From: Diane DiIanni [ddiianni@gmail.com]
Sent: Friday, December 16, 2016 8:42 AM
To: Jeffrey Hinton
Subject: RE: TN SAC Minutes

I approve.

On Dec 16, 2016 7:20 AM, "Jeffrey Hinton" <jhinton@usccr.gov> wrote:
Hello Diane,

This looks good, please approve.

Jeff Hinton

UNITED STATES COMMISSION ON CIVIL RIGHTS Washington, D.C. 20425 OSD/RPCU (January 1992)
CCR115 (revised)

TO: Office of the Staff Director, Regional Programs Unit

FROM: Tennessee Advisory Committee Meeting

SUBJECT: Report of Advisory Committee Meeting

I. Type of Meeting (check one)

[ ] Factfinding/Briefing [ ] Consultant

[✓] Planning [ ] Forum

[ ] Conference [ ] Special Assignment

II. Date and time meeting began and ended. Wednesday November 30, 2016

12:30 p.m. (EST) - 13:28.

III. Location of meeting

Teleconference

IV. SAC Members present: (9)

Diane Di Ianni (Chm), Frank Meeuwis, Greg Grisham, Harold Black,

Sekou Franklin, Shaka Mitchell, Valerie Vojdik, Yesha Yadav,
Daniel Horwitz

V. SAC Members absent: (8)

Gail Seavey, Eluid Trevino, Justin Owen, Tiffany Cox, Amy Sayward, John Pointer, Katrina Donaldson, Brian Krumm

VI. Other persons attending meeting.

Jeff Hinton, Regional Director, USCCR, Southern Region

VII. Summary of discussions and actions taken.

Diane Di Ianni (Chair) – Called meeting to order at 12:30 (EST) November 30, 2016, and took roll call of participating advisory members.

Regional Update/ Report: Jeff Hinton, Regional Director, SRO

- Jeff Hinton commented: Everyone must complete the Ethics Training, this training must be updated annually.

Open/ General discussion on potential subjects of interest to the committee:
Diane Di Ianni, Chm Tenn. SAC

- Under New Business, Diane DiIanni stated that members would be discussing in greater detail the previously identified topics for the SAC's next project. The following topics were discussed.
- ** Racial Gap in Business, initially proposed by John (not in attendance). Harold Black discussed his interest in the topic, stating that the issue included the overregulation of small businesses, such as smaller banks and credit unions, and the issue of burdensome state licensing requirements, noting the particular impact on minority businesses. He referred to recent work done the regarding state licensing of hair braiders service providers in Memphis, Tennessee as one illustration of excessive regulation impacting on small businesses.
- ** Purging of Voters Rolls, initially proposed by Sekou. Sekou Franklin stated that in light of development on this issue in this State, including efforts and litigation already being undertaken by other civic advocacy groups focusing on voter roll purging, he believed that it made sense to put this topic on the back burner and work on some of the other important ideas under discussion.

- ** Civil Forfeiture, initially proposed by Daniel, Justin (not present). Daniel Horwitz discussed concerns raised by civil asset forfeiture laws and their ability to be abused in practice, both generally and in Tennessee. Several members spoke in favor of pursuing investigation into this topic. Harold Black commented that people have had their possession taken even without being charged with a crime, and a disproportionate number of minorities have been impacted (as one has to prove they did not commit the crime to get the assets back.) Yesha Yadav noted several concerns with civil forfeiture proceedings, including that individuals who are seeking to have their assets/possession returned have no right to counsel and might have to pay out of pocket for their own counsel to recover their property. Shaka Mitchell noted that these laws are particularly challenging for independent entrepreneurs with cash transaction businesses, and otherwise creates mal-incentives for law enforcement agencies (policing for profit). Sekou Franklin commented that this long-standing criminal justice reform issue currently has an opportunity to gain bi-partisan support and is important. Diane noted that Tennessee had been given a poor mark on the issue in a recent Institute for Justice report. Daniel Horwitz summarized the broad civil rights /criminal justice issues involved in this topic.
- ** Treatment of LGBT students in Tennessee, initially proposed by Val Vjodik. Val did not join the meeting until later; no member commented on this topic, and there was no discussion.
- ** Treatment of Muslims, initially proposed by Greg Grisham. Greg Grisham commented that although he thought religious issues were important, he was more interested in pursuing the Civil Forfeiture and voting issues which he viewed as more important to examine at this time. Sekou noted the importance of looking at the treatment of Muslims in Tennessee, particularly given anecdotal reports of recent heightened concerns of the Muslim community in middle TN. Diane noted the Southern Poverty Law Center report on the rise of civil rights incidents, a report issued the day before and which mentioned incidents in Tennessee, and Yesha mentioned the concern about the issue on university campuses. Diane suggested that even if members decide to pursue a different topic for investigation at this time, members continue to consider and raise this issue in their upcoming meetings.
- ** Legal Financial Obligations, initially proposed by Diane Di Ianni. Diane explained that Yesha Yadav also had been interested in proposing this topic, and she asked Yesha to introduce the issue. Yesha Yadav described the issue of state's using LFOs to raise revenues for the criminal justice system. She noted the impact of court imposed legal fines, fees and court costs for infractions such as traffic or housing violations, shoplifting, prostitution, and the burden of non-dischargeable accumulated LFOs on individuals, with disproportionate impact on minorities and individuals without the ability to pay. She noted particular concern with practices of LFOs and debt collection practices in TN and specifically in Rutherford County.
- ** Treatment of Undocumented Students, initially proposed by Eliud Trevino (not present.) Diane briefly described the issue as relating to immigration status in university admission

