



**Draft**

**HUMAN RELATIONS COMMISSION**

**Thursday, July 9, 2020**

**5:00 PM**

**SPECIAL MEETING**

**\*\*\*BY VIRTUAL TELECONFERENCE ONLY\*\*\***

**Commissioners Present:** Chair Smith, Commissioners Lee, Regehr, Savage, Stinger

**Absent:** None

**Council Liaison:** Council Member Tanaka, Council Member Kou

**Staff:** Minka van der Zwaag, Mary Constantino

Chair Smith: Welcome everyone to this special session of the Human Relations Commission on the City of Palo Alto. Tonight, we are undertaking a serious work, in that we are opening up a public forum, along with an expert panel opinion, to talk about police reforms, specifically 8 Can't Wait. Our desire as a Commission, along with our Council members that are part of this ad hoc group, is to hear from the public tonight about what their desires are. We are here to be a listening beacon. We also have a stellar panel of individuals that bring expertise, everything from constitutional work, to psychology, to policy, to policing, that will speak after the public comments. I just want to give everybody a quick rundown of the meeting so they can understand what we're doing, how we're doing it, and how we're processing through. We will start with public comments because, as we said, it's so critical to hear from the public. We're going to give an extensive 90-minute comment period, and each person will be given five minutes.

Traditionally, it's only two minutes, but we really want to give you time to express yourself. Then, we will hear from each one of our panel of experts. After that, we will go round robin, where we will have each of the commissioners and the two councilmembers, who have taken time out of their busy schedules to spend time to be part of this, to ask questions. Right now, if you are in the public and you would like to give us any comments, I would ask that you raise your hand. That is simply a click of a button. Thank you, Lauren, Jim, Jamie, I'm sorry. If there are any others, please raise your hand. If you are on the phone and you'd like to raise your hand, please press \*9. I will say this. We will cut off public comment at 6:30, but if you would like to still make, if there are people that are still waiting at 6:30, we will take all public comment after we have done the round robin question time with the Commission. Staff, can you take the roll call?

Ms. van der Zwaag: Mary, can you do the roll call, please?

**I. ROLL CALL**

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Chair Smith: All right. Again, if you would like to make public comment, we ask that you please raise your hand, please raise your hand, and I will ask staff to start public comment at this time. The first three speakers are Lauren Cory, Rohin Ghosh, and Jamie Hindery. Lauren, go ahead please. You have five minutes.

[Connecting with Lauren.]

Lauren Cory: Hello, Human Relations Commission. Thank you for addressing police reform and 8 Can't Wait tonight. We have prepared a very short statement as we didn't know what time would be allocated for each speaker. Since your home page states, "Factors of concern to the Commission including but not limited to, socioeconomic class or status... Race, cultural characteristics, [recording cuts out for several seconds]...strongly consider expanding police training to include training related to systemic racism and white supremacy in our country. While 8 Can't Wait is a beginning and an incremental improvement, it doesn't begin to address any of the root causes that have fostered the beliefs and behaviors behind the killings and extremely poor mistreatment of communities of color across our country and state. We, the Mid-Peninsula ACLU Volunteer Chapter would like to work with you on this research and on expanded police training. We hope that you, too, want to participate in this exchange of ideas, with the hopes of building more trust and better relations between our police department and all of our communities. This trust and understanding are sorely needed. It is time to heed the calls of our community to transform the role of how police work within our cities. Thank you. Lauren Cory, Chair, again, Mid-Peninsula ACLU Volunteer Chapter.

Ms. van der Zwaag: Thank you, Lauren. The next speaker is Rohin Ghosh, followed by Jamie Hindery, then Leslie White. Go ahead, Rohin.

Rohin Ghosh: Thank you. Good afternoon, Human Relations Commission. I'm a Palo Alto resident and a student at Palo Alto High School, and a member of Silicon Valley DSA. I'm coming to you to speak today about the fact that I think Palo Alto police department as an institution does not serve the community of Palo Alto. I think it's shameful that the conduct of our taxpayer funded police department in Palo Alto has been such that we are under federal investigation – and rightly so – for repeated violations of people's civil rights. For how Julio Arevalo savagely beaten by officer Thomas DeStefano, who is still on the police department's payroll. I'm coming today to speak to you guys because this city, or Palo Alto police department, despite our claims of our city being such a progressive city, has more racial bias in arrests than 81 percent of other police departments. That means we are worse off in terms of our police department being more racist than 81 percent of other departments. In addition to that, our police department has not been acting as a public safety institution. Sixty-six percent of arrests in Palo Alto were for misdemeanors. Sixty-six percent of arrests in Palo Alto were arrests that did not need to happen. That is, I think... And those are all statistics from the police score card, and those are based off internal and FBI statistics. I think it's very important for us to recognize that whatever we may say, small reforms are not enough and 8 Can't Wait can, like, maybe potentially stop the most egregious acts of violence from happening. It might stop the most egregious murders from happening. But still, an arrest, an unjust arrest, someone being tackled in the middle of the street? Those are still acts of violence. Those racially motivated acts of violence are pervasive in our community, in Palo Alto. I applaud the City Council and the HRC

