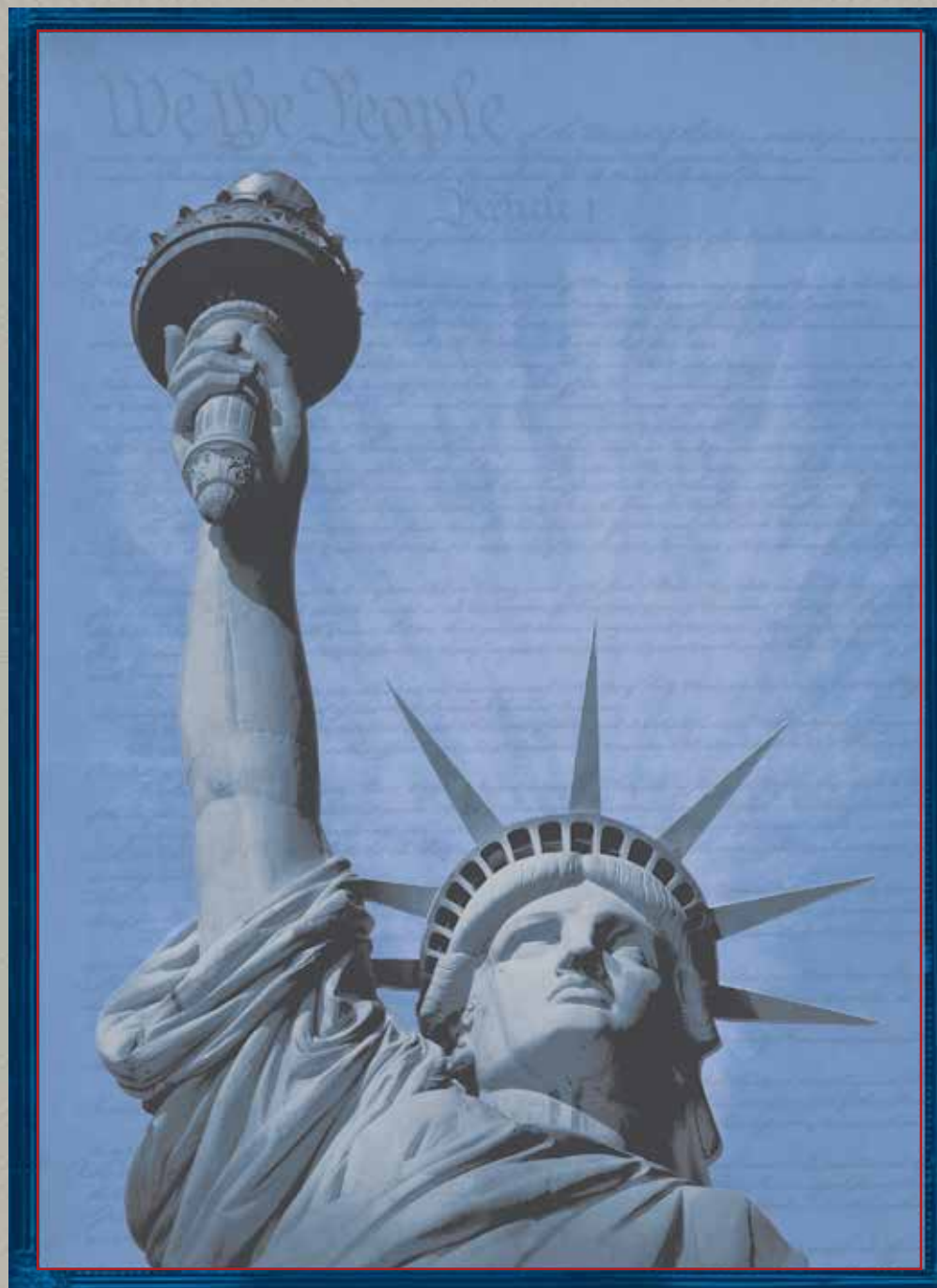


2012

**ACLU OF
SOUTHERN
CALIFORNIA**

**ANNUAL
REPORT**



So long as we have
enough people in this
country willing to fight
for their rights, we'll be
called a democracy.

— ACLU Founder
Roger Baldwin

Welcome

ACLU founder Roger Baldwin said, "So long as we have enough people in this country willing to fight for their rights, we'll be called a democracy." We have been fortunate this year to stand with many people willing to fight for their rights, and to stand up for the principles of liberty, justice, and equality on which our democracy is built.

Tarek Hamdi had lived in the United States for decades when he applied to become a U.S. citizen. Federal law says naturalization applications must be decided in six months, but Tarek waited nine years. The government ultimately denied his application based on a single lawful donation he made to a charity the government years later deemed a financier of terrorism.

We filed suit on Tarek's behalf. Not only did the judge decide that Tarek's application for citizenship should have been granted, she also wanted the honor of swearing him in as a citizen.

Duncan Roy, in jail charged with a non-violent offense, tried to post bail. But the sheriff's department wouldn't let him. It blocked his release because immigration authorities asked the department to hold him while they investigated his immigration status. The department kept Duncan locked up for 89 days, though he was in the country legally and immigration holds are supposed to last no more than 48 hours.

We represent Duncan and five other individuals who, like thousands of others, have been illegally held due to immigration holds.

Sandra Neal's 26-year-old son had been arrested for fare evasion. In jail, deputies kicked his teeth in, shattered



*It is far easier
to celebrate
civil liberties
than to
defend them.*

Hector O. Villagra
Executive Director
ACLU of Southern California

bones in his face, and fractured his ribs, collapsing one of his lungs. Sandra complained, only to be told the deputies complied with the department's use of force policy.

We filed a lawsuit challenging deputy-on-inmate abuse in the jails and released a report showing that deputies regularly strike inmates' heads with flashlights or fists, and slam inmates' heads into concrete walls or cell bars.

We worked to end the death penalty and eliminate the risk that the state would execute an innocent person like Franky Carrillo. Prior to his exoneration, Franky spent twenty years behind bars trying to prove his innocence, struggling to keep his entire life from slipping away. Having regained his freedom, and knowing the law makes mistakes, he has dedicated himself to abolishing the death penalty.

Zoey wanted to be herself. But after she shared with a fellow student that she is transgender, school staff accused her of sexual harassment and suggested she transfer to another district. Many teachers and administrators failed to protect Zoey from the bullying she later received based on her gender identity.

