



**City Hall**  
3300 Capitol Ave, PO Box 5006, Fremont, CA 94537-5006  
www.fremont.gov

## **Human Relations Commission Agenda**

The Human Relations Commission (HRC) is a citizen commission appointed by the Fremont City Council. Human Relations Commission business is conducted in a public forum and operates within the provisions of the Brown Act. Information on the Brown Act may be obtained from the City Clerk's office at 3300 Capitol Avenue (phone 284-4060).

Pursuant to State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic, the Human Resources Conference Room will not be open for the July 20, 2020 meeting of the Human Relations Commission. The meeting will be conducted remotely via Zoom.

The Public may watch and/or participate in the public meeting by joining the meeting through the Zoom Videoconference link provided below. The public may also join the meeting by calling the below listed teleconference phone number. Further instructions on how to make public comments throughout the videoconference or teleconference will be provided at the meeting.

If you are an individual with a disability and need a reasonable modification or accommodation pursuant to the Americans with Disabilities Act (ADA), please contact the Recording Secretary at [sjeyakumar@fremont.gov](mailto:sjeyakumar@fremont.gov) or 510-574-2061 at least 24 hours prior to this meeting for assistance.

**HOW TO JOIN OR MAKE A PUBLIC COMMENT ONLINE OR BY PHONE:** The meeting will begin at 7:00pm PST. Whether you participate online or by phone, you may wish to "arrive" early so that you can address any technology questions prior to the start of the meeting.

**ONLINE:** <https://zoom.us/j/96742735784?pwd=b3FkcHYvL2RzYzVqZ1hBQzhpNFhkZz09>  
**Password:** 774013

When prompted, download and run the Zoom software on your computer. If you have not used Zoom on your computer before you may want to join the call 15 minutes early to test your configuration. Someone will be in the conference at that time to help you.

**BY PHONE:** US: +1 669 900 9128    Webinar ID: 967 4273 5784  
**Password:** 774013,  
International numbers available: <https://zoom.us/u/aZ9bpqpZQ>

## General Order of Business

- |                               |                           |                          |
|-------------------------------|---------------------------|--------------------------|
| 1. Secretary Check for Quorum | 6. Written Communications | 11. Commission Referrals |
| 2. Call to order – 7:00 p.m.  | 7. Announcements          | 12. Committee Reports    |
| 3. Roll call                  | 8. Consent Items          | 13. Staff Reports        |
| 4. Approval of Minutes        | 9. Old Business           | 14. Referral to Staff    |
| 5. Oral Communications        | 10. New Business          | 15. Adjournment          |

## Order of Discussion

Generally, the order of discussion after introduction of an item by the Chair will include comments and information by staff followed by Human Relations Commissions questions, inquiries or discussion. The applicant, authorized representative, or interested citizens may then speak on the item. At the close of public discussion, the item will be considered by the Commission and action taken.

## Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under Oral Communications. The Human Relations Commission will take no action on an item which does not appear on the agenda. The item may be agendaized for the next regular meeting or at a special meeting called in accordance with the terms of the Brown Act. The Human Relations Commission may establish time limits of presentations.

Information about the City or items scheduled on the Agenda may be referred to:



Suzanne Shenfil, Director  
Human Services Department  
3300 Capitol Ave  
Fremont, CA 94538  
(510) 574-2051

Arquimides Caldera, Deputy Director  
Human Services Department  
3300 Capitol Ave.  
Fremont, CA 94538  
(510) 574-2056

*Your interest in the conduct of your City's business is appreciated.*

**Human Relations Commission**

Feda Almaliti  
Dharminder Dewan - Vice Chair  
Tejinder Dhani  
Dr. Sonia Khan  
Lance Kwan  
Patricia Montejano  
Julie Moore - Chair  
Shobana Ramamurthi  
Cullen Tiernan

**City Staff**

Suzanne Shenfil, Human Services Director  
Arquimides Caldera, Deputy Human Services  
Director  
Shanti Jeyakumar, Recording Secretary

**Mission Statement**

The City of Fremont's Human Relations Commission (HRC) strives to prevent discrimination and ensure that the rights of all individuals and groups in Fremont are protected under the law. The HRC promotes, supports, and helps create a compassionate community environment where diversity is honored and respected, neighbors reach out and support each other, and the most vulnerable receive services; to allow all a high quality of life in a community where we live, learn, work, and play in peace and harmony.

**AGENDA**  
HUMAN RELATIONS COMMISSION  
REGULAR MEETING  
MONDAY, SEPTEMBER 21, 2020  
7:00 P.M.

1. **SECRETARY CALL FOR QUORUM**

2. **CALL TO ORDER**

3. **ROLL CALL and**

4. **APPROVAL OF MINUTES**

Approve July 20, 2020 Minutes (**Enclosure 4.1**)

5. **ORAL COMMUNICATIONS**

6. **WRITTEN COMMUNICATIONS**

7. **ANNOUNCEMENTS**

8. **CONSENT ITEMS**

8.1 **Attendance Summary (Enclosure 8.1.1)**

8.2 **Calendar of HRC regular/special meetings and events. (Enclosure 8.2.1)**

9. **OLD BUSINESS**

9.1 **HRC Training - Review**

On August 29, 2020, Commissioners and staff participated in a training focused on diversity, inclusion and implicit bias, conducted by CircleUp Education (CircleUp). If available, staff will provide results of post training surveys submitted by Commissioners.

**RECOMMENDATION:** Provide feedback on the training.

9.2 **Education Equity Coordinator Discussion**

**BACKGROUND:** At the June 15, 2020 HRC meeting, the HRC passed a staff referral to include an agenda item discussing the recent elimination of the Education Equity Coordinator position at Fremont Unified School District (FUSD). At the July 20, 2020 HRC meeting, this item was tabled.

**ENCLOSURE:** None

**RECOMMENDATION:** Receive update from Commissioners and/or staff and take action as appropriate.

**10** **NEW BUSINESS** (Items on which the Commission has not yet had an agendized discussion or taken action)

**10.1 Venmo Complaint**

Ms. Moina Shaiq, represented legally by the Council on American-Islamic Relations, San Francisco Bay Area (“CAIR-SFBA”), has submitted a complaint to the HRC against Venmo, LLC, a mobile payment services company, for processes and policies that she believes singles out individuals from Arab, Middle Eastern, Muslim and South Asian (AMEMSA) communities and made Ms. Shaiq feel discriminated against and unwelcome, purely on account of her identity.

The complaint (Enclosure 10.1.1) is based on a transaction made by Ms. Shaiq on June 3, 2020 described in paragraphs 5 through 10. According to Ms. Shaiq, Venmo flagged and restricted a \$100 tranfer made by Ms. Shaiq to her brother to support Syrian refugees in Atlanta Georgia. Venmo flagged this transaction based on Ms. Shaiq writing “Syria” in the memo for the transaction. As of September 2020, the \$100 transaction continues to be withheld with neither a refund nor a cancellation being issued to Ms. Shaiq.

Venmo indicates that they screen certain payment activities to comply with economic sanctions lists and programs maintained by the U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC).

The HRC has a history of advocating for the the equal treatment of all Fremont residents, in various areas of society, including commercial transactions. While Venmo, LLC is not a Fremont based company, its payment services are part of a growing segment of virtual financial services utilized by many Fremont residents.

The City Attorney’s Office (CAO) has confirmed that it is within the HRC’s purview to receive this complaint. Should the HRC choose to do so, the CAO has also determined the HRC may send a letter to Venmo, requesting that it clarify its OFAC compliance policies, including algorithms currently in place to flag individual payments, like the one described by Ms. Shaiq. The Commission can also strongly urge Venmo to return Ms. Shaiq’s \$100.

A similar complaint has also been submitted by CAIR, New York to the City of New York Commission on Human Rights, on behalf of Ms. Shahana Hanif.

**Enclosure:** 10.1.1 - M. Shaiq Venmo Complaint

10.1.2 – Hanif NYC CHR Venmo Complaint

**RECOMMENDATION:** Receive complaint and take action as appropriate.

11. **COMMISSION REFERRALS** (Referrals from the City Council to the Commission)

12. **COMMITTEE REPORTS**

12.1 **Financial Resources Committee to fund HRC sponsored events**

**COMMITTEE BACKGROUND:** Chair Moore, Vice-Chair Dewan, and Commissioner Ramamurthi work to create and implement a sustainable fundraising strategy for HRC sponsored events.

