



HUMAN RELATIONS COMMISSION

Thursday, March 8, 2018

Community Meeting Room

Palo Alto Civic Center

250 Hamilton Avenue

7:00 PM

REGULAR MEETING

I. ROLL CALL

Commissioners Present: Alhassani, Brahmhatt, Chen, O’Nan, Lee, Stinger

Council Liaison: Council Member Wolbach

Staff: Minka van der Zwaag, Mary Constantino

Chair Stinger: Good evening to the March 8th Human Relations Commission meeting. Thank you all for being here. We’ll start with the roll call please, Mary.

II. AGENDA CHANGES, REQUESTS, DELETIONS

Chair Stinger: Are there any agenda changes, any requests or deletions?

III. ORAL COMMUNICATIONS

Chair Stinger: If not then I’ll move onto oral communications and we do have some oral communications, thank you. I will ask Mary to time us for three minutes and first is Palo Alto Free Press. Can I have a name too, please?

Mark Petersen-Perez: Mark Petersen-Perez.

Chair Stinger: Mark, thank you.

Mr. Petersen-Perez: Where would you like me to...

Ms. Minka van der Zwaag, Human Services Manager: Please, over there.

Chair Stinger: I’ll turn my mic off.

Mr. Petersen-Perez: It has been years since I have addressed the Commission. My name is Mark Petersen-Perez and I’m the publisher of Palo Alto Free Press. I live in Nicaragua in a City called Tequan Tempe, Nicaragua. Just a – now I’ve – this is my eighth trip to the US and I think that on all of my vehicles I’ve probably put at least a hundred thousand miles. Now, I will say this about the Palo Alto Police, in all of my travels it has been the only policing agency that have ever pulled me over. I was ticketed for not having a California plate, California driver’s license, limousines window tint and so I had to post a \$1,000 bail to go before – I think his name was – well I referred to him as mad, mad, madden. He asked me how long I had been in Palo Alto and I

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said my truck had been here for about 5-years unregistered. Long story short is that after presenting my case, I had indicated that it's not reasonable for a foreign visitor to go to New York, live there or travel New York for six months and be required to obtain a driver's license and a plate. California DMV laws require that after being here 30-days, you have to get a plate – California plate and driver's license etc. etc. etc. Being retired I didn't meet that criteria so long story short, the judge said that he was going to take it under advisement, which he did, received a letter in the mail along with my \$900.00 check which was great. I think if you look at the – historically the past of the Palo Alto Police Department, they have been engaged in some of the outrageous racial profiling in any Bay Area community. It's well documented and I'm hoping that you'll take a look at how minorities are treated in this country. I personally feel that I have been on the receiving end of some of that racism and I'm hoping that you and the Chief will make some forward movements in changing that perception. So, that's what I'm hoping for, thanks.

Chair Stinger: Aram James, please.

Aram James: Thank you. It's a pleasure to be here tonight. I use to be a regular here. Madam Chair, I would just want to bring to your attention to the California Public Workers Act that people can speak without giving their name, unanimously. So, I just think you need to know that and Palo Alto Free Press is just fine. I've given all of you a piece called there's no excuse for Taser use in our jails. This is a rhetorical question, I'm not asking for an answer but can any of you tell us – tell me when Tasers were first introduced in the City of Palo Alto? The answer May of 2007 after a very contentious battle with the former, very controversial Police Chief by the name of Lynne Jonsen. There was a Taser Task Force and some of the members of the task force were members of the Human Relations Commission. Mark Petersen who just spoke assisted me and I was the only person invited by Jay Boyarsky, District Attorney, to speak in opposition of Tasers. There was a series of people from Taser International and other Police Chiefs that all supported Tasers. The Commission came out – the Taser Task Force I should say seven to two in support of Tasers. By the time it got to the City Council, we kept doing our educational thing, it came five to four. The night of the vote in May of 2007 it was four to four and Councilwoman LaDoris Cordell was the deciding vote for Tasers; that surprises some people. She then subsequently became former Superior Court Judge. Wonder women; we don't agree her vote on that issue; she became the Independent Police Auditor and was very successful. Did a great job in the City of the San Jose but that's the history of Tasers in the City of Palo Alto. For the last 10-years or more – actually, since 2005 when (inaudible) Tran was killed by Chad Marshall of the San Jose Police Department, a diminutive vietnamese mother of two, we have pretty much spoken all over the State. My colleague Richard Konda, the Executive Director of Asian Law Alliance and the Coalition of Justice and Accountability co-wrote this piece. On the Taser piece, I'd ask you to read it carefully and I'd like the Commission to consider taking a position against Tasers in our jails. You'll see from the article, I've met our coalition twice, very respectful and I have a lot of respect for the Sheriff Lori Smith. We've talked with her twice, we've talked with Jeff Rose the District Attorney, the Public Defender, the County Council and yesterday we met with Board of Supervisor Member Cindy Chavez. Since the City of Palo Alto is part of the County of Santa Clara and that's your jails, it's not a far reach to ask you to take a human rights position against the nuanced issue of Tasers in the jail. When you read this piece, you will see that there – out of the 1,005 Taser confirmed by the extraordinary now seven-part series put out

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by Reuter that started in August and now it's gone through February. There have been 105 documented deaths in the jails in the country. The videos that they got through the Public Record Act from twenty-two jails are horrendous. The United Nations has got involved because of the torture that is observed in the jails. Palo Alto, they have very rarely used Tasers and I commend them for that. I've talked with Chief Burns and I think what you'll see in this article is that departments that are extortionary well trained, rarely ever use the Taser because now the manufacture, now named Axon, previously TASERE International, put out a 4,500 word warning, seven pages, that tells you, you can't shoot in the eyes, the face, the genitals, you can't tase the mentally ill, and you can't tased the disabled. So, basically, if you comply with the warnings, you are rarely, if ever, going to use it. On the other side, the irony is if you don't use it, they have insolated themselves from liability. That's the manufacture and the cities are now paying out and you'll see in the article – it's not my statistics, it's Reuter's Extortionary Journalistic Enterprise. They've paid out over \$173 million, municipalities, out of the pockets and we're asking that the money go for community relations with the police department. More 21st century policing, a framework the Department of Justice came up with. I think there are a lot of extortionary members of the Palo Alto Police Department. I want them to look at 21st century policing techniques and Tasers are not consistent with that. Thank you very much.

Chair Stinger: Thank you. I have no other cards for oral communications.

IV. BUSINESS

1. Recommendations to Finance Committee for Community Development Block Grant (CDBG) Funding for Fiscal Year 2019

Chair Stinger: I'd like to move to our first agenda item under the business section and that is the recommendations to the Finance Committee for Community Development Block Grant (CDBG) funding for the fiscal year 2019.

Erum Maqbool: Good evening Chair Stinger and Commissioners. My name is Erum Maqbool and I'm the CDBG Staff Specialist. I'm here tonight to give you a brief overview of the fiscal year 2018-2019 CDBG allocation process. CDBG is a principal federal program and the City of Palo Alto receives funding from the US Department of Housing and Urban Development as an entitlement city under the CDBG program. Activities funded through CDBG must meet one of the three national objectives. First is benefit low end and very low-end income persons, the second is aide in prevention or elimination of slums or blight and the third is meet other community needs that are particularly urgent for the low-income community. All of the activities funded by the city meet the first objective. The CDBG federal appropriations for fiscal year 2018 and 2019 have not yet been determined. For budgeting purposed, city staff estimated the city HUD entitlement grant for fiscal year '18-'19 based on a ten percent reduction and the funds from fiscal year '17-'18. The estimated CDBG entitlement amount for this year is \$392, 678 which is a ten percent reduction of the current CDBG entitlement grant. The total estimated funding available for the location in fiscal year 2018-2019 is \$578,296, which consists of the estimated entitlement grant of \$392,678, the estimated program income of \$136, 049 and \$49,569 in prior year resources. CDBG has five funding categories in which to allocate funds. One is Public Services, second is Planning and Administration, third is Economic Development, forth is Housing Rehabilitation and the fifth is Public Facilities. According to federal regulation there is a maximum spending cap on Public Services and Planning and Administration. So, for

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Public Services they have a maximum spending cap of fifteen percent of the entitlement grant and fifteen percent of actual program income received during the previous fiscal year. Therefore, the maximum that can be allocated for Public Services for this fiscal year is \$87,078. Similarly, for Planning and Administration, there is a spending cap of twenty percent on the entitlement grant and program income from the following fiscal year. Therefore, the maximum that can be allocated for under this category in this fiscal year is \$105,745. For the rest of the three categories, there is no cap in place so I mean you guys can do whatever you want. The CDBG process currently operates under a 2-year funding cycle and this the second year of the 2-year funding cycle. Funding allocations are now required for fiscal year 2018 and 2019. So, the HRC Selection Committee consisting of Commissioner Mehdi, Chair Stinger, Commissioner Brahmhatt, we met on February 15th, 2018 and made funding recommendations which are provided as Attachment C of the Staff memo. Since we still don't have the entitlement amount from HUD, it is very important to come up with a contingency plan in the event that there is an increase or decrease in funds. Staff proposed that increase or decrease in funds be distributed according to the following contingency program – adjustments, sorry. For the Public Service category, it is recommended that in case of the funding increase, to distribute the additional available amount in the Public Service cap until an applicant is fully funded. If an applicant reaching the funding amount requested, any remaining funds will be distributed or to other applicants who have not yet reached the maximum funding amount. In case of a decrease in funding, reduce – we would propose to reduce funding proportionally but maintain a minimum funding of \$5,000 for each agency. For the Planning and Administration category, in the event of an increase it is recommended to receive an additional amount up to the – Project Sentinel is recommended to receive an additional amount up to the total amount requested, while the remaining amount will go to the City Administration. In case of a decrease, the Selection Committee expressed an interest in keeping Project Sentinel at the recommended level and further decreasing the City Administration. For the remaining two categories, in case of an increase it is recommended to maintain funding levels for Downtown Street which comes under the Economic Development category and allocate the additional funds to minor Home Repair Program that comes under the Housing Rehab category. In case of a decrease, maintain funding for Downtown Streets and reduce funding for the Minor Home Repair Program. The action now, I would now request to open the public hearing and take public comments and recommend funding allocations and contingency plan for fiscal year 2019 CDBG allocations are finalized. Thank you.

Chair Stinger: We'll begin with questions of clarification and then I've got cards. Any clarification?

Vice Chair Chen: I'm a little bit ahead of what you're talking about but when I read this document before I came in, I had a question which is on the last page. What does that number represent?

Ms. Maqbool: We ask the agencies to provide us two reports; one in December and one at the end of the fiscal year. So, according to the first report which we received in December, this is the performance review so the annual goal, for example, for Palo Alto Housing Corp. was 131. That they are going to assist 131 persons but...

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Vice Chair Chen: Oh, that's a person?

Ms. Maqbool: A person, yes.

Vice Chair Chen: Oh, ok. It doesn't have the unit so I don't understand. Ok, now I know.

Chair Stinger: If there are no other questions I do have one speaker card. If anybody else would like to speak, please fill out a card. I'd like to ask Kyle...

Commissioner O'Nan: Chair, I am so sorry but excuse me, gentlemen? Gentlemen, you've been very distracting during this presentation. I understand you have things that you want to talk about but if you really want to talk you can go outside and wait till your item comes. Alright.

Kyle Morgen: Hi, I'm Kyle Morgen with Downtown Streets Team. I just wanted to say thank you to everyone here for having us and considering us for another year of funding. I wanted to reassure you that the funding that we received from Palo Alto is paramount to our success in Palo Alto and surrounding communities. We were just recognized by the League of California Cities and California Association of Counties as one of five best practices for ending homelessness in the State of California. We were found here in Palo Alto so we're very thankful for all of you support over the years and continued support into the future. Thank you.

Chair Stinger: Introduce yourself and take the mic.

Ann Marquart: Hi, I'm Ann Marquart, I'm the Executive Director of Project Sentinel and we provide the Dispute Resolution Services to the City of Palo Alto and Fair Housing Services. You have before you tonight are our application for continued CDBG funding of our Fair Housing Services. So, I don't want to really take up much of your time but just to say I'm here in case you have questions. We have some very interesting cases that we've handled this last year in Palo Alto so again, I don't want to be taking up too much of your time so if you have any question, I am here. Thank you.