We reminded Zoey's school district that she has the right to be open and proud of her gender identity, and that it has the duty to keep her safe at school. Now she's a happy sixth-grader, learning to play the trombone and earning her highest grades.

As we reflect on our work this year, we remember that it is far easier to celebrate civil liberties than to defend them, so we pay tribute to Tarek, Duncan, Sandra, Franky, Zoey, and all those who have stepped forward to help convert our civil liberties aspirations into reality.

IMMIGRANTS' RIGHTS



It's hard to find a better model of a would-be citizen than Tarek Hamdi. The Egyptian-born transportation engineer has lived in the United States for more than three decades, working for CalTrans, getting married, and raising a family. But one item in his application for citizenship singled him out for discriminatory treatment: he's a devout Muslim.

Hamdi originally applied for citizenship 11 years ago; immigration codes require the government to approve or deny naturalizations within six months. During our litigation of his case, we discovered secret policies of the U.S. Citizenship and Immigration Service that explicitly mandated that he could not become a citizen, even though he was eligible. Among other things, officials had been ordered to construe his donations of *zakat* – the Muslim practice of charity – as a national security concern, something to which any application for an immigration benefit, from a visa to naturalization, was subject. After an 11-year wait and a two-day trial in March, a judge ordered that Hamdi could finally be naturalized. In fact, she felt so strongly about his case that she swore him in as a citizen herself.

"Every day, my feeling of belonging to this country has been increasing," said Hamdi after he was sworn in. After voting, he said, "I truly felt like an American!"

IMMIGRANTS' RIGHTS



DUNCAN ROY AT ACLU/SC PRESS CONFERENCE

Our Constitution doesn't say you have fewer rights if you weren't born here, but you might draw that conclusion after talking with Alaín Martínez-Pérez and Duncan Roy.

Last December, L.A. County sheriff's deputies arrested Martínez-Pérez after his girlfriend attacked him. Although under state law he was eligible for bail, the federal Department of Immigration and Customs Enforcement (ICE) placed a hold on him, and deputies reclassified him as "no bail." Two days later, he got word that no charges would be filed against him – but deputies still refused to accept bail. They held him for four more days until ICE transferred him to its Mira Loma facility near Lancaster, where he was finally allowed to post bond.

British filmmaker Duncan Roy was arrested last November and booked at the Lost Hills Sheriff's Station. Even though he was eligible for bail, deputies refused to allow him to meet with a bondsman. And they kept refusing even after a judge ordered him released on bail, denying him the follow-up treatments he needed after suffering prostate and colon cancer. They kept him in jail for 89 days, even though he was in the country legally at the time of his arrest.

Roy and Martínez-Pérez are plaintiffs in our class-action lawsuit *Roy v. County of Los Angeles*, filed in October, which challenges the sheriff department's routine use of ICE holds as an excuse to deny bail to thousands of detainees, even though the holds are voluntary and explicitly state that no detention can last more than 48 hours.



ALAÍN MARTÍNEZ-PÉREZ AND SON

Byron Mérida was sentenced to a year in jail and five years' probation. He ended up serving more than three years forgotten in an immigration holding cell.

Mérida arrived from Guatemala in 1986, built a business and married a U.S. citizen. But his business collapsed with the economy, and he was convicted of commercial burglary. When he was transferred from jail into ICE custody, he became one of hundreds of immigrants in the Los Angeles area held indefinitely without a bond hearing. In September, we won a temporary injunction against the federal government ordering bond hearings for immigrant detainees in the same situation.

We seek to establish that immigrants whom the government has detained for more than six months while their cases remain pending deserve the most basic procedural right – a right to a hearing where they can argue for release on bond. The Obama administration is continuing a policy of denying this simple relief to thousands of detainees across the country, including several hundred in the Los Angeles area. The case seeks to stop such travesties of justice, which continue to occur every day in our nation's immigration detention centers. Since the ruling, our staff and volunteer lawyers have fanned out to holding facilities across Southern California, helping dozens of detainees with long-overdue judicial proceedings. Thanks to our work, Byron was released on \$2,500 bond.

We informed immigrants and unlicensed drivers about state and local traffic policies that may lead to car impoundments. These impoundments have a disproportionate impact on poor and immigrant families, and many law enforcement agencies specifically target Latino drivers because they assume they'll be driving without a license.

That's why, in September, we intervened to help defend Special Order 7, a Los Angeles Police Department policy that allows unlicensed drivers to avoid impoundment if they have valid identification, insurance, and registration. The Los Angeles Police Commission approved Special Order 7 in February. In the three months that followed, challenges to the policy were filed by the Los Angeles Police Protective League and by a conservative watchdog group. We're partnering with other community groups to ensure that this vital part of community policing stays in effect.

We also took our message on the road. On April 22, ACLU of California staffers kicked off *Estamos Unidos* ("we are united"), a cross-country van tour to rally support against anti-immigrant laws promoted by legislatures in Arizona and other states. The tour ran from California to South Carolina, stopping in Arizona the day the Supreme Court heard arguments on Arizona's divisive SB 1070. Participants promoted our new Spanish-language website, miACLU.org, collected signatures for a petition to the president, held rallies in San Bernardino and Riverside, attended a parade in San Antonio, met with day laborers in New Orleans, and attended a church service in Mississippi.

And we're continuing our efforts to urge state leaders to enact more humane policies towards immigrants. In September, Governor Jerry Brown vetoed AB 1081, the TRUST Act, which would have limited how local law enforcement agencies participate in Secure Communities, the controversial federal program through which almost 80,000 deportations have been conducted in the state. Under the TRUST Act, California would have modified how it complied with ICE holds, directing law enforcement to honor ICE hold requests only on arrestees with serious or violent felony convictions. We called out Governor Brown on his missed opportunity to fix a broken law, and vowed to continue fighting through litigation and local and statewide advocacy.



YOUNG SUPPORTER AT
ESTAMOS UNIDOS TOUR STOP

VOTING RIGHTS



José Moreno loves Anaheim. He sits on the city school board. He and his wife helped found the first dual-language immersion school in the city. But he and other Latinos have been denied a voice in choosing their city council.

