



City of Davis
Police Accountability Commission Minutes
Monday, October 4, 2021

1. Call to Order and Roll Call

Chair Horton called the meeting to order at 6:32 p.m.

Commissioners Present: Ignacio Alarcon, Mary C. Bliss (Vice Chair), Robert Canning, Cecilia Escamilla-Greenwald, Dillan Horton (Chair), Abram Jones, Judith MacBrine, Morgan Poindexter (Alternate), Don Sherman

Commissioners Absent: Elaine Kahan

Council Liaisons Present: Mayor Gloria Partida, Josh Chapman

Others Present: Kelly Stachowicz, Michael Gennaco, Carrie Dyer

2. Approval of Agenda

Escamilla-Greenwald moved with second by Sherman approval of the agenda as presented.

Motion passed as follows:

AYES: Alarcon, Bliss, Canning, Escamilla-Greenwald, Horton, Jones, MacBrine, Poindexter, Sherman

NOES: None

ABSENT: Kahan

3. Brief Announcements from Staff, Commissioners, and Liaisons

- Stachowicz stated that on September 7, the City Council had a presentation Crisis Now and voted to dedicate funding to support it.*
- At the October 19 City Council meeting the subcommittee on the organizational structure of Reimagining Public Safety will provide an update.*
- Healthy Davis Neighbors Night Out will be on October 17.*
- Council and Commissions will continue to meet remotely. With the local state of emergency still in place, meetings will continue via Zoom. Council will assess each month.*

4. Public Comment

- No public comment*

5. Consent Items

A. Approval of Minutes – August 30, 2021 Meeting

Escamilla-Greenwald moved with second by Sherman approval of the August 30 minutes as presented. The motion passed as follows:

AYES: Alarcon, Bliss, Canning, Escamilla-Greenwald, Horton, Jones, MacBrine, Poindexter, Sherman

NOES: None

ABSENT: Kahan

6. Police Auditor Update

Independent Police Auditor Michael Gennaco provided an update on Auditor activities to the PAC, including updates on legislation, current caseload and other projects.

- *New legislation recently signed*
 - *Decertification Bill*
 - *Bill to require every jurisdiction to sign off on military type equipment*
 - *Additional bills will have impact on the way oversight will be performed*

Public Comment:

No public comment

7. Regular Items

A. Independent Police Auditor “8 Can’t Wait” and Use of Force Audit –

Commission discussed whether to hear presentation now or wait until November meeting. Bliss moved to listen to the presentation with follow up discussion at next meeting with second and friendly amendment by Poindexter to have a follow up special meeting for discussion, rather than wait until November.

Bliss does not accept friendly amendment. Motion withdrawn to hear presentation tonight as on the agenda.

Independent Police Auditor Michael Gennaco presented the results of his audit on use of force incidents in the Davis Police Department.

- **Auditor Gennaco covered the following general points:**
 - *One officer used force in five of the seven cases reviewed and in no cases did he verbally warn the subject of the potential use of force prior to deployment.*
 - *In each incident, the individual upon whom force was used expressed signs of being in mental health crisis and/or being under the influence of drugs*
 - *There is a real potential for mental health clinicians to play a role in City’s response to those in mental health crisis either directly through City’s response or by providing insight to the department through after-action review.*
 - *The use of force documentation and review process would be improved with a change that required a more complete written account and analysis both from the officer him/herself and the documentation and analysis of the supervisory review process.*
- **Use of Force Case Summaries**
 - *Davis police had 44,416 calls for service with 7 use of force incidents, which is .02%. The State % as reported by DOJ is .06%. Davis demonstrates this consistently over the past few years. As of August of this year, Davis has zero uses of force year to date.*
 - *The taser was used in six cases*
 - *Strikes to the upper torso were used in one case*

- *A takedown was deployed in one case*
- *A knee was applied to the neck of a prone subject (that was prior to this type of use of force was banned).*
- *All 7 incidents was found to have justification for use of force, agreed to by DPD and within audit.*
- *Recommendations that come out of 8 Can't Wait analysis*
 - *Recommend that the firing of warning shots be removed from policy*
 - *Outside mental health clinician or partnered with DPD to review incidents to see if other strategies can or should have been used*
 - *Remove shooting from a moving vehicle from policy and modify policy to be aligned with 8 Can't Wait policy.*
 - *Documentation – include efforts of de-escalation in report by officer and further report by supervisor. Officers should prepare reports individually.*
 - *Davis does not use No Knock warrants*

Commissioner questions included the following:

- *What constitutes use of force? (Differs among jurisdictions)*
- *Demography of officers involved? (information not collected)*
- *If one officer was responsible for 5 of the 7 uses of force, was there recognition within department regarding the officer's conduct?*
 - *Was there review of body cameras regarding warrants to determine if Davis is following policy? (No, judges do not sign approval of No Knock warrants in Davis. Most warrants are done by Sheriff or Probation.)*
- *Are there other kinds of after-action reviews that exist?*
- *Do policies match up with practices? Do policies match up with 8 Can't Wait? Does training match up with practices and policies?*
- *If other agencies were reporting similarly to Davis (i.e. what is considered use of force, etc.), would the Davis numbers look better or worse?*
 - *If other agencies count use of police dog or pulling a weapon count as use of force, the numbers may be different.*
- *Was there progressive discipline found in these cases?*
 - *Incidents were found to be in policy, so no discipline*
- *How are recommendations in report followed up on?*
- *Can the community determine what are considered use of force and request that specific information? (City leadership could request specific information on how many times a firearm has been pulled, etc. Hard to compare because many agencies don't push out any information.)*

Public Comment:

- *Connor Gorman – Police lie. Fact checking needs to take place.*
- *Julea Shaw – Concern that there has been no time to review report. Don't delay public outreach meeting.*

Horton moves with second by Alarcon that the current subcommittee on Audits Outreach prepare recommendations on the audit for the November meeting. Motion passed as follows:

AYES: Alarcon, Bliss, Canning, Escamilla-Greenwald, Horton, Jones, MacBrine, Poindexter, Sherman

NOES: None
ABSENT: Kahan

Escamilla-Greenwald moves with second by Sherman to extend the meeting to 9:30. Motion passed as follows:

AYES: Alarcon, Bliss, Canning, Escamilla-Greenwald, Horton, Jones, MacBrine, Poindexter, Sherman

NOES: None
ABSENT: Kahan

B. Local Voices Project Update

Anuj Vaidya of Yolo People Power, a local volunteer group committed to envisioning justice and public safety, provided an overview of their public outreach program called Local Voices. The goal of the program is to engage voices disproportionately heard from on the topic of public safety.

Public Comment:

- Connor Gorman – Supports the PAC working with Local Voices on this endeavor. Commission should formally sponsor this project with Local Voices.
- Julea Shaw – Suggest that the PAC advocate that the City officially support this project and the monetary component.

Horton moves with second by Alarcon that the Outreach subcommittee get more insights into outreach efforts and have understanding of what dollar amount is and what sponsorship would be of Local Voices project and return to the full commission with information. Motion passed as follows:

AYES: Alarcon, Bliss, Escamilla-Greenwald, Horton, Jones, MacBrine, Poindexter, Sherman

NOES: None
ABSENT: Kahan
ABSTAIN: Canning

Adjourn

Canning moves to adjourn. Motion passes as follows:

AYES: Alarcon, Bliss, Canning, Escamilla-Greenwald, Horton, Jones, MacBrine, Sherman

NOES: Poindexter
ABSENT: Kahan

Meeting adjourned at 9:44 pm.