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10 **HUMAN RELATIONS COMMISSION**
11 **Thursday, February 12, 2009**
12 Council Conference Room
13 Palo Alto Civic Center
14 250 Hamilton Avenue
15 7:00 PM
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19 **ROLL CALL: Commissioners Present:** Atito, Bacchetti, Ezran, Mendoza, Mora, Savage **Council**
20 **Liaison:** Yiaway Yeh **Staff:** Kathy Espinoza-Howard, Linda Larson
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23 **ORAL COMMUNICATIONS:**

24 Mr. Abraham: Gave handout regarding transient or unhoused stops by PAPD. Mr. Abraham referred to
25 the graph in his handout and stated that perhaps favoritism exists due to the economy getting weaker or
26 other factors. He did not know what kinds of stops were included in the graph data. He volunteered to
27 discuss his ideas and remarks but have still yet to be contacted by anyone from the police department or
28 the HRC. Mr. Abraham said there is a new set of data out on the website but it is difficult to find. He
29 said it would be best to use Google to find the updated data but he does not feel it is complete.
30 Commissioner Mora asked if Mr. Abraham can get his handouts to the commissioners before the HRC
31 meetings. He was told to send the information to Cubberley the Wednesday before the HRC meetings
32 and then it might be agendized after discussion.
33

34 Mr. Herb Borock: Talked about open meeting laws. He feels secret voting is in violation of the Brown
35 Act. He feels that the commissioner's names should be attached to each vote. He states that paper ballots
36 will avoid changes in voting decision.
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39 **APPROVAL OF MINUTES:**

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41 **Commissioner Atito made a motion to approve the minutes as corrected of the November 13, 2008**
42 **meeting. Seconded by Commissioner Bacchetti. AYES: unanimous.**
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44 **Commissioner Atito made a motion to approve the minutes as corrected of the December 11, 2008**
45 **meeting. Seconded by Commissioner Bacchetti AYES: unanimous.**
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48 **AGENDA CHANGES, REQUESTS, and DELETIONS:**
49

50 **BUSINESS**

51
52 **1. SUBCOMMITTEE REPORT ON POLICE ACTION PLAN**

53 Commissioner Savage said that she met with Acting Police Chief Dennis Burns and Dr Lorie Fridell
54 along with fellow commissioners Atito and Bacchetti. She also explained that Dr. Fridell is an expert in
55 the San Francisco Bay Area on racial profiling. The meeting was an introduction to Dr. Fridell and her
56 approach in studying racial bias and profiling. She teaches how to become aware in approaching others
57 in dealing with racial bias which exists in everyone. Commissioner Savage states that Dr. Fridell feels
58 that the use of collected data in changing policies or training is very important.

59
60 Chief Burns spoke about Dr. Fridell’s qualifications nationwide. He said that he feels that she will be an
61 asset in developing a new policy to a police executive model. She will be out here in the spring to teach
62 3 more classes. This is a great opportunity.

63
64 Commissioner Savage spoke of the Advisory Group which will consist of 12-15 people as suggested by
65 Dr. Fridell. There was a brief discussion about the Advisory Group; Chief Burns stated that the group
66 will hopefully be in place by April or May.

67
68 Mr. Abraham spoke of Dr. Fridell’s data qualifications as being rigorous and helpful. He spoke of her
69 data findings in San Francisco. He feels it would be a mistake to overlook any data that has been
70 collected by the Palo Alto Police Department. Commissioner Atito asked Mr. Abraham to leave his
71 contact information.

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73
74 **2. DISCUSSION ON POLICE/COMMUNITY RELATIONS**

75 Kristin Johnson: referred to an e-mail she sent to commissioners and how racism has affected her son
76 and family. She spoke of the arrest of her son and the conviction that followed. She relayed the event
77 when the whole family had been handcuffed on their front lawn. Mrs. Johnson requested immediate
78 dismissal of charges concerning her son and an open investigation of involved officers. She feels the city
79 needs to find a new Police Chief by looking outside of the Palo Alto area.