Latinos make up 53 percent of the city population but there are no Latino members of the city council. In fact, only two Latinos have served on it in the city's 155-year history. That's because Anaheim uses the most common form of race-based vote dilution: an at-large election system that leaves Latinos effectively shut out of representation, thanks to a history of racially polarized voting and discrimination.

In June, we filed suit on behalf of Moreno and two other Latino Anaheim residents to force the city to change its electoral system to one based on districts.

"The tragedy is that, after so many years of struggling to be heard, so many of Anaheim's Latinos have simply lost hope," said Jose Moreno, a plaintiff and president of Los Amigos of Orange County, a community group established to address issues in Orange County affecting the Latino community. "It was time to do something. This is our home, and we have a right to have a voice in what happens here."

In fact, the fairness of our elections has been threatened across the country. While the 2008 presidential election was the most racially diverse in the nation's history, many state legislators tripped over themselves in the frenzy to make it harder and harder for Americans – particularly African-Americans, the elderly, students, and people with disabilities – to exercise their fundamental right to cast a ballot.

Since 2011, over thirty states considered, and most enacted, laws that would require voters to present government-issued photo ID to vote, though studies suggest that up to 11 percent of American citizens lack such ID. Three more states passed laws to require documentary proof of citizenship to register to vote, though as many as 7 percent of American citizens do not have such proof. Seven states shortened early voting time frames, although over 30 percent of all votes cast in the 2008 general election were cast before Election Day. Two states repealed Election Day registration laws, though Election Day registration increases voter turnout by 10 to 12 percent.

All told, more than five million voters faced being turned away at the polls in November.

In response, the ACLU worked to block passage of voter ID laws in Iowa, Kansas, Maine, Maryland, Nebraska, New Mexico, and South Carolina. The ACLU brought 37 lawsuits in 21 states, logging recent victories in Florida, Pennsylvania, Wisconsin, and Ohio. And the ACLU launched a national "Let Me Vote" voter education campaign to ensure that the nation's most vulnerable populations had full access to accurate information about what poll workers can and cannot require from them.

Voting is central to the very idea of democracy. We're working to ensure that the right to vote remains open and meaningful to everyone, in California and across the country.

DISABILITY RIGHTS



PHOTOGRAPH BY MELINDA LERNER

Our fight for disabled veterans took a big step forward this year in *Valentini v. Shinseki*, our lawsuit against the Department of Veterans Affairs for the misuse of the West L.A. Veteran's Administration (VA) campus.

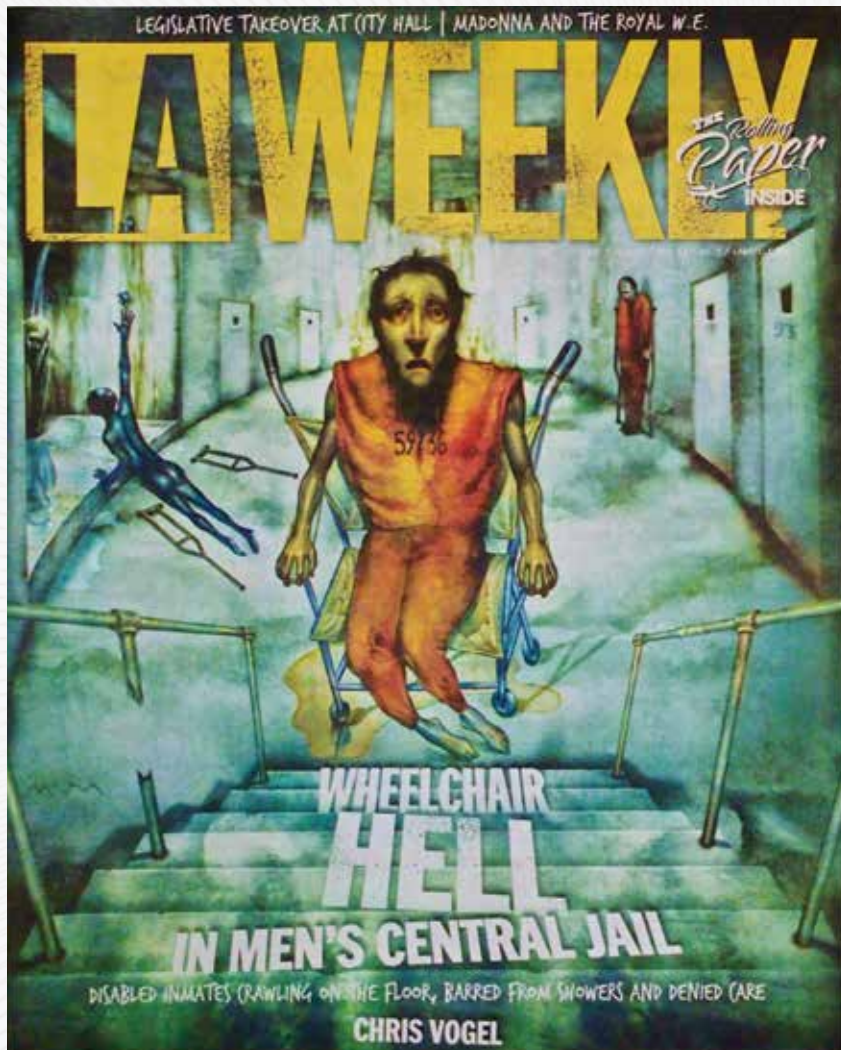
In 1888, the nearly 400 acre property (roughly half the size of Central Park) was deeded to the government on the condition that it serve as a permanent home for disabled soldiers.

Today, while you'll find a dog park, a rental car lot and a hotel laundry facility, you won't find stable housing for the neediest of vets, many of whom sleep in the bushes outside the VA gates.

In March, a federal judge denied a government motion to dismiss the case, finding that we had stated a valid claim of disability discrimination and a valid claim that the private commercial land deals violate the statutes governing use of the VA land. The government argued that it had no authority or duty to provide long-term housing for disabled vets and that the deed condition can not be enforced.

Our case is moving forward to force the government to take care of those disabled while serving their country.

DISABILITY RIGHTS



The drive-by shooting that left him paralyzed from the waist down was just the beginning of Christian Reyes' long descent into a man-made hell.

