



City of Davis
Police Accountability Commission Meeting
MINUTES
Monday, April 1, 2024

1. Call to Order & Roll Call

Chair Dillan Horton called the meeting to order at 6:36 pm

Members present: Mary C. Bliss, Robert Canning (arr: 6:40), Cecilia Escamilla-Greenwald (arr: 6:40), Dillan Horton, John Myers, Don Sherman

Members absent: Elizabeth Griswold

Others present: Police Auditor Mike Gennaco, Councilmember Gloria Partida, Assistant City Manager Kelly Stachowicz

2. Approval of Agenda

Myers moved, with a second by Sherman, approval of the agenda. Motion passed by the following vote:

AYES: Bliss, Horton, Myers, Sherman

NOES: None

ABSENT: Canning, Escamilla-Greenwald, Griswold

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

Sherman shared his comments to the Bicycling Transportation and Street Safety Commission (BTSSC) about bike safety. Had a discussion with city staff and also with Commissioner Brett Lee, who expressed interest in the subject. Stachowicz explained the issue of bike safety is not under the purview of the PAC.

Horton acknowledged Arab American Heritage Month (April).

4. Public Comment

Carol Joyce: Officer removed a CPAP machine from her backyard and she would like follow up.

5. Consent Calendar

A. Commission Minutes March 4, 2024

Escamilla Greenwald moved, with a second by Canning, approval of the minutes. Motion passed by the following vote:

AYES: Bliss, Canning, Escamilla-Greenwald, Horton, Myers, Sherman

NOES: None

ABSENT: Griswold

6. Police Auditor Update

Independent Police Auditor representative Michael Gennaco provided an update on the hiring audit, which has been completed and is out for review with City.

Sherman noted that the Yolo District Attorney (DA) was holding a meeting to have businesses contact DA's office directly if there was a potential theft. Is this normal? (DA's office has jurisdiction to look into any potential breach of law.)

No public comment

7. Regular Items

A. Surveillance Technology Annual Review –

The Commission asked questions regarding the surveillance technology reports, including the following:

- Is there log of how many times Accurint is/was used?*
- Body Worn Cameras -says cameras used "when expected" What about when required? ("Expected" is used in the policy to denote "required")*
- Cellebrite: How does Inseyets system determine which files are "in the cloud" versus on a device?*
- Automated License Plate Readers: What does output look like and what do people actually see? Would like some screen shots of what parking meter person gets.*
- Remote Public Safety Cameras: What kinds of agreements do police have related to (access to) footage taken from private cameras like what you have in Marketplace shopping center?*

Public Comment:

Brian Hofer, Secure Justice: Cellebrite tech does know difference between cloud and device. Warrant must be specific. ALPR can pick up people, bumper stickers, details about car, house residential numbers, etc. City should ask whether benefits outweigh costs. Noted that the model has evolved since Davis first passed the ordinance.

Francesca Wright: Suggests a table to show technology use, to include how many times used, how many convictions as a result. Would like to know benefits of the technology use.

Natalie: Make information accessible in other languages, especially in Spanish. Why does \$12,000 camera need to be replaced?

Discussion:

Establish Surveillance Technology Subcommittee (Canning, Escamilla-Greenwald) to report back at next meeting.

Canning wanted to spread out the technology review over the year to make it less onerous. Would like to know from the Police Department if that would be better. Not sure how this would affect the Council.

Commission requests that table be made available in Spanish and that staff find out about \$12,000 camera cost and whether there is replacement fund.

B. Continuation of Facial Recognition Discussion –

Horton: Shared subcommittee process (Horton, Escamilla-Greenwald, Myers) and the draft ordinance that the subcommittee considered. Horton and Escamilla-Greenwald support an ordinance because of reliability concerns; Myers believes City should not ban.

Myers: troubled by some aspects of proposed ordinance. As written, says that the police department (DPD) could not use any facial recognition technology (FRT) information for any purpose when conducting an investigation in Davis. When you balance FRT pros and cons, it is used to solve crimes frequently. This proposal cuts off ability of DPD to use any lead under any circumstances. Concerned about victims. Would support “DPD shall not obtain its own FRT technology” until Council says otherwise.

Horton: Discrimination is still a concern, even if it was used by another agency, so should still be banned in City. Technology facts make it clear that it is discriminatory and there are no upsides to a technology that is discriminatory. Doesn't think study would be good use of time or funding.