**RECOMMENDATION:** Receive update and take action as needed.

12.2 **LGBTQ Committee**

**COMMITTEE BACKGROUND:** Commissioners Kwan, Montejano, Almaliti, and Dhami sit on the LGBTQ Committee.

**RECOMMENDATION:** Receive updates from Committee and take action as needed.

12.3 **Ad Hoc Committee Reports**

12.4 **Liaison Reports**

12.4.1 **Union City HRC:** Commissioner Tiernan is the HRC’s liaison for the Union City HRC.

**RECOMMENDATION:** Receive update

12.4.2 **FRC CAEB:** Vice-Chair Dewan is the HRC’s liaison for the FRC CAEB.

**RECOMMENDATION:** Receive update

12.4.3 **FUSD:** Commissioner Khan is the HRC’s liaison for FUSD.

**RECOMMENDATION:** Receive update

13 **STAFF REPORTS**

13.1 **Attorney General Information on Hate Crimes**

**Background:** On March 25, 2020, the City notified the Fremont community of the availability of a new website to collect and track incidents of anti-Asian American and Pacific Islander hate, violence, and discrimination: <http://www.asianpacificpolicyandplanningcouncil.org/stop-aapi-hate/>. The website was created by the the Asian Pacific Islander Legislative Caucus, in partnership with the Asian Pacific Planning and Policy Council (A3PCON), among other agencies, in response to the escalation of xenophobia and bigotry related to COVID-19,

On August 5, 2020, staff received an email from the California Department of Justice announcing that Attorney General Xavier Becerra had joined a multistate letter calling on Facebook to take additional steps to combat the spread of hate and disinformation on the social media platform. The letter also provided hate crimes data and a public information tool kit.

The HRC and Fremont Police Department created the City’s current brochure, addressing how to report hate crimes in the City. It is enclosed for the Commission’s review.

Enclosure:     13.1.1 - FPD Notice – Hate Crime Reporting Ctr.  
                  13.1.2 - Hate Crimes Awareness Correspondence  
                  13.1.3 - City of Fremont Hate Crimes Brochure

### **13.2   Opening of Housing Navigation Center**

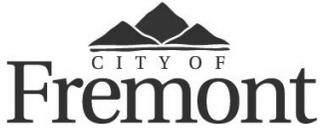
On Monday, August 31, 2020, the City held a virtual grand opening of the Fremont Housing Navigation Center. The video is available online: <http://www.fremont.gov/HNCopenhause>. The HNC will open this fall with 25 participants (50 participants per year based on an average stay of 6 months), and will increase the number of participants to 45 (90 participants per year) when COVID-19 restrictions are lifted. Staff captured several photos of the planter box that was funded by an HRC donation.

### **13.3   Stakeholder Meetings on Policing and Race**

During July and early August, the City held six “Engage Fremont” stakeholder meetings to discuss policing and race. Approximately 150 Fremont community members attended these meetings. The community dialogues were supplemented by an Open City Hall survey that received over 500 responses.

On August 11, 2020, the City held a Virtual Town Hall to discuss the outcomes and recommendations from these six meetings. The Fremont police department presented the following recommendations:

1. Police Services: Funding, Restructuring and Enhancing
  - Recommendation #1: Expand partnerships with social service agencies
  - Recommendation #2: Evaluate Hybrid models of sworn and non-sworn staff for non-emergency services and programs
  - Recommendation #3: Work with the school district to reassess the school resource officer program (SRO)
2. Policing Transparency and Accountability
  - Recommendation #4: Reduce use of force except when absolutely necessary in protection of life
  - Recommendation #5: Ensure department transparency and officer accountability
  - Recommendation #6: Prioritize de-escalation, crisis intervention and implicit bias training
  - Recommendation #7: Ensure a diverse workforce
  - Recommendation #8: Provide officer health and wellness programs and services
3. Policing and Community Relations
  - Recommendation #9: Clarify and showcase policies and programs
  - Recommendation #10: Enhance community events and engagement
  
14. **REFERRALS TO STAFF** (a request to have items placed on a future Commission agenda as an item of new business. A vote against means it will be dropped without consideration).
  
15. **ADJOURNMENT**



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**MINUTES**  
 HUMAN RELATIONS COMMISSION  
 REGULAR MEETING  
 MONDAY, JULY 20, 2020  
 VIRTUAL ZOOM MEETING  
 7:00 P.M.

1. **SECRETARY CALL FOR QUORUM**
2. **CALL TO ORDER**
3. **ROLL CALL**

**Present:** Chair Moore, Vice Chair Dewan, Commissioners Dhami, Kwan, Montejano, Ramamurthi, and Tiernan

**Absent:** Commissioners Almaliti, Khan

**Staff Present:** Director Shenfil, Dpty. Director Caldera, Homeless Services Manager Flores, Sr. Accounting Specialist Jeyakumar

4. **APPROVAL OF MINUTES**

*June 15, 2020 Minutes: A motion was made by Commissioner Kwan, and seconded by Commissioner Dewan, to approve the June minutes. The motion passed as follows:*

Yes	No	Abstain	Absent
			Almaliti
Dewan			
Dhami			
			Khan
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

5. **ORAL COMMUNICATIONS**
6. **WRITTEN COMMUNICATIONS**
7. **ANNOUNCEMENTS**

**8. CONSENT ITEMS**

**HRC August Recess**

A motion was made by Vice Chair Dewan and seconded by Commissioner Kwan to cancel the regular HRC meeting for August 2020. The motion passed as follows:

Yes	No	Abstain	Absent
			Almaliti
Dewan			
Dhami			
			Khan
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

**9. OLD BUSINESS**

**9.1 Further Consideration of City of Fremont Participation in the Local Government Alliance on Race and Equity (GARE)**

Chair Moore attended the orientation and reported that there were 65 participants, which is a significant increase to previous orientations. She noted:

- Staff would need to be specifically assigned to work on GARE initiatives on three teams – Core Team, Leadership Team and Action Team
- GARE Basic fee is \$8,000, which provides access to digital resources.
- Any additional resources are based on a fee for service
- Benefits obtained by the registered entity is commensurate to the work invested. In other words, you get out what you put in to it.

Vice-Chair Dewan reported that he reviewed GARE’s website and noted:

- several states and cities are members of GARE.

Staff noted that the City is focused on carrying out the Stakeholder meetings on policing and race, for which they have hired a consultant. In view of the current budget crisis, the City does not have the resources to participate in GARE.

*A motion was made by Commissioner Kwan and seconded by Commissioner Tiernan to table this item to the regular HRC meeting in November 2020. The motion passed as follows:*

Yes	No	Abstain	Absent
			Almaliti

Dewan			
Dhami			
			Khan
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

10. **NEW BUSINESS** (Items on which the Commission has not yet had an agenda discussion or taken action)

### 10.1 HRC Training

Staff reviewed the process for deciding on a HRC virtual training topic and date. Commissioners had reviewed and ranked the three options provided by CircleUp Education, who will be facilitating the training. The ‘Diversity Uncovered and Implicit Bias’ module ranked the highest amongst the group. Suggested dates for the virtual retreat, in order of availability were: August 1, 29 and 15, 2020.

*A motion was made by Commissioner Tiernan and seconded by Commissioner Kwan to pick Module B, “Diversity Uncovered and Implicit Bias”. The module will be adapted to include a didactic overview of institutional racism if amenable to CircleUp. The motion passed as follows:*

Yes	No	Abstain	Absent
			Almaliti
Dewan			
Dhami			
			Khan
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

### 10.2 Delivery of Medical Marijuana in Fremont

Staff does not have additional information.

### 10.3 Education Equity Coordinator Discussion

Staff reported that they did not have any new information on this subject. Commissioner Kwan remarked that since this item had been referred by Commissioner Khan, it should be tabled to the September meeting.

*A motion was made by Commissioner Kwan, seconded by Commissioner Dewan to table this agenda item to the regular HRC meeting in September. The motion passed as follows:*

Yes	No	Abstain	Absent
			Almaliti
Dewan			
Dhami			
			Khan
Kwan			
Montejano			
Moore			
Ramamurthi			
Tiernan			

- 11. **COMMISSION REFERRALS** (Referrals from the City Council to the Commission)  
None

- 12. **COMMITTEE REPORTS**

- 12.1 **Financial Resources Committee to fund HRC sponsored events**

- Chair Moore confirmed that the HRC had sponsored a planter towards the beautification project for the Homeless Navigation Center.

- 12.2 **LGBTQ Committee**

- Commissioner Kwan reported that the Pride Parade was virtual this year.

- 12.3 **Ad Hoc Committee Reports**

- 12.4 **Liaison Reports**

- 12.4.1 **Union City HRC**

- Commissioner Tiernan reported that Union City HRC’s Chair is leaving for the New Haven School Board. A sub-committee has been formed on policing and community engagement. The meeting this month will be virtual.