Shortly after his release from the hospital, the lanky 19-year-old was arrested on unrelated gunfire charges. In booking, he felt like his bladder was going to explode, but the rickety wheelchair deputies had given him was too wide to fit through the restroom door. He asked deputies for a catheter, but was told he'd have to wait for a shift change or for a doctor's approval. Without access to a toilet or even help from the deputies, he was forced to spend three days sitting in his own excrement before he was finally transferred to the Medical Services Building at Twin Towers Jail, where he finally had adequate medical care.

But, after a month, he was transferred to the 8100 unit of Men's Central Jail, a segregated dorm in which most inmates with wheelchairs are held. There, as he waited 19 months for trial, he saw the sun only a handful of times. He was denied medicine. He was denied physical therapy. He was denied opportunities for schooling and recreation available to inmates without disabilities. He was even denied clean catheters.

"Imagine 12 men in a dorm, all in diapers and sitting in their own feces," he said. "It smelled like a combination of what people had for lunch that day and pus from people's open wounds. I've been in a wheelchair now for three years, and the jail is, by far, the worst place I've ever seen for a disabled person."

In October, a federal judge granted class-action status to the lawsuit we filed on Reyes' behalf against the L.A. County Sheriff's Department and Sheriff Lee Baca himself. The class now includes all future prisoners with disabilities, numbering potentially in the thousands. When the lawsuit was filed, the central intake unit in the jail did not have a single

wheelchair-accessible toilet for the more than 180,000 people who are booked there every year. Like Reyes, prisoners with disabilities were left to sit in their own excrement, or were severely injured in falls in toilets that lacked grab bars or handrails to keep their balance. The sheriff's department has corrected some of these problems in response to our lawsuit, but many remain.

And mentally disabled federal immigration detainees just disappear into the system.

For instance, José Antonio Franco can't tell you what time it is, and he can't tell you his birthday, address, or phone number, because by some estimates he has the cognitive ability of a two-year-old. Caught up in a gang fight in 2005 in his neighborhood, he threw a rock and was arrested. A judge soon after found him mentally incompetent to understand the proceedings against him and he stayed in custody because he couldn't afford a legal representative and the government refused to appoint him one.

No one knows how many more years he would have spent in an immigration detention center if we hadn't filed suit on his behalf in 2010.

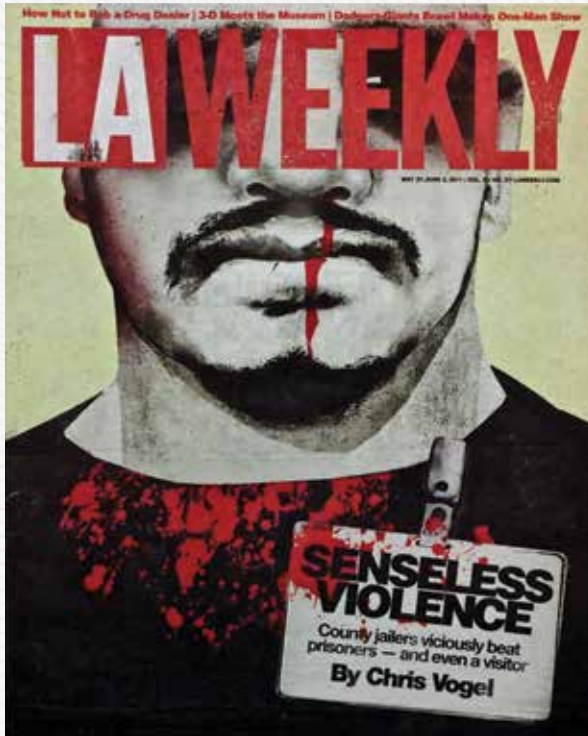
Franco's story is far from unique, which is why in December 2011 a federal court granted our case class-action status, allowing us to represent all immigrant detainees with mental disabilities who find themselves in Franco's position. On any given day, the federal government detains some 33,000 immigrants; the best government estimates put the number of the mentally disabled among them at 1,000. The ruling applies to detainees in California, Arizona, and Washington, and will help get them the legal counsel they desperately need. We await a decision from the federal judge on our motion, and are hopeful that the judge will establish a right to legal counsel for disabled people in immigration proceedings.

In the past decade, protecting the rights of people with disabilities has taken on increased importance. We are committed to advocating for them and ensuring equal access and equal treatment for all.



JOSE FRANCO AND MOTHER, MARIA

JAILS PROJECT



If Jonathan Goodwin hadn't been so badly hurt, he might have felt like laughing at the absurdity of it all.

Goodwin, at the time an inmate at L.A. County's Men's Central Jail, found himself kicked and stomped on by deputies after a minor disagreement over food. But even though he didn't resist, five weeks later Goodwin was accused of assault. When his attorney tried to get information about prior complaints against the deputies involved, the department said there were none. Sadly, Goodwin's experience was not unusual – both in terms of the abuse he suffered and the difficulty of defending himself against the charge of assault. We took on both issues this year.

We had been exposing the violence in the jails for years, but the September release of our 2011 Jails Report, documenting dozens of victim and civilian eyewitness accounts of the brutality, put the issue front and center. A shocked L.A. County Board of Supervisors ordered the formation of a blue-ribbon commission to investigate. Negative press accounts barraged the department. And L.A. County Sheriff Lee Baca, who initially denied and dismissed the allegations, later admitted being "out of touch" with what was happening in his jails.

In January, we filed *Rosas v. Baca*, a class-action lawsuit against L.A. County Sheriff Lee Baca, for the horrific deputy-on-inmate violence in the jails he oversees. Goodwin is a named plaintiff in that suit.

Only after calling us did Goodwin and his attorney discover that there had been complaints of abuse filed against some of the same deputies who assaulted him. Goodwin's case went to trial and the jury found him not guilty. "If it had not been for some good fortune, the hard work of my defense lawyer, and the ACLU, the sheriff and the DA would have succeeded in suppressing evidence that I believe helped convince the jury that I was innocent," said Goodwin.

As we dug deeper into Goodwin's case, we discovered that both the sheriff's department and the district attorney's office had concealed evidence favorable to thousands of criminal defendants, including victims of jail violence. Anyone hoping to check abuse claims against a deputy couldn't search by the deputy's name. That effectively buried incidents of deputy-on-inmate violence.

In July, we brought *Douglas v. Cooley* against Baca and Los Angeles District Attorney Steve Cooley for violating the rights of inmates through a policy that prevented prosecutors from disclosing information about deputy misconduct complaints, and for failing to maintain an easily searchable database of complaints as required by law.

