S STORY

ACLU NorCal litigates, advocates, and educates to expand voting access for —and with—people impacted by the criminal legal system. Jay Hockley, Sr. of Initiate Justice shares the story of how he came to vote for the first time on parole in 2022.



FREE SPEECH FOR THE UNHOUSED DEZ’S STORY

Activists and the media play a critical watchdog role during sweeps of homeless encampments. When the city of Fresno attempted to violate the rights of these observers, the ACLU sued. Dez Martinez, founder of We Are Not Invisible, shares her story of blocking an unconstitutional ordinance that put lives at risk.



RECLAIMING YOKUTS VALLEY ROMAN’S STORY

The state of California was founded on the forced removal, enslavement, and genocide of Indigenous peoples. Roman C. Rain Tree of Seeds of Sovereignty shares the story of how a years-long effort resulted in renaming his ancestral homeland from the former pejorative of “Sq**w-Valley” to “Yokuts Valley,” in honor of the Valley’s first inhabitants.

NEW INTERACTIVE DATABASE TRACKS ABUSES AND VIOLATIONS IN CALIFORNIA IMMIGRATION DETENTION CENTERS

BY SARAH HOPKINS

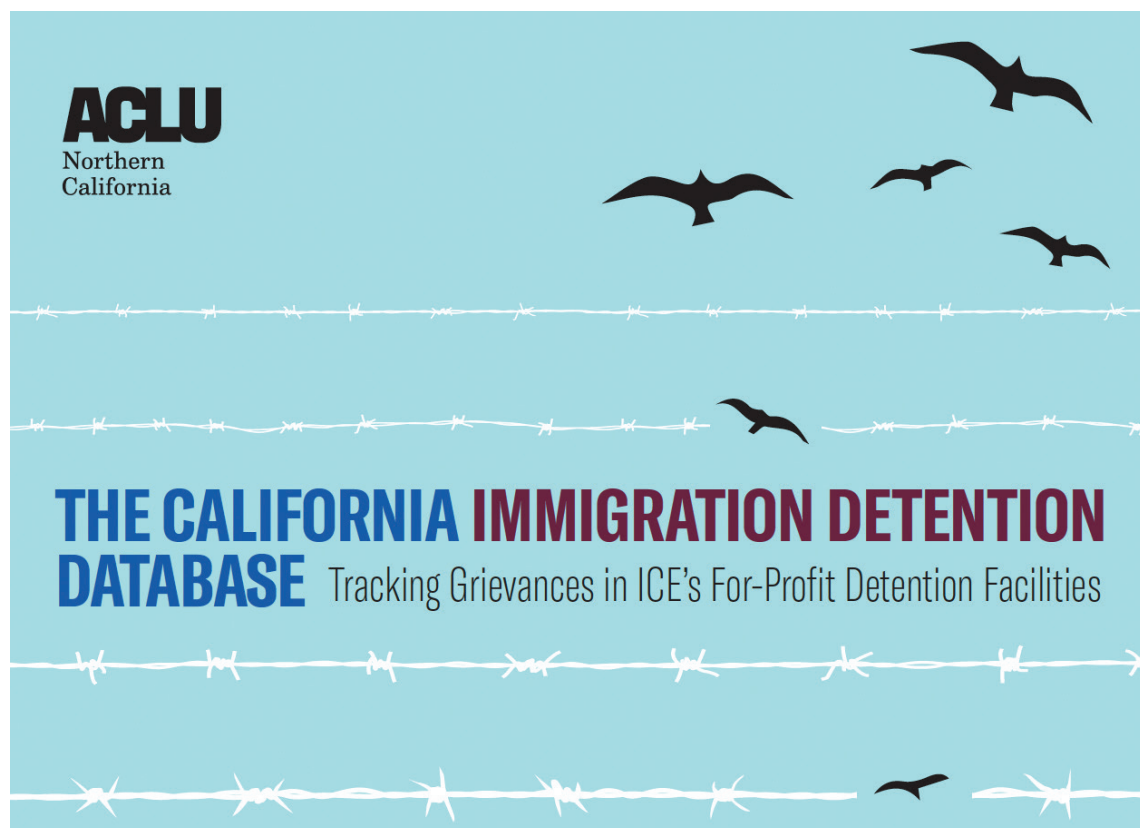
In June, the ACLU Foundation of Northern California launched the California Immigration Detention Database, a first-of-its kind resource to track formal complaints that people detained in California detention facilities have filed to seek redress against the inhumane conditions of their confinement.

Enhanced by interactive charts, this database aims to document patterns of abuse in immigration detention, to act as a spotlight on staff responses to grievances (or lack thereof), and to serve as an advocacy tool for the closure of these facilities. The database captures information from nearly 300 grievances filed since January 2023 that people currently or formerly in detention in California have shared with ACLU NorCal.

The release of the database comes on the heels of our growing legal and advocacy work this year on this issue. In June, we sued U.S. Immigration and Customs Enforcement (ICE) for failing to respond to our Freedom of Information Act requests and withholding information on grievances filed at California immigration detention facilities. In April, we filed a lawsuit against the California Department of Corrections and Rehabilitation for illegally discriminating against people suspected of being born outside the U.S. by referring them to ICE.

