



City of Davis
Police Accountability Commission Meeting
MINUTES
Monday, January 6, 2020

Commissioners Present: Mary C. Bliss, Sean Brooks, Cecilia Escamilla-Greenwald, Dillan Horton, Abram Jones, Elaine Kahan, William Kelly, Judith MacBrine, Tex Wambui

Commissioners Absent: Elaine Kahan

Council Liaisons Present: Gloria Partida, Lucas Frerichs

Others Present: Michael Gennaco, Independent Police Auditor; Kelly Stachowicz, Staff Liaison

1. Call to Order

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

2. Approval of Agenda

Horton moved, with a second from Brooks, to approve the agenda. Motion passed by the following vote:

AYES: Bliss, Brooks, Escamilla-Greenwald, Horton, Jones, MacBrine, Wambui

NOES: None

ABSENT: Kahan, Kelly

3. Brief Announcements from Staff, Commissioners, and Liaisons

- Stachowicz explained the statewide RIPA (Racial and Identity Profiling Act) Dataset is due in April, so the Police Department has not turned it in yet. Staff will notify PAC when the City submits the data.*
- Representatives of the Outreach Subcommittee shared that their meeting with the City Manager and the Police Chief went well. They talked about the Chief's absence from the November public forum and the reasons the City Manager decided the Chief would not attend, but the Chief committed to listening to community. Kelly noted that the City Manager's decision was based on inaccurate information that the group would determine whether the Chief would return to the meeting. There was interest by the group to document the understanding between the Chief and the City Manager.*
- Need to send follow up letter out to November participants*
- Introduced Tex Wambui, the new ASUCD representative.*

4. Public Comment

Don Sherman - Regarding the case in the Police Auditor's report where suspect held for 20 months but person released based on GPS data, can commission discuss with police department about procedure when suspect is exonerated? Are there policies in place to check on correctness of warrant?

Megan Macklin, UCD Police Accountability Board, Administrative Advisory Group - Looking for opportunities for two groups to work together. Inspired by Portland's Evolve program and has been in touch with Red Door Project, perhaps for Spring 2021. Looking for support from the PAC.

5. Consent Items

A. Approval of Minutes – December 5, 2019 Meeting

Escamilla-Greenwald moved, with a second from Horton, to approve the minutes. Motion passed by the following vote:

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

NOES: None

ABSENT: Kahan

6. Regular Items

A. Update on December 19, 2019 Officer Involved Shooting and Independent Police Auditor Update –

Gennaco – A new statute requires training and policies online. The Davis Police Department (DPD) has uploaded all training provided to officers over past few years. Website has many pages of curricula and trainings, which may prove useful to the PAC.

Briefed the commission on the December officer-involved shooting, where one individual died by officers. This individual likely killed his mother. DPD released initial video quickly, within legal timelines, and also responded to a public records request about prior calls to the residence.

Explained the process to investigate. Criminal investigation led by the District Attorney's office. West Sacramento is the other lead agency involved.

The Police Auditor has been kept informed.

Toxological and ballistics reports need to be completed, and once case is completed, the DA's Office reviews, then completes report. Criminal Investigation determines whether officers were within law when they discharged weapons.

DPD leads the investigation into cause of death of mother.

DPD also has to complete an internal affairs investigation, which has broader focus than just the use of force. Looks at every decision along the way to see if any policies were violated along the way. When the IA investigation is completed, it will come to Gennaco (as well as the criminal investigation) and he will prepare a report. The entire IA report will be a public report, as will DA's investigation/report as per SB 1421 requirements. Expectation that investigation will be completed within 180 days.

The new addition to the Projects log is the officer-involved shooting

Questions:

Brooks – How does the Police Department communicate with the Police Auditor? Who receives unredacted reports? What care is provided to officers after an incident?

Escamilla-Greenwald – Will DA’s report look to see if officers needed to shoot to disarm or shoot to kill? What does Penal Code say? (Auditor: Penal Code says officers who are on duty have special authority to use deadly force under certain circumstances. Based on situation, was it objectively reasonable to use deadly force)

Kelly – Would like DA’s protocol. Want to review DPD training on de-escalation and interactions with individuals with mental health issues.