Chair Stinger: Thank you. I have no other cards so I'll turn it back to the Commission. The subcommittee I think is familiar with it so I have no comment. You've reflected our comments.

Commissioner Lee: I was wondering if I could get clarification from the Committee about they came to the Planning and Administration break out. Specifically, what the thinking was in terms of – well, I guess it's pretty close to fully funding their request but not fully funding the Project Sentinel's request.

Chair Stinger: We were also trying to keep constant funding from year one to year two and tried to maintain as much as we could for Project Sentinel in the baseline and in the contingency funding.

Commissioner Alhassani: The only thing I'd also add is just that the city was relatively conservative in assuming a ten percent drop in funding. So, the optimist in us said if we get a little bit more, it's automatically going to fund Project Sentinel first and they are only about

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\$1,500 off from what they asked for. So, there's also a little bit of hope that if we even get a little bit more money, they will be fully funded to what they asked for.

Commissioner Lee: Could I ask staff what it would mean if we moved that \$1,500 from City Administration to actually Project Sentinel? Assuming there's only a ten percent drop – reduction.

Eloiza Murillo-Garcia: Thank you, Commissioner. My name is Eloiza Murillo-Garcia, I'm the City's Senior Housing Planner, and I also support the CDBG program. The nice thing about the CDBG program is that the administration is fully funded by CDBG so there's no hit to the General Fund. So, that would just mean that there's less funding available to administer the program and the city might have to get the remainder of the funds from the General Fund to administer the program.

Commissioner Lee: So, I guess right now the allocation assumes that we need to get about \$12,000 from the General Fund to meet the administrative costs of operating CDBG, is that correct?

Ms. Maqbool: We don't get any other money other than CDBG. This is what we are getting so it's not like we can get \$12,000 from the General Fund so whatever you guys are approving is what we get for the whole year.

Commissioner Lee: I guess I'm trying to understand the \$85,000 request though for CDBG administration.

Ms. Murillo-Garcia: That cost also builds in some additional funds like if we need a specific consultant for example. The CDBG program is subject to a different level of environmental review. It's subject to a NIPA Environmental Review so sometimes if we have a project that requires a more complex review, we would need to get a NIPA consultant. In that situation, if we have less funding available we probably wouldn't be able to get the consultant.

Commissioner Lee: How much was spent in FY 2018?

Ms. Murillo-Garcia: For administration I don't recall. For the current fiscal year or for the last fiscal year?

Commissioner Lee: For fiscal year 2018, how much has been spent and how much is expected?

Ms. Murillo-Garcia: For administration we...

Commissioner Lee: Was it closer to 82? That was how much was allocated.

Ms. Murillo-Garcia: We don't know yet because our accounting is still working out how much has been spent on salaries so that would include Erum's time and Erum is a half-time employee and a portion of my time. We don't know yet and we actually just had a meeting today to try to sort all of that out. I would say it's ballpark maybe about to date we've spent about \$50,000 or

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so.

Commissioner O’Nan: I’d like to ask about the Home Repair Program. It feels like it kind of got orphaned in like it kind of just got whatever funds were left over. So, can you explain what the thinking was there?

Ms. Murillo-Garcia: Just a little bit of a background on that program and Erum provided the background to the Selection Committee. As you recall, that program received an allocation for fiscal year ’18, however, it took us quite some time to find a contractor to take on the project. We actually put out the RFP twice, even though Erum did extensive outreach and had conversations with a lot of the providers in that area. We didn’t receive any application so we had to go out again and that process just closed. Was it two weeks ago?

Ms. Maqbool: Two weeks ago.

Ms. Murillo-Garcia: Two weeks ago, so there was one applicant and we’re still in the process of reviewing their application and making sure everything ok. I think we’re going to be able to move forward with that contractor. So, the thinking was because we’re already close to the end of the fiscal year and in the last fiscal or I’m sorry, in the current fiscal year they received an allocation of or that project received an allocation of \$145,000. It’s going to take a while for that program to get up and running so the thought was – I think the Selection Committee wanted to prioritize the funding for Downtown Streets. Then whatever was left would get put into the Minor Home repair program since it has taken a while to get the project going.

Chair Stinger: I think starting from here forward it will be fully funded.

Commissioner Alhassani: The only thing I would add also, I would tie back to Commissioner Lee’s question, that this is an example of a project where having city staff do a lot of legwork to get it off the ground was important which is why – because initially, I think the Chair actually shared your instinct – to be honest, the Chair wanted to gut the city but I defended the city but we said it was important for the city to do some legwork. I think at a macro level we talked about there’s probably a lot of Palo Altans who aren’t going to move anytime soon and some of them may be retired. They don’t have a lot of cash in the bank to do some of the repairs and they’ve been in the house for a long. So, we thought it was a worthwhile program to get off the ground and which is why we thought – it’s an example why we should have some city staff time towards it.

MOTION

Chair Stinger: Thank you. If there are no other comments, would you like us to make a motion and vote? Is that how we do it? Well, I’ll take a pass at it. We have a recommendation for fiscal year 2019 funding and for contingency plans upside and downside. I would like to approve it as written.

Commissioner O’Nan: I’ll second the motion.

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Chair Stinger: May I have a vote? All in favor of? Is there any opposed? Abstentions?

MOTION PASSED WITH A VOTE OF 6-0

Chair Stinger: Thank you for all that you do.

Commissioner O’Nan: Yes, thank you very much.

Chair Stinger: Good luck with the Home Program. I’m anxious for that to...

Ms. Murillo-Garcia: Yes, we are too.

Chair Stinger: ...get started and to hear a report on it. Thank you to Downtown and Project Sentinel for attending.

2. Presentation by the Palo Alto Police Department to review their draft Field-Base Video Policy

Chair Stinger: If I can invite you to please, we’ll move to our second item of business.

Presentation by the Palo Alto Police Department to review their draft Field-Base Video Policy.

Mr. Bob Jonsen: While Captain Binder is setting up the presentation, excuse me, good evening. I just wanted to introduce...

Chair Stinger: Welcome.

Mr. Jonsen: Thank you. I just wanted to introduce myself. My name is Bob Jonsen, I’m the newly appointed Chief beginning in January and it’s been about eight weeks now. I’m very excited about the opportunity for us to be in front of you tonight. Before Palo Alto, you may or may not know, I spent 5-years with the Menlo Park Police Department and why that is relevant for tonight’s conversation is because, in 2013, we integrated body cameras into our police department. One of the things that we found tremendously valuable with that experience as being one of the pioneers and outfitting patrol officers with body cameras is we found it very valuable to have our advisory group review our policy, give input to our policy and give recommendations to our policy. Again, that’s why we’re thankful for the opportunity tonight because we think this will be beneficial to have both this Committee and the Policy Committee take a look at our policy and provide us some recommendations before we implement this which we’re proposing to have in place by June. Palo Alto Police Department will be a leader in this approach because we’ll be one of the first or one of very, very few within the state that have both the in-car cameras and have officers with body cameras. So, in an essence, we’ll be able to capture a vast majority of our activity out there. To give the presentation, I’m going to step back and allow our Director of Technical Services Charlie Cullen and our Captain of Administrative Services Andrew Binder to give you some background. Then review some of the high points of the policy with you. So, again, thank you for the opportunity and I’m excited to be here. Thanks.

Mr. Cullen: Thank you, Chief. We’re going to give you a brief overview of the history of field-based video here in Palo Alto. We’ll talk a little bit about the benefits of that program both for the department and the community. Then we’ll show you a short video to give you an idea of

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what the videos actually look like both from the vehicles and the body-worn cameras and we'll talk a little bit about the policy. To set the stage, this is the first of several meetings to discuss this project. We'll meet with you folks and get your feedback and then we go to Policy and Services and finally to the full Council. Both those subsequent meetings are also open to the public so we're open to discussion of our project at both those venues. We look at the body-worn cameras as an additional tool in an already very successful program. Assistant Chief Lawmen and retired Chief Burns have discussed the program at length with former HRC Chair Savage and Stone. We implemented our in-car video in 2007 so we've had it for 11-years now. It's been a very successful program and we were one of the very first departments in the region to implement in-car video. Initially, it was one forward facing camera and a back-seat camera with our first implementation. We had that for 7-years and at the end of life, we selected another solution that actually has five cameras so it's a 270-degree view around the car. There's an HD camera in the front of the vehicle, two on the sides of the light bar and in the back and one that looks into the back seat of the car. It really gives us a full picture of what's going on both when that vehicle is moving and when it's stationary at an incident. The department had waited to get an integrated solution for body-worn cameras. We wanted a solution that didn't have to be an independent technology that we would have to manage in addition to our in-vehicle solution. The vendor that provides our in-vehicle solution did come out with a very good camera recently a couple of years ago and we were able to purchase ten of those last year and initiate a 6-month pilot project which Captain Binder oversaw. We learned a lot about the body-worn cameras and it was a successful pilot. We were very happy with the product and I think it sets us up well to outfit the entire department with body-worn cameras. The field-based video, our experience over the last 11-years really has had significant benefits for the department, the community, and the court system. It reduces complaints and use of force incidents not only for our department but across the country. There have been many studies that have shown that in virtually every case when you implement field-based video, that both complaints and use of force incidents are reduced. It provided empirical evidence in court cases. The old saying a picture is worth a thousand words, well video evidence is very compelling in court cases and helps us in a number of areas. It has exonerated officers of false accusations, that's a real – we have – people have – before we had cameras, we got a lot of accusations that was a he said/she said. With the video cameras, there's empirical evidence of what actually occurred. It enhances transparency and accountability both for the officers and the folks that the officers interact with. People tend to be a little more cordial shall we say in their interactions with our officers and vice a versa. It also provides an opportunity to improve training by showing video and showing situations. In some cases, it has been the bases for corrective action within the department so really, we think this has been a very successful program and adding the body worn component is only going to enhance what we already have. There are certainly some considerations that differ with a body worn camera as opposed to an in-vehicle system because it can go into private homes. We'll talk a little bit about that when we talk about the policy but the next thing we'd like to show you is an example of the video itself. That's on our next slide here so what you'll see on your left is the in-car video. PowerPoint distorts this a little bit but it's a pretty accurate representation and on the right is the body worn. So, you see the body worn gives you a little bit larger field of vision and the body-worn, in this case, is actually not HD. The in-car is HD. Through our pilot program we decided that we think HD although it takes a lot more storage space, it's probably a better solution for our body worn as well. We'll just play the video and you can get an idea of our experience with it. [The Commission watched a short video] I don't think we have speakers,

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unfortunately. That's gives you an idea of when we integrate that, that there's actually an additional four views from the four additional cameras on the car. So, it really is an effective tool and the HD component gives you very good detail on the video. We have been very happy with the system since we've implemented it in 2014 and Captain Binder is going to talk a little bit about the policy and how we developed that.

Andrew Binder: Thank you, Charlie. Good evening and thank you again for having us. One of the things that I want to point out -- just getting right off the bat is that this field based policy is largely based on our existing Mobile Auto/Video Policy that we started in 2014 with the improvement of our camera systems on our cars. So, a lot of what we did was just meshed the use of the body-worn or how we perceived how the body-worn was going to be implemented into that existing policy. That policy has been standing in place and it's served us well to this point. Our officers are familiar with it and so I know that you guys have been provided a copy of our draft policy. It was our intention and the department's intention that our body worn cameras work in conjunction with our public contacts with the police department. So, the draft policy does allow for latitude but you'll see that officers shall make every reasonable effort to activate the field-based video system during all contacts. What that might entail? Because our job is so fluid and so dynamic and there are so many different situations that we can come in, we can't just do a punch list of every type of situation or an encounter that an officer might come in. So, what we're doing is the draft policy provides guidelines but this would be an example of some of the incidents or public contacts where we would expect that our officers utilize the body worn camera. Again, a lot of these things are already being captured through our mobile audio/video system that's been in place. Investigative activity, enforcement activity, if we stop and talk to someone either in a car or in their vehicle, a citizen flag-down searches, if we're serving a search warrant, probation or parole or something to that effect, taking a person into custody, a use of force, and issuing a citation. Any time one of our officers are dispatched or self-initiated to call for service, we want to have that thing on. Then the last one is say an officer determines an incident is appropriate or value to document. That's one of the areas where we wanted to give our officers some latitude and you might be thinking well where's a scenario that might come into play? It could be a time where officers are in 7/11 or at a restaurant having a meal and somebody comes in that doesn't maybe immediately recognize the officer but the officer via their training or experience or something, that the person doing the officer feels like that incident may lead to something of some investigative or enforcement activity. We want the officer to have the latitude to be able to document that and turn the camera on.

