

Annual Report

2017



ACLU

Southern
California



The world only spins forward. – Tony Kushner

In 2017, the ACLU of Southern California – backed by a record number of donors, thousands of volunteers and the pro bono support of law firms large and small – scored ground-breaking civil liberty victories.

Perhaps at no time in the 95-year history of the ACLU SoCal has the organization been so intensely active as agents of change and protectors of our constitutional rights. Court actions taken in the last year ranged from those in local venues on up to and including the U.S. Supreme Court. Our advocacy work took us from hosting grassroots phone banks to lobbying in city halls and Congress.

We could have never done it alone. Our mission is tremendously enriched by working with committed, cause-driven community organizations as coalition partners.

As proud as we are of our work, there's no way to disguise the fact that we live at a difficult time when justice, whether political or economic, is endangered. We face it with an ever-fervent commitment to our mission – to free speech, immigrants' rights, racial justice, reproductive justice, gender equity, LGBTQ rights, criminal justice, jails reform, education equity, fair treatment of people who are homeless, police practices reform and health care as a right.

All of us, together, keep the world spinning forward.

Hector O. Villagra
Executive Director • ACLU of Southern California

The ACLU of Southern California is composed of two separate entities: the American Civil Liberties Union of Southern California, principally responsible for legislative and lobbying work, and the ACLU Foundation of Southern California, responsible for litigation and public education. Throughout this report they will be jointly referred to as the ACLU SoCal.