"I am lucky to be here rather than in state prison," Goodwin told a crowd of reporters at the news conference announcing the lawsuit. "But I am

sure that there are lots of other people who are not so lucky. I hope that this lawsuit will put a stop to the games that the sheriff and the D.A. are playing, not only with the justice system, but also with the lives of people like me.”

The sheriff’s department reacted quickly. By July 25, the department had implemented a new system of reporting and tracking complaints by deputy name, and also had manually reviewed inmate complaints from the past five years to ensure that relevant complaints were added to the database as the law requires. The department also agreed to notify local defense attorneys about the new policy, so attorneys whose clients have pending cases know that they can renew their requests and may receive information that had been withheld under the old policy.

In October, the Citizen’s Commission on Jails Violence announced its findings. The sheriff agreed to all 63 of the commission’s recommendations, among them bringing in an outsider with appropriate experience to run the department’s custody division; rewriting the department’s grossly inadequate policies on use of force; a dramatic increase in the amount of deputy training because the current level is “far below both industry best practices and training standards in other corrections systems;” and a total revamp of the investigation and disciplinary system. Our lawsuit *Rosas v. Baca* remains in effect to hold the sheriff to his promises.



PLAINTIFF JONATHAN GOODWIN

POLICE PRACTICES

If you look, you can find beauty in unexpected places.

Shane Quentin finds it late at night in industrial parks, at refineries, in places deserted by everyone – everyone, that is, besides security guards and the occasional cop. And that's gotten him into trouble.

Just after midnight one morning, intrigued by the otherworldly glow of dozens of mercury vapor lights, Quentin set up his tripod and camera on a public sidewalk near a refinery. But Quentin's equipment attracted the unwelcome attention of Los Angeles County sheriff's deputies. They ordered him to stop taking pictures, warned him he might end up on an FBI tracking list, frisked him and held him in the back of their squad car for 45 minutes before letting him go.

There's nothing illegal about taking photographs in a public place, but Quentin's was far from an isolated case of police harassment of someone engaged in a constitutionally protected activity. Quentin is one of three similar plaintiffs in our lawsuit *Nee v. LASD*. We also represent the National Photographers' Rights Organization. The suit seeks damages on behalf of the three plaintiffs, and an injunction to prevent the unlawful search, detention, and harassment of photographers by deputies in the future.

As he tried to take photos of a Metro station turnstile, lead plaintiff Shawn Nee was illegally detained by a deputy, who said "Al Qaeda would love to buy your pictures, so I want to know if you are in cahoots with Al Qaeda to sell these pictures to them for terrorist purposes. That's a crime."

The sheriff's department's policy focusing on photographers isn't uncommon; over the past few years, law enforcement agencies across the country have implemented "suspicious activity reporting" programs in conjunction with the federal government. These programs train officers to spot types of lawful behavior that may identify a terrorist – for some departments, that includes photography.

Photography is not a crime. It's protected First Amendment expression. But that hasn't stopped deputies of the Los Angeles Sheriff's Department from detaining and searching photographers, based solely on the fact they are taking pictures in public places, and ordering photographers not to take pictures on public streets and other public places where photography is not prohibited. We've taken aim at the sheriff's department because these searches and detentions violate both the First Amendment right to photograph and the Fourth Amendment right to be free from unlawful searches and detentions.

PHOTOGRAPH BY SHANE QUENTIN



RELIGIOUS FREEDOM



IMANE BOUDLAL AT ACLU/SC PRESS CONFERENCE

Imane Boudlal is firm once she makes up her mind.

She packed up her life and moved to California from her native Morocco. She resisted her mother's calls to come home to be closer – and in her view, safer – with family. She insisted on completing a personal journey of faith that began when she took her oath of allegiance as a U.S. citizen, even when her employer tried to cut that journey short.

Boudlal first began working as a hostess at the Storytellers Café at Disney's Grand Californian Hotel in 2008. The harassment began immediately. Co-workers began calling her names that included "camel," "terrorist," and worse. When she complained to her managers, they did nothing.

In 2009, Boudlal decided to begin wearing a hijab, the headscarf worn by observant Muslim women. She wore it at home. She wore it when out with friends. But she didn't wear it at work. She worried how her employers would react. Finally, a year after she first began wearing the hijab, she worked up the courage to ask for permission to wear it on the job. It took two months for the answer:

no, managers told her, the scarf would violate Disney's "look" policy and negatively affect the experience of customers. She offered to wear a scarf coordinated with her uniform, but was told she had a choice of either wearing a showy, fedora-style hat on top of the hijab – or to work where customers wouldn't see her. She refused, and she was fired.

"My journey towards wearing the hijab couldn't have been more American," said Boudlal. "It began at my naturalization ceremony when they told me that I had the freedom to be who I want and freely practice my religion. Neither Disney nor anyone else can take that from me."

We filed suit against Disney in August because employment law requires employers to make reasonable accommodations to "sincerely held" religious beliefs of employees as long as doing so poses no undue hardship on the employer. We seek a permanent injunction requiring the company not to prohibit employees from wearing hijabs, as well as punitive damages and anti-harassment training for company employees.

The number of complaints like Boudlal's is rising. Religious discrimination complaints in the workplace have nearly doubled in the past decade, and Muslim workers have been filing record numbers of complaints.

Unfortunately, discrimination against Muslims is not limited to employment.

Also in August, a federal judge ruled that part of our case may proceed against individual FBI agents for spying on members of an Orange County mosque, though he dismissed our case against the government itself. In *Fazaga v. F.B.I.*, we challenged the FBI's investigation into law-abiding U.S. citizens and residents through "Operation Flex." In June 2006, FBI agents recruited Craig Monteilh, a man with a file full of felony convictions, to pose as a convert to Islam at one of the largest mosques in the area. The FBI paid Monteilh to spend the next fourteen months meeting as many members of the Muslim community as he could. He made audio recordings of every interaction as he gathered names, telephone numbers, e-mails, political and religious views, travel plans, and other information on hundreds of individuals in the Muslim community. According to Monteilh's own sworn statement, he was told to pay special attention to community leaders and those who seemed especially devout. In other words, "Operation Flex" was a fishing expedition that targeted people because of their religion. But in the end, after Monteilh began talking incessantly about jihad and violence, members of the community reported him to the FBI. After hundreds of hours of Monteilh's time and thousands of taxpayer dollars, "Operation Flex" resulted in zero criminal convictions. No one was ever even charged with any offense, much less terrorism. In August, this bizarre and unlawful operation was the subject of the radio show *This American Life*.

