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11 **HUMAN RELATIONS COMMISSION**

12 **Thursday, September 3, 2009**

13 Council Chambers
14 Palo Alto Civic Center
15 250 Hamilton Avenue
16 7:00 PM
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20 **ROLL CALL: Commissioners Present:** Bacchetti, Bernardo, Ezran, Hamilton, Khan, Mora, Savage
21 **Council Liaison:** Yiaway Yeh **Staff:** Greg Hermann, Amy Johnson, Linda Larson
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24 **ORAL COMMUNICATIONS:**

25 Mr. John Abraham spoke about recent Palo Alto Police Department traffic stops. He handed out a graph
26 he created which referenced the number of moving hazards, equipment violations, penal code, other
27 code and pre-existing stops. He concluded that the data shows there is a problem and asked the
28 commission to look at the data that he has provided.
29

30 Mr. Mark Peterson-Perez spoke about Sgt. Dan Ryan and how he found him to be articulate and
31 intelligent and said that as the spokesperson for the PAPD he can put a positive spin on a wrong event
32 and show it in a favorable light. He also spoke about how police officers use their power to abuse
33 women and handed out a newspaper article. He concluded that these hidden crimes need to be
34 addressed.
35

36 Mr. Aram James provided several newspaper articles on various topics. He spoke about how there is not
37 enough information being provided about the other candidates for Police Chief. He complimented Jim
38 Keene for providing the names of the three finalists. Only Interim Chief Burns has spoken to the press,
39 the other candidates have refused to speak to the press. He concluded by speaking against the use of
40 tasers.
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43 **APPROVAL OF MINUTES:**

44 Commissioner Mora made a motion to approve the minutes as corrected of the May 14th, 2009 meeting.
45 Seconded by Commissioner Hamilton. AYES: unanimous.
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47 Commissioner Bacchetti made a motion to approve the minutes as corrected of the June 18, 2009
48 meeting. Seconded by Commissioner Khan. AYES: unanimous.
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50 Commissioner Bacchetti made a motion to approve the minutes as corrected of the July 9, 2009 meeting.
51 Seconded by Commissioner Ezran. AYES: unanimous.

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

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57 **BUSINESS**

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59 **1. INTRODUCTION OF INTERIM STAFF LIAISON TO HRC AND UPDATE OF**
60 **COMMUNITY SERVICES DEPARTMENT RETIREMENTS BY INTERIM DIRECTOR**
61 **GREG BETTS.**

62 Mr. Greg Betts, Interim Director of Community Services Department introduced himself to the
63 commission and provided an update regarding the recent management vacancies in the department and
64 provided an organizational chart which detailed how the vacancies would be covered by existing
65 management staff. He explained that CSD has developed an interim plan that is intended to keep
66 operations working. Mr. Betts announced that Recreation Supervisor Shia Geminder has temporarily
67 taken over the supervision of the Cubberley Community Center and Special Events Supervisor Minka
68 Van Der Zwaag has temporarily taken over the supervision of the functions of the Human Services
69 Division. Mr. Betts commented that this interim plan is in place until a new CSD Director is hired.

70
71 Mr. Betts also announced that staff of the City Manager's Office is stepping in to fill in temporarily as
72 liaisons for two of CSD Commissions. Mr. Greg Hermann will be the liaison to the HRC and Kelly
73 Morariu will be the liaison to the Public Art Commission. Mr. Betts thanked Ms. Linda Larson and Ms.
74 Amy Johnson for their continued assistance to the HRC.

75
76 Mr. Betts introduced Mr. Greg Hermann and provided a brief bio of his past experience and educational
77 background. Mr. Betts also thanked Mr. Hermann for agreeing to be the liaison to the HRC.

78
79 Commissioner Ezran questioned what the role would be for the proposed marketing officer position as
80 indicated on the organizational chart. Mr. Betts explained that the goal of the position would be to find
81 better consistency of marketing among the divisions.

82
83 Commissioner Bernardo asked if the organizational chart was interim or permanent. Mr. Betts
84 explained that any permanent decisions would be made by the new CSD Director when hired.

85
86
87 **2. COMMUNITY SERVICES DEPARTMENT DIRECTOR RECRUITMENT OUTREACH**
88 **WITH CITY MANAGER JIM KEENE.**

89 City Manager Jim Keene said that he was here tonight to ask for feedback regarding the desired qualities
90 of the new CSD Director. Mr. Keene said that he invited any phone calls and/or emails from the
91 commissioners regarding what qualities they would like to see in the new CSD Director. The
92 recruitment brochure will be available later in the month. The planned timeline is as follows:
93 Recruiting- October, Interviews - November, Hire – December.