- Staff informed the Commission that Human Services had formed a partnership with Union City to deploy the Mobile Hygiene Unit to Union City in addition to sites in Fremont. The unit will be going to two sites in Union City - Ruggieri Senior Center and Our Lady of the Rosary Church.

Staff also conveyed that the Family Resouce Center, who had successfully completed the CARES Rent Relief Program, will be administering a similar rent relief program for Union City.

**12.4.2 FRC CAEB**

Nothing to report

**12.4.3 FUSD**

Chairperson Moore reported that the new Superintendent, Christopher ‘CJ’ Cammack will be starting August 1, 2020.

**13 STAFF REPORTS**

**13.1 Follow up on June 15, 2020 Commission Recommendation on MET team.**

Staff conveyed that a new officer, Jason Alvera has joined the MET team.

**13.2 Stakeholder Meetings to Discuss Fremont Police Department and Race**

Staff conveyed that the first two of the six stakeholder meetings had been conducted. Chairperson Moore urged the Commissioners to take the survey if they haven’t done so already.

**14. REFERRALS TO STAFF**

There were no referrals to staff.

**15. ADJOURNMENT**

*Commissioner Kwan motioned to adjourn. Commissioner Tiernan seconded the motion. The motion passed as follows and the meeting adjourned at 8:33PM.*

Yes	No	Abstain	Absent
			Almaliti
			Dewan
			Dhami
			Khan
			Kwan
			Montejano
			Moore
			Ramamurthi
			Tiernan

# CITY OF FREMONT

## Boards, Commissions, and Committees Attendance Record

<b>HUMAN RELATIONS COMMISSION</b>
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Suzanne Shenfil

Member	Meeting Dates					
	7/20/2020	8/17/2020	9/21/2020	10/19/2020	11/16/2020	12/21/2020
<b>MEETING TYPE</b>	<b>R</b>	<b>S - Training</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>
Feda Almaliti	<b>A</b>	<b>P</b>				
Dr. Sonia Khan	<b>A</b>	<b>P</b>				
Dharminder Dewan	<b>P</b>	<b>P</b>				
Shobana Ramamurthi	<b>P</b>	<b>P</b>				
Lance Kwan	<b>P</b>	<b>P</b>				
Patricia Montejano	<b>P</b>	<b>P</b>				
Tejinder "TJ" Dhami	<b>P</b>	<b>P</b>				
Julie Moore	<b>P</b>	<b>P</b>				
Cullen Tiernan	<b>P</b>	<b>P</b>				

**Attendance Codes**

P - Present    A - Absent    E - Excused Absence

**Meeting Codes**

R - Regular Meeting    S - Special Meeting    L - Lack of Quorum    C - Cancelled Meeting for lack of business

**\* Due to lack of Quorum, absence does not affect eligibility.**

Commissioners can not have two unexcused meetings in a row in a one year time frame AND

Commissioners can not have three unexcused meetings in a 6 month time period. Jan - June and July - December

**Attachment 8.1.1**

# 2020 HRC Calendar

January 27, 2020	Regular Meeting	7:00 PM –HR Training Room
February 24, 2020	Regular Meeting	7:00 PM –HR Training Room
March 16, 2020	Cancelled	
April 20, 2020	Cancelled	
May 18, 2020	Regular Meeting	ZOOM
June 15, 2020	Regular Meeting	ZOOM
June 27 – 28, 2020	SF Pride Virtual Celebrations	Virtual
July 20, 2020	Regular Meeting	ZOOM
August 29, 2020	Special Meeting - Training	Virtual
September 21, 2020	Regular Meeting	ZOOM
October 19, 2020	Regular Meeting	7:00 PM –HR Training Room
November 16, 2020	Regular Meeting	7:00 PM –HR Training Room
December 21, 2020	Regular Meeting	7:00 PM –HR Training Room

CITY OF FREMONT  
HUMAN RELATIONS COMMISSION HEARING

-----x  
In the matter of the complaint of:

**VERIFIED COMPLAINT**

MOINA SHAIQ,

Complaint No.

Complainant,  
-against-

VENMO, LLC

Respondent.

-----x

Complainant Ms. Moina Shaiq (“Ms. Shaiq”), by and through her attorney(s), the Council on American-Islamic Relations, San Francisco Bay Area (“CAIR-SFBA”), brings this complaint against Respondent Venmo, LLC (“Venmo”) and respectfully alleges:

1. This complaint arises from the fact that Arab, Middle Eastern, Muslim, and South Asian (AMEMSA) Fremonters like Ms. Shaiq have been denied the ability to use Venmo’s mobile payment service, to transfer funds for a host of ordinary and constitutionally protected activities like donating for charitable purposes and paying friends and colleagues for meals, purely on account of their race, religion, or patronage of restaurants of certain ethnicities. The ease of paying someone using a payment processor should not depend on whether someone is Muslim, Arab, or South Asian.
2. Banking while Muslim is not a crime. Yet, a growing number of financial institutions, including Respondent Venmo, are engaged in discriminatory banking practices that single out and criminalize consumers on the basis on their real or perceived identities such as their Muslim faith. These discriminatory practices stigmatize individuals because of their religion, race, or ethnicity and cause fear and emotional distress, which are protected characteristics under state and federal law. Without access to the financial

institutions that enable commerce, Muslim Americans including Fremonters will be unable to participate fully in the economy nor will they be able to complete basic essential transactions necessary for civic life such as paying rent and making utility payments.

### **PARTIES IN THE COMPLAINT**

1. Complainant, Ms. Moina Shaiq, is a community advocate, a previous Fremont Human Relations Commissioner and former candidate for Fremont School Board, residing in Fremont, CA. Ms. Shaiq is a Muslim woman, who has been instrumental in bringing together Fremonters of diverse faiths and backgrounds through her work as a Commissioner and organizer of ‘Meet a Muslim’ events in Fremont. The transaction at issue in the incident described below occurred on June 3, 2020.

2. Respondent Venmo is a mobile payment service company owned by PayPal Holdings, Inc. Venmo account holders can transfer funds to others through the use of a mobile phone application. Venmo operates throughout the United States. Importantly, using Venmo requires a U.S. bank account or debit card.

3. Upon information and belief, Respondent Venmo is a New York business entity with an address of 95 Morton Street, Floor 5, New York, NY 10014. Respondent Venmo operates an office in San Francisco, CA with an address of 123 Townsend St #6, San Francisco, CA 94107.

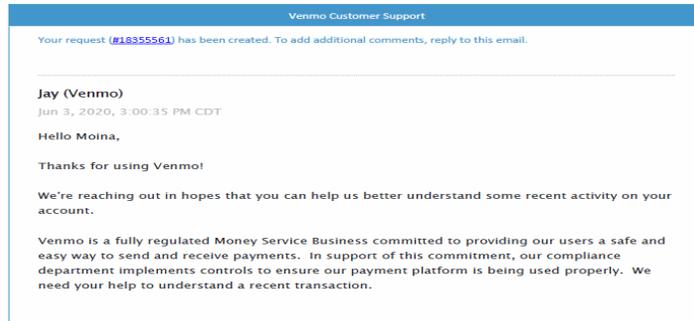
4. Respondent Venmo is a “business establishment” as defined by California’s Fair Employment and Housing Act (“FEHA”). *See* Unruh Civil Rights Act, California Civil Code § 51, (All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, or disability are entitled to the full and equal

accommodations, advantages, facilities, privileges, or services in *all business establishments of every kind whatsoever*(emphasis added).

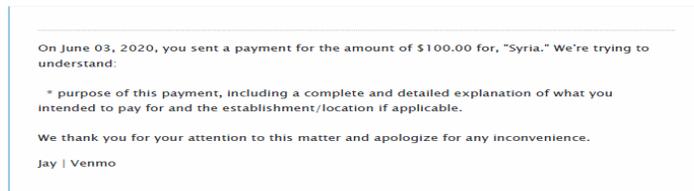
### **STATEMENT OF FACTS**

5. On June 3, 2020, Ms. Shaiq had a conversation with her brother, a resident of Atlanta regarding sending him money through Venmo as a donation to support a Syrian refugee in Atlanta who was assisting other refugees in the area. To facilitate the donation, Ms. Shaiq sent a payment of \$100.00 through Venmo to her brother.