80
81 Commissioner Atito asked if there was a complaint issued to the police auditor. Mrs. Johnson said their
82 complaint was found to be unfounded by the auditor. She feels that what happened to her family was
83 inexcusable. Her family is now experiencing police racial profiling on a regular basis. She feels that the
84 conduct of the officers involved needs to be addressed. Mrs. Johnson stated that the auditor did not
85 support them as she thought he should. Commissioner Atito stated that the auditor should be looked into.

86
87 Stacy Cusulos spoke of racial fear and how it has caused medical conditions to the families involved.
88 She gave examples of racial profiling stops by police. Mrs. Cusulos read information on incidents which
89 had been previously sent to commissioners via e-mail. She asked for action and wanted to see
90 something changed in the system and the immediate dismissal of the case against her son, Jordan
91 Waugh. She gave ideas of what she feels will improve the Palo Alto Police Department.

92
93 Commissioner Savage said the HRC has no power to change anything or do anything but can make a
94 recommendation to City Council to make changes. Commissioner Mora reiterated that the City Council
95 has the ultimate say. Ms. Cusulos said that we need to find the mechanism that repairs the police racial
96 profiling problem and asked the HRC to please start an avenue of change.

97 Commissioner Ezran passed out a handout about issues raised by the two cases. He spoke of how he felt
98 that it was important to hear these two incidents and take care of the problem. Commissioner Ezran

99 believed that there might be a few officers who should not belong to the PAPD. He wants the City
100 Council to re-evaluate the current police auditor function to make it more independent. . He asked
101 Acting Chief Burns to dismiss both cases mentioned above immediately as well as issue an apology by
102 the department.

103
104 Chief Burns responded that there are 7 incidents being investigated at this time. It is at the top of the list
105 to get the investigations concerning the Johnson and Cusulos case completed as soon as possible. He
106 spoke of keeping an open dialogue with the public but there are limitations as to what can be released.

107
108 Commissioner Mendoza stated that an independent police auditor may not be accurate because he feels
109 they are limited to using the police investigation already done and not the data that went into the
110 investigation. Chief Burns said the auditor is given everything that the Police department has collected,
111 nothing is held back.

112
113 Commissioner Ezran asked why the auditors did not talk to the families involved. Chief Burns stated
114 that the auditor is not to do the investigation but to review the investigation. Commissioner Ezran
115 commented that perhaps a more in-depth auditor needs to be hired.

116
117 Commissioner Mora asked if the Auditor gets everything including letters written by the families.
118 Chief Burns responded that the recent letters have been sent to the auditor.

119
120 Commissioner Bacchetti stated that there needs to be built into the department a more effective training
121 program and that this deserves high priority. He feels that the HRC should work with the police
122 department to create the program so that these issues may diminish. There should be an emphasis on the
123 broad departmental systemic behavior.

124
125 Commissioner Mora asked Chief Burns if he is seeing any consistency in the complaints over the last 5
126 years. Chief Burns said that he feels it is flat and there has not been a spike in complaints.

127
128 Kristin Johnson handed out photos of her son's injuries that she alleges to be due to police interaction.
129 She questioned how the auditor is working with the department and wanted to know who has the power
130 to get things done.

131
132 Councilmember Yeh asked Chief Burns if the quarterly reports will be available soon. Chief Burns
133 responded that they will be ready soon and answered questions about what has been done already to
134 repair the racial relations between the police department and the public explaining that they are meeting
135 with community advisory groups, holding focus groups within Palo Alto and neighboring jurisdictions,
136 sending command staff to tools for tolerance classes. He explained that the police department purchased
137 programs for continual training for every officer. They are working with Dr. Fridell to develop field
138 training programs and 55 hours of training for every officer to keep them updated in current policies.
139 There will also be meetings with local students to discuss police related issues as well as meetings with
140 the faith community.

141
142 Councilmember Yeh asked if the public can see the full information packet which was supplied to the
143 auditor by the police department. Chief Burns explained that they cannot, due to legal statutes.
144 Councilmember Yeh then asked about reporting guidelines and how is the reporting being kept track of
145 and getting to the right places. A brief discussion followed on how the auditing and complaint
146 processing works and how the HRC could be more useful to the City Council in helping with the
147 problem.

