



City of Davis
Police Accountability Commission Meeting
Thursday, May 2, 2019

MINUTES

1. Call to Order (6:30)

Chair MacBrine called the meeting to order at 6:35pm.

Members Present:

*Mary C. Bliss, Sean Brooks, Cecilia Escamilla-Greenwald, Dillan Horton (Vice Chair),
Abram Jones, Elaine Kahan, William Kelly, Judith MacBrine*

Members Absent: Laraque-Ho, Liggett-Nichols

Staff Present: Michael Gennaco, Kelly Stachowicz

2. Approval of Agenda

Escamilla-Greenwald moved, with a second by Brooks, approval of the agenda. Motion passed by the following vote:

AYES: Bliss, Brooks, Escamilla-Greenwald, Jones, Kahan, Kelly, MacBrine

NOES: None

ABSENT: Horton, Laraque-Ho, Liggett-Nichols

3. Brief Announcements from Staff, Commissioners, and Liaisons

None

4. Public Comment

Mason – Got list of Firearms policy from Police (shared document). Encourages others to meet with Police Department

5. Consent Items

A. Approval of Minutes – April 4, 2019 meeting

Public Comment:

Annmarie Soika – Requested that her public comment be clarified in the minutes to better reflect her actual statement.

Staff will make noted corrections.

Jones move, with a second by Escamilla-Greenwald, approval of the minutes as amended. Motion passed with the following vote:

AYES: Bliss, Brooks, Escamilla-Greenwald, Horton, Jones, Kahan, Kelly, MacBrine

NOES: None

ABSENT: Laraque-Ho, Liggett-Nichols

6. Regular Items

A. SB 1421 (Peace Officers: Release of Records)

W Kelly – Shared proposed letter to Council, which recommends the Council ask the Police Auditor to investigate the incident on Picnic Day 2017, specifically the portion about the press release.

The subcommittee reached one of the Picnic Day five, who did not want to engage further, as process was traumatic. The remaining four did not respond to messages. Subcommittee believes commission should move forward and send recommendation to City Council (actions included in memo). Commission discussed whether the fact that five individuals involved in the 2017 Picnic Day incident did not want to be involved/did not respond was important to the proposed recommendation.

Commission asked about the previous and current Police Department communications policy. Noted that the original investigation made finding that previous policy was violated because press release was inaccurate and didn't follow procedure, but that there were no further findings about communications in original investigation.

Public Comment:

Don Sherman – Shares concern about process that is in place now. Don't really know what happened from police side.

AnnMarie Soika – Hopes commission would go forward, not backward. Remembers woman kicking man on ground in video.

The Commission discussed whether the new (communications) policy is adequate, whether it has been tested, and whether it can be improved.

MacBrine moved, with a second by Escamilla-Greenwald, the following three actions:

- 1. Recommend a restorative conversation between the Lieutenants in the Police Department (since they act as the Information Officers) and members of the Davis community who were negatively impacted. Parameters are for the police to hear and understand the impact the communications had on public trust, and for the community members to understand what the police have to balance.*
- 2. Recommend that the Independent Police Auditor provide a tabletop simulation to the Commission of preparing public information during a critical situation.*
- 3. Recommend a subcommittee of MacBrine and up to 3 others to oversee the above two items.*

Commission discussed whether these motions addressed the issues from the original subcommittee recommendation, namely, why misinformation was released, and whether a new investigation would yield any additional information.

W. Kelly that the original investigation identified deficiencies, so the Commission should attempt to remedy. Although the communications policy has changed, it doesn't explain away what happened at that time.

The Commission discussed whether a restorative process would be useful and whether anyone would participate.

The Commission further asked Police Auditor Gennaco what an investigation would look like if there was one. Gennaco responded that an investigator would try to determine how information was compiled. Did it go through review process? Could an investigator recreate the what happened post-incident. Noted the challenges in doing this two years after the event. Brooks asked whether it would be useful to look longitudinally?

