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10 **HUMAN RELATIONS COMMISSION**

11 **Thursday, November 8, 2007**

12 Council Conference Room

13 Palo Alto Civic Center

14 250 Hamilton Avenue

15 7:00 PM  
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18

19 **ROLL CALL: Commissioners Present:** Atito, Blum, Khan, Mendoza, Mora, Savage **Council**  
20 **Liaison:** LaDoris Cordell **Staff:** Kathy Espinoza-Howard, Amy Johnson  
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22  
23 **ORAL COMMUNICATIONS:**  
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25 Mr. Abraham, Palo Alto resident spoke about searches as reported in Palo Alto Police Department  
26 quarterly reports. He presented charts which included data described for years 2005, 2006. He spoke  
27 about the data being on a downward slide. The conclusion is that there is an imbalance in the data.  
28

29 Mr. Aram James, a Palo Alto resident, spoke about officers who he believed as of yet, had not been  
30 punished for crimes they committed. He said that he wanted to see Officer Powers and Police Chief  
31 Johnson resign. He also spoke about how he opposed the use of tasers. He showed posters that he was  
32 co-maker of.  
33

34 Mr. Petersen-Perez, spoke about how he spent  $\frac{3}{4}$  of his life in community service. He spoke about how  
35 his civil rights were violated by the Police Chief because she purchased a telephone and plugged it into  
36 his telephone system. He is an advocate against police misconduct and claimed that nothing is being  
37 done about it. He is not anti-police but felt that they have sweeping constitutional powers and their own  
38 separate Bill of Rights. He spoke about how Chief Johnson should be removed from her position and  
39 how he wanted to see more auditors with subpoena powers and who review and make recommendations  
40 to improve the department.  
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43 **APPROVAL OF MINUTES:**  
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45 Commissioner Mora made a motion to approve the minutes as corrected for the July 12, 2007 meeting.  
46 Seconded by Commissioner Savage. AYES: unanimous.  
47

48 Commissioner Savage made a motion to approve the minutes as corrected for the September 15, 2007  
49 meeting. Seconded by Commissioner Blum. AYES: unanimous.

50 **AGENDA CHANGES, REQUESTS, and DELETIONS:**

51 None

52  
53 **BUSINESS**

54  
55 **1. DISCUSSION ABOUT CIVIL RIGHTS VIOLATIONS IN MYNMAR (BURMA)**

56  
57 Ms. Barbara Slone, a Palo Alto resident urged the HRC to adopt a resolution concerning Mynmar.

58  
59 Ms. Saw Htun, a Cupertino resident spoke about the revolution and protests in Burma. She handed out  
60 information to the commissioners. She spoke about what Buddhist Monks do for their community and  
61 how their government prosecutes them. The civil unrest and protests are fueled by government cruelty.  
62 Burma is one of the poorest countries in the world with a corrupt government. She asked that Palo Alto  
63 put sanctions on corporations in Palo Alto who do business with the Burmese Government. She  
64 concluded by asking that we use our liberty to promote theirs.

65  
66 Commissioner Atito asked for Commissioner’s comments and discussion.

67  
68 Commissioner Blum explained that he sympathized with what is going on and has been following the  
69 issue. He commented that there are too many items in the resolution that he is not aware of; he knows  
70 that the resolution will be reviewed carefully by the City Attorney. He doesn’t think this resolution will  
71 be passed by the City Council. He said that it would need to be reworked before he can vote on it.

72  
73 Commissioner Mora asked which other cities passed a similar resolution. She said that she agreed with  
74 Commissioner Blum and said that this is a disturbing issue and she would like to see a resolution that the  
75 HRC could pass. She agreed that the wording needs to be changed. She suggested that one or two  
76 commissioners work to reword the resolution.

77  
78 Council Member Cordell suggested some changes. She would like to see it reworked and given to the  
79 City Council before the new council members are appointed.

80  
81 The commissioners discussed when they would be able to discuss this further and the possibility of  
82 sending it to the City Council.