148 Commissioner Bacchetti stated that we need to know the whole picture in do our homework on all
149 perspectives involved. This way the HRC will be able to develop a fair and objective basis for any
150 recommendations it may wish to make.

151

152 (5 minute break at 8:40pm)

153

154 Commissioner Atito excused himself from the meeting.

155

156

157 **3. FOLLOW UP DISCUSSION ON CITY COUNCIL PRIORITY SETTING**

158 Commissioner Bacchetti spoke about how PAGE met with several organizations on the idea of civic
159 engagement for the common good. They developed a proposal which the Council acted on favorably at
160 its January 2009 priority-setting meeting. Among the points in the proposal was the importance of
161 linking talking to teaching and listening to learning if genuine engagement is to occur. Civic
162 engagement is more of a process than a result; a verb more than a noun. He reported that a proposal is
163 being worked on by city staff and will go to the City Council in a matter of weeks on staff's
164 recommendations for implementing the priority. Staff is considering the HRC/PAGE proposal on
165 Building Civic Engagement into Civic Business as part of what it will recommend to the Council.

166

167 Councilmember Yeh said there was some dissent within City Council concerning the idea of civic
168 engagement for common good. He thanked the HRC for helping members within the council change
169 their mind to feeling comfortable with the idea.

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171

172 **4. REPORTS FROM COMMITTEES**

173 None

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175 **5. REPORTS FROM OFFICIALS:**

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177 **A. Commissioner Reports:**

178 Commissioner Ezran reported on World Music Day. He said that Kathy Espinoza-Howard is working
179 on the CMR to go to City Council in April to waive permit fees and extra policing and to approve the
180 event. A brief discussion followed on the probability of the event happening and the ability to produce
181 this event with limited funds.

182

183 Commissioner Mendoza reported on the HSRAP committee meetings. He stated that next month
184 recommendations will be submitted to the HRC.

185

186 Commissioner Savage spoke about the idea of a Palo Alto welcome sign.

187

188 Commissioner Mora reported on the recent Palo Alto Mediation Program Event. Both she and
189 Commissioner Ezran attended the event and were introduced to Ric Rudman, Manager of the Palo Alto
190 Mediation Program. She explained that she is working on a program to train facilitators/mediators who
191 can be used for civic engagement mediation.

192

193 **B. Council Buddy Reports:**

194 None

195

196 **C. Council Liaison Report:**

197 Councilmember Yeh reported that he informed the City Council of the Buddy program. He also spoke of
198 the citywide Martin Luther King celebration and said it was very inspiring hearing the letters written by
199 students. He spoke about the upcoming issue of the high speed rail. He announced February 27, 2009
200 there will be a community meeting of the project; more information is available on the city's website.
201 He said that he will forward the meeting information to Kathy Espinoza-Howard. He also spoke about
202 the prevailing wage discussion which will be heard in March and the City Council is expected to take a
203 final vote. He mentioned the Stanford sustainability committee and commented that Stanford has
204 growth boundary issues. He spoke of the city's budget deficit problem and said that it is being
205 addressed with minimal impact but cuts may be imminent; there is a 5 million dollar deficit the first year
206 and then 8 million dollars deficit the next year.

207
208

209 **D. Staff Liaison Report:**

210 Kathy Espinoza Howard reported on the 3 positions expiring for Commissioners Mendoza, Bacchetti
211 and Atito. Commissioner Mora requested that if we do not get more than 3 applications we should
212 request that the vacancies be opened up again.

213
214

215 **ANNOUNCEMENTS**

216 None

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218

219 **CALL FOR AGENDA ITEMS**

220 HSRAP Funding Recommendations.
221 Recommendation of Welcome Sign at Entrance to Palo Alto
222 Discussion of Police Citizen's Advisory Group.

223
224

225 **ADJOURNMENT**

226 The meeting adjourned at 9:22pm.