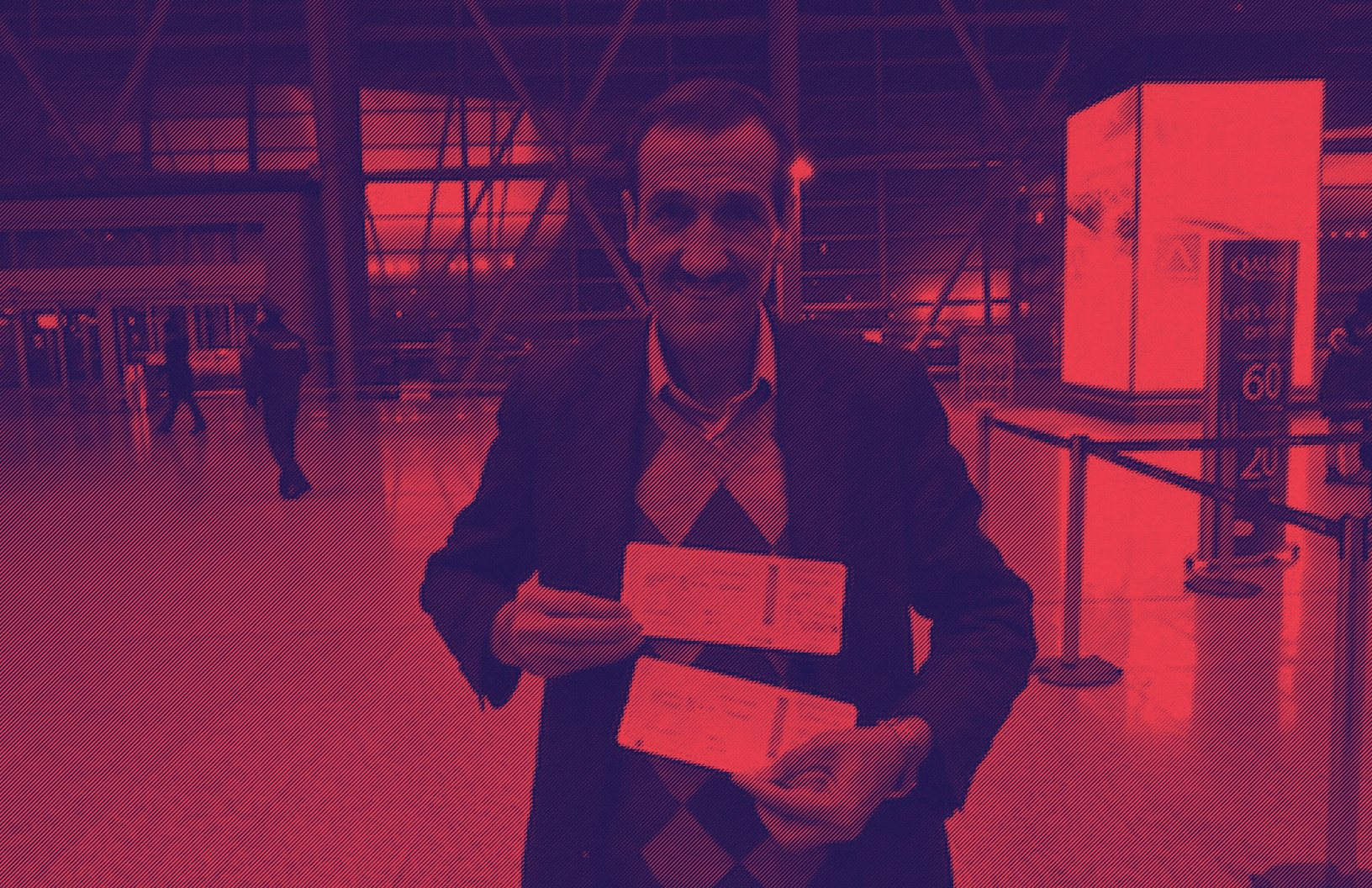
Photo by Shayan Asgharnia



JUSTICE IN JAILS

FACT: The L.A. County jail system is the largest in the U.S.

When Sandra Hutchens took over the Orange County Sheriff's Department nearly a decade ago, the county jails had a reputation of being rife with abuse. Hutchens vowed she would be a "change agent" to transform the acutely troubled department that oversaw the jails. But an exhaustive investigative report on the jail system released in 2017 by the ACLU SoCal's Jails Project revealed that horrific conditions were rampant. The 108-page report, two years in the making, described an environment of violence, abuse, inadequate medical care, overcrowding, unsanitary living conditions and woefully poor supervision of the staff. More than half the people who are incarcerated, those who had to endure these conditions of confinement, were not there because they had been convicted of a crime – they were in the jails to await their trials, in many cases because they could not afford bail. The report charged that Hutchens, as OC sheriff, "turned a blind eye to this abuse and misconduct." She denied any wrongdoing, but within hours of the report's release, Hutchens announced that she was retiring and would not run for reelection.



RELIGIOUS FREEDOM

POLL: 81% of Americans say the law should not allow companies to discriminate based on religious reasons.

When Ali Vayeghan's flight touched down at LAX on Feb. 2, 2017, he got the international celebrity treatment. The mayor was there to greet him, lights from TV crews lit up the scene and supporters packed into the terminal pressed forward to get a glimpse of him. Vayeghan's joyous arrival represented a major victory over the Trump administration's discriminatory Muslim travel ban. Only a few days before his celebratory arrival, Vayeghan flew into Los Angeles from his native Iran to a very different greeting. Although he had a proper visa, customs officials hauled him into a sparse room, refused to let him see waiting family members and then literally carried him onto a return flight under protest. But attorneys from the ACLU SoCal went into action. They won a court order – the first of its kind during the ban – forcing government officials to allow Vayeghan back into the U.S. His niece Marjan made her way through the crowd to seek out ACLU staffers and give each of them, in turn, a tearful hug. "You are my superheroes," she said.



REPRODUCTIVE JUSTICE

FACT: 1.3 million children in the U.S. have mothers who are incarcerated.

Most county jails in California do not have a lactation policy to allow new or recent parents to express their milk. Some don't even have a single breast pump available. That was the case in Kern County when a woman who had given birth three months before – and had been breastfeeding the whole time – was incarcerated. Without a way to express her milk, the woman was in extreme pain from the pressure and her baby developed bronchitis, which his pediatrician attributed to the abrupt cessation of breastfeeding. Notified of the case, the ACLU SoCal convinced the county to transfer the woman to house arrest, where she could continue breastfeeding. Then the ACLU SoCal worked with the Kern County Sheriff's Office to develop one of the strongest jail lactation policies in the country. As of 2017, people who are breastfeeding when they go to jail, or give birth when incarcerated, are given access to breast pumps for the purpose of providing milk for their babies, relieving discomfort and preventing infection. If they choose, the milk is frozen and made available for pickup by a family member or the baby's guardian.



GENDER EQUITY

FACT: Approximately one in four women experiencing homelessness is homeless because of violence committed against them.