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for taking this up as an issue, and I think that's better than certain cities have done in trying to ignore their own police departments, but 8 Can't Wait should not even be considered a step in this regard. We need to fundamentally rethink how policing functions in Palo Alto, we need to divest resources from violent policing and defund these systems that do not work, and invest in supporting our houseless communities, our vee [phonetic] communities. Invest in mental health treatment and resources for the community. Those are what actually keep the community safe. Palo Alto police department has not been keeping the community safe. Rather, they have been, like, taking the most vulnerable people in our community and assaulting and abusing them. The police department has been engaging in behavior that just simply creates the more unsafe and violent environment in our community. The article in the weekly, in the Palo Alto Weekly this week, points to how pervasive these issues of racism in our community are, and the police have been a key part in that. Palo Alto is listed on the list of sundown towns. I thought we had gotten rid of those existing decades ago, but unfortunately, Palo Alto, our beloved community, is listed on a national registry of towns that could be considered sundown towns because of how police behave. That needs to change, and 8 Can't Wait unfortunately can't do that. We need to fundamentally rethink how to do public safety in Palo Alto. That means divesting from and fundamentally abolishing these systems of policing that we currently have. Thank you, and I yield the balance of my time.

Chair Smith: Thank you. Jamie?

Ms. van der Zwaag: Hold on. Let me take care of that. The next speaker is Jamie. Jamie, you will have five minutes. Go ahead, please.

Jamie Hindery: Hi there. Can you hear me?

Ms. van der Zwaag: Yes, we can, go ahead.

Mr. Hindery: Wonderful. First of all, I'd like to thank the Commission for putting this meeting together and bringing together the experts for this discussion. I appreciate that. The first thing I'd like to bring up is directed at Shikada. I think that it is important. I've heard many members of the community that felt like they, they were told that there would be a protective layer put down over the Black Lives Matter mural in front of City Hall, and that hasn't happened yet, to the point where there have been protests of people trying to protect that art. I think that's your job, Manager Shikada, to make sure that that happens immediately. In terms of 8 Can't Wait, I think I'd like to echo the comments made by the caller before me, Rohin. It really is the first baby step. I mean, it is the baby standing up. It should not be our end goal. It is the most basic set of requirements that we can ask of our officers, so I really think that this needs to be done much more quickly than it's happening. I also think it's important that Palo Alto legislate something similar to the CARES Act that was recently proposed in San Francisco. It's my understanding that a significant portion – I think it's upwards of 60 percent – of our police calls, calls to 911, are related to public nuisance types things, which very often are race, or class, or ability level related, or mental health related, and I think we need to hold our community members accountable for those kinds of calls. I would really appreciate if the HRC would bring something that looks like the CARES Act to the Council's attention. In terms of 8 Can't Wait, again, it really is so, so basic. Communities across the country have already passed and implemented this

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and we're still in a discussion phase. Like I said, I really appreciate the HRC for putting together this council of experts and reaching out to the community for feedback, and I know that you guys don't have final say, you folks don't have final say. It's really the Council that's delegating this job to you instead of doing it themselves. I find that slightly irritating. In terms of the current officers on the force. I think Robert Jonsen, you have a responsibility to do everything in your power to get Zach Perron off the force, as well as Officer Thomas DeStefano, and to see what we can do to get Wayne Benitez's pension off of our books. I, the taxpayer, really don't like that the money that I earn in my underpaid profession as a preschool teacher, where at the moment I'm risking my own safety to actually be back on campus and teaching the children of our community. I don't make enough at that job to then have some of that money going towards these abusive cops. I struggle to respect the authority of Palo Alto police department when I know that you guys promoted an officer, Zach Perron, after he called a fellow officer the "N" word, which caused that great officer, who had just saved a man's life, to quit. With all due respect to the ACLU, they do amazing work, I love the ACLU, I really don't want to see more training happen after these officers have come out of the academy. Where we're going wrong is in the academy. In the academy, we're teaching officers that everyone is out to kill them, and that their partners are their only line of defense. This discourages them from holding each other accountable, and also, it's just misinformation. It is literally more dangerous, according to OSHA, to be a pizza delivery driver than it is to be a police officer. I think when you indoctrinate officers with the idea that everyone is trying to kill them, it absolutely will cause violence, cause police officers to respond with violence. Thank you.