Horton – If Auditor feels there is a problem before investigation concludes, what can happen? (Auditor: will talk to chief if there is problem). What are outcomes possible in IA? (Auditor: IA can show whether the use of force was consistent with department policy. Every incident offers a learning component. A robust IA looks at how things could have been done differently.)

Public Comment:

George Gold, Chico: Asked about the posting of manuals. (Gennaco: Requirement comes from SB 978)

Luanna Villanueva: happy that DPD offered emotional support. What about people who are onsite or others directly affected? Does City provide anything?

Lupita: April 4 incident with Yolo Community Care Continuum (YCCC) coming to PAC saying how apathetic DPD was. Resulted in suicide of individual. White supremacist element inside DPD needs to be exposed and Chief of Police has targeted people.

B. Discussion of 2020 Workplan

Stachowicz provided overview and encouraged commission to think about what they wanted to prioritize.

The commission engaged in a discussion about what the goals should represent, and the importance of realistic and measurable goals, with concrete deliverables where possible. Comments included concerns about how to achieve goals given time limitations and the need to prioritize within committees. There was also acknowledgement that ongoing tasks and responding to external incidents may make it hard to get to new issues/activities.

Commission decided that each member would look at the draft outside of the meeting and send edits to staff. There was specific interest to ensure that the Armored Rescue Vehicle and Surveillance Technology reviews should be included.

Public Comment:

Francesca Wright: Encouraged subcommittees to have community members. Create “responsive to other issues” in plan.

Lisa: What options are available to someone who has been injured by police, beyond lawsuits?

Discussion:

The commission concluded that individual commissioners will review the draft and send any questions or comments to staff. The item could come back in February. MacBrine suggested that commissioners designate “Yes,” “No,” “Maybe” by each item.

C. Preparation for Joint Discussion with the City Council 7:50

Stachowicz explained the PAC is tentatively scheduled to meet with the Council at the February 25 City Council meeting.

The commission discussed several ideas for how to organize for the discussion and what to include, such as

- *Clarify scope of commission and of city business items that pass through the commission.*
- *Develop a written policy on the release of auditor reports*
- *Look at Authorizing Resolution*
- *Look at relationship with community*
- *Formalize communication between PAC and DPD*
- *Share year one accomplishments and goals/objectives for upcoming year*
- *Share community forum feedback*

Escamilla Greenwald, Kelly, Horton and MacBrine will work on ideas.

Public Comment:

Councilmember Frerichs let the commission know that the Council finds the joint discussions beneficial.

D. Introduction to Surveillance Technology 8:05

Stachowicz: The Police Department will release drafts by the end of January for two forms of surveillance technology, and the PAC will discuss at the February meeting. Stachowicz gave overview of the ordinance and types of surveillance.

Brooks: Believes the ordinance is good overall, with room for clarity and improvements. These may be places for commission to provide feedback. Davis is far ahead of other municipal governments. Think about how to make recommendations for more clarity not just more information.

Public Comment:

Luanna Villanueva: Should ban GPS technology

Robert Canning: Co-authored memo about surveillance technology. Commission should consider.

Lupita: Opposes facial recognition. Concerned about 5G.

Francesca Wright: Need to streamline (reports) because page count is too high. Make transparency easy. Have a visual graphic. Frustrated by vague language about the use. Engage others in the community.

E. Election of Chair and Vice Chair for 2020

The commission agreed by consensus to appoint Horton as Chair and Bliss as Vice Chair for 2020. Horton and Bliss both concurred.

7. Future Agenda Item Requests/Long Range Calendar

Stachowicz: The next meeting will likely included items on Surveillance Technology, Armored Vehicle, Workplan, and Joint Discussion.

8. Adjourn

Jones moved, with a second by Horton, to adjourn the meeting at approximately 8:30pm. The motion passed unanimously.