Escamilla-Greenwald: cannot support FRT because it can misidentify people of color. Why do we think technology better than people? DPD does fine without this technology. Need to protect civil liberties.

Canning: Literature on eye witness identifying people says machines can actually be better than people. Thinks technology is flawed right now so would be in favor of a ban. Would like to see proposed ordinance cleaned up and has some suggestions.

Bliss: Technologies continue to evolve to meet societal demands. Would suggest adding a timeframe of three years to a ban and then have PAC revisit. Proposes wording for timeframe:

"The FRT ban is to last for three (5) years with a review by the Police Accountability Commission to assess 1) if facial recognition has had national standard established with safety guardrails and 2) outcomes from established FRT programs to determine if discrimination has

decreased and criminal cases have been solved by use of this technology. After this review, the PAC will make a recommendation to the City Council to either continue or terminate the ban on the use of FRT."

Sherman: This is a difficult topic and decision. Believes technology is immature and is not ready to make a decision. Believes we should consider to study. Maybe revisit in a year or so.

Public Comment:

- *Sia Patel: FRT can be used to target immigrants. Questions biometric data.*
- *Grey Crawford: in favor of a ban on FRT because of potential of mis-identification.*
- *Luanna Villanueva: In favor of ban on FRT.*
- *Simina Sumon, Secure Justice: Shared story about false positive identification, especially Asian and African American people. Supports a ban.*
- *Sam Alpers: Supports a ban on FRT because of potential to mis-identify.*
- *Evan Wallace: FRT is biased against certain groups of people. Risks too great to use this tool in policing.*
- *Natalie: Against FRT use. Doesn't want data about herself to be collected.*
- *Francesca Wright: Information does not disclose research and why certain language was chosen. Lack of empirical data in the field of public safety. Arguments in favor of FRT not strong. Supports ban.*
- *No name given: Supports FRT ban.*
- *Brian Hofer, Secure Justice: We have a right to privacy. Draft ordinance only illegal to outsource if it is intentional. There have been zero lawsuits on facial recognition bans in 20+ places that have them. In false arrests, both tech and human failures.*

Discussion:

Canning: Has suggestions for recitals and other wording, see below:

WHEREAS While surveillance technology may threaten the privacy of all of us, surveillance efforts have historically been used to intimidate and oppress certain communities and groups more than others, including those that are defined by a common race, ethnicity, religion, national origin, income level, sexual orientation, or political perspective; and

WHEREAS The propensity for facial recognition technology to endanger civil rights and civil liberties substantially outweighs its purported benefits, and the technology will exacerbate racial injustice and threaten our ability to live free of continuous government monitoring.

Prohibition on City's Acquisition and/or Use of Face Recognition Technology

City staff's inadvertent or unintentional receipt, access of, or use of any information obtained from Face Recognition Technology shall not be a violation of Section XXXXX provided that:

- City staff did not request or solicit the receipt, access of, or use of such information: and
- City staff logs such receipt, access, or use in its Annual Surveillance Report as referenced by Section XXXXX. Such report shall not include any personally identifiable information or other information the release of which is prohibited by law.

Sherman: would like to see more experiences from other locations, more data

Gennaco: Commission should consider consequences of any action/ban. Some cases it may be appropriate to utilize FRT when there is no consequence to the interaction. There is a lot of nuance to this.

Subcommittee will take comments and questions and return at the next meeting with any changes.

Horton moved, with a second by Escamilla-Greenwald, to extend to the meeting to 9pm. Motion passed unanimously

8. Subcommittee and Liaison Assignment Updates

Subcommittees will provide updates on subcommittee work or reports from commission liaison(s) on meetings attended, if any. (10 minutes)

A. Subcommittee on May 2023 Stabbing Questions (Horton)

No update

B. Outreach Subcommittee Update (Canning, Horton, Sherman)

No update

C. Subcommittee on Challenges in Police Hiring Audit – (Escamilla-Greenwald, Horton, Myers)

Heard update from Gennaco earlier in meeting. No additional update.

No public comment.

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

No comments

10. Adjournment

*Escamilla-Greenwald moved, with a second by Sherman, to adjourn the meeting.
The motion passed unanimously.*

The meeting adjourned at 8:50pm