Earlier this year, ACLU NorCal joined other legal and immigrants' rights organizations to provide legal support and public advocacy to hunger strikers at two ICE facilities in California—Mesa Verde and Golden State Annex. Leading up to the hunger strike, people detained at both facilities filed grievances, documenting unsanitary living conditions, spoiled food, contaminated water, medical negligence, sleep deprivation, and staff misconduct.

After years of advocating for the shutdown of ICE facilities across the state, we needed a public means of exposing the ongoing harms of immigration detention and to offset ICE's lack of transparency about its oversight of California immigration facilities. All six ICE detention facilities in the state are run by private, for-profit prison companies, making them prone to a lack of accountability or scrutiny from the outside world.



The database (available at aclunc.org/CA_database) aims to document patterns of abuse in immigration detention and serve as an advocacy tool for the closure of these facilities.

People detained in these detention centers have long decried the futility of filing grievances, reporting that it does not render justice or constitutional living conditions. One person who is currently detained at the Imperial Regional Detention Facility in Calexico, Calif., said he was held in a solitary confinement cell soon after arriving at the facility, where he remained for 10 months.

“I’m participating in this project because I want people to know that detention centers are not safe to house human beings... These facilities are not safe, and staff are not held responsible for misconduct.”

—Jose Ruben Hernandez Gomez, who participated in the hunger strike at Mesa Verde and was recently released to his family

He filed a grievance requesting a housing change, which he says set off a chain reaction of harassment from facility officers. He recalled that an officer cursed at him and said, “You can file a grievance and request to ICE all you want, but you’re not gonna win.”


“I remember one time [an officer] told me I’m the second most hated person [in detention], and that I was starting to become the most hated, and this is because of the grievances. They refer to us as snitches, the staff,” he said.

According to ICE regulations, the grievance system is meant to provide a procedure by which people can ask for a response from detention center staff “relating to any aspect of their detention, including medical care.” In reality, the grievance process creates an illusion of justice within facilities marred by systemic neglect, abuse, impunity, and limited oversight. And very often, people in detention

report that their grievances receive a response of “unfounded” (essentially a rejection) from the evaluating body—most often facility officials, who serve as both judge and defendant in the grievances filed against them.

Jose Ruben Hernandez Gomez, who participated in the hunger strike at Mesa Verde and was recently released to his family, shared multiple grievances he had filed while in detention for inclusion in our database.

“I’m participating in this project because I want people to know that detention centers are not safe to house human beings,” he said. “When people try to be heard by staff through their grievances, people are ignored. These facilities are not safe, and staff are not held responsible for misconduct.”

With periodic updates, we hope that the California Immigration Detention Database will become a valuable resource for people in California detention facilities, their families, and advocates who are interested in exposing conditions and constitutional violations within those facilities, and in lobbying for their closure. Visit the database at aclunc.org/CA_database. 

Sarah Hopkins was a communications strategist at the ACLU of Northern California.

THE ACLU CONTINUES FIGHTING TO REFORM THE UNJUST MONEY BAIL SYSTEM

BY TAMMERLIN DRUMMOND

When Nikolaus Jackson O'Neill Rogge was applying for a job training program, he found out he had an outstanding arrest warrant during an employment background check. He contacted Santa Clara County Superior Court in an effort to address it but was told he would have to go to jail first. Why? He couldn't pay \$10,000 bail or afford a bond for that amount. He spent three days locked up—only for the judge to later release him on his own recognizance. It's a violation of both the U.S. and California Constitutions to incarcerate someone charged with a criminal offense solely because they're too poor to afford bail.

That's why in July, the ACLU Foundation of Northern California and the Criminal Defense Clinic at Stanford Law School filed suit against Santa Clara County Superior Court on behalf of O'Neill Rogge and Silicon Valley De-Bug, a local participatory defense organization. We aim to stop court officials from running a system that unnecessarily jails poor people when they just want to appear in court to deal with the charges against them.

"This case ties into the principles that have been at the core of our previous work," said Emi Young, a staff attorney with the criminal justice program at the ACLU of Northern California. "Equal access to the courts shouldn't depend on your ability to pay."

UNNECESSARY JAIL TIME

Many California courts allow a criminal defendant to come straight to court to clear up an outstanding arrest warrant. But not Santa Clara, which in early 2022 began refusing to calendar voluntary appearances for those who can't post bail. That means defendants like O'Neill Rogge must turn themselves into law enforcement in order to get in front of a judge.

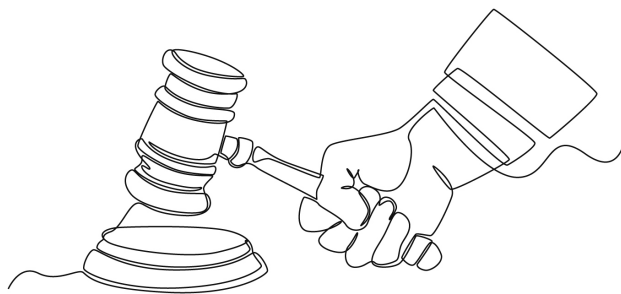
"I had never been arrested before and was scared," he said. "It's unfair that I had to go to jail just because I couldn't pay but if I'd had the \$10,000, they would have given me a court date and sent me home."