Commissioner Brahmbhatt: I have a question about the video?

Ms. van der Zwaag: I think if you could have them finish their presentation and then there will be sufficient time for the Commission to ask questions.

Commissioner Brahmbhatt: Oh, ok.

Mr. Binder: Yes, and I have one more slide and then we will allow for some questions. To have a policy that can articulate and dictate and advise for every situation that a police officer may come into is just impossible but again, we wanted to give guidelines. One of the things though that is important to us is that we want to make sure that this new technology with the body-worn

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camera integrated in with our car system is that we wanted to make sure that we're catching events from start to finish so, when the officer either gets dispatched or is in the car, to the conclusion of that event. What we don't want to happen is we don't want the officer to miss anything so to speak so one of the things that we've asked is that before an officer gets on scene or makes a contact, we want that officer to activate that system. That allows us for the most accountability for that situation or that incident that the officer is involved in. One thing and Charlie had mentioned it earlier is we're obviously concerned about privacy rights and people's privacy rights. There are a number of situations where we're not going to use the camera. We give the officer some latitude and discretion in doing that. Some of it is they're going to have to make that decision in the field or at the time of the incident. We come right out and say in the draft policy those conversations with an attorney, any conversations with a religious advisory, a physician, something that may violate HIPPA, mental health or any type of conversation regarding that. Unless there's executive consent, we don't want our officers recording those things. That's important to us. As I had mentioned just a moment ago, we want those field-based systems, which are the body worn and/or the camera, we want them on until the incident no longer holds evidentiary value. That is going to be a discretionary call of the officer's part but that means that essentially some of the things that I'd talked about before. There's the investigation has essentially concluded, there's nothing more of evidentiary value that's going to help that officer's case. At that point, the officer can turn the camera off. Then the last bullet point is just for your guy's knowledge, the way that the systems are set up, they have a 30-second prerecord that doesn't include audio, it includes video only. So, if the officer is to either turn this system on via their body worn camera that they are wearing or they turn the car system on. From the moment they turn it on it has the 30-second prior already recorded so we have that. So, say an officer is driving down the street and all a sudden something happens. The officer turns on the system and the 30-seconds leading up to that point where the officer turned it on is recorded. There is no audio, the audio doesn't record until the office has or the system has been initiated or turned on but there is a 30-second pre-recording. I just wanted to make sure that you guys were away of that and that's written into the policy. We can open it up to question, Chair.

Chair Stinger: I'll take questions of clarification.

Commissioner Brahmbhatt: Yes, so in that video and in general in the policy, there is no requirement for the police officer to tell the person that he's being recorded?

Mr. Binder: No, there's not.

Commissioner Brahmbhatt: Typically, in a phone conversation, if you are being recorded you get a warning that you are being recorded but for the video/audio for that person on the street, you don't have to give any warning?

Mr. Binder: So, for a criminal investigation we are not mandated by the law to advise that we're recording. I will tell you that the body-worn camera if you've seen those just via our test pilot program that we've done over the last year. They are pretty bulky when they are on there. We've been very upfront publicly about us having our mobile audio/video. Palo Alto has had the cameras since 2007.

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Mr. Zach Peron: My name is Zach Peron, I'm the Field Services Division Captain for the police department. The public has actually no right to privacy when they are speaking with a uniformed police officer during the course of the officer's shift or during an investigation. So, we will actually often choose to tell people that they are being recorded and that is often used as a technique where it can tend to diffuse or descolate an encounter because people may not be aware of their actions are being recorded. It's a safe assumption to make in today's day in age, especially in the middle of Silicon Valley if you're coming into contact with a uniformed police officer. If you get stopped for speeding on Alma on your way to an HRC meeting for example – not you specifically but you're going to be recorded more than likely at least by one camera video and by one channel of audio. That's true in most every police department these days in the Bay Area.

Commissioner Brahmbhatt: Oh, I did not know that.

Chair Stinger: Let me just be – oh, I'm sorry...

Mr. Binder: Let me just add one more thing. Because the cameras have been around so long, our officers are actually are very in favor of them. So, for our officers, it's not an I got you moment to have a secret video or audio. They want those for their protection as well in case accusations are made about them and there's no reason for them to lie as far as I'm aware of, for them to lie to the public that they have these cameras on. They are very forthcoming and they are supportive of them so and they are visible.

Commissioner Brahmbhatt: You know I'm all for the body and the in-car cameras. I think it makes sense to have as much information as possible. Especially since you guys are dealing with so many situations which are controversial and there's a story on both sides. I'm all for it.

Vice Chair Chen: I just – go ahead.

Chair Stinger: Questions of clarifications.

Vice Chair Chen: Just clarification. I'm just wondering when you are on a case – encounter something

Male: It's very difficult...

Vice Chair Chen: It's very difficult, I'm sorry. Let's see, when you go to the field when there is a something going on, do you activate both the in-car camera as well as the body camera at the same time?

Mr. Binder: That's a great question. So, the reason that Palo Alto delayed a little bit in getting our body worn camera which is the camera that the officer wears, was because we were waiting for an integrated solution as Charlie has said. So, there are certain triggers in our police vehicles that will automatically turn the system on. If that doesn't happen and the officer turns it on manually with the body-worn, both systems will go on. So, whether the car automatically turns on or whether the officer turns it on manually on their body, both systems go on at the same

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time.

Vice Chair Chen: That's very good. Thank you.

Mr. Binder: It's very comprehensive. Thank you.

Chair Stinger: Let me move to comment cards and then we'll come back for deliberation. I think we'll stick to the 3-minutes again, please.

Ms. van der Zwaag: So, this does not make a noise. I think we need to get a new battery so I'll just maybe give like a 2-minute and a 1-minute...

Mr. James: Could I ask, given the importance of this issue, that we have 5-minutes?

Ms. van der Zwaag: I will leave that up to the Chair to decide.

Mr. James: Chair, I'd appreciate that. This is a very complicated police practices issues. I know I've studied it, I've given you an article on it and 3-minutes is very difficult to get up and push crucial points.

Chair Stinger: Do I have any other cards?

Ms. van der Zwaag: Yes, depending on cards, you can make that decision.

Chair Stinger: I have two cards, 5-minutes is fine.

Mr. James: Thank you, Madam Chair. I'd also ask rather than sitting at the mic if I could sit in a more relaxed posture at the end of the table.

Chair Stinger: Is that mic on?

Ms. van der Zwaag: That's fine.

Mr. James: Thank you so very much, I appreciate the accommodations.

Commissioner Lee: Chair, if I could just ask that the public address their comments to the Commission as opposed to our invited guests. I think that the typical practice.

Mr. James: I can't quite – I didn't...

Commissioner Lee: To make sure that you address your comments to the Commission.

Mr. James: Absolutely. The first thing is I wrote a piece for the Weekly in 2015 called Equal Access Needed...

Ms. van der Zwaag: I think it would help Aram if you sat down so your closest to the mic.

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Mr. James: Sure. I spent 25-years as a Public Defender so these kinds of issues are really something that I pay a lot of attention too. One of the things you want to ask about the policy is this, if I have a client who's alleging that he or she has been brutally beaten by the police, they get access to the videos pursuant to criminal discovery. Same individual beaten – alleging that they've been beaten badly by the police, is not arrested, ask for the tape and they don't get it. So, you're paying law enforcement – you're paying for the footage and the cameras but you don't get it and you need to ask them if that's correct. The only time law enforcement releases the tapes when it's not required pursuant to criminal discovery is if they believe the tape shows the police in a favorable light. If they believe it shows the police engaged in misconduct, they will sight an exception to the Public Records Act ongoing investigation and say you don't get it. That's not transparency so don't be fooled by that. In a piece that I sent to Commissioner Lee who was kind enough to let me know about this meeting, I pointed out that there's a couple of other really critical issues. There's a divergent of views. The Police Executive Research Forum, police think tank, that's written a 94-page report on the pros and cons of body-worn cameras. The dissenting view is that the police should not be able to review the tape before they review the police report. Why is that? Typically, in a courtroom witnesses are excluded during the course of the testimony of other witnesses so their testimony is not contaminated. The camera is like having another set of eyes. It may observe something that the officer does not observe at all so it's really like having two people there. The police will tell you that when the interview witnesses, they do not interview them together. They don't want them to be tainted so the policy should be if they want to write the police report about what their recollection of the event is, do that. Then they can review the tape and do a separate one. This policy specifically says that police should be allowed to taint the police report that they are drafting by using a tape that they may have not actually observed as a percipient of – a witness of the events there. Also, one of the things that really troubles a criminal defense attorney is when there's an undisclosed informant that the police have used to try to capture so-called criminals. We sometimes call them snitches. Snitch testimony in this country is one of the leading causes of wrongful convictions. So, some – the Menlo Park Police Department, when I talked over there, they give their officers the permission to turn the tape off – thank you – when they are talking to an informant. The better policy would be to have the tape on, segregate it out, the court will order protective orders that that snitches tape only be disclosed to the defense attorney and the prosecution. I couldn't give it to my client because we don't want to endanger the informant but by the same token, I want to hear from the actual informant what they said, not filter through a police report. That's due process, that's what we want to do in our courtrooms. Similarly, I think Zach will tell you this, when they are asking for statements – trying to get a confession or an admission from a suspect, they can lie to them. Similarly, taking the constitutional position that is ok for the police to lie. I believe the question the Commissioner at the end of the table – I apologize I didn't get your name yet – I believe that the police could actually say to you – if I said is there a tape on? They could say no. They could actually not only not tell you that it's on but constitutionally under the case law lie to you. You need to find out whether that's going to be their policy whether they're going to affirmatively hedge in a given situation. The – I believe that you really want to – before you make any decision on what the policy is going to be, is to look at not just the Palo Alto's policy but the model policy or discussion. The Police Executive Research Forum brought together police executives from all over the country, it brought members of the ACLU together and it's very easy to find it. You can Google it, I sent it to Commissioner Lee, it's a

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comprehensive report and it gives – now here’s the other thing I want to remind you of. If you don’t tape an incident and the Chief will tell you and I’ve talked with him. In Menlo Park, there’s an article that went really hard on the Menlo Park Police Department. There was a shooting – a fatal shooting and it turns out two of their three officers didn’t have a camera on at all; the body-worn cameras, and the third one didn’t work. So, you have to look at what the Chief said with a critical eye and look – read – I sent the article to Commissioner Lee tonight. He can send it around to the rest of you. There’s a lot – that’s it? Thank you very, very, much.

Chair Stinger: Palo Alto Free Press.