94
95 Mr. Keene asked for any current issues of the HRC that should be included in the brochure and
96 additional information that should be given to recruiter.

97
98 Commissioner Bernardo asked for a copy of the job description. Staff agreed to send it to her when

99 available.

100

101 Commissioner Bacchetti commented that he would like to see the next Director who understands the
102 need for and projects the image of a diverse and inclusive community.

103

104 Commissioner Ezran commented that the next Director should have multiple talents with a background
105 of experience working with the non-profit world.

106

107 Commissioner Mora commented that the next Director should be someone who is willing to go out in
108 the community. She also thanked Mr. Keene for soliciting the HRC for their input for both this position
109 and the Police Chief position.

110

111

112 **3. HATE CRIMES PRESENTATION BY FBI SPECIAL AGENT TAMARA NEIMAN**

113 Mr. Aram James spoke about hate crimes caused by local law enforcement. He spoke of a past case and
114 asked Ms. Neiman to speak to it. He also spoke about the use of tasers and how he believed it is a form
115 of torture. Mr. James also spoke against officers who use canines to brutalize suspects before they go to
116 trial. He also spoke of an incident in which he encountered a Los Altos Officer who he thought was a
117 Palo Alto officer.

118

119 Mr. Mark Peterson Perez said that he appreciated the agent being here tonight. He spoke about hate
120 crimes from police officers and referred to a newspaper article in which an officer sexually assaulted a
121 female motorist after stopping her for a traffic violation. He spoke about unlawful activities against his
122 step-daughter and ex-wife and how they were assisted in leaving the area.

123

124 Commissioner Savage introduced FBI Agent Ms. Tamara Neiman.

125

126 Ms. Neiman provided a pamphlet titled "The FBI's Civil Rights Program." She spoke of the FBI's top
127 10 priorities and explained that "Civil Rights Violations are #5 priority. She explained that she is the
128 Civil Rights Program Coordinator for the Bay Area which includes the area between the Oregon Border
129 to south of King City and east to Fairfield. There are four sub-programs: Hate Crimes, Color of law,
130 Human Trafficking, and Freedom of Access to Clinic Entrances (FACE).

131

132 Ms. Neiman briefly spoke about Hate Crimes and Color of Law.

133 The FBI has a three-prong test in which an incident must meet all three criteria to be considered a hate
134 crime. There must be a threat or use of violence, the crime must be motivated by bias against a person's
135 race, religion or national origin/ethnicity, and finally, there must be an interference with a federally
136 protected activity which is a right that is available to the general public. She provided some examples.
137 She said that the FBI receives many reports of hate crimes that do not meet their criteria. She also spoke
138 about how the media does not accurately provide the details of incidents and she encouraged people to
139 wait until the investigation is complete and not to come to an early conclusion. Currently crimes
140 involving sexual orientation are not included as a federal hate crime, but soon will be. A bill has been
141 passed by the House of Representatives and is in the Senate now, and is supported by the President. She
142 commented that this will have a huge impact on the number of allegations they receive in the Bay Area.
143 On the local level, crimes regarding sexual orientation are considered to be hate crimes.

144

145 Commissioner Ezran asked for an explanation for the increase in the number of incidents in 2008. Ms.
146 Neiman accounted this to an increase in outreach. Any decrease can be attributed to 9/11 and has
147 steadily been going down.

148 Commissioner Hamilton commented that attributing a motive to a hate crime must be very difficult and
149 asked what factors might cause an investigator to cross the line to conclude something is a hate crime.
150 Ms. Neiman responded that the FBI does a background check to see if the accused is affiliated to
151 something in their background to indicate a bias and they talk to witnesses; sometimes a pre-existing
152 condition is the motive.

153

154 Commissioner Bernardo asked about what tips the FBI has for prevention. Ms. Neiman said that it is
155 hard to change people's prejudices. Providing public information is the best way to handle the crimes.
156 Education of what is a hate crime and reporting it to the correct agency.

157

158 Commissioner Bacchetti asked about local prosecution vs. federal prosecution for hate crimes. Ms.
159 Neiman said that the FBI may prosecute for reasons that a local agency might not want to. If the FBI
160 gets started later in an investigation after a local investigation, it is very difficult. They prefer to do
161 investigations simultaneously because there is no double jeopardy in these cases.

162

163 Commissioner Bernardo asked about prosecuting hate crimes among juveniles. Ms. Neiman said that
164 they do not have federal facilities for minors; their subjects must be 18 years old. They refer juvenile
165 cases to the local level.