He's among the thousands of Californians who go to jail every year before they even get a chance to have their day in court.

Even a few days of incarceration can cause incredible harm, both for the individual and the broader community.

"We're often contacted by people who learn they have an arrest warrant and want to be proactive about dealing with the charges but fear turning themselves into the jail because they are caretakers, are working, or have other responsibilities that will be put at risk," said Raj Jayadev, co-founder of Silicon Valley De-Bug, a nonprofit advocacy group in Santa Clara County that was also a plaintiff in the case.

Locking people up who don't pose any safety risk simply because they don't have money isn't just unconstitutional; it also wastes hundreds of thousands of taxpayer dollars.



FROM THE COURTS TO THE STATEHOUSES

We recognize that people end up in pre-trial detention, often not because they pose a public safety risk but because of their financial inability to pay.


For this reason, the ACLU of Northern California has long advocated for alternatives to money bail through legislation and litigation.

For example, ACLU was an initial cosponsor of SB 10, a bill intended to overhaul the money bail system and significantly reduce the numbers of people in jail awaiting trial. Unfortunately, subsequent amendments raised racial equity and other concerns that compelled the ACLU to ultimately oppose the bill. We have since turned our attention to litigation to address inequities created by the money bail system, which traps a disproportionate number of Black and Brown people with insurmountable debt. In 2018, we supported a lawsuit challenging the constitutionality of money bail in the landmark San Francisco case *In re Humphrey*.

Kenneth Humphrey, a 63-year-old Black man, was charged with first-degree robbery and burglary for forcibly taking \$5 and a bottle of cologne from his 79-year-old neighbor. Humphrey's bail was set at \$350,000. His public defender argued that the money bail system violated due process and equal protection by detaining people pre-trial solely because they can't make bail. The case went all the way to the state California Supreme Court, which in 2021 sided with Humphrey.

Unlike Mr. Humphrey, our client O'Neill Rogge hadn't yet been arraigned when he was trying to get into court to answer the charges against him. Yet the same constitutional guarantees of equal protection and due process should have applied in his case.

Locking people up who don't pose any safety risk simply because they don't have money isn't just unconstitutional; it also wastes hundreds of thousands of taxpayer dollars. Many people, like O'Neill Rogge, are released without having to pay a cent when they are finally allowed to come to court for their arraignment.

It's time for Santa Clara to fall in line with many other California courts and stop needlessly subjecting people to nightmarish detours to jail. 

Tammerlin Drummond is a senior communications strategist at the ACLU of Northern California.

"I had never been arrested before and was scared. It's unfair that I had to go to jail just because I couldn't pay but if I'd had the \$10,000, they would have given me a court date and sent me home"

—ACLU client Nikolaus Jackson

O'Neill Rogge

LEGAL ADVOCACY UPDATES

BY BRADY HIRSCH

ACLU FIGHTS FORCED OUTING POLICIES IN CALIFORNIA SCHOOLS

Choosing when to come out, and to whom, is a deeply personal decision that every LGBTQ person should be able to make for themselves. For some trans and non-binary students who do not have safe home environments, school may be the only place where they can be their authentic selves.

The same extremists responsible for the record number of anti-trans laws introduced across the country are threatening students' freedom to come out on their own terms. Losing this choice would be devastating to their well-being.

Anti-LGBTQ groups organize, litigate, and lobby to forcibly out trans and non-binary students to their parents.

In San Bernardino, California, a heckling crowd kicked State Superintendent of Public Instruction Tony Thurmond out of a Chino Valley Unified School Board meeting after he spoke against a proposed forced outing policy that, unfortunately, ultimately passed.

Anti-trans groups also filed two lawsuits against Spreckels and Chico school districts that assert parents have a constitutional right to compel schools to report trans and non-binary students to their families.

PROTECTIONS UPHELD BUT THE THREAT CONTINUES


Thankfully, under current state law,

students have the right to decide when and if to tell their parents about their gender identity, regardless of whether or not they are out at school. Teachers and administrators must get their express permission before notifying their families.

These protections were upheld in July, when a federal district court dismissed the Chico suit, ruling against the plaintiffs in a strong opinion that confirms that the "court is not the venue for this political debate." The plaintiffs appealed that case, set to be heard in the Ninth Circuit, while the Spreckels suit settled separately, with the school district preserving their ability to protect LGBTQ students' privacy.

A month after the court ruling, California Attorney General Rob Bonta announced a lawsuit to immediately halt the enforcement of the Chino Valley Unified forced outing policy. The lawsuit argues that the policy violates California's constitutional right to privacy, its equal protection clause, and its education and government code.

What anti-trans groups mask as an issue of parental rights is, in reality, another tactic to drive trans and non-binary people out of public life. Sadly, their efforts have a measurable impact on the health of LGBTQ youth, and have led to a rise in hate crimes, harassment, discrimination, and self-harm.

In the face of such a dangerous movement, schools must stand strong and respect their students' privacy and self-determination. LGBTQ youth, like all young people, deserve an educational environment where they are free to be themselves. 



Under current state law, kids have the right to decide when and if to tell their parents about their gender identity, regardless of whether or not they are out at school.