The Department of Justice moved to dismiss the case, saying that discussing its program of spying on law-abiding Muslim Americans – or even admitting its existence – would force the government to divulge state secrets. The judge agreed with the government. However, the court didn't say that the FBI had not engaged in the alleged surveillance, or that it had indeed complied with the First Amendment. Instead, the court said that even trying to determine whether the FBI had violated the Constitution might risk disclosure of information that could harm national security. As the court recognized, "the state secrets privilege may unfortunately mean the sacrifice of individual liberties for the sake of national security."

In Kern County, we successfully defended the right of Muslim inmates at North Kern State Prison to freely practice their religion. Prison officials told Muslim inmates they could only wear skullcaps in their cells or in chapel, even though other inmates were allowed to wear baseball caps without restrictions. Prison officials also told Muslim inmates they could pray only in the chapel on the infrequent occasions when an imam was present, and prayer oils ordered by some were confiscated and returned by the mailroom with no explanation to the inmates themselves. We sent state prison officials a letter challenging the policies; a few weeks later, it was announced that Muslim inmates would have access to the chapel whether or not an imam is available; they would be able to wear their skullcaps in all common areas of the prison; and corrections officials would develop a clear policy allowing prayer beads, certain amounts of oil, and other religious items.

And Souhair Khatib settled her case against Orange County sheriff's deputies for forcing her to remove her hijab while being booked at a court holding facility. A male officer ordered her to remove her hijab, and told her it would be done for her if she didn't comply. She spent most of the day with her hair and neck uncovered in view of male officers and inmates in violation of her most deeply held beliefs. Because of our lawsuit, the county will no longer require observant Muslim women in custody to remove religious head coverings in full view of male officers, and will provide them with temporary headscarves.

EDUCATION



HOOVER HIGH SCHOOL STUDENTS AND ADVOCATES

When the school administrators first came for her, it seemed like a mistake. After all, Ashley Flores was an “A” student. But when she saw the cops, she became frightened.

“I was shocked and scared when I saw the police, especially because I knew I hadn’t done anything wrong,” said sixteen-year-old Ashley. “It was the first encounter I’ve had with police. I’ve never been in trouble.”

During her lunch break at Glendale’s Hoover High School, school administrators rounded up Flores and 55 other students and herded them into classrooms, where school and Glendale police officers were waiting for them. Keeping them through their fifth period classes, the officers interrogated the students and forced them to pose for mock mug shots, telling them to “sit down and shut up” if they complained. The officers told students that their personal information would be kept in a file to identify them if they ever got into trouble.

Police had no evidence that any of the students had done anything wrong. The one thing the students had in common – they were all Latino. A Filipino student who had been sitting with one group was allowed to go free.

We brought suit on behalf of Ashley and other humiliated students against the City of Glendale and the County of Los Angeles and individual officers from the Glendale Police Department, the Los Angeles Police Department, the Los Angeles County Probation Department, and administrators at

Hoover High School for racial profiling and unlawful search and seizure.

"They refused to apologize for what they did or to guarantee that this information would not be used against our children, so we had no choice but to go to court to make sure the information has been destroyed and that this never happens again," said Christine Clavesilla, the mother of one of the plaintiffs.

At Roosevelt Elementary School, in the Central Valley town of Dinuba, teacher Nona Rhea watched as students learning English as a second language fell behind their monolingual peers due to a flawed teaching system that taught the language as a series of complex grammatical rules. While English learners struggled with the unproven method, their counterparts received vital instruction in reading. The following semester, English learners were abruptly moved into the regular reading curriculum and expected to catch up with their peers who received regular reading instruction. For English learners, that separate program translated into almost total isolation from English-speaking peers.



"For young children, learning to read is the foundation for life-long learning. It's been heartbreaking to watch students in my school lose so many valuable hours of learning to this flawed method. I want to make sure all our kids have the same opportunities for the education they deserve," said Rhea, Teacher of the Year at Dinuba's Roosevelt Elementary School.

In August, just two months after filing a first-of-its-kind lawsuit, we reached a settlement with the district to ensure that young English learners have an equal chance to succeed. With the help of recognized education experts, the district agreed to implement a new program for young English learners beginning in the current school year, along with after-school and summer programs to remedy the past year's deficiencies.

The legislative session brought more good news: with the stroke of a pen, Governor Brown settled our lawsuit *Doe v. State of California* when he signed AB 1575, which ensures that school administrators understand how to raise funds without infringing on students' right to a free education.

AB 1575 is a major victory for our student plaintiffs' long-standing fight to ensure that California public school students are not charged fees to participate in school activities. The right to a free public education is spelled out in the California Constitution, and it is now better protected thanks to our work.

ECONOMIC RIGHTS AND CRIMINAL JUSTICE



EXONEREE FRANKY CARRILLO

In 2012, there is no separation between economic rights and criminal justice – they are intertwined in every way. A criminal conviction – even for a non-violent drug offense – has damaging consequences for one’s access to employment, housing, food assistance, and other critical safety-net programs.

While California is still recovering from the worst budget crisis in its history, you don’t have to look far to find people suffering. Through our community engagement and policy advocacy, we are at the forefront leading reforms. We are pushing for alternatives to custody and revised criminal sentencing policies to reduce mass incarceration, fighting against billions of dollars in additional cuts to education and vital services, and advocating to replace California’s wasteful and broken death penalty system. Throughout our work, we make the case for effective, cost-efficient solutions that deliver true justice and real opportunities for the people in our communities.

Over the past year, we mobilized our activists and community partners to stand up for CalWORKs single moms who should not have to choose between paying for groceries and paying for rent, and for the people with disabilities who face institutionalized nursing care or homelessness due to budget cuts to in-home supportive services. And we worked with state legislators and allies on AB 1831, the “Ban the Box” bill, which would have ended discrimination against those formerly arrested or convicted by removing criminal background checks from applications for some local government jobs. The bill would have reduced unnecessary barriers to employment for the one in four adult Californians who has an arrest or conviction record.

