

ALEXANDRIA HUMAN RIGHTS COMMISSION  
MINUTES OF THE MEETING OF TUESDAY, SEPTEMBER 15, 2020  
7:00 p.m.  
VIRTUAL (Zoom)

Members Present

Danielle Beach  
Amy Blackwood, Vice Chair  
Lisl Brunner  
Michelle Cho  
Kevin Edwards  
Damien Hammond, Sr  
Matt Harris, Vice Chair  
Alex Howe  
Elizabeth "PJ" Palmer Johnson

Staff Present

Jean Kelleher, Director  
Miladis Martinez Gutierrez

Members Excused

Christopher Harris  
Susan Kellom  
Michael Kreps  
David Rigsby  
Scott Schwartz

**1. Call to Order/Introductions by Vice Chair, Matt Harris**

Acting Chair Matt Harris called the meeting to order at 7:06p.m. Vice Chair Harris welcomed everyone.

**2. Recognition of Amy Blackwood, Vice Chair & ACPD Rep**

Acting Chair Harris stated that this is a bittersweet meeting, because he is announcing that Vice Chair Blackwood has decided to leave Alexandria for greener pastures just a couple miles down the road.

Vice Chair Blackwood d a few words with the commission and said it is exciting seeing so many new members in the Commission and said that she is impressed by the time, effort and the commitment from everyone. She added that she will miss working with everybody. Vice Chair Harris stated that the Commission will miss Vice Chair Blackwood's insight, opinions, and great ideas that she has provided to the Commission over the course of her years on the Commission. He said that it has been wonderful working closely on the Executive Committee with Vice Chair Blackwood, particularly when meeting with the Police on a quarterly basis.

Director Kelleher stated that Vice Chair Blackwood has been a real joy to work with and said that she has not only been a leader on the Human Rights Commission, but also on the Commission for Persons with Disabilities, and they will miss her as well.

**3. Checking in on how Commissioners are faring during COVID-19**

Acting Chair Harris check on how Commissioners are doing during this difficult time of COVID-19.

**4. Approval of June Minutes**

Upon a motion by Commissioner Vice Chair Blackwood, seconded by Commissioner Howe, the Commission approved the minutes of the June meeting. All Commissioners present voted aye.

Director Kelleher stated that there has been more interest in the Human Rights Commission minutes this year, especially in the relationship that the Commission has had with the Alexandria Police Department.

#### **5. Nominating Committee / Elections October**

Acting Chair Harris stated that every year the Commission presents a slate in July and said that anybody can nominate themselves. He asked for volunteers to serve on the nominating committee. Commissioner P.J. volunteered and acting Chair Harris volunteered Commissioner Schwartz to serve in the nominating committee. Director Kelleher stated that Commissioners can also send her a message to express their interest and she can share that with the members of the nominating committee as well, and they can work on putting together a slate for the October meeting.

#### **6. Legislative Package Proposals**

Acting Chair Harris stated that Sarah Taylor will be attending the next Commission meeting in October. He added that Director Kelleher had attached a memo format for the Commission's legislative proposals based on last year's packet.

Director Kelleher stated that this is a format that was created by the interns last summer and said that there were a lot of initiatives that the Commission had for bills that were ultimately passed. We are delighted with the actions of the Virginia General Assembly; we now have the Virginia Values Act, which has augmented the protections from the former Virginia Human Rights Act and certainly expands protections and creates an independent State cause of action too. Director Kelleher stated that this will definitely impact our work in the office, and said that she has been talking to other Directors of local agencies and also with the Attorney General's office. She said that collectively they are exploring how all these positive changes in the law will affect how we do business. We still believe in the local agencies continuing to assert jurisdiction under our local ordinances and Federal law, because that provides the greatest protection for most complainants, but for certain complainants, if for instances in an employment case, with fewer than fifteen employees, there may be circumstances under which it will be preferable to file State action. She said that they are going to be working together, talking about deferral from one agency to another.