83  
84 Commissioner Mendoza and Khan agreed to work with Barbara Slone on rewording the resolution.

85  
86 **2. CONSIDERATION OF MODIFICATION OF POLICE DATA COLLECTION**

87  
88 Mr. Abraham spoke in favor of data collection. He expressed his concern that African American people  
89 are stopped more often than white people in Palo Alto, even if it is occurring subconsciously. He asked  
90 for the data collection to continue because it is important and because video tapes cannot be viewed by  
91 the public.

92  
93 Mr. Petersen-Perez spoke about how important it is for private auditors to review financial data and how  
94 people are facing prison sentences because of fraudulent financial matters. He stated that the data  
95 collection should continue and that it should be reviewed independently so that police officers can be put  
96 in prison. He believes that action is not being taken against rogue police officers and because of this, the  
97 Police Chief and City Manager should be fired.

99 Mr. Aram James thanked the previous speakers Mr. Abraham and Mr. Petersen-Perez for their  
100 comments and said that he agreed with them. He said that we need more data and that the Police Chief  
101 perpetuates the problem by not prosecuting officers for misconduct. He spoke about past cases and read  
102 from an article that referred to the absence of punishment for officers who act improperly. He spoke  
103 about how nothing is being done.

104  
105 Commissioner Savage made the suggestion for the HRC to limit police data collection to one quarter per  
106 year. She explained that the numbers have stayed the same and that the continual collection of data is  
107 not cost or time effective for staff. She explained that many positive steps have taken place such as the  
108 independent auditor review, and video cameras in patrol cars. She explained that currently data  
109 collection takes 200 hours per quarter.

110  
111 Council member Cordell asked Mr. Gennaco, the independent auditor for his opinion on the matter.

112  
113 Mr. Gennaco said that he believes it is a thorny issue. In every city, there is a perception with some  
114 people that individuals are not being treated fairly. The collection is helpful, however it has frustrated  
115 more folks than it has resolved anything. Once the data is collected there are many actions which can  
116 affect the data which is another issue. Mobility is another issue, due to driving patterns. The mere  
117 collection could be seen to provide some level of transparency. The question remains how to interpret  
118 the data for the public. A better protocol would be to look at patterns and take a wider perspective. He  
119 said that he is concerned about discontinuing data collection.

120  
121 Commissioner Blum said that he raised this issue a few years ago. The data is confusing and we haven't  
122 figured out what to do with it yet. The national trend is to collect more data not less. He said that he  
123 wondered if more could be done electronically to save with the expense. He suggested that reporting by  
124 using a few graphs and charts could be explored. He said that he is concerned about the message it  
125 sends to the minorities in the community if data collection was reduced. He said that he would feel  
126 better about reducing it, if things were getting better and recent issues had not taken place as well as the  
127 video cameras in patrol cars were on 24/7. He explained that his personal perspective is to abbreviate  
128 the reports and then review the process again in a year. If there haven't been any more issues in that time  
129 he might be convinced.

130  
131 Commissioner Mendoza spoke about how he had not heard one reason why to stop collecting the data.  
132 He said that the data is not easy to understand, he has many questions when he reviews the reports, but is  
133 not able to do anything about it. He said that finding an effective way to review the data is the question.

134  
135 Commissioner Khan said that she does not think it is a good idea to stop collecting and that doing it  
136 quarterly is not enough. If the data is not useful now, it won't be useful in a month. We need to change  
137 how the data is collected and analyzed. She recommends modifying how the data is collected and what  
138 to collect.

139  
140 Commissioner Savage stated that there is more transparency currently. A random sampling will give the  
141 entire picture. She said that she met with Commissioners Atito and Mora.

142  
143 Commissioner Atito said that he has not seen the Police make changes to correct problems. He wants to  
144 work with them to collect data, and to understand the issues of costs and time. He does not support the  
145 idea of limiting the collection of data.

146  
147 Commissioner Mora asked for clarification about whether the data is referred back to or not, because

148 Chief Johnson said that she looked at the last number of citations to see if there is a propensity to site  
149 racially and they do not refer back to the data collected.

