

STATE OF CALIFORNIA
Budget Change Proposal - Cover Sheet
 DF-46 (REV 10/20)

Fiscal Year 2022-23	Business Unit 0820	Department Department of Justice	Priority No.
Budget Request Name 0820-126-BCP-2022-MR		Program Legal Services Division, California Justice Information Services Division	Subprogram Public Rights Division, Operations Support Program

Budget Request Description
 Reparations Task Force (AB 3121)

Budget Request Summary

The Department of Justice (DOJ) requests \$1,519,000 General Fund one-time in in 2022-23 to pay for external contracts and travel and per-diem costs for task force members pursuant to Chapter 319, Statutes of 2020 (AB 3121).

Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed	
Does this BCP contain information technology (IT) components? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO	Date

For IT requests, specify the project number, the most recent project approval document (FSR, SPR, S1BA, S2AA, S3SD, S4PRA), and the approval date.

Project No. _____ **Project Approval Document:** _____
Approval Date: _____

If proposal affects another department, does other department concur with proposal? Yes No
Attach comments of affected department, signed and dated by the department director or designee.

Prepared By Amanda Cuevas	Date 5/12/2022	Reviewed By Matthew Rodriguez	Date 5/12/2022
Department Director Chris Ryan	Date 5/12/2022	Agency Secretary	Date

Department of Finance Use Only

Additional Review: Capital Outlay ITCU FSCU OSAE Dept. of Technology

PPBA Mark Jimenez	Date submitted to the Legislature 5/13/2022
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A. Budget Request Summary

The Department of Justice (DOJ) requests \$1,519,000 General Fund one-time in in 2022-23 to pay for external contracts and travel and per-diem costs for task force members pursuant to Chapter 319, Statutes of 2020 (AB 3121).

Classification/Category	Amount
External Consultant	\$1,338,000
Task Force Member Travel	\$181,000
DOJ Total	\$1,519,000
Public Rights Division (PRD)	\$1,494,000
California Justice Information Services (CJIS) (Travel Only)	\$25,000
DOJ Total	\$1,519,000

B. Background/History

The Civil Rights Enforcement Section (CRES) within the DOJ's Public Rights Division is the DOJ section responsible for handling the investigation of violations of state and federal civil rights laws, and the enforcement of those laws through civil litigation and judgment implementation against those who violate those laws. This work provides CRES a background on the continuing impact of historical, multi-generational trauma and the structural bias that has remained as a legacy of racism and de jure exclusionary policies that prevented Black Americans from having full and equal participation in the political and other facets of American life. CRES has previously tackled similar issues in its handling of claims related to World War II-era slave labor in a series of cases in which CRES defended statutes that extended the statutes of limitations applicable to such claims in the 1990s and 2000s. Additionally, CRES has familiarity with public engagement and the operation of public workgroups, committees, and boards.

The 2021 Budget Act included limited-term funding (without position authority) for 1.0 Deputy Attorney General, 1.0 Senior Legal Analyst, 1.0 Associate Governmental Program Analyst, and the legal complement of 1.0 Legal Secretary, effective from July 1, 2021 through June 30, 2023, to implement AB 3121. Additionally, the DOJ Research Center received limited-term funding for 1.0 Research Data Specialist and a Research Consultant, effective from July 1, 2021 through June 30, 2023.

During Fiscal Year 2021-22, CRES has, as required by AB 3121, provided administrative and technical support to the Task Force, including significantly expanding the number of DOJ staff working on the project at the direction of the members of the task force, in order to allow the task force to satisfy its obligations under the law, including the publication of a report and recommendations by June 1, 2022. As of March 2022, the task force workload has generated unanticipated costs and workload, including external consultants, and legal and research analysis. Furthermore, the task force is expected to shift to in-person meetings, which result in cost, until the task force sunsets on June 30, 2023.

Resource History
Public Rights Division - Civil Rights Enforcement Section

(Dollars in thousands)

Program Budget	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Authorized Expenditures	3,963	6,678	6,157	5,964	10,261	13,581
Actual Expenditures	3,481	4,717	6,555	8,370	8,568	TBD
Filled Positions	9	15	18	21	44	TBD
Vacancies	5	4	8	3	0	TBD
Authorized Expenditures	3,963	6,678	6,157	5,964	10,261	13,581

Resource History
California Justice Information Services – Research Center

(Dollars in thousands)

Program Budget	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Authorized Expenditures	N/A	N/A	1,523	1,591	2,423	3,383
Actual Expenditures	N/A	N/A	957	1,494	2,220	TBD
Filled Positions	N/A	N/A	7	12	20	22
Vacancies	N/A	N/A	7	11	15	TBD
Authorized Expenditures	N/A	N/A	0	1	5	TBD

Workload History
Public Rights Division - Civil Rights Enforcement Section

Workload Measure (Hours)	2020-21	2021-22 (YTD 3/2022)
Reparations Board - Attorney	3,330	7,953
Reparations Board - Analyst	321	650
Reparations Board - Paralegal	0	1,174

C. State Level Consideration

AB 3121 established the Reparations Task Force in 2021 to study and develop reparation proposals for African Americans. The Reparations Task Force consists of 9 members who have been meeting virtually as authorized under COVID-era exemptions to the Bagley-Keene Act but beginning April 2022, those meetings have shifted to in-person. The DOJ has been designated in the law to provide administrative, technical, and legal support to the task force. In the first year of its existence, the task force has directed the work of the DOJ staff in preparing a detailed report on slavery in the United States and subsequent harms of anti-Black institutional, de jure, and de facto racism. The task force, as it moves forward, in collaboration with a team of experts retained for this purpose, will be evaluating and recommending to the Legislature the methods, forms, and eligibility for compensation for slavery and the ensuing harms.