She stated that there are fewer initiatives for our proposals this year, there are fewer things that the Commission needs to bring forward to the attention of the elective officials for the City's legislative package. She said that she would like to talk tonight about what kind of things the Commission would like to see move forward, and she said that she would like to use the same format. She stated that she would like to put together some issues that the Commission would really like to see either fine-tune or promulgated, so that the commission is ready for Sarah Taylor when she joins the October meeting.

Acting Chair Harris would like to see the abolishment of sovereign immunity for Police Departments, because the real money is with the municipality, and that will force better training of the police force. Acting Chair Harris also mentioned facial recognition and stated that the Commission has spoken about that with Chief Brown. Acting Chair Harris stated that he doesn't know if the Commission can make sure, at the State level, that there are privacy laws that are passed to prevent the police from infringing on individual rights.

Commissioner Brunner stated that she had raised that more as an issue that maybe the Human Rights Commission could raise with the Alexandria Police Department. She said that there has been a series of reports that have come out in the past years, basically indicating that this technology is widely available, the police departments are using it without the knowledge of the members of the public. She stated that Georgetown University wrote a report and cited some police departments in Northern Virginia, and they do not call out Alexandria specifically, but she thinks it will be worth looking at within the balance of our MOU with the Police Department, or if there is an inquiry that the Commission can make to the police asking whether they use this technology, if so, what are the rules that govern it; and then start thinking about the laws that should govern it, depending on the answer.

Acting Chair Harris stated that the last time that Chief Brown came before the Commission that was raised for the facial recognition software, and he denied that they employed it. He explained that they do have license plate readers for their police cars. He also added that ideally, there will be a civilian review board and these types of questions may be moved away from the Commission's plate, but as long as there is a human rights component, the commission should be able to meet with the Chief of Police from time-to-time.

Director Kelleher stated that the Commission has oversight of City Departments and any time that they asked for a City department to appear before the Commission or ask for specific information that is in the Code, it is required to provide it and giving the Commission's advocacy role with Mayor and City Council, if there is something that comes to the Commission's attention, such as where the Commission wants to proactively bring it forward then the Commission can make sure that, it is on the agenda, even if there is a new entity that is addressing this.

Acting Chair Harris asked Commissioner Brunner if she would like to add this issue to the legislative package. Commissioner Brunner stated that she does not think this is the most pressing matters that the Commission has, but she would like to refer it to the Commission. Acting Chair Harris stated that this is a current topic and suggested put it forward in the legislative package.

Commissioner Beach stated that driver license is a big issue for a lot of people. She stated that the reporting issues in Virginia are very different in Virginia from Maryland and DC. There is also the 287G issue. She explained that the 287G is what give ICE the authority to report based on what they are allowed to report, and it also has to do with certain communities being viewed as sanctuary cities. This is an issue that has gone back and forth, many times, immigration declares that it wasn't to be used, and then they started using it anyways and they sort of used it as a back door.

Commissioner Howe stated that he is in favor on increasing regulations on any collection of personal information or facial recognition to be included in the package.

He stated that there is a special session right now on eviction moratorium, so there is a bill in the Senate to extend the eviction moratorium to April 2021, but thinks that this is something that the Commission should take a look at. This in particular becomes a human rights issue when people are being evicted because they don't have jobs and they are not able to fully verify that they don't have income and they are kick out on the streets. The other one is discussions of how rent relief will be done for people who have not been able to pay rent.

He also added that the bill that to end qualified immunity reform died in the senate, he saw an article about it yesterday, so it looks like it might have been killed. Director Kelleher stated that we have to make sure it is the legislative package.

Commissioner Blackwood mentioned an issue about persons with disabilities and stated that in order for persons with disabilities to qualify for healthcare and other public services, they must fall under certain income thresholds. Those thresholds are incredibly low, it is \$2,000. To stay under those thresholds, persons with disabilities often cannot work, because they earn too much money to qualify for services, but not enough to actually be able to pay for services themselves, marry, or even sometimes live with their significant others, because income is on a household, rather than individual basis. Ultimately, these thresholds deny persons with disabilities fundamental individual rights, such as the right to marry. Commissioner Blackwood asked whether the thresholds could be abolished or, at a minimum, substantially raised.