and employment and noted the Nebraska SAC recent report on the topic of licensure and eligibility for public benefits. She suggested that the issue be kept on the list of topics to consider.

- ** Treatment of Women in Federal Prison. Diane explained that this was the topic for the U.S. Commission's statutory enforcement report. She noted that there is one federal prison in TN (all male), and the number of females Tennessee currently in US Bureau of Prisons custody in RRC (residential reentry centers)(15/Memphis and 17/Nashville). She noted that there is a state facility (TN Prison for Women, Nashville), which recently was sued for failing to provide needed medical services in connection with a prisoner giving birth in jail.
- Following discussion of the several issues, the members discussed which one or two topics to select to proceed to formal proposal. There was broad interest in pursuing Civil Forfeiture and Legal Financial Obligations. Yesha Yadav asked if the SAC could combine the two topics thematically, along the lines of state financial incentives in criminal justice. Shaka Mitchell questioned whether that might be taking on too much. Daniel Horwitz commented that he was interested in both ideas, which had some similarities, but that it would be better to do them in segments, as even forfeiture is a complex subject in and of itself. Diane suggested that both topics be moved forward separately.
- Diane Di Ianni asked members to consider what the investigation would entail (research, interviews, public hearings, community forum), and the format of the project (formal research report, briefing report and transcript, briefing memo).
- Jeff Hinton explained how the proposal process is handled, with submission to the US Commission staff for review, recommended changes, if any, and approval prior to the start of the investigation.
- Harold Black asked about, and Jeff explained, the administrative and budget process for public hearings, including costs of travel, transcript and location/facility.
- Diane Di Ianni confirmed with Jeff Hinton the approval process for the SAC proposals, including a formal vote on the specific proposal(s) by the SAC and Commission approval. The general time frame for the projects was discussed, and Sekou Franklin commented about the importance of having the work done and completed sometime in 2017.
- Val Vojdik stated her interest in the Treatment Women in Federal Prison topic, and asked that it be kept on the list for consideration as a concurrent project.
- Frank Meeuwis stated his interest in pursuing civil forfeiture and LFO as topics.
- Diane Di Ianni called for a vote on pursuing the two topics of Civil Forfeiture and Legal Financial Obligations, and moving the topics to the next stage (preparation of formal proposal). All members present agreed on proceeding with the two proposals. Diane confirmed that the topic presenters would serve as sub-committee chairs and asked for subcommittee volunteers, and then established the following two subcommittees.

Civil Forfeiture S/C

Daniel Horwitz, Co-Subcommittee Chair

Justin Owens, Co-Subcommittee Chair
Harold Black, Member

Legal Financial Obligations S/C
Yesha Yadav, Subcommittee Chair
Valorie Vjodik, Member
Sekou Franklin, Member

The s/c chairs agreed to undertake the preparation of the formal proposal. Diane asked that the s/c chairs circulate their proposals no later than two weeks before the next SAC meeting.

After discussion of members and Jeff Hinton's calendar, the next meeting was scheduled for Wednesday, February 1, 2017, 12:30pm EST.

- Prior to moving to the public comment agenda item, technical problems with the conference call interrupted discussion. The service provider experienced a system failure that resulted in the entire call being dropped (and not able to be recovered) at 1:28pm EST.

Approved by: Diane Di Ianni Date: December 16, 2016