Mark Peterson-Perez: Thank you, Aram and Commissioners. Aram has basically taken away my thunder but the point that I’d like to make is that constitutionally police officers can in fact lie and that’s troublesome to me. The general public, Commissioners, should be aware that in that if I were to ask the police officer if I’m being recorded, he can legally lie and say no. That is one huge concern to me as a citizen of Palo Alto. Now, Aram touched upon a fact that if in fact the police are placed in a favorable light with respect to video, that video is released. Now, if a police officer is engaged in inappropriate material, it’s going to be very difficult without litigation to bring that videotape to a courtroom. Let me illustrate this, I wrote a public records request, it happened to me but this is what I said. The – now this was back in February. The PAPD pulled over a car filled with minorities on University Avenue yesterday morning around 10 a.m. which prompted a three-squad car response. Now, these squad cars had MAV videos going, I know that for certainty. I made the comment to one of the officers that came upon the scene what’s next I asked? Order them out of the car and empty their pockets? We don’t do that he said. Yes, you do, all the time. No, we don’t do that. Yes, you do and then he asked me, are you Mark Petersen-Perez? Yes, sir, front and center. Then there was some laughter. Then he asked me what Supreme Court decision dealt with this issue? Well, that’s easy, Terry versus Ohio. I would recommend that you read that constitutional case, it’s an interesting one. I stopped him in his tracks and he did not utter a word other than you’re right. Then I said wrong, I would like to review the MAV tapes on this encounter and if you’d like to also include the body cam of my personal encounter on the corner of Emerson and University. Let me know if you need me to memorialize this. End of quote. This is the response I got. Talk about accountability and transparency. Body-worn and mobile audio/video in-car recordings are exempted from the California Public Records Act pursuant to California Government Code 6254(f). This whole policy that’s being discussed is a Red Herring, a big one. What I would recommend is any policy drafted by the Palo Alto Police be reviewed by at seasoned criminal defense attorney that’s removed and exempted from that, from this whole process. Let them review it and make some recommendations because here is a classic example where the Palo Alto Police could have said ok, here’s the video. We’re going to show the video. Mark Petersen-Perez is incorrect in what he has said. He’s trying to create slander, he’s trying to put the police in an unfavorable light, it was an excellent opportunity for transparency and accountability and what did they do? They cited exempted; MAV video and body cam video. So, there you have it, you really need to think about what the police are trying to implement here in the City of Palo Alto. I am firmly committed to transparency and accountability. Let me just finish by saying this because I think the Palo Alto Police as an agency, the men, and women in this city do a fine job to keep our streets safe. I’m a police critic but critics play an important role in our cities. I have said this time and time again that police officers need to come home to their families unscathed but the police

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need to be truthful and show accountability and transparency in any policy. Thank you.

Chair Stinger: Thank you. It's open for discussion from us.

Commissioner Lee: I wanted to ask as my initial question whether this draft policy was modeled after any other cities or who you consulted with in drafting the policy.

Mr. Binder: We did take a sample of other policies from the area to see what they are doing. We looked at best practices. Mr. James made a reference to the PERF report, I have looked at that and that was part of it. So, we looked at various things to see what other agencies are doing. I can tell you that much like PERF report there's differencing of opinions. Cities have different needs, they have different communities and as I went through some of these policies, the cities tailor those to those specific needs. So, in looking at our policy here in Palo Alto our goal was to draft what was best suited for our needs here for our community and what was consistent with what had been in place with this policy over the last number of years.

Commissioner Lee: So, you looked primarily just at other cities in the region?

Mr. Binder: Yes.

Commissioner O'Nan: Can I ask a question?

Mr. Binder: Yes, ma'am.

Commissioner O'Nan: I'd like to know about the issue of the failure of the systems. So, in other jurisdictions, this seems to have come up frequently in controversial police encounters and even in killings where we find out that the body cam wasn't working, the officer failed to activate it, it looks a little dodgy and then there's a lot of controversy as a result. I didn't see anything in your policy about what the service level agreement is in terms the officer being responsible for activating the camera and/or if it does break how long does it take to get these things repaired and back out into the field?

Mr. Cullen: One of the reasons we chose the vendor that we chose in 2014 is the quality and reliability of their product. We have had virtually no failures since we implemented that system in January of 2014. It will be set up in kind of a kiosk form to that the officers can swap that camera out in a matter of minutes if there is a failure and get a new body worn camera to take out into the field. Captain Peron can address the policy aspect of your question.

Mr. Peron: So, one of the things that we require is that our officers test the equipment at the beginning of every shift to ensure that it's working properly. So, when they do that there's a documented recording that is created in the system and saved according to our retention schedule that shows that they tested it and that it was working properly. Since we've had this new system since 2014, I could probably count on one hand the number of technical problems that we've experienced with this system. It's very reliable and we've gotten to a point where like Captain Binder said earlier where our officers are at the point that they are so use to this technology. Most of our sworn personnel have been hired since we had in-car video so they've known

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nothing else but leaving the streets and going out on the streets with a virtual partner recording literally every contact they have with a member of the public. So, if they were to find that the system had failed for some reason, they are not going to take that car out or as Mr. Cullen just said, they are going to go swap out the body worn for one that would be functional. With our in-car solution that we've had since 2014, there's not another policy agency in this area that I'm aware of that has a more robust recording capability than what we already have and what we've been using since 2014. So, by adding the body worn camera, literally, all we're doing is putting an additional view on a screen where we can now see six camera views instead of five. It's really that simple.

Commissioner O'Nan: Then are you saying that if the body cam failed for whatever reasons, it would still be ok because the in-car camera would be functional?

Mr. Peron: That's correct. I'll differ to Charlie for any technical stuff but the two systems while they are tied together and while Ms. Chen asked, they are working side by side. If one were to fail, the other is going to keep going but I mean we're talking hypothetical situations. It did not happen in our trial period at all and we've had virtually no problems at all with the in-car systems since we got it. We've been very fortunate.

Commissioner O'Nan: Thank you.

Commissioner Brahmbhatt: I was wondering if you had a rebuttal response to their bringing up that the video is not available to the public. I would think it should not be available to the general public but if a person specifically involved in that incident, he or she should have a right to view whatever was there in the camera because there's personal interest there and it's at stake. So, you had mentioned when you had read out the policy that there was a discretionary component with the officer where we can delete that video.

Mr. James: I'm sorry, can you speak up just a tiny bit.

Commissioner Brahmbhatt: There is a discretionary component in the policy where the officer can delete his video when he feels there's no longer evidence. I would feel like if somebody from the public is making a request that they need access to that video, it should not be deleted. The police officer should not be allowed to delete something.

Mr. Peron: So, several things to say in response to that question so bear with me as I go through it and if I miss any answer or don't address something, please let me know. So, number one on the issue of deleting a recording. There is absolutely no way that an officer can delete a recording. They cannot do it. They have not been able to do it with any recording that we've had since we implemented the original system in 2007. It's not possible, there is no delete button.

Commissioner Brahmbhatt: According to the policy, he read it out...

Mr. Peron: Let me clarify so what that policy says is that the officer can choose to end the recording once there is no longer something of evidentiary value that would be being recorded. Let me give you a specific example so it's maybe easier to understand. Let's say that there's a

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DUI collision where a DUI driver strikes another car. So, we have officers out there, we place the person under arrest for DUI, the suspect is removed and brought back to the station for processing. There's an officer that remains on the roadway with the disabled broken down car waiting for a tow truck. There's no longer any evidentiary value to be gained by continuing to record six camera views of high definition video of a damaged car when there's not a suspect there anymore. So, in that circumstance, that is specifically what that policy would address. There's no longer any evidence because the bad guy is not there anymore and the officer could choose to stop the recording at that point. They don't delete it, they are simply ending the file so that there are a defined start point and a defined with regards to people having access to recordings where they've been captured. If someone were to file a public records request, those public records requests are vetted by our Records Manager and also, if necessary, by the City's Attorney's Offices. Our policy has not changed since it was initially implemented in 2007 and we actually have never released any mobile video recording or body worn camera footage publicly. Our department has not done that.

Mr. James: That's not accurate. When...

Commissioner O'Nan: You can't – you cannot keep interrupting sir.

Mr. James: I'm not interrupting.

Commissioner O'Nan: No, you're interrupting right now so please be quiet and let this finish and then you can fill out a card if you want to speak.

Mr. James: Ok, I'll do that.

Mr. Peron: So, what he may be referring to is the officer involved shooting video from Christmas Eve or from Christmas night rather. That was actually released by the Santa Clara County District Attorney's Office, not the Palo Alto Police Department. So, the Palo Alto Police Department, since 2007, has not released any video that we've recorded "positive or negative". It's simply not something we do so any release of this information is done in accordance with state law after being vetted by our Records Manager and if necessary with the City Attorney's Office.

Commissioner Brahmhatt: Then how does it promote transparency if nobody, other than the police department, is looking at the videos?

Mr. Peron: That's a good question. So, it promoted transparency because these videos are retained for 2-years so if there was, for example, a complaint against our personal or an allegation from somebody. We would review that as part of our normal complaint investigation procedure. We've had that complaint procedure in place for as long as I've been a police officer here for 20-years. It's also important to note that all of our internal investigations and complaint investigations are reviewed not only through our chain of command within the police administration but they're also reviewed by the City's Independent Police Auditor. It's important to note that we are in fact the only city between San Francisco and San Jose that has an independent Police Auditor who's charged by the City Council to review on an independent

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basis everything that we do in a course of one of those investigations. So, since there's no way for a file to be deleted, they are retained, they are available for review by the police administration as part of a regular complaint investigation process or internal affairs investigation. With regards to the specific question about well, if you're recorded, should you have a right to view that information? That is again up to the Records Manager in consultation with the City Attorney's Office and any release of that information would be governed by state law. The policy that we've had in place which is extremely similar to the policy that you have -- the draft policy that you have before you is something that's been published on our website since its inception. It's available for public review and it's been out there for 11-years.

Commissioner Lee: What is the current city policy with regards to requests for this sort of footage?

Mr. James: Sorry, I can't hear you.

Ms. Gerhardt: What is the current policy?

Mr. Peron: So, we have not released any mobile audio/video footage publicly.

Commissioner Lee: So, the policy is not to release it?

Mr. Peron: I can't answer that question generally. I can't paint with a broad brush because every situation and every request for information has to be vetted on its own merits depending on the facts and circumstances that are unique to each case. So, that's why that would be routed to the Records Manager whose job it is to be familiar with release of information law.

Commissioner Lee: What are the criteria that a person uses to evaluate whether to release something or not?

Mr. Peron: I would be not qualified to answer that question because I'm just a cop and I'm not required to know the release of information act. That's why we have the Records Manager.

Commissioner Lee: I certainly think in order for this Commission to weigh this policy that would be important information for us to gather. I would also be very curious to get the City's Attorney's opinion as to whether state law gives the city discretion as to whether it wants to release policy or not. We've been told, this body, that the city has to do certain things and we know that's not necessarily the case. That sometimes municipalities have more discretion than may suggest otherwise so I'd be very interested in knowing to what extent state law gives us some flexibility.

Ms. van der Zwaag: So, Commissioner Lee, just for understanding so this is a discussion so that the police department can take your comments back and be able to address them in maybe further reiterations when they present at the Policy and Services Committee. It isn't that the HRC is going to be presenting a motion in regards to this policy. So, just so you understand the role here that they will keep track of and understand of the comments and concerns that are brought forth by the Commissioners.

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Commissioner Lee: I appreciate that and I appreciate the courtesy of you guys coming to this body to get our feedback. I guess this comment would be directed to our Council liaison. I think this is a topic that is well within our charge as a Commission. So, I think it would be valuable to both the Policy and Services Committee and the full Council if this body was given more time to evaluate in a more formal role in evaluating this process before it gets to the Council for ultimate implementation and approval.

Commissioner Brahmbhatt: I think another point that was raised by the public speakers was this issue of writing the police report after looking at the recorded video. Do you guys have a rebuttal on that as to what is your take on that?

Mr. Peron: Again, it's completely situationally dependent. There are pros and cons on both sides of that. What's important to remember is that these videos no matter what form they come in, if it's the body-worn camera or if it's from the in-car system, is providing an independent record of what is occurring during a particular situation. So, in some situations, there may be a reason for the officers not to view it and to prepare their police report based on their own independent recollection because quite frankly, cameras can see things that the human eye cannot. If you and I are engaged in some sort of a conversation or a struggle or something like that, my eyes and my recollection are going to be capturing whatever I happen to be looking at. The camera's eye is going to be capturing everything and in fact, some of these cameras may even be able to see better in the dark than the human eye can. So, for example, in an officer-involved shooting, that may be a different scenario than if I am using a body worn camera to interview a criminal suspect who's in custody and get a statement from them about what occurred. I would rather be able to review that video an hour later while I'm in the station writing a report and be able to listen back and get a direct quote of what that suspect's submission was and quote it directly in my police report; rather than go off my handwritten notes and do my best to remember exactly what was said and possibly make an error in my recollection that could be proven later in court well, that's not exactly what he said. He actually said A, B, C and you wrote that he said B, C, and D. Then it looks like I'm being disingenuous or that I misremembered something. It's completely situationally dependent. I think the important thing to remember is that without the ability to delete these files and with these files being turned over as part of the criminal discovery process, everybody at play in a criminal case is able to view these recordings and listen to that independent view of what's happened. Again, this is exactly what we've done for the last 11-years. It's simply that we're adding an additional camera view so to answer your question, in brief, it's situational dependent. Sometimes there are pros, sometimes there are cons.