IN FREE SPEECH WIN, MILLIONAIRE WITHDRAWS ATTEMPT TO IDENTIFY ANONYMOUS ONLINE CRITIC

Can a multi-millionaire use the courts to force Google to uncover the identity of an anonymous internet user who criticized him?

The answer should be an unambiguous no, but that didn't stop pharmaceutical magnate Fredric Eshelman from trying to leverage his wealth and resources to circumvent First Amendment protections for anonymous online speech.

The incident began when internet user, "J. Doe," spoke up anonymously via email urging


a list of Eshelman's contacts to reconsider their business ties with him, calling Eshelman a "piece of shit" who had "abused police resources" in the context of a land dispute. Doe's email followed Eshelman's donation to a group challenging the results of the 2020 election, and a public controversy where Eshelman tried to prevent people from accessing public lands by crossing his personal ranch.

Eshelman sought revenge – and Doe's identity—by turning to an obscure federal law designed to help litigants obtain records and information for use in foreign proceedings, even though both he and Doe are from the United States.

Alarmingly, the court initially granted Eshelman's demand to unveil J. Doe's identity, but required Google to notify Doe before disclosing their identity, providing a window

to fight back. After Google alerted Doe, the user swiftly contacted the ACLU Foundation of Northern California. Together with Public Citizen, we filed a motion to quash the subpoena.

Eshelman almost immediately backed down. He dropped his request without bothering to fight back, suggesting the whole effort was an exercise in intimidation designed to scare those with less power into silence.

The dispute reaffirmed the necessity of strong First Amendment protections for anonymous online speech. As technology evolves, we must ensure our constitutional rights keep up with the needs of the digital age. And the ACLU will continue to remain vigilant, intervening wherever these rights are threatened. 

ACLU SUES KERN COUNTY FOR OPERATING PLEA MILL

For decades, Kern County has run a plea mill that manipulates low-income people into pleading guilty to misdemeanors without due process or access to counsel.

Here is how it worked for years prior to the ACLU filing our case:

After a person is cited or arrested for a misdemeanor, the court summons them to appear in person. Once they arrive, they are ushered into a courtroom, where the public is not allowed access. They are away from family, members of the public, and press. The court plays a video for the people facing charges. A judge appears on the screen to say that fighting their case could cost them hundreds of dollars in attorney fees. Before the ACLU filed a legal challenge, the video did not even mention the defendant was guaranteed by the constitution a right to a free public defender.

Once the video ends, probation officers meet with defendants in a non-confidential setting, and give them a form to sign to waive their rights, plead guilty, and accept their sentence. For defendants who sign the form—which is the majority of defendants in Bakersfield—the judge takes the bench, opens the courthouse doors to the public, rubber stamps the plea, and closes the case.

The trap is even tighter for those who are already in jail—arrested pretrial as a result of

their charge. Again, without any representation by a public defender, they believe the plea deal is their only ticket to freedom.


In over eight years, more than 50,000 people in Kern County pled guilty to misdemeanors without lawyers at their first court appearance. Black and Latinx defendants were the most impacted.

The United Farm Workers Foundation, the main immigration legal service provider for many noncitizens in the area, has long monitored this issue, along with the ACLU and other community organizations. In May, the UFW Foundation and three community members, two of whom were victims of the Kern County plea mill, joined with the ACLU Foundations of Northern California and Southern California, and co-counsel Willkie Farr & Gallagher LLP and Martínez Aguila-socho Law, Inc. to sue Kern County and the Kern County Superior Court to stop this practice.

In over eight years, more than 50,000 people in Kern County pled guilty to misdemeanors without lawyers at their first court appearance. Black and Latinx defendants were the most impacted.

Kern County’s plea mill corrupts the county’s whole criminal legal system and has devastating effects. With no public defenders assigned to the defendants when they appear for their arraignments, no one is there to question how the police behaved—or whether the charge has any basis at all. Officers can get away with racial profiling, free to pull people over for false reasons. And in an area where many immigrants and undocumented people live, getting caught up in the criminal system can rob them of vital immigration protections or result in a quick deportation.

Since we filed our lawsuit against Kern County, we also demanded that all the judges who presided over the plea mill be disqualified from overseeing the case. In response to our lawsuit, two judges have already chosen to recuse themselves, and the Court of Appeal is poised to rule on whether the case needs to be removed to a judge outside the county.

Kern County isn’t the only jurisdiction in California to run a plea mill. We know of at least three other areas with similar schemes. But we hope that through our litigation, we can dismantle this system, and any similar unconstitutional practices wherever in California they arise. No one in California should be coerced to plead guilty; everyone should have a qualified lawyer by their side when facing criminal charges. 

Brady Hirsch is a communications strategist at the ACLU of Northern California.

PROTECTING THE FREEDOM TO LEARN FOR CALIFORNIA STUDENTS

BY PHYLLIDA BURLINGAME

The ACLU of Northern California has worked for decades to promote a public education system where all our children can thrive. California has some of the strongest laws in the country that protect honest and accurate education, with curricula that reflect the full diversity of our communities. California and United States history instruction must include the contributions and roles of historically oppressed racial, ethnic, and cultural populations; LGBTQ people; and people with disabilities. California’s Healthy Youth Act requires that all sex education taught in public schools be medically accurate, free of bias, and LGBTQ-inclusive.