Discrimination against women film and TV directors is still far too rampant in Hollywood, but in 2017 there was a welcome sign. Two years ago, the ACLU SoCal and the national ACLU Women's Rights Project urged federal and state civil rights agencies to investigate the industry's systemic failure to hire women directors. An ACLU study at the time, which included anecdotes from 50 directors, showed common barriers to hiring for women – that women were basically shut out from directing big-budget films and that women were seriously underrepresented in television. Only 14 percent of TV episodes were directed by women, and nearly a third of network shows used no women directors at all. The federal Equal Employment Opportunity Commission began an investigation but legally had to keep it under wraps. But in 2017, there was a news report that the EEOC had issued sex discrimination charges, as the ACLU had asked, and was in negotiations with major movie studios.



IMMIGRANTS' RIGHTS

FACT: The U.S.
spends \$1.84 billion
detaining immigrants.

Guadalupe Plascencia got picked up in 2017 by the San Bernardino Sheriff's Department and spent the night in jail because, officials alleged, she had not appeared as a witness in court. That matter got cleared up, but then a bigger problem arose. Despite the fact that Plascencia is a U.S. citizen and told this to the officers, she was handed over to federal immigration authorities and again detained. She was released only after her daughter showed ICE agents her passport. Plascencia's situation, and that of others who went through similar ordeals, arose because local law enforcement in some areas eagerly made it easier for the federal government to detain people on ICE's behalf in county jails. But this flagrant violation of the rights of people who appear to be "foreign born" will become less possible in January 2018 thanks to the California Values Act, SB 54, signed by Gov. Jerry Brown in 2017 with strong support from the ACLU SoCal, which strives to limit ICE cooperation with local and state authorities.



LGBTQ RIGHTS

FACT: 47% of transgender people report being fired, not hired or denied promotion because they are transgender.

Stonewall, Harvey Milk, Marsha P. Johnson, the fight for the freedom to marry – all are historic figures and moments in the struggle for LGBTQ rights in the U.S. But until 2017, these topics were not required to be included in the curriculum of California’s public schools. The ACLU SoCal in coalition with several groups – including the Los Angeles LGBT Center and Equality California – pushed for a new History-Social Science Framework that was adopted by the state’s board of education. It required that LGBTQ people and their contributions to history be accurately represented in schools. Highland Park High School history teacher Miguel Covarrubias said that including the struggle for LGBTQ rights in the classroom makes a “huge difference” to some students “to know how they are part of the evolving American story.” There were other victories for LGBTQ rights in 2017. The ACLU convinced five California sheriff’s departments to change their jails policies and practices to make transgender women safer and to provide them with better health care. The Los Angeles County Sheriff’s Department became the second and largest in the country to allow transgender women in women’s facilities, regardless of whether they’ve had gender confirming surgery.



POLICE ACCOUNTABILITY

FACT: Since 2004, only one officer in SoCal has been prosecuted for shooting an alleged suspect out of over 2,000 officer-related shootings.

When Peter Arellano was 10 years old, police began to stop him around the Echo Park neighborhood where he had lived his entire life. LAPD officers would regularly detain and question him, asking him if he was in a gang or telling him they knew he was engaged in gang activity. In 2015, he was outside his home with family and friends when an LAPD officer approached and again asked him about his gang affiliation. Arellano answered as he always did, that he didn't belong to a gang, now or in the past. But LAPD officers served him with a gang injunction, and suddenly, without a hearing or other meaningful chance to protest the city's determination that he was a gang member, his life radically changed. The injunctions, which have been used by the LAPD since the 1980s, highly restrict behavior in certain areas. Arellano could not congregate in public with others the city had designated as gang members – even extending to his immediate family. It was as if LAPD officers had sentenced him to probation without giving him a day in court. In 2017, the ACLU SoCal, working with other local groups, won a preliminary decision against the city for likely violating the Constitution by enforcing the injunction against Arellano without due process.



CRIMINAL JUSTICE

FACT: The U.S.
spends over
\$80 billion on
incarceration each
year.

A taco truck owner who was stopped by a Los Angeles Sheriff's Department squad car told an all-too-familiar story — although there was no evidence of criminal activity, the department kept the \$10,000 in earnings he had in the truck. For years, state law enforcement agencies took advantage of a loophole that let them seize innocent people's cash and property, and then keep the money through civil asset forfeiture laws. Those laws came to prominence at the height of the 1980s drug war hysteria to allow officers to take property and cash from citizens without having to prove the person guilty of a crime. The practice provided an unhealthy incentive and fell disproportionately on people with low incomes who were unable to afford fighting the federal government in court for their property. Although the taco truck driver was neither arrested nor charged with a crime, he never received his cash because his attorney advised him it would be too expensive to fight for his money in court. The ACLU SoCal supported state legislative measure SB 443 — which went into effect in 2017 — to close the loophole. Law enforcement must now secure a conviction in most cases before they can permanently keep a person's property.