150  
151 Chief Johnson explained that there is nothing to benchmark the data with. The data is presented to the  
152 public and the HRC. It is not utilized. They only use it to look for changes.

153  
154 Commissioner Mendoza commented that not every incident of profiling goes reported.

155  
156 Chief Johnson explained that it is a frustration of hers that if people don't report it, how can she prove it  
157 is occurring?

158  
159 Mr. Gennaco commented that it is a common problem for most agencies. There is no methodic or  
160 systemic review of the data done, except by individuals like Mr. Abraham.

161  
162 Council member Cordell commented that the issue is finding a balance. To help instill trust is a great  
163 value to her.

164  
165 Council member Cordell made the suggestion to continue the same method of data collection however  
166 the reporting would be done once from a random sampling of the data collected. The officers would  
167 continue to collect data without knowing when the data will be reviewed and/or included in the random  
168 sampling for reporting purposes.

169  
170 Ms. Cheryl Contois suggested that in addition to the next two quarters data, she will do a random  
171 sampling.

172  
173 Commissioner Atito, Savage and Mora will continue to work with Police staff on this suggestion.

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176 **3. DISCUSSION OF CODE OF CONDUCT**

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178 Commissioner Blum said he and Commissioner Mora worked on a draft code of conduct. He explained  
179 that they would like to add it to the public comment cards.

180  
181 There was a discussion about why it was needed and whether or not it might be a violation of free  
182 speech.

183  
184 Commissioner Blum explained that it can make communication more effective and it can help to build a  
185 better community by sending a message of what is important.

186  
187 Commissioner Mendoza said that it is important to hear everything a person says, no matter how  
188 colorful or awkward the subject matter is. It falls on the HRC to extract what the message is.

189  
190 Mr. Aram James, a Palo Alto resident said that a Code of Conduct feels like a clear violation of free  
191 speech.

192  
193 Mr. Abraham, a Palo Alto resident said that he agreed with Commissioner Mendoza that the problem  
194 lies in execution. He said that it is appropriate to give a gentle reminder asking for summarizing.

195  
196 Council member Cordell said that she didn't feel it was a violation of free speech, but she recommended

197 some wording changes and that it be sent to the City Attorney for review.

198

199 Mr. Peterson-Perez said that he agreed with Mr. Aram James and that his language should not be  
200 suppressed.

201

202 **Commissioner Blum made a motion that the HRC approve the guidelines as amended and to ask**  
203 **the City Attorney to review it. Seconded by Commissioner Mora. AYES: 5 NAYS: 1.**

204

205

206 **4. REPORTS FROM COMMITTEES**

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208 None

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210

211 **5. REPORTS FROM OFFICIALS:**

212 A. Commissioner Reports:

213 Commissioner Blum reported on Community Law Night at Cubberley. It was very successful and there  
214 was a good turn out of attorneys and the public. He thanked Hobeys Restaurant for providing food.

215

216 B. Council Buddy Reports:

217 None

218

219 C. Council Liaison Report:

220 Council member Cordell spoke about the vote to rename the city plaza which won by a vote of 5 to 3.  
221 She said that letters have been written and sent to the papers from individuals who did not support the  
222 change. She is concerned that it may go to the City Council for reconsideration. She asked the HRC to  
223 send letters to the paper in support of the decision.

224

225 D. Staff Liaison Report:

226 Kathy Espinoza-Howard asked for extra copies to be made when bringing materials for other  
227 commissioners. She also reported that two items from the HRC are on the agenda for the Policy and  
228 Services meeting on Wednesday at 6pm.

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231 **ANNOUNCEMENTS**

232

233 None

234

235

236 **CALL FOR AGENDA ITEMS**

237 Continued Discussion about Civil Rights Violations in Mynmar (Burma)

238 Consideration of Modification of Police Data Collection

239 Discussion of Code of Conduct

240

241 **ADJOURNMENT**

242 The meeting adjourned at 9:30 pm