In partnership with the other ACLU of California affiliates and allied organizations around the state, the ACLU of Southern California led the effort to replace our state’s broken death

penalty through Proposition 34. We organized and leveraged an immense grassroots movement in support of Prop 34 – more than 5,000 volunteers gathered 800,000 signatures, some 6,000 people donated, and 120,000-plus phone bank calls were made to give voters the facts about the death penalty.

Prop 34 was narrowly defeated, with more than 47 percent of voters - 5.3 million people - voicing their opposition to the death penalty. Despite its loss, Prop 34 proved that California is evenly divided on the death penalty, a significant shift from 1978 when 71 percent of voters approved of the death penalty. In L.A. County – the most populous county in the nation, more populous than 42 individual states, and California’s most prolific source of death sentences – 54 percent of voters voted to end the death penalty. The movement to replace the death penalty has grown immensely in the last year as a result of Prop 34, and the ACLU of Southern California will continue advocating for justice that works.

After last year's U.S. Supreme Court ruling requiring California to reduce its unconstitutionally overcrowded prisons, the state passed landmark legislation calling on counties to take on many non-violent offenders and attempt to stop them from cycling in and out of the system by using evidence-based alternatives to incarceration and rehabilitation programs. We were on the ground with a team of advocates around the state, and we swiftly established ourselves as experts in crafting best practices and overseeing critical implementation efforts in California counties. Here in Los Angeles, we have been instrumental in shaping and encouraging emerging solutions like pretrial release and community-based programs that will help reduce jail populations and improve public safety outcomes. We advocate for giving low-level



offenders the tools they need to get back on track, back to work, and back to their families. We also led an unprecedented district-level advocacy campaign to sponsor a bill with the ACLU of California to reduce penalties for all simple drug possessions to misdemeanors. This groundbreaking bill raised critical questions about what punishments we should be assigning to low-level drug use. We are keeping the pressure on about the necessity for sentencing reform, and we will continue to press statewide legislative reforms to move away from unnecessarily long sentences and toward treatment instead of incarceration.

Over the past 20 years, California has increased spending on prisons by 450 percent. Meanwhile, we have fallen to the bottom in providing children with a quality education, and our most vulnerable have languished due to devastating cuts in basic social services. We are providing principled, credible advocacy to restore the balance needed to achieve a responsible, just system, even as we amplify the voices of the vast majority of California citizens who support common-sense reforms. Policy makers now turn to us for guidance on implementing these reforms.

LGBT RIGHTS PROJECT

Zoey has perfect attendance this year. She's learning to play the trombone, getting good grades and enjoying the sixth grade. It's quite a change from last year.

Zoey had transferred to a new school to escape severe bullying. She had recently begun identifying as transgender, a fact she shared with a classmate. That's when Zoey's day-to-day experience at school changed: a teacher called her "disgusting." A school counselor told her she was too young to be telling other students that she was transgender, and that they were too young to be hearing it. And worst of all, administrators told Zoey's mother, Ofelia, that Zoey had to find a new school. Each day Zoey went to school she came home and cried. She often missed school because of how difficult it became for her.

"I am comforting and reassuring her that we will find a way to make it better," Ofelia told us at that time. "We all have told her how much we love her and how much we support her. But it breaks my heart to see her this way."

That's the story many parents of lesbian, gay, transgender and questioning (LGBTQ) kids tell us. And it's why we're expanding the work of our LGBTQ Students Rights Project to protect at-risk children from bullying, advocating on their behalf by making sure they know their rights, and educating school administrators about what the law says and what their responsibilities are when kids are at school. We worked hard for the passage of Seth's Law, which went into effect on July 1. Seth's Law requires school districts to adopt a strong anti-bullying policy that spells out what bullying is, and specifically bans it on the basis of sexual orientation and gender identity. Among other things, it also requires districts to develop a way to investigate incidents of bullying, and requires teachers to intervene when it's safe to do so.

Nationally, our work for LGBT rights may soon be heading to the U.S. Supreme Court. In 2009, 83-year-old Edie Windsor lost Thea Spyer, her partner of 42 years. Instead of condolences, the federal government sent her a \$363,000 tax bill on her inheritance from Spyer. The two had married in Canada two years before, and their marriage was legal in New York State, but thanks to the so-called Defense of Marriage Act (DOMA), a federal law that defines marriage as the union of one man and one woman, they were strangers in the eyes of the federal government. We sued on her behalf, arguing that DOMA violates the equal protection guarantee of the U.S. Constitution because it recognizes marriages of heterosexual couples but not of same-sex couples. In October, the United States Court of Appeals for the Second Circuit ruled that when government discriminates against lesbians and gay men, the discrimination should be presumed to be unconstitutional and the government has to have a very good reason for the discrimination. This is the first federal appeals court to decide that a higher standard of review applies to sexual orientation discrimination.

For kids like Zoey, our work has made all the difference. We met with administrators at her new school, who were supportive and understanding of her. At our 49th annual Garden Party in September, Zoey presented our first-ever Vern Bullough LGBT Ally Award to author, activist, and celebrity mom Betty DeGeneres. It's a whole new day, both for Zoey and her mom: "She has a new vision and I love that," Ofelia said. "She even wrote a persuasive paper in class on bullying. She came home and said, I think I got an "A" because I wrote much more than all the other kids."



BETTY DEGENERES



ZOEY



EDIE WINDSOR

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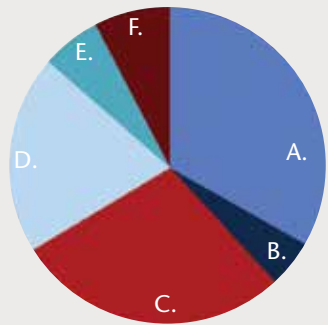
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FINANCIAL OVERVIEW - ACLU FOUNDATION OF SOUTHERN CALIFORNIA

SUPPORT & REVENUE

	TOTAL	PERCENT
A. Individual Contributions/Events	1,935,742	34%
B. Budgeted Transfers	319,905	6%
C. Court Awarded Fees	1,272,090	22%
D. Restricted Foundation Grants	1,009,560	18%
E. Interest & Other*	409,540	7%
F. Bequests**	770,819	13%

EXPENSES

	TOTAL	PERCENT
A. Program Services	3,403,914	68%
B. Management & General Operations	826,258	16%
C. Fundraising	780,045	16%