EDUCATION EQUITY

FACT: All LA Unified secondary schools are required to conduct daily searches, disproportionately impacting students of color.

The children of Reyna Frias were supposed to benefit from a California education reform law that provides funding for services directed toward English learners, students from low-income families and foster youth. But much of the funding never made it to the students it was intended to support. The Los Angeles Unified School District diverted hundreds of millions of dollars that were supposed to go to these programs to other purposes. The ACLU SoCal and other groups called the district on it and filed a lawsuit with Frias and Community Coalition as plaintiffs. In September 2017, the parties reached a settlement and LAUSD agreed to reallocate an additional \$150 million to 50 of LAUSD's highest-need schools. The settlement also put the school district – and others around the state – on notice that the ACLU and its partners will be watching to make sure the funding provided by the reform law is equitably and effectively spent on high-need students.



DUE PROCESS

FACT: 53% of the inmate population in L.A. are awaiting trial or sentencing because they cannot afford bail.

Before the ACLU got involved, immigration officials did not have to consider a detained immigrant's financial situation when setting bail. In countless cases, this led to immigrants being jailed for months or even years because of the inability to pay. Take the case of Cesar Matias, who fled to the U.S. from his native Honduras because he was being persecuted for being gay. He settled in Southern California and found work as a hairstylist and in a clothing factory. But in 2012, he was arrested by immigration agents and locked up in Santa Ana's city jail. Bail was set at \$3,000, far more than he could pay, and Matias remained in jail for four years. The ACLU SoCal, with others, filed a class action suit — *Hernandez v. Sessions* — to right this inequality in the law. In October 2017, in a landmark decision, the Ninth Circuit Court of Appeals came down firmly on the ACLU SoCal's side, saying immigration officials must consider financial circumstances when setting bail, just as they do in non-immigrant cases. Judge Stephen Reinhardt, writing for the court, stated, "While the temporary detention of non-citizens may sometimes be justified by concerns about public safety or flight risk ... no person may be imprisoned merely on account of his poverty."



PEOPLE POWER

PROGRESS: Since our nationwide launch in March, People Power volunteers have met with nearly 1,000 law enforcement officials.

The ACLU has a near-century-long history of advocacy, driven by litigation and policy. But perhaps never has public support for its causes been so fervent – more than a million people have not only joined the ACLU, but also wanted to actively participate in actions ranging from phone banks to marches and rallies. In 2017, the ACLU launched People Power, a national grassroots activism program. With the primary aim of pushing back against harsh immigration policies and expanding voter access, People Power sparked hundreds of meetings with politicians and law enforcement officials. Organizers from Washington canvassed to protect the rights of transgender students, while California activists successfully supported the passage of SB 54, legislation that restricts the Trump administration’s deportation agenda throughout the state. These and other victories have demonstrated the potential for People Power to build community while resisting politics of hate on a national scale.



ECONOMIC JUSTICE

FACT: 40,000 people in L.A. County are experiencing homelessness. 70% of whom are living in the streets or in cars.

Laguna Beach, one of the wealthiest communities in California, for years dealt with homelessness by essentially declaring it illegal. People who slept outside in public areas were cited by police, even though they had nowhere else to go, at least within the city. Legal actions taken by the ACLU SoCal helped lead the city to establish an overnight shelter. But the police citations resumed, even though there were not enough shelter beds for the number of people who are homeless in Laguna Beach and people with disabilities, especially, found it difficult to access the sole shelter far from the city center. In June 2017, the ACLU SoCal won a partial victory in court when a U.S. District Court judge ruled that the van providing transportation to the shelter violated the Americans with Disabilities Act and the Rehabilitation Act because it had no wheelchair ramp or lift. The ruling was especially important because studies have shown that a large percentage of people who are homeless have physical or mental disabilities. The judge did not stop the city from ticketing people sleeping in public, but that matter will likely be taken up in future court actions.