Commissioner Blackwood recommended moving to abolish the Dillon Rule. Director Kelleher gave a brief explanation of the Dillon Rule and stated that it took away the Commission's ability to recommend or award damages. She stated that this is one of the things that she thinks that the Commission should push for with the General Assembly, so it will provide specific authority for local human rights commission to conduct hearings and award damages.

Commissioner Brunner stated that there is a bill going through the Assembly on pattern and practice investigation. She asked if the State Attorney General has greater power to investigate Police misconduct. She stated that she can look into that. She suggested looking into a couple of other measures dealing with economic and equality that has to do with people who were formerly incarcerated. Virginia has a limited Ban the Box law that prohibits employers from asking about convictions, but it is only related to marihuana; is there a way to expand that, so that you can Ban the Box for all types of involvement with the criminal justice system. She also mentioned the Court fees, the imposition on criminal defendants to pay the court cost.

Commissioner P.J. stated that she had run across information that says that the Banks are taking the stimulus money if an individual has been overdrawing their account. She thinks that maybe this is a Federal issue, but there are Virginians that are being penalized. Acting Chair Harris suggested bringing this issue to Don Buyer.

Commissioner Cho stated that there has been some preliminary data about what business and organizations are receiving emergency funding and CARES act funding. She said that it will be interesting to see if the distribution of those funds in our area has been equitable.

#### **7. Executive Committee / Upcoming Meetings / Goals for FY2021**

Acting Chair Harris stated that the Executive Committee did not meet. He said that the invitations for the next year coming up, will probably be deferred to the next Executive Committee meeting but said the one person that he would like to get on board to come to one of the Commission's meetings is Jacqueline Tucker.

Director Kelleher stated that the annual report can reflect that the Commission continues its approach in inviting City Department Heads to come to report on issues that are related to Civil and Human Rights and the Commission can work on the goals for the remainder of fiscal year. Acting Chair Harris stated that, even though the Council resolution with the Police Reform has not been finalized, the Executive Committee is going to meet with the Police Department on a quarterly basis. Director Kelleher stated it can certainly be scheduled for an Executive Committee meeting.

#### **8. Old and New Business**

##### **Civilian Review Board / National movement / BLM**

Acting Chair Harris stated that there was a subcommittee and he knows that the Commission's resolution got tied up. He said that Commissioner P.J., Commissioner Brunner and Commissioner Schwartz were very involved. He stated that the City Manager's recommendation's last tweak, he said it was discussed for a long time and he was reluctant to give an opinion on it. Commissioner Brunner asked if the Commission would try to make a statement on the subject or what it might look like. Director Kelleher stated that the Commission will have an opportunity to weigh in on whenever there is the draft that then is going to the community. She said that the City Manager is adamant about taking the time to do that, Councilman Seifeldein was trying to push this forward, he wanted to have a couple of different choices and then to move it forward really quickly. She said that Sarah Taylor has been meeting with some groups and said she has talked to Jacqueline Tucker about this. Director Kelleher stated that it is important to have everyone weigh in and certainly the Commission is among those who need to weigh in. She thinks that the main issue is going to be this investigative power. She said that there are laws that are going to have to change if this Civilian Review Board is truly going to be able to have independent authority.

She added that it will come forward at the first legislative meeting in October and then the Commission will have the opportunity to weigh in on that. Acting Chair Harris asked if the Commission is allowed to opine on the recommendation, even if it is against what the City Manager has recommended. Director Kelleher stated that the Commission's role is to advise the Mayor, the Manager, and City Council on issues that might give rise to discrimination, and typically it will be to offer advice if they are not out in front of an issue. Depending upon what Council does in October, arguably they will take a position on that ordinance. Director Kelleher stated that the best time to opine will be during October when it will be going to the Community.