6. What should have been a simple \$100.00 donation was far from it. Respondent Venmo flagged and restricted the payment, preventing Ms. Shaiq from making her intended donation. Several hours later, Ms. Shaiq got an email from a Venmo representative asking about her reference to 'Syria' in the memo of the transaction and requesting she provide the "purpose of this payment, including a complete and detailed explanation of what [she] intended to pay for and the establishment/location if applicable." See below:



1



THIS EMAIL IS A SERVICE FROM VENMO.  
[Venmo Customer Support](#)

7. The term “Syria” is a reference to the Middle Eastern nation of Syria, which is undergoing a civil war and is demographically a Muslim-majority country. Ms. Shaiq alleges that the term “Syria” was flagged for referencing a country vilified and targeted unfairly for terrorist activity and for Syrian refugees fleeing the conflict being demonized by President Trump’s Muslim Ban. Therefore, the filtering of payments with the term “Syria” by Respondent Venmo singles out Muslims and those perceived as being of Arab or Syrian background.

8. As of September 2020, the \$100 transaction continues to be withheld with neither a refund nor a cancellation being issued to Ms. Shaiq. The explanation given to Ms. Shaiq by Venmo representatives is that unless the counter party i.e. her brother responds, the payment would continue to be held indefinitely.

9. Ms. Shaiq’s brother, who is also of Muslim and South Asian background, is concerned that being flagged for this payment will impact his ability to conduct future financial transactions including but not limited to: closure of bank account(s), placement on federal watchlists and denial of loans. Ms. Shaiq has opted to refuse the donation payment in response and remain anonymous in this complaint for those reasons.

10. Respondent Venmo’s flagging of the payment, how they treated her, and failure to provide any explanation as to their processes for singling out individuals from Arab, Middle Eastern, Muslim and South Asian (AMEMSA) communities had made Ms. Shaiq feel discriminated against and unwelcome, purely on account of her identity.

11. Respondent Venmo indicates that they screen certain payment activities to comply with financial sanctions lists and programs maintained by the U.S. Department of the Treasury. “Venmo, like other U.S. financial institutions, screens payment activity and flags any payments that may violate U.S. economic sanctions administered by the U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC).” *Keeping the Venmo Community Secure - The Company’s Approach to*

OFAC Compliance, THE OFFICIAL VENMO BLOG, <http://blog.venmo.com/2016/3/12/keeping-the-venmo-community-secure> (last updated Mar. 2020).

12. However, Venmo’s attempts to comply with OFAC sanctions do not give it a blanket license to discriminate without restrictions. The manner of Venmo’s treatment of Ms. Shaiq, as well as reported evidence of its blocking of transactions involving Muslims, Arabs, and South Asians generally, reveals that its OFAC policy is overbroad and has a disparate impact against these communities. Moreover, this disparate impact is intentional, willful and a product of affirmative knowing actions by Venmo.

13. Ms. Shaiq’s experience also mirrors those of other Muslim users of Respondent Venmo’s mobile payment services. Similar reports exemplifying discriminatory practices and singling out Muslims have been reported nationwide as individuals such as Ms. Shahana Hanif (“Ms.Hanif”) who has filed a discrimination complaint with the New York City Human Rights Commission against Respondent Venmo. Ms. Hanif’s complaint alleges that the term “Al-Aqsa” was flagged for being parallel to the Al-Aqsa Mosque, one of the holiest sites in Islam, and therefore that Venmo’s filtering of payments with the term “Al-Aqsa” singles out Muslims. When Ms. Hanif shared her experience on Twitter, multiple users quickly reported similar experiences on account of identifiers related to Islam or Arabic terms. *See Shahana Hanif v. Venmo, LLC*, City of New York Commission on Human Rights, July 21, 2020, <https://static1.squarespace.com/static/57db6af7f7e0abec41695d80/t/5f16f317a6fe1d6238b67db1/1595339543750/Hanif+v.+Venmo+Complaint1.pdf>; *See, e.g.*, Shahana Hanif (@ShahanaFromBK), Twitter (Dec. 23, 2019, 5:57 PM), <https://twitter.com/ShahanaFromBK/status/1209291962966261760> (reporting flagged payment to a friend for meal at Al-Aqsa restaurant); Youssef Kalad (@youssefkalad), Twitter (Dec. 23, 2019, 8:30 PM), <https://twitter.com/youssefkalad/status/1209332716245786626> (reporting flagged

payment of ticket to a Syrian play); Hiba (@\_7iba), Twitter (Dec. 23, 2019, 10:08 PM), [https://twitter.com/\\_7iba/status/1209355197308448769](https://twitter.com/_7iba/status/1209355197308448769) (reporting flagged payment for a gelato flavor called “Syrian lemonade”).

14. Many users of Respondent Venmo’s services have experienced similar discriminatory treatment, from filters that are either unevenly applied or implemented based on ethnicity, that *Newsweek* conducted an investigation into the platform. *Newsweek* tested several dozen payments on the service using various terms. Payments with terms like “Persian,” referencing an ethnicity associated with the Muslim-majority country of Iran, were flagged and singled out solely on that basis. See Daniel Moritz-Rabson, *Venmo Flags Payments for 'Persian' Restaurants, Other Terms Related to Iran Due to Sanctions*, NEWSWEEK (Feb. 21, 2019), <https://www.newsweek.com/venmo-flags-payments-persia-allows-nazis-1339871>. In contrast, transactions mentioning “Cuba sanctions” and “North Korea food,” involving countries also subject to U.S. sanctions and embargoes under OFAC, are reportedly passed through unflagged. *Id.* Such a double-standard is unacceptable and further reveals an anti-Muslim bias.

15. The advocacy group, MPower Change, also conducted and tested various transactions, finding that transactions involving mention of Muslims, Iranians, or those perceived to be Muslim were flagged while other terms violating Venmo policies were not. “We tested other word variations, to see if they would set off Venmo's internal filters. We were shocked to find that terms including ‘KKK’ and ‘cocaine’ did not result in a single flag—even though they clearly violate PayPal's user agreements (the platform ‘may not be used to promote hate, violence, or illegal activity’).” MPower Change, *Venmo: Fix Your Filters*, <https://act.mpowerchange.org/sign/venmo-persian-shenanigans/-fix-your-filters/>.

16. Flagging specific terms based on race, creed, or ethnicity is an overbroad and blunt means to address OFAC sanctions, going well beyond what the compliance requires of business

such as Respondent Venmo. Indeed, nowhere does OFAC require such a system. In response to the question, “Does OFAC itself require that banks set up a certain type of compliance program,” OFAC is clear: “No. There is no single compliance program suitable for every financial institution. OFAC is not itself a bank regulator; its basic requirement is that financial institutions not violate the laws that it administers.” U.S. Department of the Treasury, Office of Foreign Assets Control, *Starting an OFAC Compliance Program* (June 2, 2020), [https://www.treasury.gov/resource-center/faqs/Sanctions/Pages/faq\\_compliance.aspx](https://www.treasury.gov/resource-center/faqs/Sanctions/Pages/faq_compliance.aspx).

17. Nor does OFAC authorize a compliance regime that is discriminatory. In fact, OFAC expressly provides:

The use of Sanctions List Search does not limit any criminal or civil liability for any act undertaken as a result of, or in reliance on, such use.

*See* OFFICE OF FOREIGN ASSETS CONTROL, SANCTIONS LIST SEARCH, <https://sanctionssearch.ofac.treas.gov/> (last viewed July 1, 2020).

18. Flagging every transaction involving a person of the same ethnicity or religion as a sanctioned country, subjecting it to heightened and burdensome administrative scrutiny, may *technically* be a way to ‘comply’ with OFAC sanctions. However, that does not change the fact that such a practice is overbroad and discriminatory. To imagine that the Fremont Police Department or other law enforcement agencies were allowed to stop and question every individual of a particular race just because a suspect of a crime belonged to an ethnic group, displayed certain characteristics, or ate at particular ethnic restaurants; that would clearly be profiling. That is precisely what is happening here. Accordingly, Respondent Venmo cannot simply use OFAC as a shield for its discriminatory practices, particularly when terms associated with different OFAC countries like Cuba, North Korea, and Iran are not treated equally.

19. A disparate impact claim exists under California law especially under the Unruh Act where a business establishment such as Respondent Venmo is liable for discriminatory actions if

conducted intentionally. A policy of flagging user transactions, as Venmo has done, based on their identity or identity markers is intentional, willful, and affirmative business action, that has a discriminatory and disparate impact on users who belong to AMEMSA communities.

20. By its nature, the blanket use of Arabic terms, or terms associated with Islam, to flag transactions disproportionately impacts Muslims and those of Middle Eastern or South Asian descent such as Ms. Shaiq. This impact creates added inconvenience, scrutiny, and shame for these individuals who are protected by anti-discrimination statutes in California and nationwide.

