



City of Davis
Police Accountability Commission Minutes
Monday, October 5, 2020
MINUTES

Commissioners Present: Mary C. Bliss (Vice Chair), Sean Brooks, Cecilia Escamilla-Greenwald, Dillan Horton (Chair), Abram Jones, Elaine Kahan, Judith MacBrine, Don Sherman
Commissioners Absent: None

Council Liaisons Present: Mayor Partida, Vice Mayor Frerichs

Others Present: Stachowicz, Gennaco, Dyer, Lim, Ruhlin

1. Call to Order

Horton called the meeting to order.

2. Approval of Agenda

Greenwald-Escamilla moved with second by Kahan approval of the agenda. Motion passed as follows:

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

NOES: None

ABSTAIN: None

ABSENT: None

3. Brief Announcements from Staff, Commissioners, and Liaisons (5 minutes)

Stachowicz – Council item on 10/6 on commissions, advisory, expectations, etc.

4. Public Comment (5 minutes)

Lupita Torres – Concern regarding Davis Police Department doing investigation in West Sacramento.

Jordan Varney – Express urgency of matter of reimagining public safety in Davis. Advocate for separating social services out of police department.

Morgan Poindexter – First step is ability to have access to raw data that is not accessible to Davis residents in reimagining public safety and holding police accountable.

5. Consent Items (5 minutes)

A. Approval of Minutes – September 14, 2020 Meeting

Escamilla-Greenwald moves with second by Brooks approval of the minutes as presented. Motion passed as follows:

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

NOES: None

ABSTAIN: None

ABSENT: None

6. Regular Items

A. Review of the 2020 Yolo County Grand Jury Report: The Police Accountability Commission, SB 1421, and Residual Questions from the Picnic Day 2017 Incident

*City Attorney David Lim provided an overview of the Grand Jury process and the next steps for the Commission. This grand jury report is **not** a Criminal Grand Jury. This is a Civil Grand Jury, designed to help communities improve.*

Agency receiving report has 90 days to respond to findings. In this particular report, the City Council is required to respond. The PAC has also been invited to respond, but is not required.

Responses to findings can be

- 1. Respondent agrees with finding*
- 2. Respondent disagrees wholly or partially with an explanation of the reasons*

Responses to recommendations can be:

- 1. Recommendation has been implemented*
- 2. Recommendation has not yet been implemented, but will be by xxxx date*
- 3. Recommendation requires further analysis with an explanation and the scope and the timeframe*
- 4. We will not be implementing recommendation because it is not warranted or reasonable with explanation as to why.*

PAC can decide if they want to respond with City Council approval.

All responses must be as a group.

All responses must be conducted in open, public meetings subject to the Brown Act

Do not discuss responses outside of a formal meeting of the PAC

Commissioner Comments:

- Report is missing some information for determining findings*
- Response timeline is unreasonable*
- Some findings valid in terms of needing additional training and understanding of DPD operations*
- Doesn't necessarily agree with statement the relationship with police department needs to be incorporated more into meetings. Trying to strike balance between safe space for meeting to happen and having police in attendance*
- Content and structure of report seems to indicate work done by PAC as trivial, when a lot of work and research has gone into work done*
- Report neglects to address need to re-evaluate work to adjust mission to talk about national conversation*
- Create subcommittee to respond to findings and recommendations*

Public Comment

- Lupita Torres – What initiated civil jury grand investigation? Who does the City attorney work for? What is the expected outcome of the report?*
- Jordan Varney – Does not think that DPD should be a part of the PAC. Use police to get data*
- Connor Gorman – Give Council sense of how PAC would recommend responding. Structure of Grand Jury is problematic. Grand Jury is saying PD should have even more power by participating in PAC.*
- Francesca Wright – Strong argument against #1. Davis should be very proud of having independent police auditor*

- *Morgan Poindexter – Grand Jury did not understand power imbalance that already exists with police.*
- *Julia Shaw – Consider power differential and be cautious about police involvement with commission. Would like PAC to maintain independence.*

Escamilla-Greenwald moves with second by Kahan to create subcommittee of Bliss, Jones and MacBrine to create subcommittee to take comments from meeting and commission input and prepare a response to bring back to the entire commission at the next meeting. Motion passed as follows:

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

NOES: None

ABSTAIN: None

ABSENT: None

B. Review of Authorizing Resolution.

The Subcommittee discussed proposed revisions to the commission’s authorizing resolution, which may be forwarded to the City Council for consideration upon Commission approval.