ATTACKS ON THE FREEDOM TO LEARN

Unfortunately, despite strong protections in state law and the constitution, politically driven campaigns across the country are now targeting students’ freedom to learn and be themselves in school. Fringe groups and extreme politicians are trying to turn parents and communities against each other so they can censor the lessons taught in our classrooms, deny resources to Black, Indigenous, Latinx, and LGBTQ youth, and erase important context and information from our history books.

Here in California, school boards have started removing books from classrooms and libraries because they address LGBTQ issues and have started passing bans designed to prevent schools from teaching anything about race, including suppressing lessons about the contemporary impact of race-based slavery and settler colonialism. Over the past year, the Temecula school board in Riverside County passed such a ban and also tried to censor a social studies curriculum because its supplemental materials addressed LGBTQ leader Harvey Milk.

These bans are attempts to reinforce the discrimination in schools that the ACLU of Northern California, in solidarity with social movement leaders, has been fighting throughout our history.

THE ACLU IS LAUNCHING A CAMPAIGN TO GIVE CALIFORNIANS TOOLS TO FIGHT THESE ATTACKS

Look out for materials and resources that you can use in your district and beyond to promote students’ freedom to learn, be themselves, and pursue their dreams. We won’t let a handful of extremists divide and distract us. In California we will work together to protect our students, our families, and our schools.

A POLICE CORRUPTION SCANDAL IN ANTIOCH

CONTINUED FROM PAGE 1

What began as a joint FBI and district attorney's office investigation into Antioch and Pittsburg police officers who reportedly schemed to boost their pay by claiming college degrees they hadn't earned, escalated into disturbing allegations of civil rights violations, perjury, abuse, and unchecked racism. In March, the district attorney's office released a redacted report detailing dozens of racist, misogynistic, homophobic, and violent text messages recovered from Antioch police officers' cell phones.

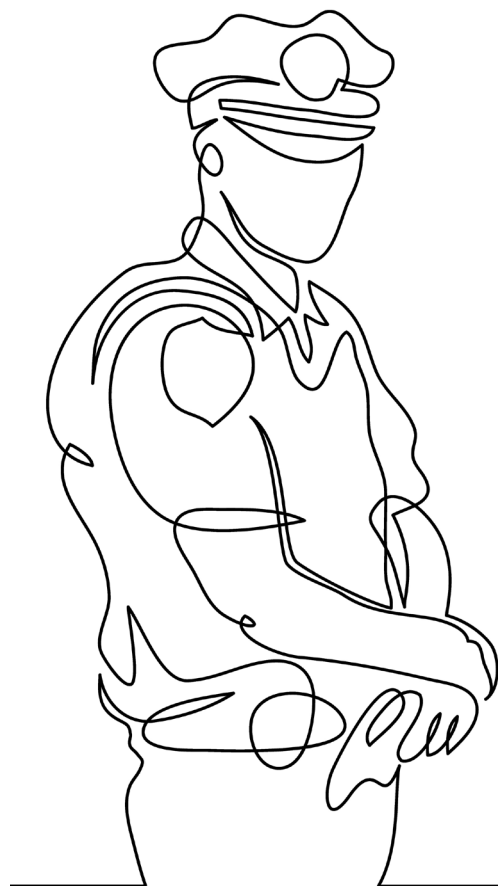
A second report Becton made public in April may bolster defense attorneys' motion to dismiss murder and attempted murder charges against four Black men, two of whom Antioch officers disparaged in the derogatory texts. In a landmark ruling in May under the Racial Justice Act, a Contra Costa County Superior Court judge dropped gang charges against the men, finding that a decade of data demonstrated prosecutors disproportionately filed sentencing enhancements against Black defendants. When a second Racial Justice Act motion was filed in the same case based on the text scandal evidence, the District Attorney's Office conceded that the law was violated and the case is proceeding to remedies.

The ongoing inquiry has implicated officers across multiple Contra Costa County law enforcement agencies, including about half of the sworn members of the Antioch police force. In May, California Attorney General Rob Bonta launched a civil rights investigation into the Antioch Police Department, and in August a federal grand jury indicted six Antioch police officers on felony charges – including conspiracy to commit fraud, obstruction, and excessive use of force.

CONTRA COSTA DISTRICT ATTORNEY ACCOUNTABILITY TABLE

Since 2017, ACLU NorCal has been a member of the Contra Costa District Attorney Accountability Table, which includes the Contra Costa Immigrants' Rights Alliance, Safe Return Project, the Contra Costa chapter of Alliance of Californians for Community Empowerment, and the Contra Costa chapter of the National Alliance for Mental Illness. The group advocates for reducing mass incarceration, holding police accountable when they break the law, and eliminating racial and economic disparities in the criminal legal system.

In a July letter, the group called on Becton to ensure individuals receive justice in pending and adjudicated cases possibly tainted by the



For decades, Black and Brown Antioch residents have sought to draw attention to an alleged pattern of excessive force, harassment, and racial bias within the police department, but their concerns were largely ignored.