Chair Stinger: I have some questions of clarification because I really don't know what a body camera looks like. How big is it? Does it impact my ability to run, jump, and race?

Mr. Peron: It's about yay big and when I say yay for all of our listeners at home, about 5-inches high by 2 or 3-inches wide. It typically clips on to the front of an officer's uniform or over a pocket. It would be smaller than the size of my uniform pocket. It doesn't impair your ability to do anything. It's lightweight and it's very unobtrusive.

Chair Stinger: Thank you. I don't know how many police officers we have here in Palo Alto. I

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don't know how many encounters we make a day but I wonder about if you want access to the tapes, what's the library system like? Is this really something manageable?

Mr. Cullen: Yes, we have an administrator, a technical person who manages all of the videos and prepares it for court cases and makes sure that all the equipment is functioning properly. It does take up a tremendous amount of storage just from a technical standpoint because video takes up a lot of storage and when we implement a high definition body worn camera we'll need additional storage. So, that's one of the costs and an expense of running this program is maintaining the storage. We have somebody who does that virtually full time and really one of their sole tasks in the department is to manage that video and make sure it's accurate, it's available for court and that all of the accesses are tightly controlled. There's an audit trail on every one of the videos so any time a video is accessed, we know who has accessed it.

Chair Stinger: Then I have another question that's more like baggage. I was just working with Project Sentinel and one of the comments they made was that sometimes our immigrants won't go to get help because they are afraid of revealing their status. I would think that the body-worn cameras might scare somebody off who really wants your help but doesn't want to be taped or disclose their status and I'm just curious. It's not a policy or a critic, it's just a question.

Mr. Peron: The way I'd answer that is trust between the police and the community is something that has been developed long before, hopefully, a contact where they are concerned about whether there is a camera present or not. Obviously, we have no role what so ever in federal immigration law. We don't participate in anything like that like – yeah, we have not gone there. We do not go there and we will not go there and that's not our job. Our job is to police the City and we don't ask immigration status. We don't participate in any form of immigration enforcement that the federal government may do. Our hope is that by the way that we contact every person on any call for service – any of the 60,000 calls for service that we have in a year, any car stop or pedestrian stop that we make, that our officers are treating everybody regardless of their immigration status with respect. Our hope is that is what forms the basis for them cooperating be it if they are a victim or a witness or even a suspect. So, hopefully, the camera does not make any difference at all. It certainly has made no difference with the microphone right now for those of us that aren't wearing one of the ten body camera units. I don't know have one on me because I'm just here administratively tonight but the rest of us wear a very small microphone that ties into our in-car system to provide the audio recording when we're away from our car. So, that is something that is already on our uniforms that people could see and could think was a camera. Since we've been using that system for the last 11-years, I have never noticed the presence of a camera being any form of deterrent for somebody's corporation with the police or not. It's been irrelevant in my experience.

Commissioner Lee: I wanted to revisit my initial question about the current draft policy who it was modeled after. After doing a survey of other jurisdictions, which jurisdictions came closest to what was ultimately drafted?

Mr. Binder: You know without the policies in front of me I couldn't tell you but you know we looked at – again I looked at what other cities were doing...

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Commissioner Lee: I mean it sounded like – excuse me for interrupting.

Mr. Binder: Sure.

Commissioner Lee: It sounds like Palo Alto would have been one of the first jurisdictions in California to have both an in-car and a body camera system. If that's the case, I'm wondering how useful analyzing policies in local jurisdictions nearby would be as opposed to looking at other jurisdictions who have actually adopted both systems.

Mr. Binder: That's a great question. So, I didn't look at a policy that integrated both because we had the existing policy since 2014 that addressed our MAV, I specifically again, we're not drafting a new policy in the sense that this is brand new for Palo Alto. We've had audio and video in the city for a number of years; since 2007. We were more integrating the body worn component into our existing policy and so when I looked at other policies with the emerging technology of the body-worn camera, I looked at what other cities were doing in regards to the body-worn camera and looked at those best practices. Then the discussion within the workgroup was hey, how can we take what other cities are doing with their body-worn camera and how's that best integrate with our existing MAV policy that our officers and our community are familiar with.

Commissioner Lee: I'll make a comment and then I'll have other question. I think just because it works with an existing policy, I don't think that necessarily means that it's something that we should continue. I think given the current political climate there is an eagerness to revisit these policies in addition to adding new equipment. So, I certainly wouldn't discount the appetite of this community to reevaluate some of those policies despite how long they have been in place. My next question was with regards to the circumstances of when activation is not required and specifically prohibiting members of the department from recording conversations with other members of the department unless there was a court order or authorized by the Chief of Police. I'm wondering what the thinking is behind that particular policy?

Mr. Binder: That's something that was in the existing MAV policy. That's made at the Chief's level and in conjunction with the City Attorney's Office.

Chair Stinger: (inaudible)

Commissioner Brahmbhatt: I had one comment...

Chair Stinger: I'm going to suggest that you take your question, I have two more oral comments and then we'll summarize but you start.

Commissioner Brahmbhatt: My comment was more like the safety one where there had been mountain lion sightings. I'm just wondering if you guys are recycling the old cameras if you could put it around the creek where the mountain lions because I mean it's a safety issue and a little bit off topic. Since we are talking about camera and senses and all that, I was wondering if there's scope to reuse some of our old cameras to put it around there.

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Mr. Peron: Yes, that's an interesting idea and a question that I certainly did not anticipate being asked. The answer is that the City's Open Space Division in the Community Services Department, they actually have large game cameras that are used for that very purpose that are even better than these cameras are for that specific purpose. They are motion activated and they are designed to pick up things in low light and what not. So, I think these old cameras when they are phased out of their service life, technology changes so much in such a short period of time that when we ultimately replace our in-car system maybe 3 or 4-years down the road. These old ones, the technology would be forgotten quite frankly and they would likely be surpluses in accordance with regular City policy but Open Space Rangers have very good cameras for that very purpose. You should follow their twitter feed because they actually post photos of big game – mountain lions that they'll capture in Foothills Park and things like that with those cameras. They are outstanding, fare better than the system would be for that purpose.

Chair Stinger: I have – thank you, I have two more cards and I'll ask for a short time this – ok, 2-minutes. First Mark Perez.

Mr. Petersen-Perez: Let me...

Ms. van der Zwaag: You need to put it on, sir.

Mr. Petersen-Perez: Thank you.

Chair Stinger: Thank you.

Mr. Petersen-Perez: Let me read a government code that is very important because it touches on this subject. It's government code Section 54950-54963, this is what it says. In enacting this chapter, the legislature finds and declares that the public Commissions, Boards and Councils and the other public agencies, that would be the police, in this state, state of California, exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this state do not yield their sovereignty to the agencies which serve them. So, the police are telling us you can't view those tapes but yet they are servings. Doesn't make sense. The people in delegating authority, police, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed, MAV videos and all this stuff, so that they may retain control over the instruments they have created. That's all built into our Constitution so this is really a Red Herring policy. It's really a Red Herring policy. They are not being truthful with you. They are not telling you that they can – well, they are, they can turn on the video, turn off the video but they are not telling you that they lie to you. Now I'm an accountant...

Ms. van der Zwaag: Times up sir.

Mr. Petersen-Perez: Ok, thank you.

Chair Stinger: Aram James.

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Mr. James: Thank you by the way for letting us have a rebuttal comment. A couple of things, Zach, I have a lot of respect for him but he kind of off staked. The policy is that the officers can review the tapes whenever they want. The circumstance that he described is absolutely everybody agrees when you're taking a so-called confession from a suspect, we want that taped because we want to see – like in the famous Jorge Hernandez case in Palo Alto where a false confession was extracted from a suspect. It wasn't taped, he spends a substantial time in county jail, eventually, and they got another suspect so you need to pin them down. Either they have a policy that says they're going to allow the police report to be contaminated because they are going to allow officers to review the report or not. Commissioner Lee raised a really good point. Look, I'm a white guy, all the police administrators are white and people of color and white folks too are wanting us to revisit these policies for transparency because let's face it, most of the time the people are beaten by police in this county. It's a true fact historically and now it's people of color. So, we're demanding – I'm asking as a white guy demanding transparency for everybody and nobody has asked the question that I wanted – because you asked me not to ask it to the officers and I won't, I'll go by that. What about the informant situation? Are they going to turn the tape off or are they going to leave it on so we can avoid (inaudible) false confessions? Somebody needs to ask that question and somebody needs to ask them are they able to lie to somebody that asks if they are being taped? We need to get the answer to this. In high profile cases where the community demands than to release tapes, guess what? It happens. Think of the Oscar Grant Case. The policy needs to be shifted. We're paying for it, we need to be able to see it. Just like me as a public defender, when I represent a client, that file is not mine, it's the client. I can't keep it from a public Council. The job is transparency. Thank you very much.

Chair Stinger: What I'd like to do is ask each of us or each of us who wishes too, to summarize a recommendation, a question, a final thought that you'd like to leave with our guests.

Commissioner Lee: I want to thank members of the police department for coming here. I really appreciate the courtesy and I appreciate your service. I think this issue is a very hot issue and one that merits additional consideration by this Commission. I think it's one of the biggest policy areas that we can have a large impact this year and so I know this was just a presentation but I'm going to be making a motion that this Commission ask City Council to formally (inaudible) this issue to us and include us in reviewing this policy and that we provide a formal recommendation to the Council. That the Council directs the City Attorney's Office to be available to answer questions as this Commission weighs into the broader policy on video. So, I'll make that motion after everyone has had a chance to speak.

Vice Chair Chen: I have a comment that it's very interesting and I didn't know anything about this and I'm learning a lot. I think this is useful. I mean the question right now is not the technology or the recording; the question is how do we use it to our benefit and let's discuss this.

Chair Stinger: I think my only thought is that we are looking at an adaptation of a policy. The thought that I had was that I would like to see that it is consistent with access to information, written information, the other film so that this does not stand out as more restrictive.

Commissioner O'Nan: I'd like to thank the officers for appearing before us tonight and showing us what the camera looks like which is awesome. I too had some transparency concerns. I know

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that this is a complicated area with federal law, state law, and local law all sort of converging but like many people of the public I was perturbed by the Christmas night shooting a few years back. I would like us to have I think a clearer policy around the release of recordings. I was not in favor of releasing it generally and violating the privacy of the family of the man that was shot and killed but when questions from the community come up, there does need to be a way for us to feel like we can access information. Having the District Attorney have to kind of – from the county side, they kind of have to come in and make that call outside of Palo Alto felt a little uncomfortable for some of us. So, I think again, these are very complicated issues but it might be better to think about them proactively and try to get policies written down that gives the community a sense of there is a path to follow if a situation like that comes up and we don't have to try to figure it out in the heat of the moment.

Commissioner Brahmbhatt: Yes, we're all in favor of the body camera. I don't think it adds anything new. I think what is important is we need feedback on the policy that is surrounding the audio/video in cameras in the car as well as the body camera. I don't think adding just the body camera makes a difference one way or the other. It may just provide more information and be more helpful to the police officers. I think what may be helpful is to get edits and comments from the public if you were to post the policy on the website and ask Criminal Defense Attorneys to redline that policy and identify areas of problems for them which I think even if the City Council were to revert it back to us, I don't think we are experienced to know all the incidents and the ins and outs that go around the police work. I think we really need some Criminal Defense Attorneys to look at this policy and provide feedback; redline edits that would make it like more balanced for everyone. Overall, I would support the body cameras.

Chair Stinger: Thank you.

Commissioner Lee: I'm going to make a motion that the HRC formally as the City...