166

167 Ms. Neiman spoke briefly about the Color of Law. These types of cases are hot and sensitive topics
168 involving abuse of power among on-duty officers. These cases are referred to FBI from local, state and
169 correctional officers. Only about 3% of all letters she receives are actual violations. The FBI does
170 respond to every letter they receive. Some of the complaints they receive involve not being allowed
171 medical treatment, or when people feel they were mistreated when being taken into custody. She
172 provided an example of someone who complained that he was abused by four officers while in a holding
173 cell, however when they viewed the tape, they learned the accusations were false. Filming is crucial to
174 these types of complaints. She also explained that the FBI looks into every officer shooting and taser
175 death.

176

177 Ms. Neiman commented that the FBI could open a separate investigation of police officers with the
178 Department of Justice, even if officers were acquitted in a criminal trial. She commented that she could
179 not disclose what officers or agencies have been investigated.

180

181 Councilmember Yeh asked about taser cases. Ms. Neiman said that the FBI does not have a federal
182 policy regarding the use of tasers. They must refer to local department policy as well as looking into
183 taser training of officers.

184

185

186 **4. CONTINUED DISCUSSION OF PROPOSED CIVIC ENGAGEMENT AWARD.**

187 Mr. Mark Peterson Perez spoke about civic engagement. He said that he previously wrote a petition that
188 he felt the City Attorney was wrong when he reported to Mr. Perez's employer that Mr. Perez was
189 harassing city employees. He also commented that the constitutional amendment allows him the right to
190 speak his mind.

191

192 Mr. Aram James spoke about the constitutional amendment of free speech and how he has the right to
193 criticize public law enforcement.

194

195 Commissioner Khan provided an update on the proposal of a Civic Engagement Award. She explained
196 that she has looked at other awards for examples of the process such as the Chamber of Commerce

197 Athena and Tall Tree Awards. In these cases, the previous recipient of the award makes the nomination
198 for the next. The recipients must be members of the Chamber of Commerce. She also contacted
199 Avenidas regarding the Avenidas Award. She mentioned that Commissioner Bacchetti was the recipient
200 Lifetimes of Achievement award in 2009 and asked him to speak about his experience. Commissioner
201 Khan said that with these awards, there are no live interviews and that an HRC award would
202 complement the other awards because Chamber of Commerce Awards are for businesses and the
203 Avenidas award includes a particular demographic.

204
205 Commissioner Bacchetti spoke briefly about what a great experience it was to receive the Avenidas
206 Award.

207
208 Commissioner Khan suggested that the HRC start with one or two awards; one for a youth, and one for
209 an adult, and see how the process works. She suggested forming a subcommittee of 3 members from the
210 HRC with a goal that by the October the subcommittee could make a presentation including a
211 nomination application, and a proposed timeline.

212
213 There was a brief discussion about the need to define “Civic Engagement” and get to public comment.
214 Commissioner Khan asked that at the next joint meeting with City Council the idea should be discussed
215 to see if the HRC could gain support from City Council. She would like to open nominations in
216 November and close in January, and then announce the recipient of the award at the Mayoral Address in
217 March. She asked for two other volunteers to join her on a subcommittee.

218
219 There was a brief discussion about the estimated time involved for this award. Commissioner Khan
220 estimated that it would take approximately 15 hours.

221
222 Commissioner Bernardo commented that from her experience, the task of being on a nomination
223 committee can be very labor intensive.

224
225 Commissioner Ezran suggested that it is necessary to define the criteria for selecting nominees in such a
226 way that we target a limited universe of potential applicants.

227
228 Commissioner Hamilton asked about the purpose of the award. It was discussed that it should motivate
229 residents to be civically engaged. He is concerned that the time is limited for this project and there is
230 not way of knowing if it will be successful.

231
232 Commissioner Khan commented that another purpose of the award is to brand the HRC name and to
233 engage more youth in the community.

234
235 Commissioner Mora commented that she and two other former commissioners had started this idea
236 several years ago, but did not pursue it further. She is grateful for Commissioner Kahn’s efforts at
237 reviving the Civic Engagement award and appreciates the commitment Commissioner Kahn has put into
238 making this happen before her term expires.

239
240 Commissioner Ezran also supported the idea and commented that by word of mouth this will bring
241 something very important into the community.

242
243 Commissioner Bacchetti commented that might be a bad time for this project because many people are
244 involved in upcoming City Council elections. He believed there is a great deal to work out and he
245 worries about how fast it can move with Commissioner Khan leaving the HRC at the end of her term, in

246 March.

247

248 Commissioner Hamilton commented that having a study session to spearhead this project and asked
249 about doing outreach to the neighborhood associations who may have different viewpoints.