Director Kelleher stated that City Council and the Manager and the Mayor are very aware of the Commission's role historically and are very appreciated of that role, so she said that the Commission will still have a role that is important to the community. Commissioner Blackwood stated that is important while this conversation go on about the creation of the Board and its power. We also try to get into that conversation, but it is not taking away of the Commission's powers actually, the Commission needs more power on these other issues.

### Equity

Director Kelleher stated that the equity working group continues to meet monthly. Unfortunately, Covid-19 impacted the first cohort, which was a COG, in which Alexandria was a huge part. The next step is to have the elected official issue a statement or resolution of commitment to this equity initiative. It will be call "All Alexandria". Departments are working on getting staff trained, normalizing conversation about race. With Covid-19 there is a new focus for equity because the health disparities are significant with respect to this pandemic. Jaqueline Tucker and Director Kelleher are working with Natalie Talis, who is the outreach person for the Health Department.

### Equal Justice Initiative

Director Kelleher stated that the pillars that have been created to commemorate the lives of those individuals who were lynched across the country and the City of Alexandria has two individuals that were honored, one in the spring and one in the summer as part of the EJI initiative that she is working on with the Black History Museum and Office of Historic Alexandria. She suggested viewing the OHA website.

### Library fees

Acting Chair Harris stated that Commissioner Schwartz brough up the issue of the library fees and said that apparently there has been an amnesty program for late returns on book, but it actually comes to an end. He said that he has spoken with some people on the Library Board and the thinking is that it disproportionately affects people who are underserve and don't have the money to pay for the fees, but they still don't have access to electronic books, so they rely on going to the library and actually taking out the books. He said the Library doesn't make any money on these fees, it is not a revenue generating type of program. He asked Director Kelleher, who to speak to about getting rid of the fees. Director Kelleher suggested going to Rose Dawson, Director of the Libraries.

### Annual Report

Acting Chair Harris stated that the annual report is in progress.

## **9. Liaison Reports**

Commissioner P.J. stated that the Commission for women has not met.

Commissioner Blackwood stated that the ACPD has not met.

Commissioner Howe stated that they met two weeks ago. He stated that the one the things that they discussed was that they want to propose a legislation for Relocation Payments and Rental Assistant Payments for Tenants Displaced by Developer/Owner.

He said that there two different pieces, where one is in certain cases, they can require that there is relocation payment when a building is being substantially transform. The other one is to give rental assistance to people, if they elderly, disabled or very low income, to give them rental assistance for a three months period. He said that it is still being reviewed and will sending it for comments from the Commission. He added that the Housing staff has been working non-stop trying to approve rental assistance for the Rental Relief program for City residents.

Commissioner Hammond, Sr. stated that the HIV/AIDS commission has not met.

## **10. Announcements /Adjournment**

Acting Chair Harris announced that he has been on a Citizen Advisory Panel with the Sheriff's Department. He said that they are meeting every Wednesday on race and bias, working with what the Sheriff does with the detainees.

Director Kelleher announced that the office has met the EEOC contract early and she requested an upward modification on the contract to add 8 more cases. She worked this summer with a couple of seminars with IAHOA. On August 13<sup>th</sup> they conducted a Fair Housing with HUD and she was co-moderator on that, and they had 825 people who attended the seminar. She worked with Karen Snow from the City Attorney's office to present a webinar for local government attorneys and worked with an attorney from the Fairfax County Attorney's Office, and Kenneth Saunders, Director of the Fairfax Office of Human Rights and Equity Programs, and invited Curtis Porter, who is the President of the Virginia Association for Human Rights.

Acting Chair Harris would like to invite someone from the Voter Registration Office for the October Meeting.

**MOTION:** adjourn the meeting.

P.J /Howe **PASSED** unanimously

The meeting adjourned at 8:30 p.m.