



City of Davis
Police Accountability Commission Meeting Minutes
Monday, April 3, 2023

1. Call to Order & Roll Call

Chair Canning called the meeting to order at 6:33pm

Commissioners Present:

Mary C. Bliss, Robert Canning (Chair), Cecilia Escamilla-Greenwald (Vice-Chair), Dillan Horton, Don Sherman, John Myers, Logan Legg

Commissioners Absent: None

Others Present: Kelly Stachowicz, Assistant City Manager; Michael Gennaco, Independent Police Auditor

2. Approval of Agenda

Agenda approved by consensus.

3. Brief Announcements from Staff, Commissioners, and Council Liaisons

- A. Correspondence from Commissioner Canning - Public Policy Institute of California Law Enforcement Information Sheet

No announcements.

4. Public Comment

Stachowicz noted three written pieces of correspondence shared with the Commission:

John Myers memo on Police Auditor's report on Use of Force Canine Case

Don Sherman's email sharing an article about qualified immunity.

Jackie Brow sent the commission an email about the mental health of officers.

5. Consent Calendar

- A. Approve Commission Minutes March 6, 2023

- B. Receive Surveillance Technology Report as informational

- C. Receive 211, 988, and Crisis Now Presentation Shared with City Council on 3-7-2023 as informational

Horton moved, with a second by Escamilla-Greenwald, to approve the consent calendar as recommended. Motion passed by the following vote:

AYES: Bliss, Canning, Escamilla-Greenwald, Horton, Sherman, Myers, Legg
NOES: None
ABSTAIN: None

6. Police Auditor Update

A. Current Caseload

B. Review of Use of Force – Canine Case

Gennaco provided summary of review of Use of Force -Canine Case. Explained that the Police Department provided good example of accountability and took action when officers did not follow policy. Noted there is value in reviewing episodes if the intent of the review is to improve operations going forward. This is the purpose of the auditor.

Commission Discussion:

Commissioners engaged in discussion and asked the Auditor several questions, including the following:

- What guides an agency to determine how to investigate an incident? (Multi-agencies make it sensible to have one agency perform the investigation and helpful to have a different agency perform the organization.)*
- When we have an incident like this, what communication would we like to have with the community or others involved?*
- Would other similar cities have another jurisdiction perform its investigation? (It depends on the situation. In this case, the investigation was sent out to a private investigator.)*
- Canning: Is this an excessive use of force? (It was use of force but not consistent with policy. Using two dogs is not adhering to policy, so use was excessive.) Believes report was helpful as learning experience.)*

No public comment.

7. Regular Items

A. Discussion with Police Chief Darren Pytel Regarding RIPA (Racial and Identity Profiling Act) data, traffic stops, mutual aid, SB 50, and other current issues in law enforcement in Davis

Chief Darren Pytel explained RIPA (Racial Identity Profiling Act). City has been reporting data since 2020. Most recent analysis from January 2023 is analyzing 2021 data. Also explained that pretextual stops are legal if it is a low level stop even if intent is for a larger suspicion.

- RIPA/Traffic Stops/SB 50. RIPA data encompasses any detaining of or consensual encounter with a person. For Davis, traffic stops are three-quarters of the stops. Demographic data is based on officer's perception.*
- SB 50 questions. Chief Pytel has concerns about SB 50. For example, officers should be able to stop cyclists without lights. Would allow some portions of traffic enforcement to be completed by non-sworn representatives. Chief Pytel opposes this because traffic stops are complex*

- and sometimes dangerous. Believes adequate training and background checks are necessary to be able to complete traffic stops successfully.
- Would City be at higher risk if untrained person making traffic stops?
 - Are jurisdictions looking at technology use to reduce traffic stops and other interactions?
- Demographic Data and Benchmarking. Chief Pytel going over 2021 data now but has many questions. Trying to benchmark traffic stop data is extremely difficult (comparing perceived demographics to current population demographics) since many students are not counted in the census data and since ½ of the people stopped are not from Davis. Important to know what data is and the limitations of the data and proceed cautiously.
 - Commissioner concern about unfair treatment of people of color during traffic stops
 - How does Police Chief look at numbers and determine whether there is a disparity? (Chief: trying to “police with a purpose” to make sure there is a law enforcement purpose behind efforts.)
 - Sharing Data. Police Department preparing a fact sheet for 2021 and 2022. Department preparing a web-based dashboard to share information. Hoping to have information posted by late 2023 or early 2024.
 - Reasonable Suspicion vs. Probable Cause. Very similar but legal rule is that traffic stops require reasonable suspicion.
 - Gang Identification. Neither RIPA nor Police Department collects gang information (as part of data collection).

Mutual Aid. There are many law enforcement agencies in the State. Some state-level peace officers have jurisdiction across the state; others have more limited jurisdictions (with exceptions). Police Chief/Sheriff can give other peace officers from other locations authority. UC Davis are state level police officers. Regular jurisdiction extends one mile off campus. City and UC Davis don't provide routine back up any longer. City relies on other jurisdictions to assist as needed. There are also federal law enforcement branches.

In general, officers follow the rules of their own agency. As a practical matter, use of force policies are similar. (Many jurisdictions use Lexipol for their policies.)

Facial Recognition Technology/AB 642. AB 642 would allow this technology to be used with body worn cameras but jurisdiction would have to have strict policy about how to use it. For Davis, it is expensive surveillance technology and City does not have it. Commission discussed accuracy of recognition technology.

No public comment.

B. Appoint Surveillance Technology Review Subcommittee

Escamilla-Greenwald, Sherman, and Legg will be on subcommittee to review annual information and report back to the Commission in May with questions or comments.

No public comment.

8. Subcommittee and Liaison Assignment Updates.

A. Subcommittee on Challenges in Police Hiring Audit (Canning, Escamilla-Greenwald, Horton, Myers) – *Gennaco said that next step is to meet with Chief and begin the process to look at the hiring practices.*

B. Subcommittee on Local Voices Outreach (Escamilla-Greenwald, Horton, Legg) – *Will be meeting soon.*

9. Long Range Calendar: Upcoming Meeting Dates and/or Potential Agenda Items

- *RIPA dashboard update*
- *Would like written response from staff about moving violation fees based on income*
- *Public outreach meeting – agenda for May*
- *SB 50 legislation – consider recommending that Council support*
- *Mental health of officers*

10. Adjournment.

The meeting adjourned by consensus at 8:26pm.