The release of the racist texts validated their experiences.

involvement of the Antioch police officers at the heart of the corruption scandal. Specifically, ACLU NorCal and our partners asked Becton to release the names of all the officers, submit their names to the California Commission on Peace Officer Standards and Training (POST) for decertification review under the new law, provide regular updates on her office's efforts to address the scandal's impact on current and past prosecutions, and pause prosecutions involving arrests or investigations by the officers.

"This case is showing the importance overall of police accountability and civilian oversight," said ACLU NorCal staff attorney Allyssa Victory, who wrote the letter. "Police cannot police themselves."

During Becton's quarterly meeting with the group in August, she rejected the suggestion of a blanket stay on prosecutions, but assured attendees that she takes the corruption scandal seriously, according to Yoel Haile, director of the Criminal Justice Program. Although her office has undertaken a case-by-case review, Becton noted that, since witnesses provided corroborating evidence in some instances, convictions do not rest solely on the word of one of the disgraced officers. Furthermore, Haile reported that Becton said she can't release the remaining officers' names (those who have been charged have been publicly identified) and insisted the Antioch Police Department is responsible for submitting its officers to POST for review.

THE COMMUNITY ORGANIZES

For decades, Black and Brown Antioch residents have sought to draw attention to an alleged pattern of excessive force, harassment,

and racial bias within the police department, but their concerns were largely ignored. The release of the racist texts validated their experiences and the community quickly mobilized in response. Residents held rallies demanding accountability, called for the release of the names of officers who sent, received, or knew about the racist messages, and attended the court hearings for the Black men referenced in the texts.


ACLU NorCal staff have helped uplift the voices of family members and other defendants who have been affected by the evolving police scandal. We also put residents in touch with the media to share their stories.

"We're trying to help monitor all the pieces and strategies, support the community, and amplify residents' demands that District Attorney Becton respond to this scandal with the full authority she has under the laws ACLU NorCal and our allies have helped pass," Victory said.

NEXT STEPS

The DA Accountability Table will continue pressing Becton to commit to resentencing greater numbers of people who are incarcerated, barring sentencing enhancements, and reducing the county jail population. Haile said he expects more from Becton, who has served as district attorney for six years and is one of the founding members of the Prosecutors Alliance of California, a statewide organization that advocates for criminal justice reform.

Additionally, ACLU NorCal will follow developments in Antioch, including attending court hearings on challenges brought under the Racial Justice Act. We also hope to work closely with community members as they push for redirecting funds to the new Department of Public Safety and Community Resources and creating an independent civilian oversight unit within the Antioch Police Department that would have authority to investigate misconduct claims.

"Our goal is to move as many community safety functions as possible, such as responding to calls seeking help for people experiencing a mental health crisis, outside the police department so we can shrink their responsibilities," Haile said. "If half Antioch's police officers are fired, it will be an opportunity to reimagine how many cops the city needs, and which crimes they should focus on." 

Lisa P. White is a communications strategist at the ACLU of Northern California.

NEW ACLU VIDEO HIGHLIGHTS CALIFORNIA’S SLAVERY HISTORY

CONTINUED FROM PAGE 1

Narrated by Pendarvis Harshaw, a KQED podcast host and journalist, the video features the story of three formerly enslaved Black men who were living their California Gold Rush dream, building a lucrative mining supply business in just a couple of months. One cool spring night in 1852, an armed posse of white men burst into their cabin while they were asleep and arrested them—accusing them of being fugitive slaves in a supposed “free” state. In an infamous ruling *In re Perkins*, the California Supreme Court ordered them to be deported back to their former “master” in Mississippi, while declaring that the constitution’s anti-slavery clause was never meant to apply to Black people.


This is just one of many instances of racial terror committed against Black people over a more than 170-year period that is documented in the California Reparations Task Force Report. The 1100-page document illustrates in painstaking detail how California enslaved Black people. Then once slavery was over, racial violence and racist state-sanctioned policies deprived the descendants of enslaved Africans from building wealth and enjoying full citizenship rights. The result? Poverty, over-policing of Black communities, mass incarceration, health disparities, housing and educational discrimination and the devaluing of Black businesses, among other things. The report provides more than 100 recommendations, a host of policy proposals intended to affect systemic change. But many media outlets chose to focus on one of the recommendations: for the state to give individual cash payments to the descendants of enslaved African Americans.



REPARATIONS, NEXT CHAPTER

In early August, State Senator Steven Bradford introduced the first bill to come out of the reparations study. SB 490 would create the California American Freedmen Affairs agency, a branch of state government, that would create the infrastructure for implementing the task force recommendations for reparations—including the full array of policy proposals and administering cash payments. It was inspired by federal legislation passed after the Civil War in 1865 that established the Freedmen’s Bureau to provide food, clothing, shelter, and land to people who were recently freed from slavery and were often destitute. “Each year, the California State Legislature introduces legislation to stop and prevent wage theft because we know workers have a right to fair compensation,” Bradford said, announcing his bill. Just as my colleagues support those bills relating to wage theft, they should also support reparations-related legislation. Reparations are not a gift. They are not a hand-out or charity, but they are what was promised, owed, and overdue.” The Freedman Affairs Agency would be responsible for administering any reparations funds approved by the legislature and the

Governor. It would include a genealogy office to help people determine their eligibility for reparations. Only those who can trace their lineage to an enslaved African American ancestor or a free Black person living in the U.S. before the end of the 19th century would be eligible. According to the bill, the agency would also help establish a “Freedman’s Savings and Trust Bank,” among other duties. The ACLU is working in coalition with grassroots organizations to advocate in the legislature for the establishment of the Freedman’s Bureau, a necessary step in carrying out the work of reparations within the state. It will require broad-based community support to convince the legislature to create the new agency.