21. Ms. Shaiq charges that Respondent Venmo implements a policy and practice of screening transactions using terms of an ethnic and religious nature, subjecting transactions to administrative delays and scrutiny. Ms. Shaiq further charges that this policy and practice disproportionately and detrimentally impacts Muslims and individuals of Arabic, Persian, and South Asian national origin or ethnicity or those perceived to be Muslim or those perceived to be of Arab, Persian, or South Asian national origin or ethnicity.

22. Ms. Shaiq alleges that Respondent Venmo has denied her family the full and equal enjoyment, on equal terms and conditions, of accommodations, advantages, services, and facilities that other users of Venmo are able to avail of.

23. Ms. Shaiq further alleges that Respondent Venmo denied her full and equal enjoyment, on equal terms and conditions, of equal services based on her actual or perceived creed, national origin, and/or alienage. Respondent Venmo provided Ms. Shaiq with discriminatory service and refused to provide service to her by flagging her transaction without an adequate explanation.

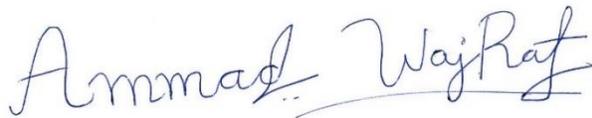
24. As a result of the Respondent's discriminatory conduct, Ms. Shaiq has suffered damages including, but not limited to, humiliation, embarrassment, and emotional distress. Ms. Shaiq requests the City of Fremont Human Relations Commission to investigate and censure

Respondent Venmo to deter future reprehensible conduct. Respondent's unlawful discriminatory practice of denying full and equal participation in the advantages, services, facilities, or privileges of a place of public accommodations, if allowed to persist, will greatly reduce the financial resources and services available for complainant and those similarly situated.

25. To ameliorate the harm caused, Ms. Shaiq would like to request a formal written public apology issued immediately to Ms. Shaiq and her brother in addition to a full refund of her transaction. Furthermore, Ms. Shaiq is seeking public clarification of Respondent Venmo's OFAC compliance policies including algorithms currently in place for flagging individual payments.

Dated: September 3, 2020

Respectfully submitted,



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Ammad Rafiqi, Esq.  
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T: (408) 986 9874  
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*Attorneys for Complainant Moina Shaiq*

To: Ms. Suzanne Shenfil  
Human Services Director,  
Human Services Department  
3300 Capitol Ave., Building B, Fremont, CA 94538  
[SShenfil@fremont.gov](mailto:SShenfil@fremont.gov)  
*Via e-mail*

CITY OF NEW YORK  
COMMISSION ON HUMAN RIGHTS

-----x

In the matter of the complaint of:

**VERIFIED COMPLAINT**

SHAHANA HANIF,

Complaint No.

Complainant,

-against-

VENMO, LLC

Respondent.

-----x

Complainant Shahana Hanif (“Hanif”), by and through her attorney, the Council on American-Islamic Relations, New York Inc. (“CAIR-NY”), brings this action against Respondent Venmo, LLC (“Venmo”) and respectfully alleges:

The ease of paying someone using a payment processor should not depend on whether someone is Muslim, Arab, or South Asian. Yet, this Complaint arises from the fact that many New Yorkers are denied the ability to enjoy and pay their friends and colleagues back for meals, purely on account of their race, religion, or patronage of restaurants of certain ethnicities.

Banking while Muslim is not a crime. Yet, a growing number of financial institutions, including Respondent Venmo, are engaged in discriminatory banking practices that single out and criminalize consumers on the basis on their real or perceived identities or Muslim faith. These discriminatory practices stigmatize individuals because of their religion, race, or ethnicity and cause extreme fear and emotional distress. Without access to the financial industry, Muslim Americans will be unable to participate in the United States economy nor will they be able to complete basic essential transactions such as paying a restaurant tab or rent and utility payments.

## **PARTIES IN THE COMPLAINT**

1. Complainant, Ms. Shahana Hanif, is a community organizer and candidate for New York City Council in Brooklyn's 39th District, residing in Brooklyn, New York. Ms. Hanif is a Muslim Bangladeshi woman, and, if elected to the City Council, would be the City Council's first Muslim woman and South Asian person. The transaction at issue in the incident described below occurred at Al-Aqsa Restaurant located at 2107 Starling Ave, Bronx, New York 10462.

2. Respondent Venmo is a mobile payment service company owned by PayPal Holdings, Inc. Venmo account holders can transfer funds to others through the use of a mobile phone application. Venmo operates throughout the United States. Importantly, using Venmo requires a U.S. bank account or debit card.

3. Upon information and belief, Respondent Venmo is a New York business entity with an address of 95 Morton Street, Floor 5, New York, NY 10014.

4. Respondent Venmo is a provider of public accommodations as defined by the New York City Human Rights Law ("NYCHRL"). *See* 8-102 Definitions ("[T]he term 'place or provider of public accommodation' includes providers, whether licensed or unlicensed, of goods, services, facilities, accommodations, advantages or privileges of any kind, and places, whether licensed or unlicensed, where goods, services, facilities, accommodations, advantages or privileges of any kind are extended, offered, sold, or otherwise made available.").

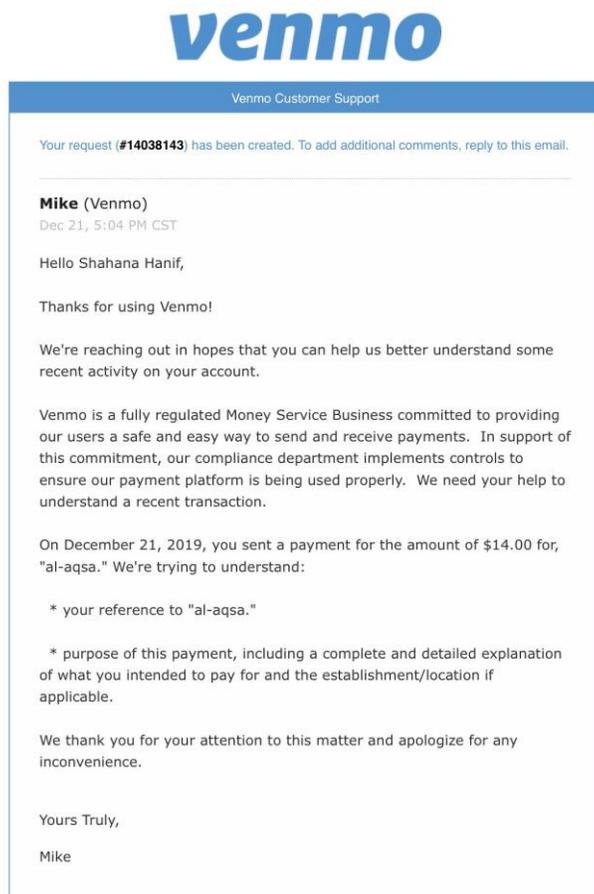
5. This complaint is being filed within one year of the unlawful discriminatory practices alleged herein, pursuant to New York City Admin. Code § 8-109(e).

## **STATEMENT OF FACTS**

6. On December 21, 2019, Ms. Hanif dined with friends at the Al-Aqsa Restaurant located at 2107 Starling Ave, Bronx, New York 10462. As is common practice among friends, one

person covered the check and after lunch, Ms. Hanif sent a payment of \$14.00 through Venmo to pay her friend back for a Bangladeshi meal she ate at Al-Aqsa Restaurant.

7. What should have been a simple \$14.00 reimbursement was far from it. Respondent Venmo flagged and restricted the payment, preventing Ms. Hanif from paying her friend. Several hours later, Ms. Hanif got an email from a Venmo representative asking about her "reference to 'Al-Aqsa,'" and requesting she provide the "purpose of this payment, including a complete and detailed explanation of what [she] intended to pay for and the establishment/location if applicable." See below:



8. The term "Al-Aqsa" is associated with the Al-Aqsa Mosque, one of the holiest sites in Islam, located in Jerusalem. Ms. Hanif alleges that the term "Al-Aqsa" was flagged for being

parallel to the Al-Aqsa Mosque, and therefore that filtering of payments with the term “Al-Aqsa” by Respondent Venmo singles out Muslims.

9. Ms. Hanif was offended, humiliated, and unsure why she needed to justify eating at a restaurant with friends. She provided Respondent with the restaurant’s address. The payment was eventually approved, but she was not given further explanation.

10. Respondent Venmo’s flagging of the payment, how they treated her, and failure to provide any explanation to Ms. Hanif made her feel singled out and unwelcome, purely on account of her identity and the businesses in New York that she chose to patronize with her friends in order to have a Bangladeshi meal.