D. Justification

Public Rights Division – Civil Rights Enforcement Section

AB 3121 has required CRES to staff, convene, support, and advise the task force, and has required DOJ staff to engage in substantial work to develop the written work product of the task force, coordinate the task force members' inquiries and requests, coordinate the dozens of witnesses that have testified at each two-day meeting of the task force, and facilitate numerous new contracts at the direction of the task force. This work commenced before funding or positions were obtained through the original BCP and costs have far exceeded the original anticipated requirements.

CRES estimates 9 meetings will occur in FY 2022-23 at approximately \$17,348 per occurrence for a total of \$156,128 in travel costs. Costs include travel incurred by DOJ and non-DOJ members of the task force. Additional unfunded costs of \$1,338,000 include contract costs for legal advice, report development, experts and consultant costs.

In providing administrative and technical support to the Task Force, the DOJ has entered into a number of contracts at the direction of the Task Force. In order to complete the report scheduled to be published on or before June 1, on the lengthy history of enslavement, violence, and systemic racism against Black people in California, we DOJ entered into the following contracts: 1) with Stacy Leigh Smith to assist the Task Force in crafting a chapter of the report discussing the institution of slavery and the period of enslavement; 2) with Marne L. Campbell to conduct a broad survey and produce a digest of racist statutes and cases which is still in development and will be included in the final report before the sunset of the Task Force's lifetime; and 3) into an interagency purchase order agreement with the Secretary of State's office in order to obtain documentation from the state archives to compile a record of material documentation. Separately, in order to support the critical public education, engagement, and communications needs of the Task Force, DOJ entered into an interagency agreement with the Regents of the University of California to have the Bunche Center at UCLA administer listening sessions to build up the public record and provide opportunities for contributing to the record for people who are unable to attend Task Force meetings; the Bunche Center is in turn subcontracting with a number of community organizations and communications professionals to carry out its work. Finally, DOJ is in the process of retaining, subject to the direction of the Task Force, a team of economists and others who will consult with and advise the Task Force, and work with the DOJ to prepare the second component of the mandated report, addressing eligibility for reparations, forms and methodologies for reparations, and assessing potential overall costs for consideration by the Legislature in responding to the Task Force's final recommendations.

E. Outcomes and Accountability

DOJ works with the task force to produce the reports required by AB 3121. Specifically, DOJ drafts reports and briefing materials, meets extensively with task force members between meetings to address their questions and concerns, works with contracted experts and supervises their work on behalf of the task force, schedules and supports public meetings of the task force and takes and develops information in conjunction with the members of the task force.

F. Analysis of All Feasible Alternatives

Alternative #1: Approve as Requested

Approve \$1,519,000 General Fund one-time in in 2022-23 to pay for external contracts and travel and per-diem costs for task force members pursuant to AB 3121.

Alternative #2: Deny the Request

Without the necessary additional resources, the task force will be unable to fully and adequately fulfill their mandated duties pursuant to AB 3121. Additionally, DOJ will be unable to adequately support the important work of the task force.

G. Implementation Plan

Upon approval of this request, the DOJ will continue efforts in addressing the AB 3121 mandate in providing support to the task force in preparing reports and administering public meetings in 2022-23.

H. Supplemental Information

N/A

I. Recommendation

Approve Alternative 1

BCP Fiscal Detail Sheet

BCP Title: Reparation Task Force (AB 3121)
 BR Name: 0820-126-BCP-2022-MR
 Budget Request Summary
 Operating Expenses and Equipment

Operating Expenses and Equipment	FY22 Current Year	FY22 Budget Year	FY22 BY+1	FY22 BY+2	FY22 BY+3	FY22 BY+4
5320 - Travel: In-State	0	181	0	0	0	0
5340 - Consulting and Professional Services - External	0	1,338	0	0	0	0
Total Operating Expenses and Equipment	\$0	\$1,519	\$0	\$0	\$0	\$0

Total Budget Request

Total Budget Request	FY22 Current Year	FY22 Budget Year	FY22 BY+1	FY22 BY+2	FY22 BY+3	FY22 BY+4
Total Budget Request	\$0	\$1,519	\$0	\$0	\$0	\$0

Fund Summary

Fund Source

Fund Source	FY22 Current Year	FY22 Budget Year	FY22 BY+1	FY22 BY+2	FY22 BY+3	FY22 BY+4
State Operations - 0001 - General Fund	0	1,519	0	0	0	0
Total State Operations Expenditures	\$0	\$1,519	\$0	\$0	\$0	\$0
Total All Funds	\$0	\$1,519	\$0	\$0	\$0	\$0

Program Summary

Program Funding

Program Funding	FY22 Current Year	FY22 Budget Year	FY22 BY+1	FY22 BY+2	FY22 BY+3	FY22 BY+4
0435028 - Public Rights	0	1,519	0	0	0	0
Total All Programs	\$0	\$1,519	\$0	\$0	\$0	\$0