



City of Davis
Police Accountability Commission Meeting Minutes
Monday, May 6, 2024

1. Call to Order & Roll Call

Chairperson Dillan Horton called the meeting to order at 6:34pm.

Members Present: Mary C. Bliss, Cecilia Escamilla-Greenwald, Elizabeth Griswold (Vice Chair) arr. 6:50pm, Dillan Horton (Chair), Don Sherman, John Myers

Members Absent: Absent: Robert Canning

Also present: Gloria Partida, Councilmember; Kelly Stachowicz, Assistant City Manager; Teresa Magula, OIR Group

2. Approval of Agenda

Mary Bliss concerned about time for facial recognition.

Escamilla-Greenwald suggested moving facial recognition to the front of meeting.

Escamilla-Greenwald moved, with a second by Myers, approval of agenda.

Motion passed by the following vote:

YES: Bliss, Escamilla-Greenwald, Horton, Sherman, Myers

NO: None

ABSENT: Canning, Griswold

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

Escamilla-Greenwald: Residents in south Davis concerned about people downtown pounding on their cars. Encouraged to go to the police department.

Horton: Recognized Asian American and Pacific Islander Heritage Month, and Jewish American Heritage Month. Also Mental Health Awareness Month.

4. Public Comment

- Daniel Makika, ASUCD: Facial recognition technology can be problematic for people of color and threat to civil liberties.*
- Anika, ASUCD: Concerned about use of facial recognition technology. Too invasive and violates 4th Amendment.*
- Carol Gavin: Concerned about facial recognition technology and violations of privacy.*

5. Consent Calendar

A. Commission Minutes April 1, 2024

Escamilla-Greenwald moved, with a second by Sherman, approval of the consent calendar. Motion passed by the following vote:

YES: Bliss, Escamilla-Greenwald, Horton, Sherman, Myers
NO: None
ABSENT: Canning, Griswold

6. Consider Council Subcommittee Proposed Scope of the Police Accountability Commission

Stachowicz provided a brief overview of the Council Subcommittee's proposal to update the PAC's authorizing resolution. The commission had the following comments:

- *Proposal from the Council Subcommittee summarizes the functions well.*
- *Make sure public outreach is covered.*
- *Concerned that advising role in police matters means PAC needs to see items before the Council does.*
- *Some concerned that the scope doesn't specify surveillance technology; others prefer the broad nature of the scope, as they feel it doesn't limit commission.*

Public Comment:
None

7. Regular Items

A. Surveillance Technology Annual Review –

Commission asked the following questions and provided feedback to relay to the City Council:

Questions: *The Commission had the following questions which they are hoping the Police Department will answer:*

- *Accurint: Is there log of how many times Accurint is/was used?*
- *Body Worn Cameras: What does the policy mean when it 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? (The technology can distinguish between the cloud and a device. Most data is moving to cloud-based systems.)*
A- Cellphone users typically backup data and/or store data in the cloud which can be determined by going through the device. Search warrants are written to cover cloud data. A user or the device can tell which data is coming from what source, just like the owner can.
- *Automated License Plate Readers: What does output look like and what do people actually see? PAC has requested screen shots of what parking meter person receives/sees. Concern is that camera picks up more than the plate. (Explained the output is an image of the license plate.)*

- *Remote Public Safety Cameras: What kinds of agreements do police have related to (access to) footage taken from private cameras such as the cameras in The Marketplace shopping center?*

Comments/Suggestions:

- *One commissioner suggested spreading the surveillance technology review over the course of the year and would like to know from the Police Department and City Council if this would be a better process.*
- *Commission requests that the summary table be made available in Spanish.*
- *Concern about the cost of the \$12,000 camera. (Explained the remote public safety cameras costs are high because of durability and image quality and that City does have replacement budget.)*
- *In general, the Commission would like more info on HOW the technology was used (i.e. what type of incident or call for service, etc.), what types of situations technology is used in, and what were the outcomes?*
- *There was discussion about balancing the request for more information with impeding the police department's ability to do their jobs. In general, the Commission would like more detail from the Police Department on the annual reviews.*
- *If police haven't used a piece of equipment in several years, would like to know how many years, the reasons why not and whether the police still thought the equipment was valid/important to have.*

Myers: moved that PAC pass along approval to Council. Withdrew motion.

Public Comment:

Brian Hofer, Privacy Commission in Oakland: annual reports are not compliant and lack details. Need more transparency and data.

Additional Commission Discussion:

Sherman: would like more record keeping about positives and negatives Remote Public Safety Cameras is a good example of what additional information could look like.

Partida: Helpful to take a step back and look at this from lens of accountability. What is the potential for this to be abused? Look for patterns or changes in patterns.

B. Continuation of Facial Recognition Technology Discussion (FRT)

- *Horton shared the subcommittee's slides, which talk about false matches, most of which have involved African-Americans, and low*

accuracy rates. Other communities have also looked to ban FRT.
Encouraged passage of ordinance.

- *Myers: believes ordinance is bad policy because it's a complete ban. Concerned about victims. Ignores proper use of FRT to protect victims of crime (sexually trafficked adults and children, adults who are missing, etc.). Gennaco said previously that there is a lot of nuance to facial recognition technology. Would like to have appropriate guidelines.*
- *Horton: DPD has not used this technology and has no near plans to request use of this technology. Thinks FRT doesn't have equal applications to certain populations, making it harmful.*
- *Escamilla-Greenwald: doesn't want technology to harm marginalized groups and concerned that bad police activity does happen in Davis.*
- *Sherman: Prejudicial treatment a problem, but facial recognition technology statistically better than some other methods. Marginalized people persecuted disproportionately but not due to facial recognition. Should shelve this for now.*

Public Comment:

- *Brian Hofer, Secure Justice: America has a problem with racism and laws do not apply equally to all people. Country uses facial recognition in various ways now. Accuracy rate will improve, but right to privacy in public as foundational right in country.*
- *Shivy, ASUCD: Objects to facial recognition technology or use of drones by police department.*
- *Dean Johansson: Ex-wife's fingerprint had a duplicate. 13% of population Black but 40% of inmates are Black*
- *Nora Oldwin: Haven't looked at use of technology for things like protestors. The right to be let alone is a comprehensive right. Objects to FRT.*
- *Evan, UCD: facial recognition vs. fingerprinting- stats are from Apple. In favor of a ban.*

Discussion:

- *Myers: There is no right to anonymity in public. Shelf until PAC can hear from independent police auditor.*
- *Sherman: Reasonable solution is to do nothing and wait to hear from Gennaco and Pytel.*
- *Horton: Supports a ban on facial recognition technology. They have not heard from anyone who supports facial recognition technology.*

Escamilla-Greenwald moved, with a second by Horton, to recommend that Council consider resolution to adopt a facial recognition technology ban

YES: Bliss, Escamilla-Greenwald, Griswold, Horton

NO: Sherman, Myers

ABSENT: Canning

8. Subcommittee and Liaison Assignment Updates

A. Subcommittee on May 2023 Stabbing Questions (Horton)

This can conclude.

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

No report.

No public comment

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

Moved to future meeting.

10. Adjournment

Escamilla-Greenwald moved, with a second by Sherman, to adjourn the meeting.

The motion passed by the following vote:

YES: Bliss, Escamilla-Greenwald, Griswold, Horton, Sherman, Myers

NO: None

ABSENT: Canning

The meeting adjourned at 8:50pm