Part 1 (Restorative Process):

AYES - Jones, Horton, MacBrine

NOES – Bliss, Kahan, Kelly, Escamilla-Greenwald, Brooks

ABSENT – Laraque-Ho, Ligget-Nichols

Motion fails 3-5

Motion 2 (Tabletop Exercise)

AYES – Bliss, Brooks, Escamilla-Greenwald, Horton, Jones, Kahan, Kelly, MacBrine

NOES – None

ABSENT: Laraque-Ho, Ligget-Nichols

Motion passed 8-0

Motion 3 (Create Subcommittee)

AYES – Bliss, Brooks, Escamilla-Greenwald, Horton, Kelly, MacBrine

NOES – None

ABSTAIN – Jones, Kahan

ABSENT: Laraque-Ho, Ligget-Nichols

Motion passed 6-0-2

W. Kelly moved, with a second by Horton, to forward the original subcommittee's proposed memo/letter to the City Council. (Letter recommends the Council ask the Police Auditor to conduct an investigation on the events surrounding the release of public information from the Picnic Day 2017 incident. Specifically, that the release was inaccurate but there was no information as to why it was inaccurate.

Commission discussed whether an investigation would be worthwhile, even if it produced no further findings.

Escamilla-Greenwald offered a friendly amendment, which was accepted by the mover and the seconder, to include the Commission's acknowledgement that the City has already taken certain actions to make changes to the communications process.

AYES – Brooks, Escamilla-Greenwald, Horton, Jones, Kahan, Kelly

NOES – MacBrine

ABSTAIN – Bliss

ABSENT: Laraque-Ho, Ligget-Nichols

Motion passed, as amended, 6-1-1

B. Police Response to Crisis Incidents

Stachowicz provided general background on Police Department crisis policies.

Commissioners had the following questions:

- *What kind of training do they have?*
- *Is there a way to get a second opinion before dealing with (or not dealing with) a person in crisis?*
- *How to medical opinions/intervention come into play?*
- *What sort of training do officers receive?*
- *Is there money budgeted for such training?*
- *Are there best practices in this area? If so, how do Davis policies align?*
- *Are there differences between initial training/competencies and ongoing training and (re)assessment of skills?*
- *Why are tazers not included in the Use of Force policy?*

Public Comment:

Luanne Villanueva – Police Department and others should use common sense when dealing with mental health situations or with other people.

Commission discussed inviting groups that deal with those who have mental health issues to the Commission.

Escamilla-Greenwald moved, with a second by Horton, to form a subcommittee for community outreach for police/mental health interface (to look at resources, gaps, existing policies, bring transparency)

Bliss made a Friendly Amendment to have the Commission first hear from the Police Department to explain current state of affairs. Friendly Amendment was accepted.

AYES: Bliss, Brooks, Escamilla-Greenwald, Horton, Jones, Kahan, Kelly, MacBrine

NOES: None

ABSENT: Laraque-Ho, Ligget-Nichols

Motion passed 8-0

The Subcommittee will consist of Bliss, Escamilla-Greenwald, Kahan, MacBrine. The group will plan on having a discussion on this topic at the October Commission meeting.

C. Subcommittee Reports

- *Procedures –*

Bliss – Want commission to have a discussion on accommodating those underserved by traditional complaint procedures. Should commission recommend/create a new channel for these complaints?

Public Comment:

ME Gladdis: Spoke about the complaint process and the Police Department.

Christopher: Asked about ways to outreach to community?

- *Traffic Stop Data – MacBrine shared handout “Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race”*

D. Police Auditor Update

Gennaco: Received nine complaints since he became auditor (and other questions that are not complaints). Next month he will present tracking sheet with all complaints, along with status of complaints. Met with one complainant and has three inquiries pending.

Starting January 1 2020, police will have to follow new law (PC 859.7) related to identification procedures when trying to identify the suspect. “Double blind” procedure is one proposed improvement (a third, uninvolved party has someone else give the witness the line-up). Gennaco working with Police Department as they prepare policy in advance of implementation.

Horton – Interested in seeing the draft policy. Would also like to know when there is a new complaint.

W Kelly – Asked if City has an anti-retaliation policy?

Kahan – Asked if Gennaco sticks to complaint when meeting with a complainant or if he walks through the complaint process? (Gennaco explained that it depends on the complainant.)

Public Comment:

Annmarie Soika: Asked whether Davis Police Department uses the double blind method for suspect identification.

7. Future Agenda Items

Brooks – Surveillance policy requires impact report annually. Asked if commission would be interested in looking at update report at a future meeting?

Horton, on behalf of the Outreach Subcommittee – explained the subcommittee will have a proposal at the next meeting to discuss with the full group about a community forum.

Stachowicz explained that July meeting would need to be rescheduled or cancelled, as the regular meeting date falls on July 4th. Staff will do a doodle poll.

8. Adjourn

Horton moved, with a second by Bliss, adjournment of the meeting. The motion passed unanimously. The meeting adjourned at 8:45pm.