Now that the task force report is in the hands of the legislature, the next phase in the fight for reparations has begun. If any of the recommendations are ever to become realized, they must be developed into legislation. Gov. Gavin Newsom, who opened the door to study reparations, must follow through given the compelling nature of the study’s findings, to lead the way in implementing the recommendations. 

“Reparations are not a gift.
They are not a hand-out or charity,
but they are what was
promised, owed, and overdue.”
—California State Senator
Steven Bradford

LEARN MORE ABOUT GOLD CHAINS: THE
HIDDEN HISTORY OF SLAVERY IN CALIFORNIA,
AT WWW.GOLDCHAINSCA.ORG



GOLD CHAINS
THE HIDDEN HISTORY OF
SLAVERY IN CALIFORNIA

BOARD OF DIRECTORS ELECTION VOTING INFORMATION

WHO CAN VOTE

The bylaws of the ACLU of Northern California call for directors to be elected by the membership. The label affixed to this issue of the *ACLU News* indicates on the top line if you are a current member and thus eligible to vote. Your label states “VOTE” if you are eligible to vote or “INELIGIBLE” if you are not eligible to vote.

If your label states that you are ineligible to vote, but you have recently renewed your membership, please send in your ballot with a note that includes your name and phone number, so we can verify your status. If you are ineligible because you have not renewed your membership but would like to do so at this time, please enclose your membership renewal check in the same envelope as your ballot. (Please note that it is your membership dues payable to the ACLU, not tax-deductible donations to the ACLU Foundation, that make you eligible to vote.)

HOW THE CANDIDATES WERE NOMINATED

As explained in the Summer 2023 issue of the *ACLU News*, our bylaws specify two methods for nominating candidates for directorships. Candidates may be nominated by the current board of directors after the board considers recommendations from its nominating committee. Candidates may also be nominated by petition bearing the signatures of at least 15 of our members in good standing.

INSTRUCTIONS FOR VOTING

The candidates are listed in alphabetical order. We have 4 candidates running to fill 4 vacancies on our board of directors. You may vote for up to 4 candidates.

You cannot cast more than one vote for any candidate. That applies even if you vote for fewer than 4 candidates. If you share a joint membership with another member, each of you can vote for 4 candidates. Do so by using both of the two columns provided for that purpose.

After marking your ballot, enclose it in an envelope along with your address label (on the front of this newsletter), which is used to ensure voter eligibility.

ADDRESS THE ENVELOPE TO

BOARD ELECTION
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111

If you prefer that your ballot be confidential, put your ballot in one envelope, then insert that envelope plus your address label in a second envelope and send to the address indicated above. In that case, we will separate your envelopes before we count your ballot.

In order for your ballot to be counted, we must receive it at the address shown above by Dec. 20, 2023.

As required by our bylaws, in order to have a quorum for our election, we need at least 100 timely returned ballots from our members.

To help you assess this year's candidates, we're including brief statements submitted by the candidates (see opposite page).

ACLU NORCAL BOARD OF DIRECTORS BALLOT

Please vote by marking one square next to each candidate you support. You may vote for up to 4 candidates on this ballot.

If you share joint membership with another member, use both squares.

**Ballots must be received by
December 20, 2023.**

**SEND THIS BALLOT AND YOUR ADDRESS LABEL
FROM THE FRONT PAGE TO:**

BOARD ELECTION
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111

VERONICA DIAZ

AUTUMN GONZALEZ

D. KRISTOPHER MEADOWS

NGHIA NGUYEN

ACLU NORCAL BOARD STATEMENTS

Please see the opposite page for information on how to vote in this board election.



VERONICA DIAZ
UNION BOARD NOMINEE

I am a union representative with a decade of experience advancing workers' rights in both the public and private sectors on the Central Coast as well as in the East Bay. My passion for the labor movement is complemented by my interest in civil liberties and I am honored for the opportunity to serve the ACLU-NC. Through my previous service on the ACLU NorCal's Board of Directors, I am not only enthusiastic to commit my time but knowledgeable about the task before me.



AUTUMN GONZALEZ
INCUMBENT

I'm excited to be nominated to serve on the Board and continue to be involved in the important work of ACLU of Northern California. I'm a labor and employment attorney in Sacramento, and in my spare time I'm involved in mutual aid work, and volunteer to provide legal services to low income workers and asylum seekers.



D. KRISTOPHER MEADOWS
INCUMBENT

I am thrilled to be nominated and would be honored to continue to serve on the ACLU NorCal Board of Directors. I currently serve the community as a Pediatric Occupational Therapist within a diverse school district, and as a parent in a multiracial family committed to social justice. As a transgender person with a disability, I am passionate about advocating for the rights of LGBTQ people, children with disabilities and their families, and children within the foster care system. As a board member, I would continue to use my position to ensure the voices of the most vulnerable are heard.