Commissioner O'Nan: Excuse me, I don't think you can take action. It's not an action item.

Chair Stinger: It was a discussion...

Ms. van der Zwaag: It was a discussion item so if at the end of the meeting you would like to try to get something on the next agenda, you can do that but this was listed as a discussion item.

Commissioner Lee: Ok, well then, I will make that request at the end and hopefully our Council Liaison will take my comments in mind if it doesn't end up on our agenda.

Ms. van der Zwaag: Ok.

Commissioner O'Nan: Thank you.

Chair Stinger: Thank you very much. I really appreciate it.

Male: Thank you for listening to my comments.

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Chair Stinger: Thank you for sharing.

3. Consideration of a request from the Palo Alto League of Women Voters to endorse an upcoming event titled “Defining the Limits of Free Speech: Hate Speech and its Impacts on Civic Engagement.”

Chair Stinger: Ok, now I’ve got a problem. Sorry, I’ve lost my...

Commissioner O’Nan: Agenda?

Chair Stinger: No, I’ve got the agenda. Awe, here we go. We will move to agenda item three, I do have two cards. Mark Petersen-Perez and I think given the time, 2-minutes. Is that ok?

Ms. van der Zwaag: Chair, did you want to give an introduction to this item first, please.

Chair Stinger: Yes.

Ms. van der Zwaag: Thank you.

Chair Stinger: I received a letter from the Palo Alto League of Women Voters to endorse an upcoming event. I will read the letter. They are sponsoring an event “Defining the Limits of Free Speech.” Dear Chair Stinger and Commissioners, the Leagues of Women Voters of Palo Alto would be very appreciative if the Human Relations Commission would endorse and share our March 27th event entitled “Defining the Limits of Free Speech: Hate Speech and its Impact on Civic Engagement.” The speaker is U.C. Berkeley Law School Dean Erwin – I hope I say this right – Chemerinsky and he’s the author of Free Speech on campus and he’s Co-Chair of the Board of the New National Center of Free Speech and Civic Engagement in Washington D.C. We understand that the HRC has a particular interest in guarding against hate speech. Your endorsement would greatly increase the outreach of this vital topic to the diverse members of our community. Among the co-sponsors we have so far are Multi-Faith Voices for Peace and Justice, the ACLU Mid-Peninsula Chapter, Congregation Beth Elohim, Economic and Social Justice Council and the First Presbyterian Church of Palo Alto Social Justice Ministry. Thank you for your consideration and she – the author is the President of the League, Bonnie Packer. The event is free and open to the public and it will be at Mid-Pen Media Center where there is access to parking. She is exactly right in her third paragraph, the particular interest in guarding against hate speech. That was one of the items that we called out in our response to the Council’s Resolution 1653. So, that was the reason that I wanted to read the letter and ask for an endorsement. Before we do that, I’ll have the two speaker cards --- I have two cards. Oh, I thought I did. It’s March 27th, noon to one, 900 San Antonio Road.

Ms. van der Zwaag: I can send that out.

Commissioner O’Nan: I think it says Item Three there.

Chair Stinger: It does, yes. I had turned it over and that’s why I realized – Mark Petersen-Perez, please.

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Mr. Petersen-Perez: Only two speakers, could we have three on this critical issue?

Chair Stinger: Sure.

Mr. Petersen-Perez: Thank you. Just a little bit of history, as an editor of Palo Alto Free Press, First Amendment issues are extremely important to me. There's an individual who was my mentor, he's no longer with us, and his name is Hayden Covington. He was the Chief Attorney Legal Counsel for the Watch Tower Bible and Tract Society. The Water Tower Bible and Tract Society set forth more First Amendment won petitions before the Supreme Court than another organization and people. So, it kind of interesting that it is Jehovah's Witnesses that has allowed us to speak freely, march, and distribute pamphlets and protest. It is the direct result of Jehovah's Witnesses and their advocacy of the First Amendment. Now, hate speech, this is what is said about hate speech and a close friend of mine, one who is extremely knowledgeable concern the First Amendment as well has always said this and it has just stuck with me and it's this. The First Amendment was not designed to protect favorable speech. Favorable speech needs no protection. The point I'm trying to make is that what may appear in the eyes of another individual with respect to hate speech, is really relative. So, any policy that's defined or discussed concern hates speech really needs to be defined by via Pellet Court, by constitutional law and what the Supreme Court has said concerning hate speech. Now, interesting enough, 1942 United States Supreme Court involved one of Jehovah's Witnesses that was accused of hate speech. His name was Chaplick I believe versus Vermont or one of the other states but if you Google Jehovah's Witnesses hate speech. It's an interesting case and I would encourage all to review because that really – the Constitution really defines what hate speech really is. So, I'm hoping that as a Commission you would take a close look at that. It's really – it can be very informative. It's edifying and it helps you to have a greater understanding of what hate speech is. Now let me say this, there's an individual in Palo Alto, his name was Joe Webb, I don't know he issued anti-Semitic remarks...

Ms. van der Zwaag: Time is up, sir.

Chair Stinger: I have one more speaker card, Aram James, please.

Mr. Aram James: I'll finish that story, Joe Webb. My father was born Daniel [phonetics][Benesradfinck] so that makes me Jewish. He changed his name to James. He was an oppositional Jewish man so he claimed to be the President of Jews for anti-Semitism. That was his humor but Joe Webb, classic anti-Semite would come in just speak poorly about Jews and brown folks and you name it. I had to define him because – I suggest you read Anthony Lewis's book better known for Gideon's Trumpet, about – that gave me a job for 45 – 30- years. The right of individuals to have counsel, Gideon's Trumpet – Gideon versus Wainwright but he also wrote Protecting the Speech that You Hate. I have to also commend the Chair tonight because one of the -- the New York Times versus Sullivan, the Brennan Decision, the Supreme Court unanimously said that the core principles, the First Amendment is the right to criticize public officials vie mentally, caustically, even in an obscene manner as unpleasant as it is. Even though I think that I corrected you about a Public Records Act issue that people can speak unanimously, you went on to be extraordinarily fair because you understand that people have a right to criticize government official and certainly in this era that critical. So, we have to be extremely cautious,

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read Anthony Lewis's book *Protecting the Freedom that We Hate*. As Mr. Petersen said, I frequently said the First Amendment was not designed to protect popular speech. It needs no protection. It's the unpopular speech. It's people who want to say the Holocaust didn't occur. As hateful as that sounds to me, I want to hear that. I want to know where the bigots are. Let them speak and as justice – Lewis brandized, a Jew himself said, the answer to bad speech isn't censorship, it is more speech. It's better speech so I'm going to be at that League of Women Voters place but I'm going to say to all of you as Commissioners, be extortionary cautious before you engage in censorship. The answer is let the begets speak and then you speak with your better speech but don't stop them from speaking. You're going to hurt our First Amendment, you're going to damage our First Amendment and I want to thank all of you because I know you don't do this for pay for being Commissioners and listening so patiently to what we have to say on these important issues. Thank you all tonight.

Chair Stinger: I've read the letter, is there any comment? Can I ask for a vote of endorsement?

Commissioner O'Nan: Do we need a motion?

Chair Stinger: Don't we need a motion?

Commissioner O'Nan: Do we need a motion?

MOTION

Chair Stinger: I'm sorry, I'd like to make a motion and ask – to request endorsement.

Ms. van der Zwaag: Yes and then allow time for comment, please.

Chair Stinger: May I have a second?

Commissioner O'Nan: I'll second.

Chair Stinger: Would you like to speak to your second?

Commissioner O'Nan: Yes, I think this would be a very, very informative event in Palo Alto. I actually last night attended a Round Table at the Mountain View Human Relations Commission where they were also discussing issues of hate speech and civic engagement. It's a topic with no definable answers but there are important questions that we as a community need to ask. I think that speaker Mr. Chemerinsky from U.C. Berkley would be a very, very knowledgeable person to hear from on this important topic. So, I think as a Commission we should endorse this event and anyone who is able to make it – unfortunately it's at noon so those of us who work may not be able to make it but anyone who can should really attend.

Chair Stinger: Thank you. Any other comments? I would just like to make one follow-up comment. I have not read extensively but I have read some of his work and it is very much in the anti-censorship mode. I think it will be a very informative presentation for us. If I can call for the vote? In favor of endorsing the League of Women Voters event on March 27th? Opposed?

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Abstentions? That's our vote. Thank you.

MOTION PASSED WITH A VOTE OF 5-0 WITH COMMISSIONER ALLHASSANI ABSENT.

4. Status update on FY2018 work plan projects

Chair Stinger: We have one more agenda item and that is update on our work projects. I just want to read – if I can find it quickly – a piece from the Palo Alto Online. An article was written about another program in the city and they were talking about doing something meaningful together and working on these problems is empowering. She said the program brought together neighbors of very different backgrounds who found common ground. Her team included neighbors from South Korea, China and India she said. Then the paragraph that relates to us, that's important at the city tries to find ways to better integrate and include its burgeoning immigrant population. The Council has tasked the Human Relations Commission with coming up with recommendations for developing an inclusive policy. Last year the Commission hosted an immigrant series to learn about how well its newest residents are faring. Many said they felt socially isolated and said they did not know how to make American friends. So, that would be an – I'm using that as an introduction to our work plan. To just circle through the items, ask for updates, things that are going well, and areas that where you need some help.

Vice Chair Chen: To follow up what you just said on how to integrate immigrants into our community. The Commission has discussed with me this possibility for me to do a survey to Chinese immigrant community for the possibility to investigate a possibility of starting a leadership training program. I have eleven recipients and I haven't heard anything from them. I thought the letter was pretty comprehensive and clear so I'm expecting them to answer my mail anytime. If not, I'm going to follow-up next week with another letter and make sure because I think people if the answer is negative, they generally don't answer the question. So, I don't know how to get by that but we'll find a way.

Chair Stinger: Thank you. While we're on that – that line is inclusive public engagement so I'll report on Welcome America program that the Y does every September. They wanted to expand that program. I'm going to be meeting with them the first week of April to brainstorm some ideas about how we can make that a bigger event and more inclusive for immigrants in Palo Alto. Do you want to talk about gender identity, please?

Commissioner O'Nan: Thank you, Chair. I've been working with Chair Stinger and our wonderful liaison Minka on developing an LGBTQ+, a needs assessment survey which we will be launching at the upcoming LGBTQ+ listening forum. This is part of a county initiative from the Office of LGBTQ affairs. They are essentially doing a roadshow to introduce the mission and work of that office in the cities in the north part of the county which are farther away from San Jose. Mountain View recently did one; I think it was in January of this year so Palo Alto is going to do our version in March. The needs assessment will survey anyone who identifies as LGBTQ+, anyone who is a parent of an LGBTQ minor or adult child, anyone who identifies as an ally of that community or anyone who is simply in weighing in with his or her opinion, comments and so forth. I think that we're in pretty good shape with our event planning so far. It will be Thursday, is it the 29th of March?

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Ms. van der Zwaag: Yes

Commissioner O’Nan: From I believe seven to nine in the Mitchell Park Community Center and I’m hoping that many of our colleagues will be able to come. This is an important outreach to a community that at times I think has felt overlooked and marginalized even here in very progressive Palo Alto. We really are here to listen to them and find out what they need from the city not in terms of the government but the community here in Palo Alto; how to support their needs better and to be more sensitive to their concerns. So, I think it will be a good event and I hope we’ll see many of you there.

Chair Stinger: Online cyberbullying, do you have an update? How are you doing?

Commissioner Brahmbhatt: I did speak with a few people and also Minka connected me with or two of them and they were very helpful and on topic. I hope to leverage their work so that we can have something that works for the city. I’m still in the investigation stage where I’m reaching out to people and talking to them especially that digital tattoo and then even the person in the school who coordinates all the librarians and the people. I think both of them are very good because she has access to the teachers and I think a lot of the issues that come up are through the patterns that influence the different issues. So, yes, I’m still trying to research and figure out what would be the right proposal to put before the HRC.