- *Is word accountability appropriate or is there another word to use instead?*
 - *Is oversight a better way to describe work of commission?*
 - *Thought to keep the name, as accountability speaks to people*
- *Reduce size to be similar to other commissions and take out student position, but encourage students to apply as regular commissioners. Concern about taking out student specific position. Is there another way to have them appointed? Concern about reducing number down as it reduces number of people to take on workload. Stay at 9, but eliminate student position?*
- *Provide Input into Reports – may be able to eliminate this item, as it is incorporated into item #4*
- *Thoughts on changing wording of adverse reactions with Davis Police Department? Open to all police departments? Or add with particular attention to those with prior adverse reactions?*

Public Comment

- *Connor Gorman – Don’t reduce number of commissioners, mixed feelings on removing requirement of two members having issue with police, hope to find them, but if can’t is there some other option, would like to keep student commissioner that is chosen outside of UCD.*
- *Jordan Varney – Add data and evidence collection to resolution.*

MacBrine moves with second by Horton to accept changes as proposed with exception of number of commissioners between 7 – 9 and number of commissioners with adverse reactions to Davis Police Department and leave that decision to the City Council. Motion passed as follows:

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

NOES: None

ABSTAIN: None

ABSENT: None

Horton moves to extend the meeting to 10:00 with second by Abram. Motion passed as follows:

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

NOES: None

ABSTAIN: None

ABSENT: None

C. Review of Independent Police Auditor. *One of the annual tasks of the Commission is to provide a review of the police auditor and his work with the commission. The Commission may wish to appoint a subcommittee to handle this task. (Item moved to next meeting, due to lack of time)*

7. Police Auditor Update (25 minutes)

Independent Police Auditor Michael Gennaco provided an update on Auditor activities to the PAC including a discussion and review of the District Attorney's memo on the Christopher Gray incident.

Commissioner Comments:

- Should PAC consider recommending a deeper report into the incident? To expand or follow up on the DA report?*
- What other options could there have been besides lethal force? Knowing the history of the individual and the need to get to the mother? (Taser was used first without affect)*
- Gennaco will respond back to department suggesting a fuller report. Toxicology, history, delay in shooting, how 911 was engaged, decision to engage or not engage, thoughts of suicidal thoughts in response to Mr. Gray, chronic and danger mental health*

Public Comment

- Morgan Poindexter – Don't have this conversation at 10:00 at night without everyone not having done their homework. This type of situation should not be handled solo by DPD. Social Workers or medical professionals should be handling this situation.*
- Robert Canning – Applaud notion that case in which lessons can be learned and appreciates thoroughness of auditor brining this forward.*
- Julia Shaw – Dovetails into conversation already happening about needing social services to step in prior to police when responding to mental health issues.*
- Leslie Hunter – Request ask the Davis Police Department to have internal review starting in 2009 and have timeline for review*

8. Subcommittee Reports (25 Minutes) – *The Commission has created several subcommittees to further its goals. Subcommittees had the opportunity to verbally report out actions since the last meeting and/or to request feedback or input from the full Commission.*

- A. **Outreach** (Horton, MacBrine, Escamilla-Greenwald, Sherman)*
- B. **Davis Police Department Policy/Procedure** (Horton, Kahan, Escamilla-Greenwald, Brooks)*
- C. **Police Accountability Commission & Davis Police Department Chief/Leadership Meetings** (Bliss, MacBrine, Sherman)*
- D. **Mental Health** (MacBrine, Kahan, Bliss, Escamilla-Greenwald) (Attachment 6)*
- E. **Authorizing Resolution Revision** (Bliss, Horton) – See 7B.*
- F. **Police Accountability Commission and UC Davis Relations** (Jones, MacBrine)*
- G. **Joint Subcommittee with Social Services and Human Relations – Improvements to Public Health and Safety** (Escamilla-Greenwald, Horton, MacBrine, Sherman)
Something to go to council mid-November with a report of updated work. 4 streams of work: Outreach to mental health community, Community meeting after ideas are gathered, best practices on positive social aspects of policing and preventative response and mapping*

Public Comment:

- Morgan Poindexter – Read the document, has lots of applicable information*
- Julia Shaw – Support Judith in the work she is doing*

Bliss moves with second by Escamilla-Greenwald that the PAC supports the subcommittees approach to learning about mental health in this community. Motion passed as follows:

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

NOES: None

ABSTAIN: None

ABSENT: None

9. Future Agenda Item Requests/Long Range Calendar (5 minutes)

10. Adjourn

Jones moved with second by Escamilla-Greenwald to adjourn the meeting at 10:18 p.m. The motion passed as follows:

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

NOES: None

ABSTAIN: None

ABSENT: None