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Aila Ferguson, Legal Fellow	Ana Graciela Nájera Mendoza, Staff Attorney	Spencer Windes, Annual Fund Manager
Vicki Fox, Director of Strategic Partnerships & Marketing	Elvia Meza, Director of Community Engagement	Adrienna Wong, Staff Attorney
Aditi Fruitwala, Munger, Tolles & Olsen Legal Fellow	Luis Nolasco, Community Engagement & Policy Advocate	Clarissa Woo Hermosilla Economic Justice Project Director/ Director of Public Advocacy
Eve Garrow, Homelessness Policy Analyst & Advocate (Dignity For All)	Melanie Penny Ochoa, Staff Attorney	Cecilia Yanez, Human Resources Manager
James Gilliam, Deputy Executive Director	Michelle Ochoa Castañeda, Senior Paralegal	
Amanda Goad, Staff Attorney	Meegan Lee Ochs, Online Auction Manager	
	Samuel Parker,	

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ACLU FOUNDATION BOARD OF DIRECTORS

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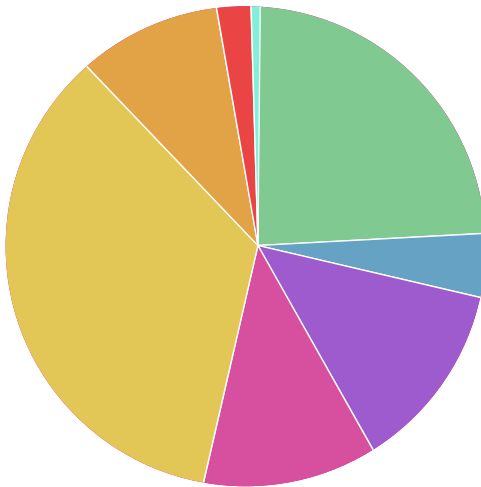
BOARD OF TRUSTEES

Norman Lear, **Chair**

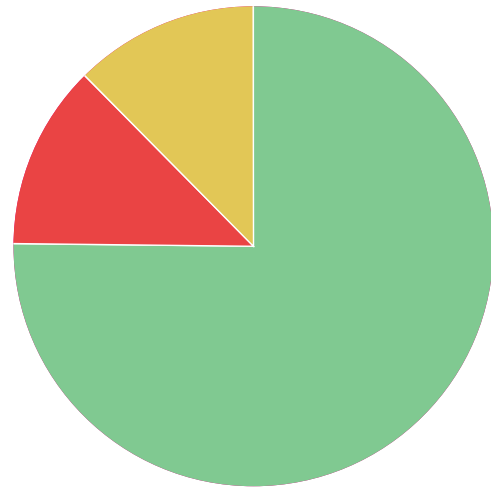
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FINANCIAL OVERVIEW 2016–2017

ACLU FOUNDATION OF SOUTHERN CALIFORNIA



SUPPORT & REVENUE



EXPENSES

SUPPORT & REVENUE

Individual Contributions*	
Events	
Restricted Foundation Grant**	
National & CA Affiliates	
Bequests***	
Court Awarded Fees	
Interest & Other****	
In-Kind Legal Contributions	

TOTAL

PERCENT

3,566,630	24%
666,015	5%
1,946,807	13%
1,736,082	12%
5,060,595	34%
1,387,243	10%
337,709	2%
67,220	0%

EXPENSES

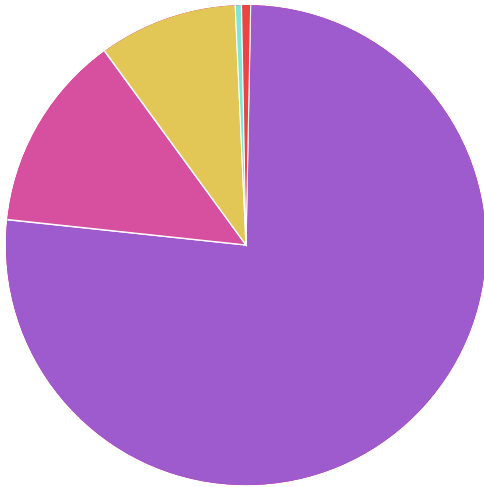
Program Services	
Management & General Operations	
Fundraising	