Ms. van der Zwaag: Right and I think the benefit of the folks that Commissioner has been speaking to is one, in the school system and one has a program for adults and even in corporate settings. So, it really allows the Commissioner to do some investigation and say ok, what’s happening where? Where might there be a hole or a niche that the HRC can really fill and get that proposal to you all to see if that’s something you want to do. So, I’m glad those have been helpful.

Commissioner Brahmbhatt: They are very good. I was very impressed by both of them. They knew what they were talking about and it was very good.

Chair Stinger: Commissioner Alhassani had to leave early. He’s taken on responsibility for a community dinner. I know he’s looking to make contacts with keynote speaker and then built his date around that and so he’s progressing. I had one other thing down was we had talked earlier in the year about sponsoring a joint program with maybe a library or the Arts Department and we were looking at the history of racism or historical otherness. We lost your partner so I’m hoping that maybe we can revisit this when we have a full Commission and come back to it and see if we can find a new team to go forward with that.

Commissioner Brahmbhatt: I mean I really wanted to and I experienced some of this myself and I’m at school, I’m interacting with parents of other kids and things like that. There is that unspoken hierarchy. I mean Commissioner O’Nan said progressive Palo Alto but I feel like it is not that progressive. Palo Alto is very conservative. It’s always been the very rich white people are living in Palo Alto and I experience it too. I think my son probably experiences it ten times more than I experience it. So, there’s a lot to be done with the diversity, inclusion, and this cyber

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thing. I would very much want to look into that and I'm educated, I came here and I'm a citizen of the US, I'm an attorney, I got my masters in Computer Science and a JD from here. I think there are the social values among people it's hard to kind of try to make it better. I don't know where to start frankly because I mean everybody feels passionate about what they are doing. They are all great at doing whatever they are doing and that's why they can afford to live in Palo Alto. Their kids are all very educated and they are all smart. It's a group of very smart people but then they have this mixed up system where the whites are at the top and then the Chinese who are raised here are second to that. The Chinese want to be friends with the whites but then the Chinese immigrants are not included in the Chinese who were raised here. Then there are few Indians and Koreans and Vietnamese who are trying to figure out where they fit in all that. They are at the bottom because they are not there in enough numbers, especially not in north Palo Alto. I mean when I was growing up, I was not very social and I didn't have many friends. In a group, I would be more on the silent side than speaking up but I don't remember incidents where people are friendly to me one day and then ignoring one day or like walking away from me one day that kind of repeated behavior where they feel that they are in the hierarchy and so they can pick and choose to be nice one day and then be really mean the next day. This happens even with parents, some of the moms think they have the hierarchy so they will never say hi or hello first. They always expect the other person to say based on the hierarchy of who's supposed to go and say hello and smile at that person first. It is – and frankly...

Chair Stinger: You have the making for this program. You are not getting out of this. This is...

Commissioner Brahmhatt: No, I mean I can go on and on. Depending on how middle school goes, my family is actually debating whether we should move to Cupertino where there will a lot more Indians. We may be able to feel better social connection than what I'm feeling here. So, I think there's a lot of be done but I don't know how you could fix some of these attitudes.

Chair Stinger: We're certainly not going to do it right now but I want to come back to that. There was enthusiasm and interest in doing this program and there still is. We'll pull it off when we are a full Commission and have someone to support you. Is there anything else to say about work plans? I mean you've done your piece.

Commissioner Lee: Yes, CEDAW is tentatively scheduled for April 2nd as of now but perhaps that might change.

Ms. van der Zwaag: I was going to go over that in my report to the Commission.

V. Reports from Officials

1. Commissioner Reports

Chair Stinger: Well, let's move to Commissioner Reports.

Vice Chair Chen: Yes, I have one report. It was my first Project Safety Net meeting on February 28th at the Rinconada Library. It was very interesting, truly interesting. We had a speaker who name was called Sarah Kramer and she is a licensed professional clinical counselor and she's a graduate student in art therapy. So, she first told us about how important art therapy is for people to express themselves. Use a photo of themselves like a cell photo or selfie and then from there

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express their inside and then eliminate them or reduce their anxiety. She had us, every one of us, took a selfie of ourselves and then there's an app that we can use to modify it according to what I think of myself to be. It was fun, I did nothing. It was a good way of thinking about exploring oneself, the psychological of one person and try to look into it. It's an interesting project. Her title is Portraits of Mental Health and Wellbeing: Using digital photography to reduce mental health stigmatization. That's her title so it's a good learning experience and then Project Safety Net, I don't know what other meetings are about. This is the only one meeting I've been too so in the future maybe I'll have a different expectation level.

Ms. van der Zwaag: Usually what they have is they have a youth partner speak about – it's actually either a youth program or a youth reports out about what they are doing to address suicide prevention and increase mental health for youth in the community. They have often an adult partner and then they combine it with some business. So, it looks like the last meeting maybe there was just one of the adult partners there but they do try to, as much as possible, give youth a leadership role in the work and to hear youth voice.

Vice Chair Chen: I had a partner and she's very unique. She took her selfie and then actually she used the app to modify and it tells herself where she is; what kind of psychological condition she is in. It's very interesting.

Chair Stinger: Sounds interesting. Any other Commissioner reports?

Commissioner O'Nan: I'll just mention again, I did attend the Mountain View Round Table on Free Speech. It was moderated by our Supervisor Joe Simitian and they had assembled a really great panel of speakers. People from the media, people are Professors of Law; people are in law enforcement all talking about this issue. I would encourage us, as a Commission, to maybe think of a similar community engagement to do. Perhaps something around the immigration policies which are now becoming very, very important given the federal government's disposition towards California or perhaps another free speech-oriented event here in Palo Alto might be very timely.

2. Council Liaison Report

Chair Stinger: Council Member Wolbach, do you have anything to report?

Council Member Wolbach: First I want to thank you, Commissioner Brahmbhatt. Am I pronouncing it correctly?

Commissioner Brahmbhatt: Yes.

Council Member Wolbach: Thank you for your comments. I've taken note of them and I think they're worth taking heat of and emphasize the importance of this Commission and the work that you're working on in a number of avenues so thank you for sharing that. As a white guy in Palo Alto, it's an important perspective for me to hear. Although I was a student at our schools and I remember something that even I saw. Looking forward to the LGBTQ event that was mentioned coming up on the 29th, right? I'm looking forward to that. Also, along with a few other Council Members and staff, we're heading to Washington D.C. on Saturday and Sunday for a few days

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for the National League of Cities Conference and we'll be meeting with federal officials, with our lobbyists and also with our representatives and/or their staff. So, if any Commissioners or anyone has anything they'd like us to keep in mind or any issues they'd like us to ask when we visit with federal officials, please feel free to contact us individually or to the City Council as a whole with your thoughts.

Chair Stinger: Take a heavy coat.

3. Staff Liaison Report

Chair Stinger: Staff liaison report, please.

Ms. van der Zwaag: Ok, I have a couple things. One, Commissioner Lee already brought it up but the recommendation report from the response to the Council Resolution 9653, it's making its way through the process. I think this is a very unique report in that it has six completely different recommendations that are going forward. I think it was unique on staff's perspective in getting it through. I'm happy to say that we're going at it from a unique perspective and that's just a recent change is that it's a staff report but I'll have just my section of the report but there will be a whole section in the middle of the report that is from the Human Relations Commission. So, that has been charged to the Chair who has been doing it with consultation with the Commissioners who were involved in the recommendations. So, that's Commissioner Alhassani and Commissioner Lee and so that will be included in my Staff report. At this point, it's still slated for April 2nd. We hope that it keeps on track to be then. I think the Chair noticed that on the last Council meeting the Cool Block program got bumped to April 2nd and she's thinking oh no, are we going to get bumped because of that and I don't know. There's a whole variety of reasons why staff reports get bumped out but I will continue to monitor that and let you know. At this point, we are going forward as – that it would be on April 2nd.

Commissioner Lee: Could I ask if you know at this point what attachments you might be including?

Ms. van der Zwaag: At this point, I will be attaching all the documents that were part of those two Staff items when they went to the HRC. So, I'll be including the subcommittee reports, I'll be including all the attachments that came with CEDAW, what we're doing now is we're not attaching, we providing links to items because sometimes there's like a hundred-page minute that gets attached and that's kind of crazy. So, we are also attaching the letters that came in...

Commissioner Lee: Great.

Ms. van der Zwaag: ... I might just craft action minutes but if it's a link, we can put a link to the full transcript of the minutes. That's what I can think of off the top of my head but anything that went with the staff item we were including that as reference documents.

Commissioner Lee: Do you have any sense at this point whether CEDAW might appear at least initially as a Consent Calendar item or if it's going to be pretty much regular course (inaudible).

Ms. van der Zwaag: I have had no conversations with anybody that CEDAW would be a Consent

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Calendar item.

Commissioner Lee: Ok.

Ms. van der Zwaag: Like I said...

Commissioner Lee: Is it pretty rare to see an item like that, given the request, as a Consent Calendar item?

Ms. van der Zwaag: I would think so. Sometimes resolutions but they're most likely resolutions that were an appreciation for a certain person to do a certain thing. I cannot speak 100% to that but at this point I see no indication that that has been suggested.

Commissioner Lee: It was suggested to me by a Council Member that I had spoken to but I didn't know if that was likely to happen or not.

Ms. van der Zwaag: Right, like I said at this point, any staff report from the city goes through a listing of ten people so at this point it's still within my department.

Commissioner Lee: Ok.

Ms. van der Zwaag: So, then it goes to different departments, the attorneys, budget, City Manager and so forth. The other thing is our next meeting is the second week of April and I'm out of the office that week. Our department would prefer that instead of me being replaced at this meeting that we try to reschedule. I think what becomes hard of that is my availability at another time might lead to someone else's unavailability at that time. That is always hard so there are a couple dates and we will send those out tomorrow for your consideration. So, they would be other April dates if that really doesn't work I can report that back my department and to see if someone else can be here in my stead. The other thing I wanted to report is that leadership has been discussing doing something just a little bit different this year with the retreat. We often have the retreat in August and we are in discussion to have that retreat in June so that we can orientate our new Commissioners as soon as possible and to hear their voice as soon as possible when we are working on our annual work plan for the year. We're talking about having it on a Saturday. I think the night times have often felt rushed so again, doing it as quickly as possible when they are on board. I believe that's going to Council like mid-May so it would be a chance for them to do some team building exercises with you to get some good grounding on the roles and responsibilities of the HRC and to work to set our work plan items for next year. So, you can expect to hear more about that and if folks think it would already be helpful along with looking for a date for the April meeting, that we already put out some options in June. I know that becomes vacation season for many, then Mary and I will take care of that. That is all I have.

Chair Stinger: Thank you.

VI. TENTATIVE AGENDA FOR NEXT REGULAR MEETING: Thursday, April, 2018.

Chair Stinger: Agenda items for our next meeting which will not be April 8th.

Commissioner Lee: I wanted to move to add follow-up discussion on the PAPD presentation to our next meeting agenda.

Ms. van der Zwaag: Two Commissioners are needed to suggest something for the – so is someone else interested in going along with Commissioner Lee to request that – is added to the agenda?

Commissioner Brahmhatt: Do you really want to? Then I can support but I'm kind of tentative.

Commissioner Lee: I mean I was hoping that we could make a recommendation today but it seems like we're not in the position to do so. I'd actually like to get clarification from the City Attorney's or City Clerk's Office because it was not entirely clear to me either way whether we are permitted to take action after a presentation. I would prefer that any time we have a presentation that we'd be able to take action and so it was just a matter of adjusting the agenda so that it leaves open the possibility of action after a presentation. I would prefer that be the case since we only meet once a month.

Ms. van der Zwaag: Sure, and I think in this instance it was brought to us as a discussion, feedback, comment but I certainly hear your observation that in this case, it possibly could have been anticipated that the HRC wanted to make some kind of a motion. When it was presented to me, I very specifically asked the police department what is the role of the HRC in this and they said the role to the HRC in this was they were looking for is to give feedback and comment. I definitely hear your observation Commissioner.

Commissioner Lee: As a matter of Commission process, could we as defacto just make every presentation – leave open the possibility of action? At least – I mean...

Ms. van der Zwaag: I'd have to look into that but I definitely hear your comment on that...