11. Respondent Venmo indicates that they screen certain payment activities in an effort to address sanctions programs maintained by the U.S. Department of the Treasury. “Venmo, like other U.S. financial institutions, screens payment activity and flags any payments that may violate U.S. economic sanctions administered by the U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC).” *Keeping the Venmo Community Secure - The Company’s Approach to OFAC Compliance*, THE OFFICIAL VENMO BLOG, <http://blog.venmo.com/2016/3/12/keeping-the-venmo-community-secure> (last updated Mar. 2020).

12. However, Venmo’s compliance with OFAC does not give it a blanket license to discriminate. The manner of Venmo’s treatment of Ms. Hanif, as well as reported evidence of its blocking of transactions involving Muslims, Arabs, and South Asians generally, reveals that its OFAC policy is overbroad and has a disparate impact against these communities.

13. Ms. Hanif also alleges that words like "Muhammad" and "Quran" were flagged under Respondent Venmo’s algorithm, further exemplifying discriminatory practices and the singling out of Muslims. When Ms. Hanif shared her experience on Twitter, multiple users quickly reported similar experiences on account of identifiers related to Islam or Arabic terms. *See, e.g.*, Youssef Kalad

(@youssefkalad), Twitter (Dec. 23, 2019, 8:30 PM),

<https://twitter.com/youssefkalad/status/1209332716245786626> (reporting flagged payment of ticket to a Syrian play); Hiba (@\_7iba), Twitter (Dec. 23, 2019, 10:08 PM),

[https://twitter.com/\\_7iba/status/1209355197308448769](https://twitter.com/_7iba/status/1209355197308448769) (reporting flagged payment for a gelato flavor called “Syrian lemonade”).

14. Enough other users of Respondent Venmo’s services have experienced similar discriminatory treatment, from filters that are either unevenly applied or implemented on the basis of ethnicity, that *Newsweek* conducted an investigation into the platform. *Newsweek* tested several dozen payments on the service using various terms. Payments with terms like “Persian,” referencing an ethnicity associated with the Muslim-majority country of Iran, were flagged and singled out solely on that basis. See Daniel Moritz-Rabson, *Venmo Flags Payments for 'Persian' Restaurants, Other Terms Related to Iran Due to Sanctions*, NEWSWEEK (Feb 21, 2019), <https://www.newsweek.com/venmo-flags-payments-persia-allows-nazis-1339871>. In contrast, transactions mentioning “Cuba sanctions” and “North Korea food,” involving countries also subject to U.S. sanctions and embargoes under OFAC, are reportedly passed through unflagged. *Id.* Such a double-standard is unacceptable and further reveals an anti-Muslim bias.

15. The advocacy group MPower Change also tested various transactions, finding that transactions involving Muslims, Iranians, or those perceived to be Muslim were flagged while other terms violating Venmo policies were not. “We tested other word variations, to see if they would set off Venmo's internal filters. We were shocked to find that terms including ‘KKK’ and ‘cocaine’ did not result in a single flag—even though they clearly violate PayPal's user agreements (the platform ‘may not be used to promote hate, violence, or illegal activity’).” MPower Change, *Venmo: Fix Your Filters*, <https://act.mpowerchange.org/sign/venmo-persian-shenanigans/-fix-your-filters/>.

16. Flagging specific terms based on race, creed, or ethnicity is an overbroad and blunt means to address OFAC sanctions, going well beyond what the sanctions require. Indeed, nowhere does OFAC require such a system. In response to the question, “Does OFAC itself require that banks set up a certain type of compliance program,” OFAC is clear: “No. There is no single compliance program suitable for every financial institution. OFAC is not itself a bank regulator; its basic requirement is that financial institutions not violate the laws that it administers.” U.S. Department of the Treasury, Office of Foreign Assets Control, *Starting an OFAC Compliance Program* (June 2, 2020), [https://www.treasury.gov/resource-center/faqs/Sanctions/Pages/faq\\_compliance.aspx](https://www.treasury.gov/resource-center/faqs/Sanctions/Pages/faq_compliance.aspx).

17. Nor does OFAC authorize a compliance regime that is discriminatory. In fact, OFAC expressly provides:

The use of Sanctions List Search does not limit any criminal or civil liability for any act undertaken as a result of, or in reliance on, such use.

*See* OFFICE OF FOREIGN ASSETS CONTROL, SANCTIONS LIST SEARCH, <https://sanctionssearch.ofac.treas.gov/> (last viewed July 1, 2020).

18. Flagging every transaction involving a person of the same ethnicity or religion as a sanctioned country, subjecting it to heightened and burdensome administrative scrutiny, may *technically* be a way to ‘comply’ with OFAC sanctions. However, that does not change the fact that such a practice is overbroad and discriminatory. Suppose the NYPD were to stop and question every individual of a particular race just because a suspect of a crime belonged to an ethnic group, displayed certain characteristics, or ate at particular ethnic restaurants; that would clearly be profiling. That is precisely what is happening here. Accordingly, Respondent Venmo cannot simply use OFAC as a shield for its discriminatory practices, particularly when terms associated with different OFAC countries like Cuba, North Korea, and Iran are not treated equally.

19. A disparate impact exists under the NYCHRL where “a policy or practice of a covered entity or a group of policies or practices of a covered entity results in a disparate impact to the detriment of any group protected by the provisions of this chapter.” NYC Admin. Code § 8-107(17).

20. By its nature, the blanket use of Arabic terms, or terms associated with Islam, to flag transactions disproportionately impacts Muslims and those of Arabic or South Asian descent such as Ms. Hanif. This impact creates added inconvenience, scrutiny, and shame for these individuals who are protected by the provisions of the NYCHRL.

21. Ms. Hanif charges that Respondent implements a policy and practice of screening transactions using terms of an ethnic and religious nature, subjecting transactions to administrative delays and scrutiny. Ms. Hanif charges that this policy and practice disproportionately and detrimentally impacts Muslims and individuals of Arabic, Persian, and South Asian national origin or ethnicity or those perceived to be Muslim or those perceived to be of Arab, Persian, or South Asian national origin or ethnicity.

22. Respondent Venmo implemented a policy that resulted in a disparate impact against a group protected under the provisions of the NYCHRL, which includes Ms. Hanif, in violation of NYC Admin. Code § 8-107.

23. Ms. Hanif further charges that Respondent denied her the full and equal enjoyment, on equal terms and conditions, of accommodations, advantages, services, and facilities.

24. Ms. Hanif further charges that Respondent denied her full and equal enjoyment, on equal terms and conditions, of equal services on the basis of her actual or perceived creed, national origin, and/or alienage. Respondent provided Ms. Hanif with discriminatory service and refused to provide service to her by flagging her transaction without an adequate explanation.

25. As a result of the Respondent's violation of NYC Admin. Code § 8-107 *et seq.*, Ms. Hanif has suffered damages including, but not limited to, humiliation, embarrassment, and emotional distress. Additionally, Ms. Hanif seeks punitive damages against Respondent to deter future reprehensible conduct. NYCHRL violations, by their very nature, inflict serious harm "to both the persons directly involved and the social fabric of the city as a whole" (Rep. of Comm. on Gen. Welfare, Local Law No. 85 [2005], 2005 N.Y. City Legis. Ann. at 537). *See Chauca v. Abraham*, 30 N.Y.3d 325, 334 (COA 2017). Respondent's unlawful discriminatory practice of denying full and equal participation in the advantages, services, facilities, or privileges of a place of public accommodations, if allowed to persist, will greatly reduce the financial resources and services available for complainant and those similarly situated.

#### **STATEMENT OF NO PRIOR FILINGS**

26. Ms. Hanif has not previously filed any other civil or administrative action alleging an unlawful discriminatory practice with respect to the allegations of discrimination contained in the instant complaint.

Dated: July 21, 2020

Respectfully submitted,

*/s/ Ahmed Mohamed*

Ahmed Mohamed, Esq.  
Carey Shenkman, Esq., *Of Counsel*  
Council on American Islamic Relations, New York Inc.  
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*Attorneys for Complainant Shabana Hanif*

To: Office of the Docketing Clerk of the Law Enforcement Bureau  
22 Reade Street, New York, NY 10007  
LEB@cchr.nyc.gov  
*Via mail and e-mail*

COMPLAINANT VERIFICATION

STATE OF NEW YORK    )  
  ): ss  
COUNTY OF Kings    )

The undersigned Complainant, being duly sworn, deposes, and says that the deponent has read the Complaint, and the contents of the petition are true to the deponent's own knowledge, except as to those matters which are alleged upon information and belief, and as to such matters the deponent believes them to be true.

Date: July 20, 2020

Brooklyn, New York

Shahana Hanif  
Shahana Hanif

Sworn to before me this 20 day  
of July 2020.