All figures provided are unaudited at time of publication. Complete, audited financial statements for the year ending March 31, 2012 by Sanders Kalvin McMillan Carter, LLP, may be obtained by writing to the ACLU/SC at 1313 W. 8th Street., Los Angeles, CA 90017

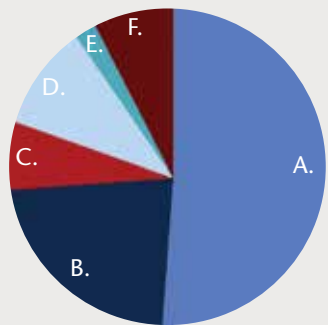
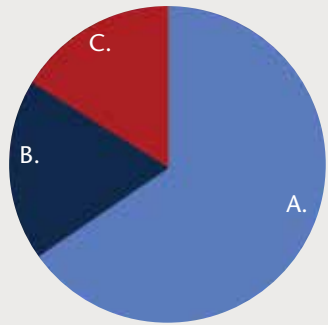
FOOTNOTE:

National ACLU Foundation's revenue share of incentive income totals \$886,758

*Includes distribution of \$44,367 from the Watson Endowment, \$23,803 from Trust for the Bill of Rights

**National ACLU Foundation's revenue share of bequests totals \$281,044

Grants awarded to the ACLU Foundation are restricted and earmarked for specific projects. The ACLU Foundation transferred \$170,000 in donations from Campaign for the Future Reserves to operational expenses.



FINANCIAL OVERVIEW - ACLU OF SOUTHERN CALIFORNIA

SUPPORT & REVENUE

	TOTAL	PERCENT
A. Membership*	667,824	53%
B. Events	273,799	22%
C. Budgeted Transfers	87,349	7%
D. Grants	127,000	10%
E. Interest	13,648	1%
F. Bequests**	86,533	7%

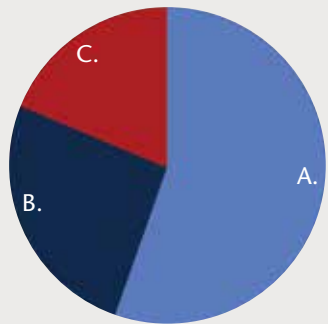
EXPENSES

	TOTAL	PERCENT
A. Program Services	683,960	54%
B. Fundraising	295,217	24%
C. Management & General Operations	275,332	22%

FOOTNOTE:

*Represents net of sharing with National ACLU of dues and contributions

**National ACLU Union's revenue share of bequests totals \$7,267



HOW YOU CAN HELP

We need your help in protecting the civil rights and civil liberties of all Southern Californians. This important work is made possible by thousands of members and supporters across the region. These generous individuals comprise an unparalleled force of activists and philanthropists, unified in their commitment to civil rights and civil liberties.

THERE ARE MANY WAYS YOU CAN SUPPORT US:

BECOME AN ACLU MEMBER. Add your voice to the more than 30,000 members in Southern California and the 500,000 ACLU members and supporters across the nation! Annual membership costs \$25 (\$50 for a joint or family membership) and connects you to one of the largest activist networks in Southern California, allowing you to support our lobbying work. Call 213.977.5267 or join via our website: www.aclu-sc.org.

BECOME AN ACLU FOUNDATION OF SOUTHERN CALIFORNIA SUPPORTER. The ACLU Foundation of Southern California depends on contributions, both large and small, to fund the dozens of legal cases and public policy campaigns it is engaged in each year. The ACLU Foundation of Southern California is a 501(c) (3) organization, making your contributions tax deductible. For more information, call 213.977.5267.

MAKE A "TRIBUTE GIFT." Your contributions can be made in cash, by check or credit card, in stocks or bonds, and can be made in honor or memory of someone else. Call 213.977.5267 for more information.

DONATE YOUR CAR. With one phone call, your car can be picked up and auctioned off, with the proceeds benefiting the ACLU of Southern California. Call 213.977.5267 for more information.

DESIGNATE THE ACLU FOUNDATION AS A BENEFICIARY IN YOUR WILL. Join other members of the ACLU DeSilver Society in providing for the ACLU of Southern California in your estate plans.

YOU CAN:

- Name the ACLU as a beneficiary on your insurance.
- Designate the ACLU as the beneficiary for part or all of your estate.
- Start an annuity plan that pays you income in exchange for your gift of \$10,000 or more.

For more information on charitable estate planning, please call 213.977.5282.

Your contributions make twice the impact! All Foundation contributions (unless otherwise designated) are shared with the National ACLU in support of smaller ACLU affiliates in states where there is little support for defending civil liberties and civil rights.

WHAT WE DO AND HOW WE DO IT

The government of the United States is built on two basic principles: (1) majority rule through democratic elections; and (2) protection of individuals from any attempts by the majority to curtail individual liberties and rights, as spelled out in the Constitution and Bill of Rights.

The Constitution and Bill of Rights set the ground rules for individual liberty, which include the freedoms of speech, association and religion, freedom of the press, and the right to privacy, to equal protection of the laws and to due process of law.

The ACLU was founded to defend and secure these rights and to extend them to people who have been excluded from their protection.

OUR WORK CAN BE CATEGORIZED AS FOLLOWS:

FIRST AMENDMENT

The rights of free speech, free association, and assembly, freedom of the press and religious freedom, including the strict separation of church and state.

EQUAL PROTECTION

The right not to be discriminated against on the basis of certain classifications, such as race, sex, gender, religion, national origin, sexual orientation, age, disability, etc.

DUE PROCESS

The right to be treated fairly, including fair procedures when facing accusations of criminal conduct or other serious accusations that can lead to results like loss of employment, exclusion from school, denial of housing, cut-off of certain benefits or various punitive measures taken by the government.

PRIVACY

The right to a zone of personal privacy and autonomy.

GROUPS AND INDIVIDUALS THAT CONTINUE TO STRUGGLE FOR CIVIL LIBERTIES

The extension of all the rights described above to those who are still fighting for the full protections of the Bill of Rights, including women, immigrants, the poor, people of color, transgender people, members of minority religions, people with disabilities, lesbian, gay, or bisexual people, the homeless, prisoners, and children in the custody of the state.

WE ACCOMPLISH THE ABOVE BY LOBBYING, PUBLIC EDUCATION, AND LITIGATION.



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