250

251 Commissioner Khan commented that she wants to engage the community and because of modern
252 technology, she believes the process can be done quickly. She said that she will consider idea successful
253 if the HRC gets more exposure and promotes civic engagement.

254

255 Council Member Yeh commented that setting up a subcommittee does not mean the award will be
256 agreed upon and that he believes that a clear criteria and timing is important. This coming year will be
257 an interesting one because of term limits and upcoming turnover in City Council. He agreed that
258 coming up with a clear definition of civic engagement has been challenging. He was also concerned that
259 this may be a big commitment for Commissioner Khan and what happens to the project if it cannot be
260 continued when she leaves.

261

262 Commissioner Savage suggested that the HRC form a subcommittee. After a brief discussion,
263 Commissioners Bernardo, Khan and Ezran agreed to form a subcommittee.

264

265

266 **5. FOLLOW UP DISCUSSION TO PRIORITIZE PROJECTS AND DISCUSS** 267 **MEASURABLE OUTCOMES**

268 Commissioner Bernardo suggested that this item be moved to another meeting.

269

270 Commissioner Savage asked Mr. Hermann, if this discussion can be used in the “see-it” program. He
271 agreed to look into it.

272

273 Commissioner Khan commented that many ideas were created by individuals, and suggested that each
274 person complete a template for the projects they want to pursue in the coming year.

275

276 The commissioners decided to continue this discussion next month and to complete templates for their
277 projects.

278

279

280 **6. REPORTS FROM COMMITTEES**

281 Commissioner Savage reported that the subcommittee completed interviews of all applicants for the
282 Palo Alto Police Department Citizen’s Advisory Committee and that the final decision will be made by
283 Interim Chief Burns. The purpose of the Citizen’s Advisory Committee will be to advise the chief and
284 provide a two – way communication between the public and the department.

285

286 There was a brief discussion about whether the meetings will be closed or open to the public.

287 Commissioner Ezran said he felt that the meetings had to be open; otherwise the Citizen’s Advisory
288 Committee will lose much of its purpose.

289

290 Commissioner Hamilton asked Commissioner Bacchetti for an update about the HRC’s supported
291 proposal for running effective meetings to increase civic engagement. Commissioner Bacchetti said that
292 he does not believe that any action has been taken after submitting the CMR to City Manager’s office.
293 The “See it” program was a very engaging topic of discussion at the City Council meeting so they ran
294 out of time at the meeting. He suggested that Policy and Services needs to look deeper into the idea.

295 Mr. Hermann commented that if the HRC was able to pilot some of the ideas, it could be entered into
296 “See-It” to measure progress.

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298

299 **7. REPORTS FROM OFFICIALS:**

300 **A. Commissioner Reports:**

301 Commissioner Mora reported that she attended a Healthcare Reform Forum hosted by Congresswoman
302 Anna Eshoo. Over 1000 people were crowded into the un-air-conditioned Spangenberg Theatre. As with
303 so many other Healthcare Reform forums, this one had isolated disruptive behavior. Anna Eshoo
304 handled the few uncivil participants respectfully. Commissioner Mora said she will be facilitating a
305 meeting in Redwood City regarding the high speed rail and will attend another sponsored meeting by
306 Anna Eshoo.

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Commissioner Mora also commented that she and several other commissioners attended a “Meet the
Chief” event at Jerusalem Baptist Church.

311 **B. Council Buddy Reports:**

312 None
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314 **C. Council Liaison Report:**

315 Councilmember Yeh said that he always enjoys his time as the liaison to the HRC and the topics of
316 discussion. He commented that there will be a good mix of policy debates coming up and the various
317 kick-off events for the City Council candidates. He commented on a recent successful event held at the
318 Cubberley Theater, Mayor Drekmeier moderated the event to discuss recent teen suicides. He also
319 announced an upcoming Moon Festival Event sponsored by the Palo Alto Menlo Park Mother’s Club at
320 5:00pm to 8:30pm in October.

321
322

323 **D. Staff Liaison Report:**

324 Mr. Greg Hermann introduced himself and said that he is very interested in this commission.
325 He reminded the commissioners of the upcoming Board and Commission scheduled trainings. He
326 reported on a meeting he attended regarding the recent teen suicides and said that the group will meet
327 again. He said that he also met with Mayor Drekmeier about the recent community meeting.

328
329

ANNOUNCEMENTS

330 Commissioner Bernardo commented that she will not be at the next meeting.
331

332 **CALL FOR AGENDA ITEMS**

333 Continued Discussion of Proposed Projects & Consolidation of Projects
334 Update on Police Department Citizen’s Advisory Committee
335 Update on Proposed Civic Engagement Award

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338 **ADJOURNMENT**

339 The meeting adjourned at 10:16pm