NGHIA NGUYEN
UNION BOARD NOMINEE

I am thrilled and honored for this opportunity to serve on the ACLU NorCal Union Board of Directors. Professionally, I am a national organizer for Familia: Trans Queer Liberation Network, but I am also an artist and writer focused on telling more queer and trans stories of the underdog and compassionate human experience. I currently serve as a Board member of other civil rights community organizations in Sacramento, CA, where I live.

WANT TO TAKE ACTION?

Join our email list to stay informed about current issues and campaigns, upcoming events, and opportunities to get more involved in the fight to protect and expand civil liberties.

Subscribe to our
email action list at
ACLUNC.ORG/EMAIL

To sustain our victories and fuel the fight ahead, we need to
show up—today, tomorrow, and beyond.



Remembering the
ACLU of Northern
California in
your will or trust
by beneficiary
designation ensures
your impact far into
the future.

A LETTER FROM ACLU OF NORTHERN CALIFORNIA EXECUTIVE DIRECTOR ABDI SOLTANI

For the past decade, the ACLU and our partners built momentum for proactive changes for real police accountability and meaningful criminal justice reform. This momentum was bolstered by defining books such as Michele Alexander's *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, framed and energized by the Black Lives Matter movement, and informed by excellent public policy analysis and legal work to craft real solutions. All the while, this movement has succeeded in increasing police accountability and reducing incarceration, while reducing crime at the same time, year after year.

One of the enduring and central themes of our work is the relationship between safety and freedom, between security and liberty. These values are often put in conflict with each other, when in fact they go hand in hand and are mutually reinforcing.

But the Constitution and court cases do not set all the rules related to public safety alone. For that we also make public policy choices—through legislation, budgets, and prosecutorial decisions.

We have now run directly into a public policy backlash based on two things. First, there are real issues affecting crime and public safety—many influenced by the disruptions of COVID and its aftermath, as well as the opioid crisis initially unleashed by pharmaceutical companies and then taking hold through the fentanyl trade. Second, are the political forces—from police unions to politicians—who are taking advantage of this context to turn the clock back—to return us to police abuse of power with impunity and to mass incarceration without any regard to real public safety.

These issues manifest in our work nationwide, and throughout the Northern California region. I highlight two places where these issues are especially acute.

SAN FRANCISCO

With the possible exception of Portland and New York City, no place in the United States is getting as much attention for its issues of homelessness, a drug epidemic, retail theft, and public safety. Ironically, in San Francisco, incidents of certain categories of serious crime have declined. In this context, ACLU of Northern California has brought a case with co-counsel, Coalition on Homelessness vs San Francisco, to ensure that the city makes viable offers of housing to homeless people, rather than cite or arrest them for the act of sleeping outside without feasible shelter.

We also see a revolving series of press conferences with proposals or potential ballot measures from Mayor Breed or some supervisors that are honestly baffling, if they were not so cynical. One requires people with addiction to receive treatment or be threatened with losing public benefits—when most know that treatment is not available and the city has no plan to offer

it. Another sets minimum police staffing levels, with no regard for the entire City budget that faces a deficit, and other essential services that provide meaningful public safety. The most recent weakens the Police Commission—the one entity that has had the courage to hold police accountable and do so through fair and public processes to enact good policy.

In the midst of these public safety and political debates, ACLU NorCal will oppose policies that turn back the clock on our progress on policing and incarceration. We will advocate for real solutions. Among them, housing for our unhoused neighbors, public health responses to the addiction crisis, and real public safety solutions like violence prevention programs that thwart crime in the first place.

ALAMEDA COUNTY

In Alameda County, signature gathering to recall District Attorney Pamela Price is already underway. ACLU NorCal does not endorse candidates for office, but when a recall effort is an attack on the distinctive civil liberties and civil rights record of an office-holder, our policy permits us to oppose that recall. After a careful review



ACLU of Northern California
Executive Director Abdi Soltani

of her record and the recall effort, our board of directors has just voted to oppose the recall of DA Price.

DA Price was elected in November 2022 with 53% of the vote, and took office in January 2023. She immediately took a number of steps to implement her promises to voters. These are policies ACLU NorCal supports—including ending youth transfers to the adult criminal justice system and eliminating racist sentence enhancements. But her opponents didn't waste any time to undo the election she had just won. Recall proponents are —wrongly—pinning the rise in crime in Oakland in particular, which was underway prior to her election, on DA Price and her policies.

While this recall may well not qualify, we do urge ACLU NorCal supporters not to sign the petition, speak up against the recall, and view the news coverage with healthy skepticism. You can learn more at this website www.protectthewin.org.

In the midst of these public safety and political debates, ACLU NorCal will oppose policies that turn back the clock on our progress on policing and incarceration. We will advocate for real solutions. Among them, housing for our unhoused neighbors, public health responses to the addiction crisis, and real public safety solutions like violence prevention programs that thwart crime in the first place. We ask you, ACLU members and supporters, to remain steadfast, read the news with a healthy dose of skepticism, and continue to advocate for public safety and freedom.

A handwritten signature of Abdi Soltani in black ink.

Abdi Soltani, Executive Director
ACLU of Northern California