Commissioner Lee: Sure.

Ms. van der Zwaag: ...and I will certainly look into that but I see where you...

Commissioner Lee: Especially...

Ms. van der Zwaag: ...are coming from.

Commissioner Lee: Especially if it's just asking for Council to refer the item formally to us. I would hate to spend 2-months to get to just that basic point. You know weeding through the Brown Act and other laws is not entirely clear that it is prohibited to do so.

Chair Stinger: When you first...

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Commissioner Brahmbhatt: I support his motion. I think the fact that he said that Palo Alto has never released any video cameras and they always hide behind state laws to not show that was a little bit troubling. So, to the extent that we get an opportunity to fix and make it more policy-wise better or...

Ms. van der Zwaag: So, what are you specifically asking for on the next agenda? So, is it just...

Commissioner Brahmbhatt: That – excuse me.

Ms. van der Zwaag: ... a follow-up – can you repeat that, please.

Commissioner Lee: The action that I would like us to take at the next meeting is to ask Council to formally review it to us and to involve us in the process to review the policy and to authorize us to work with the City Attorney to address any lingering questions we may have in helping them to draft this policy before it goes to Council.

Ms. van der Zwaag: You may consider because, by the time that goes to the Council, the discussion may have already happened at Policy and Services. You may as an alternative possibly just want to see if there's a common response that the HRC wants – on behalf of the HRC to be given to Policy and Services. I don't know what to say. I'm just trying to think of...

Commissioner Lee: Do we know when they are going to be going to the...

Ms. van der Zwaag: I don't know.

Chair Stinger: But he did say the June...

Commissioner Lee: By June is when they want to have it implemented, right...

Chair Stinger: Yes.

Commissioner Lee: ...or completed.

Chair Stinger: I'm flipping between some interest in that work and then also your suggestion to them that they really should get some criminal lawyers to redline it.

Commissioner Brahmbhatt: Yes.

Commissioner Lee: Well...

Ms. van der Zwaag: I want to be careful that we're not discussing the item right now but that we are just talking about agendizing something specific.

Chair Stinger: That's where I was trying to go. Please.

Council Member Wolbach: Do you mind if I make just a procedural suggestion?

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Chair Stinger: No, please.

Council Member Wolbach: It sounds, from what I've heard, like Commissioner Lee and Brahmbhatt are suggesting just agendizing a follow-up to today's item too but agendize as an action item to consider recommendations or messages to the City Council or its Committees. If you did something like that...

Ms. van der Zwaag: That's what I heard.

Council Member Wolbach: Right so if you suggested now that you have it come back but as an action item, then at that future meeting you could talk about in making a recommendation to the Council or drafting a letter to send to Council. That could come to us depending on where we are in our process, either our Policy and Services Committee or at Council itself. That way it wouldn't slow down the process but would still allow you to have your collective voice heard and that's certainly something the Commission has done previously in issuing a letter or a recommendation or a comment. So, I guess that would be my recommendation...

Ms. van der Zwaag: My feedback was...

Council Member Wolbach: ...is to keep it simple.

Ms. van der Zwaag: ...just to ask that the Council to allow you – you might miss the process in not having another mechanism as I suggested in – about providing perhaps Policy and Services or Council with a letter from the HRC on this matter.

Commissioner Lee: That would need to be voted on at another meeting, right?

Ms. van der Zwaag: No, if you put this on the next agenda you could bring a draft of a letter that you and your fellow Commissioners can certainly discuss and make adjustments too. That could be voted so no, I do not see that it would be April and then it would be May. That was not...

Commissioner Lee: No, no, yeah, yeah.

Ms. van der Zwaag: ...my intention.

Commissioner Lee: Sure.

Chair Stinger: That is kind of the direction I was going in. I was trying not to discuss the item but to try to give more meat to the agenda item because of the timeline. If you could bring a letter or if there is some legal...

Commissioner Lee: I would suggest that at the next meeting that we invite back the police department to follow-up with some of the questions we have. We invite someone from the City's Attorney's Office and consider inviting other stakeholder groups who have an interest; ACLU, some of the folks...

Ms. van der Zwaag: I mean you have to decide if you're discussing the issue, that's one thing. If

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you're discussing a response by the HRC I think what you're suggesting is a complete review of the process based on the feedback of all these other groups. What I was speaking to earlier was a response to the HRC based on your evaluation of it. I can't promise that the police would come back again or the attorney. I mean these are all resource issues that you need to consider. There were four police officers including the Chief here tonight so the deliberation on the actual policy, that has been given to Policy and Services and the City Council to do. I think the jurisdiction of the HRC is to say we have heard this presentation. We have had this discussion as a Commission. If you have a couple more follow-up question that I could perhaps offline get those answers for you and then at that point you can present a letter to the HRC. If that passes, then that could be presented to Policy and Services and/or the Council. To start inviting all these people so that deliberations happen here, I do not think that's appropriate.

Commissioner Lee: Than I will confine my agenda item for this Commission to ask Council to delay the process so that we are included in further deliberations on this issue. Including inviting other stakeholders to weigh in and provide testimony to us on it.

Ms. van der Zwaag: You have to be in agreement...

Commissioner Lee: I

Ms. van der Zwaag: ...to that specific framing of it because that's a different framing than we've been in dialog about so far.

Commissioner Lee: I'm certainly not comfortable in a position where I could say at the next meeting this is my viewpoint on the policy. If we're not prepared to have that extensive discussion at the next meeting, then we need Council to authorize us to do so. So, that's what I'm primarily interested in doing at this point is getting the Commission involved in that process and if that requires Council referring it to us then let's confine the action item to ask them for that.

Council Member Wolbach: Do you mind if I offer another process comment just based on my perspective of being on Policy and Services Committee and on Council? I think that if you agendize a follow-up to your own discussions for your next meeting as an action item. You could again craft a letter or a statement to share with the Council, both full Council and Policy and Services Committee. That could include items such as here are our thoughts, here are our concerns, here are some unanswered questions and we hope that Council will – in Policy and Services Committee and/or full Council seek clarification about questions X, Y, and Z prior to implementing a policy. Should Council feel a need, Human Relations Commission would be happy to continue to work on this item. Those are the kinds of things you might put in a letter or a statement to Council that would be focused on your own resources with your own Staff but wouldn't require a great deal of additional Staff resources from a variety of different departments between now and the next meeting and it would avoid any unnecessary delays. It stills gives you the chance to make your voice heard and for Council and Council Committees to benefit from your input and open the door to future referrals.

Commissioner Lee: Can I ask a point of clarification? Was this item previously on the Policy and Services Committee's agenda and at some point, did they decide not to refer it or did that topic

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never come up?

Ms. van der Zwaag: I don't know.

Council Member Wolbach: I don't remember this coming to Policy and Services recently. I think it's come to you first so you've had a first conversation about it; essentially as a study session. We also often do study sessions where we can take formal action but we make our comments and our questions clear. Staff hears that as it sounds like the staff here now and who was here earlier, it sounds like they heard your concerns and your question. My guess is when it comes to the Policy and Services Committee, they will anticipate that those questions will need answering and if there is a message from the HRC -- that you might craft at your next meeting but not tonight -- clarifying your questions, that would provide extra incentive for those questions to be clarified by the time it comes to the Policy and Services Committee. So, we will already benefit from the conversation you had tonight and if you want to send a letter or something at your next meeting, you could if you agendaize action at your next meeting, you could put that together. That would again be a benefit to Policy and Services so that we can really take the next step based on your input.

Commissioner Lee: I'm thinking there's a universe of questions that exist as of right now and that we could craft in time for the next meeting. Certainly, there are other questions that we don't know about with may only present themselves after further deep dive into this issue and so...

Ms. van der Zwaag: Right and I could see raising certain categories. I mean if it's in a letter, those certain categories of question can also be asked for in that setting as well.

Commissioner Lee: I can work on drafting a letter or a proposed action and then I can forward that to the leadership team for consideration to put it on the agenda after I've had some time to put pen to paper.

Ms. van der Zwaag: Right, I think if the agenda item is open enough -- I don't want to just agendaize a review of your letter.

Commissioner Lee: No, no, certainly not.

Ms. van der Zwaag: I think that could be something if you want to bring that along or have it distributed ahead of time as a draft that could certainly be part of this agenda item. That would be discussed and then if other Commissioners can respond to that or have some other suggestions of their own. I think just my cautious of your point earlier is just to ask Council to give the HRC more chance to give input on it. You can do both and I'm looking for the both and for you.

Chair Stinger: I would very much appreciate your homework ahead of time. I don't think we need to review the letter. We have the agenda item and that's enough but you could make the conversation much more substantial with your effort.

Commissioner Lee: If we could also get clarification as to presentations and making the formal action as an FYI for us for future agenda planning.

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Ms. van der Zwaag: Yes, the first question.

Commissioner Lee: Yes.

Commissioner O’Nan: I’d also like to request that we do a de-brief on the LGBTQ listening forum at our next meeting.

Ms. van der Zwaag: Someone else in concurrence with that?

Commissioner Lee: I will second that.

Ms. van der Zwaag: Ok, thank you.

Chair Stinger: I’ll second the presentation protocol.

Ms. van der Zwaag: Oh, yes, I had one. Can you turn on your microphone, Chair? Thank you.

Chair Stinger: Presentation protocol, I’ll second that. That was mentioned by...

Ms. van der Zwaag: I don’t think that’s an agenda item. I think that’s just a follow-up that staff will do as requested.

Commissioner Lee: Another request would be to get clarification on if a majority of the Commission wanted to put something on an agenda, I hesitate to use the word – to by-pass leadership if a majority of the Commission wanted to put something on a specific agenda. Whether they could do so in addition to the typical process which is requesting it through leadership? I’d appreciate clarification on that too.

Ms. van der Zwaag: Ok. The one thing that Mary reminded me of is leadership is considering a new learning series in which we will be inviting our HSRAP grantees. We only hear from them every 2-years and now you’re going out and visiting them but to see if any of them have new programs or services or initiatives that they wish to share mid-cycle with the Commission. We would invite them to give a short presentation. It came to our attention that one of our HSRAP grantees wanted to do so but when I contacted them they weren’t exactly ready to give a presentation yet. So, it really got us thinking that that would be nice for them to be able to come out and speak to us. I’m just going to send that out as a general request to all of our grantees but you may see that on the next agenda.

Chair Stinger: Anything else?

Commissioner Lee: Could I ask that we also agendize just a 2-minute update to the RV question that has been pending the last couple of months?

Ms. van der Zwaag: So, Commissioner Lee had an individual question to the City Attorney and I have heard back. He just had one more clarification from me so you should be expecting an answer which I can either forward to Commissioner Lee who had the specific question or I can

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forward it to the full Commission if you so like.

Commissioner Lee: That's fine.

Ms. van der Zwaag: Would everybody like to hear the answer or just Commissioner Lee?

Chair Stinger: Yes, we've waited. I would like too.

Ms. van der Zwaag: Ok, I expect that quite soon because there was a question of clarification that was asked to me. Good things come to people who wait.

Chair Stinger: So, question with an answer, would you like an agenda item to discuss it?

Commissioner Lee: Depending on what the answer is, I may reach out to a Commissioner or two to see if there would be incentive to put it on the agenda.

Chair Stinger: Good. Thank you.

Commissioner Lee: Could I make one final comment? Today is International Women's Day and so since that is definitely a demographic and an issue that is under the purview of this Commission I didn't want it to go unsaid. I'm really excited that this Commission is having the opportunity to work on CEDAW and gender equality issues this year. I hope by the next International Women's Day we have some real progress made on that front. If anyone is looking for anything to read, there's this new book out called Brotopia about breaking up the boy's club of Silicon Valley. You know as much as we pride ourselves in being very progressive in this valley, there are certainly many ways which we are not and certainly, gender equality is one of those subject matters. I would encourage this Commission to order your own copy or you can borrow mine after I finish reading mine. There's definitely – if – this shows us there's a lot of work for this Commission to do.

Chair Stinger: Thank you. Thank you and good night.

VII. ADJOURNMENT

Meeting adjourned at 9:35 p.m.