5,445,067	75%
898,706	13%
898,174	12%

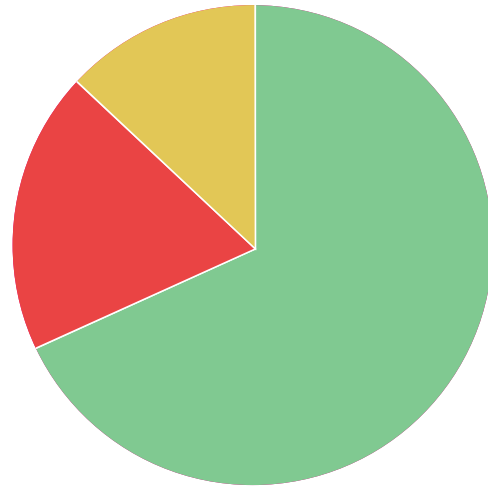
FOOTNOTES:

- * National ACLU Foundation's revenue share of incentive income total \$413,626.
- ** Grants awarded to the ACLU Foundation are restricted and earmarked for specific purposes. This figure includes fellowship grants and a \$1 million pledge paid out over five years.
- *** National ACLU Foundation's revenue share of bequests total \$2,348,814.
- **** Includes distributions of \$53,473 from the Watson Endowment, \$40,404 from the Permanent Endowment and \$42,258 from Trust for the Bill of Rights.

FINANCIAL OVERVIEW 2016–2017 ACLU OF SOUTHERN CALIFORNIA



SUPPORT & REVENUE



EXPENSES

SUPPORT & REVENUE

Membership & Individual Contributions*	
Events	
Bequests	
Interest & Other	
In-Kind Legal Contributions	

TOTAL

PERCENT

1,595,944	77%
276,582	13%
197,745	10%
4,704	0%
5,958	0%

EXPENSES

Program Services	
Management & General Operations	
Fundraising	

621,300	68%
170,771	19%
118,459	13%

FOOTNOTES:

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

STAND FOR JUSTICE

The ACLU needs your partnership. The ACLU's work is made possible by the financial support of over 1,000,000 members, activists and philanthropists across the country who stand for justice, freedom and equality.

INVEST IN THE ACLU

Make a tax-deductible donation to the ACLU Foundation of Southern California and help fund ACLU's litigation, public education and community engagement work. You can also make a contribution to the ACLU of Southern California; though not tax-deductible, this critical support makes possible our legislative work and lobbying. The ACLU is able to accept donations via mail, online or stock transfers.

ACLU Foundation of Southern California Stock Transfer:

DTC: Code 40, DTC #0164, Charles Schwab and Co. Inc., Attn: Transfer of Accounts, 101 Montgomery St., San Francisco, CA 94101

FBO: ACLU Foundation of Southern California, Account #1024-1241

You can make a tax-deductible gift online at www.aclusocal.org/donate. For more information about stock transfers, donations in honor of a loved one or other gifts call: **(213) 977-5216**.

Stock contributions via our broker do not identify the donor. To be credited with the correct contribution amount, please call **(213) 977-5216** to notify the ACLU of your gift.

LEAVE YOUR LEGACY

Join thousands across Southern California who have become a member of ACLU's DeSilver Society, by naming the ACLU in their estate.

- Designate the ACLU as the beneficiary for part or all of your estate, through your will.
- Name the ACLU as a beneficiary on your insurance.
- Start a Charitable Gift Annuity.

For more information please call **(213) 977-5282** or visit www.aclusocal.org/donate.

BECOME A MEMBER

Become an official card-carrying member of the ACLU and connect to one of the largest advocate networks in Southern California and the nation. For more information about becoming a member visit www.aclusocal.org/join or call: **(213) 977-5248**.

The ACLU is a nationwide organization; donations to Southern California equally support our important work here, as well as the work of other ACLU affiliates in states where some of the most egregious civil rights and civil liberties violations occur and there is little financial support for their defense.

For more information about investing in the ACLU, charitable estate planning or becoming a member you can also visit: www.aclusocal.org/donate.

ACKNOWLEDGMENTS

Special thanks to:

Czarah Castro at Looking
John Clark at Looking
Steve Lawrence

Thanks to:

Shayan Asgharnia
Henry Furhmann
Andrew Muse-Fisher

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 accusation 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, people of color, low-income people, members of minority religions, people with disabilities, lesbian, gay, bisexual and transgender people, people who are incarcerated, people experiencing homelessness and children in the custody of the state.

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

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