[Signature]  
Notary Public

ABU S. CHOWDHURY  
Notary Public, State of New York  
No. 01CH6172358  
Qualified in Kings County  
Commission Expires Aug. 06, 2023

**Arquimides Caldera**

**From:** Fremont Police Department (CA) <fremont-police-department-ca@emails.nixle.com>  
**Sent:** Wednesday, March 25, 2020 9:00 PM  
**To:** Arquimides Caldera  
**Subject:** Community Message: A new reporting center has been established to privately report incidents of hate related to COVID-19.

Message sent via Nixle | [Go to nixle.com](#) | [Unsubscribe](#)

Wednesday, March 25, 2020, 8:55 PM



**Fremont Police Department (CA)**

[www.fremontpolice.gov](http://www.fremontpolice.gov)



**Community: A new reporting center has been established to privately report incidents of hate related to COVID-19.**

Dear Arquimides Caldera,

Many of our community members are feeling anxious and unsettled due to the growing number of Coronavirus Disease 2019 (COVID-19) cases. Our lives have changed drastically overnight, as stay at home orders are implemented across the Country. Unfortunately, the negative narrative surrounding this disease has caused fear in our community and anti-hate groups are reporting a modest rise in reports of hate speech and crimes across the world.

While the Fremont Police Department has not received any recent reports of hate crimes, we want to assure our community that we take these matters seriously. We want all community members to feel safe living, working or visiting the City of Fremont. During the COVID-19 shelter-in-place, our patrol operation remains fully staffed, and we continue to respond to all emergency calls.

“Fremont has always been a compassionate city; a place where residents celebrate diversity,” Mayor Lily Mei said. “With the increase in xenophobia and hate crimes in our broader nation stemming from the COVID-19 pandemic, I want to send a clear message that we will not tolerate hate in Fremont. I encourage each and every one of our residents to report any incidents you may witness or be a victim of to the Fremont Police Department. Now more than ever before, we need to remain unified as a community and be kind to those around us.”

The Asian Pacific Islander Legislative Caucus, in partnership with the Asian Pacific Planning and Policy Council (A3PCON) and other Asian American Pacific Islander civil rights organizations announced the creation of a new reporting center to collect and track incidents of anti-Asian American and Pacific Islander hate, violence, and discrimination, including adult harassment, shunning, and child bullying in California and throughout the country in response to the escalation of xenophobia and bigotry related to COVID-19. The reporting center provides individuals who have been directly impacted by hate or have a firsthand account of an incident of hate an avenue to share their stories [online](#). These organizations are also developing targeted education and media campaigns to provide resources for impacted individuals and to advocate for policies and programs dedicated to curtailing racial profiling. The [press release](#) can be viewed in its entirety online. The [incident reporting forms](#) are available in English, Chinese, Korean, Thai and Japanese.

The definition of a Hate Crime can be found under 422.55 of the California Penal Code. In summary, a Hate Crime is defined as a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: disability, gender, nationality, race or ethnicity, religion, or sexual orientation.

The City of Fremont has a downloadable brochure on Hate Crimes available online at: [www.Fremont.gov/HateCrime](http://www.Fremont.gov/HateCrime).

If you believe you are a victim of a hate crime and have not reported it, please do so now by calling the Fremont Police Department at (510) 790-6800 and selecting option 3. All allegations of hate will be thoroughly investigated.



For full details, [view this message on the web](#).

#### TEXT-A-TIP

Text TIP **FREMONTPD** followed by your message, to **888777** or **Submit an anonymous web tip**

For help, reply **HELP** to 888777. To cancel, reply **STOP** to 888777. No charge but Message & Data rates may apply. 2 messages. More info at [nixle.com](http://nixle.com). AT&T, T-Mobile®, Sprint, Verizon Wireless and most other carriers are supported. Contact customer support at [support@nixle.com](mailto:support@nixle.com).

Sent by **Fremont Police Department (CA)**  
2000 Stevenson Blvd, PO Box 5007, Fremont, CA 94538

To manage your email settings, [click here](#). To update your account settings, [login here](#).  
If you prefer not to receive future emails, [unsubscribe here](#).



**From:** Brenda Vargas <[Brenda.Vargas@doj.ca.gov](mailto:Brenda.Vargas@doj.ca.gov)>  
**Date:** Wednesday, August 5, 2020 at 12:59 PM  
**To:** Brenda Vargas <[Brenda.Vargas@doj.ca.gov](mailto:Brenda.Vargas@doj.ca.gov)>  
**Cc:** Liz Saldivar <[Liz.Saldivar@doj.ca.gov](mailto:Liz.Saldivar@doj.ca.gov)>  
**Subject:** Attorney General Becerra Calls on Facebook to Step Up Action to Combat the Spread of Hate and Disinformation Online

Good afternoon,

I am writing to share that California Attorney General Xavier Becerra today joined a multistate letter calling on Facebook to take additional steps to combat the spread of hate and disinformation on the social media platform. The coalition also urges the company to do more to provide assistance to people who fall victim to online intimidation and harassment, including digital abuse and violence.

Please see below for a copy of the letter and additional information.

Additionally, I want to draw your attention to hate crimes data and a public information tool kit our office recently made available.

### **Hate Crimes Report and Dashboard**

Last month, the California Department of Justice [published the latest report on hate crimes](#) in California, which includes data through 2019. In addition, we released a dashboard on hate crime statistics. The [hate crime dashboard](#) examines state- and county-level statistics by bias motivation type, crime type, and location.

### **Hate Crimes Public Information Tool Kit**

Our office created a hate crimes public information tool kit that includes graphics, social media language and video that aims to raise awareness on combatting hate crimes and provides steps an individual can take if they are a victim of a hate crimes.

The tool kit includes the following:

**Graphics** – A link with graphics in 14 languages (English, Arabic, Armenian (Eastern), Cambodian, Chinese (Traditional), Hindi, Hmong, Japanese, Korean, Punjabi, Russian, Spanish, Tagalog and Vietnamese) on where to report hate crimes, definition of a hate crime and a hate incident and steps an individual can take if they are a victim of a hate crime.

The graphics are ready to use and are ADA compliant in the event you want to post them on your website or social media. The files can be accessed [here](#).

**Social Media** – A PDF of suggested social media language is attached. This language can accompany the graphics or video.

**Video** – A video message urging Californians to stand united against hate and report suspected hate crimes to their local law enforcement. The video can be shared and accessed [here](#).

Please feel free to contact me if you have any questions. Thank you.

Brenda Vargas

External Affairs Associate

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NEWS RELEASE

August 5, 2020

FOR IMMEDIATE RELEASE

Social Networks

[Print Version](#)

## Attorney General Becerra Calls on Facebook to Step Up Action to Combat the Spread of Hate and Disinformation Online

**SACRAMENTO** – California Attorney General Xavier Becerra today joined a multistate letter calling on Facebook to take additional steps to combat the spread of hate and disinformation on the social media platform. The coalition also urges the company to do more to provide assistance to people who fall victim to online intimidation and harassment, including digital abuse and violence.

“When Facebook profits off of hate, it is letting its platform be used to dehumanize and demean,” **said Attorney General Becerra**. “The spread of hate and disinformation on social media puts our democracy and decades of advocacy work by Black Americans, Latinos, the LGBTQ community, people with disabilities, and many others at risk. If Facebook truly wants to be a place that brings people together, it must do more — Mark Zuckerberg must do more. We urge Facebook to take affirmative steps to join us in the fight to

take all of us working together to make a difference.”

Although Facebook has committed to the public and its users that it will “invest billions of dollars each year to keep [Facebook’s] community safe and continuously work with outside experts to review and update [Facebook’s] policies,” the recent independent civil rights audit of the company’s policies and practices reveals that the steps taken thus far have fallen short. Private parties, organized groups, and public officials continue to use Facebook to spread misinformation and project messages of hate against different groups of Americans. According to recent surveys, more than forty percent of Americans have experienced some form of online harassment, including criminal forms of harassment like cyberstalking, doxing, and swatting. Of those Americans who report having been harassed online, more than three-quarters have reported being harassed on Facebook. Much of that harassment is focused on characteristics protected by the civil rights laws that state attorneys general are charged with enforcing, including race, religion, ethnicity, sexual orientation, gender and gender identity, and disability. Unfortunately, recourse is unavailable for too many of these victims due to limitations on the services that Facebook offers victims.

In the letter, the Attorneys General urge Facebook to:

- Aggressively enforce the company’s policies against hate speech and organized hate organizations;
- Allow public, third-party audits of hate content and enforcement;
- Commit to an ongoing, independent analysis of the platform’s content population scheme and the prompt development of best practices guidance;
- Expand policies limiting inflammatory advertisements that vilify minority groups;
- Offer live real-time assistance to help users address harassment before damage becomes irreversible;
- Make information about unlawful harassment and intimidation more readily available, within the bounds of privacy laws, to victims and law enforcement; and
- Strengthen filtering, reporting, and blocking tools.

Attorney General Becerra is committed to combatting hate wherever it occurs. Last month, the Attorney General [published the latest report on hate crime](#) in California, which includes data through 2019. In June, he [released a video](#) urging Californians to stand united against hate and report suspected

General [issued a bulletin](#) to help ensure law enforcement agencies across California have the necessary information and tools to continue to respond to hate crime activity during COVID-19. More information on tools and resources to combat hate crime is available at <https://oag.ca.gov/hatecrimes>.

In sending the letter, Attorney General Becerra joins the attorneys general of the District of Columbia, Illinois, New Jersey, Connecticut, Delaware, Hawaii, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Mexico, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and Wisconsin.

A copy of the letter is available [here](#).

# # #

You may view the full account of this posting, including possible attachments, in the News & Alerts section of our website at: <https://oag.ca.gov/news/press-releases/attorney-general-becerra-calls-facebook-step-action-combat-spread-hate-and>

You may view all News & Alerts on our website at: <https://oag.ca.gov/news>

Please visit the remainder of the Attorney General's site at: <https://oag.ca.gov/>

# Hate Crimes Awareness Toolkit



**“It’s going to take all of us working together to take on hate and its corrosive effects on our society.”**

As a result of rhetoric surrounding COVID-19, there has been growing concern around reports of increased hate incidents and crimes throughout the United States. The California Department of Justice is committed to assisting state, local, and federal partners in tackling hate crimes wherever they occur.

Below are suggested social media posts and links to shareable graphics in 14 languages.

## **Suggested Posts:**

Sadly, the pandemic has laid bare some of the ugliest divisions in our society.

If you or someone you know has been a victim of hate crime, please report it.

—

Acts of hate leave a lasting scar on our communities.

It is up to us to stand united against hate.

For more information about hate crimes, please visit [oag.ca.gov/HateCrimes](https://oag.ca.gov/HateCrimes)

—

Hate is a corrosive force in our society.

And sadly, this pandemic has made that even more clear.

If you or someone you know is the victim of a hate crime, please report it.

—

Below are things to keep in mind if you or someone you know becomes the victim of a hate crime.

I hope this information never has to be put to use — but please, know your rights and exercise them.

—

1. Hate crimes occur when someone is targeted for their race or ethnicity, nationality, religion, gender, sexual orientation, physical or mental disability, and more.

And sadly, hate activity continues to be a problem during this pandemic.

It’s up to all of us to stand against hate in all its forms.

2. If you or someone you know is the victim of a hate crime, please report it. You are not alone.

—

If a crime was committed against you because of your race or ethnicity, nationality, religion, gender, sexual orientation, or physical or mental disability, you may be victim of a hate crime.

But know this, you are not alone.

To learn more do go to [oag.ca.gov/HateCrimes](http://oag.ca.gov/HateCrimes)

—

**Shareable Graphics:** *Click the hyperlink to download or share.*

All Languages → [Download](#)

Japanese → [Download](#)

Arabic → [Download](#)

Korean → [Download](#)

Armenian → [Download](#)

Punjabi → [Download](#)

Cambodian → [Download](#)

Russian → [Download](#)

Chinese → [Download](#)

Spanish → [Download](#)

English → [Download](#)

Tagalog → [Download](#)

Hindi → [Download](#)

Vietnamese → [Download](#)

Hmong → [Download](#)

## Fremont Police Department

The Fremont Police Department recognizes that hate crimes require a speedy investigation and special sensitivity to the emotional trauma experienced by victims of these crimes.

If you believe you are a victim of a hate crime and have not reported it, please do so now by calling the Fremont Police Department at

(510) 790-6800 and select option 3

## Fremont Human Relations Commission (HRC)

The HRC promotes and helps create an environment in which all men, women and children of the city may live, learn, work and play in peace and harmony, and in which each person may realize their highest potential unhampered by any discrimination based upon race, religious creed, color, national origin, ancestry, physical disability, mental disability, marital status, gender, sexual orientation, socioeconomic status, civic interest, or any other factors .

If you have ideas or recommendations to foster mutual understanding and respect among Fremont residents in an effort to eliminate prejudice and discrimination, please contact the HRC at (510) 574-2040.

To Report a Hate Crime, Please Call:

### The Fremont Police Department

510-790-6800, Option 3

or

### The Alameda County District Attorney's Office Hate Crimes Hotline

510-208-4824

### Other Resources

#### **Federal Law Enforcement Investigative Agency:**

Federal Bureau of Investigations 415-553-7400

#### **Additional Resource and Programs**

Alameda County Hate Crimes Hotline 510-208-4824

Alameda County Bar Association 510-302-2222

American Civil Liberties Union 415-621-2488

Anti-Defamation League of B'nai B'rith 415-981-3500

Asian Law Caucus 415-896-1701

Asian-Pacific Islander Family Pride 510-818-0887

Bay Area Legal Aid - Fremont Legal Safety Net 510-663-4755

Bay Area Women Against Rape: BAWAR 510-845-7273

Calif. Dept. of Fair Employment & Housing 800-884-1684

Calif. Dept. of Justice - Civil Rights Enforcement 877-433-9069

City of Fremont Youth & Family Counseling 510-574-2100

Community United Against Violence 415-333-HELP

Federation of Indo-American Associations 408-596-4223

NAACP—Hayward South Alameda County 510-581-4111

PFLAG 510-562-7692

Victims of Crime Resource Center 800-VICTIMS

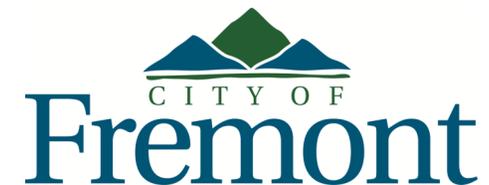
#### **On-line Resources:**

[informedimmigrant.com](http://informedimmigrant.com)

[U.S. Department of Education - Office of Civil Rights](http://www.ed.gov/civilrights)

Enclosure 13.1.3

**SAY NO  
TO HATE  
CRIME**



Human Relations Commission  
[Fremont.gov/hrc](http://Fremont.gov/hrc)  
510-574-2040

## The City of Fremont Has Zero Tolerance for Hate Crimes

The City of Fremont is one of the most diverse cities in the U.S. and has been recognized as a national model of how people from different cultural, ethnic, and religious backgrounds can live and work together in peace and harmony. This is our City's greatest strength.

The City of Fremont has zero tolerance of prejudice, racism, bigotry, hatred, and violence, and is committed to maintaining peace and harmony in the community and ensuring all residents, regardless of their disability, nationality, race, ethnicity, religion, gender, or sexual orientation, enjoy the rights guaranteed by California law and the U.S. Constitution.

- Fremont places a high priority on investigating and resolving crimes involving racism and prejudice.
- Fremont works with institutions within the City, County, and Bay Area to foster greater education and understanding of the value of human diversity.

## What is a Hate Crime?

A **hate crime** is a criminal act or attempted criminal act committed against a victim or their property because the victim is perceived to be a member of a protected class, including: disability, gender, nationality, race, ethnicity, religion, gender, or sexual orientation. Hate crimes can include:

- Physical assault
- Threatening phone calls
- Vandalizing personal property

The freedom of speech, as protected by the US Constitution, allows one to express opinions and ideas as long as it does not interfere with the civil rights of others. If this behavior escalates to threats being made or criminal acts being carried out, it could become classified as a hate crime.



## What Should You Do If You Experience an Act of Hate?

The Fremont Police Department is committed to investigate all reported acts of hate and offers assurance that all incidents will be thoroughly investigated and addressed.

*If you are in immediate danger and need to report an emergency, dial 9-1-1.*

*To report a non-urgent matter or incident to the Fremont Police Department call: (510) 790-6800 and select option 3.*

- Be prepared to speak with a dispatcher and/or police officer about what happened.
- Document the exact words spoken to you by the offender as soon as possible.
- Seek medical attention if you are injured.

### Anonymous Reporting

The Fremont Police Department offers several options to anonymously report a crime:

- Silent witness hotline: 510-494-4856
- Text a tip by typing 'Tip FremontPD' followed by your message to 888777
- Alameda County District Attorney's Hate Crimes Hotline: 510-208-4824
- Additional tip reporting options can be found online at [fremontpolice.org/tip](https://www.fremontpolice.org/tip)