Ms. van der Zwaag: Thank you, Jamie. The next three speakers are Leslie, Johannes, and Winter Dellenbach, Leslie, you are next. You have five minutes. Go ahead, please.

Leslie White: Hello everyone. Thank you very much for taking my call. I have worked in both industry and education, and what I know from those times is that you cannot improve something that isn't measured and isn't part of your job evaluation. As I've been listening to all these various calls and researching up on the police information site, I don't see indications of where in the police system that pretextual stops, particular for people of color, the day-to-day hassling and wear and tear on people of color in our community, where that gets recorded on the police officer's timesheet. Is that involved in his job performance evaluation? Is that involved in the supervisor's job performance evaluation? Because unless the day-to-day hassling stops, people are not going to feel safe and welcome in this community. I'm going to just relate a very quick anecdote, which I have permission to do, because I am not a person of color, so I wanted to be respectful. But I have a good friend who was very excited to start his own business to downtown Palo Alto Verizon store. Took a long time to get the problem sorted out, but he was so excited because he had his brand-new company phone, was jogging down the street after he finally got out. Saw a couple of Palo Alto police officers. They stopped him. What are you doing? I want you to stop here. I'm going to, you know, I need your ID, I'm going to make you sit on the curb for half an hour while I make sure that nothing bad happened at the Verizon store. Well, nothing had happened at the Verizon store. He had been there for the past hour and a half, two hours. It was a pretextual stop. He felt deflated, embarrassed, unwelcome, and I want to know where in that officer's time sheet that pretextual stop of this person of color was recorded. Does he have a string of this? Is this a pattern? Because unless we start recording this kind of thing, unless we

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start using it in evaluations, it just isn't going to quit. That's one of the questions I would like to understand. Thank you for your time.

Ms. van der Zwaag: Thank you, Leslie. The next speaker is Johannes, to be followed by Winter, to be followed by a phone number ending in 705. Johannes, you have five minutes. Go ahead, please.

Johannes Muenzel: Hi, can you hear me okay?

Ms. van der Zwaag: We can, go ahead, please.

Mr. Muenzel: Hi. This is Johannes Muenzel speaking. I'm a resident of Palo Alto and I'm a co-chair of the Silicon Valley chapter of the Democratic Socialists of America. I'm glad that the Human Relations Commission is discussing 8 Can't Wait. I think if the commissioners aren't aware yet, I would like to direct your attention to the apology that the 8 Can't Wait organizers from Campaign Zero issued. Specifically, they apologized because the 8 Can't Wait campaign unintentionally detracted from efforts of fellow organizers invested in pragmatic shifts that are newly [inaudible] at this moment. They apologize wholeheartedly and without reservation. The 8 Can't Wait organizers have explicitly committed to the end goal of absolute liberation from policing. They have encouraged their audience to make progress in other strategies toward abolition, defund the police, and reinvesting in community. It is telling that 8 Can't Wait is on the agenda, but 8 to Abolition, which is another very well thought out project, is not on the agenda. In particular, the eight policies from 8 Can't Wait... Well, I think I would first like to address the claim which 8 Can't Wait originally made, which would reduce police violence by 72 percent. That's bad statistics. There's plenty of sources on that, but in particular, there is a problem with correlation equals causation. It's not clear that the underlying data actually shows that this policy has caused any reduction. Furthermore, it assumes perfect compounding of a 15 percent reduction in killings per policy. It's only looking at killings. It's not looking at bias broadly, violence more broadly. It doesn't really address the problem that Palo Alto has, which is an incredible discrepancy in, you know, you have 1.38 percent of population that is black versus 21-plus percent of arrests. You have another extreme disparity with the Hispanic community. So, 8 Can't Wait doesn't really address that at all. We need more fundamental changes. We need to look at defunding the police. We need to demilitarize communities. We need to remove police from schools. We need to start freeing people from prisons and jails, especially relevant under this time of COVID, right? I think the Human Relations Commission should especially reach out to the black community in East Palo Alto. There was a protest in front of City Hall very recently. Community member after community member have described as children, as young men, how the Palo Alto police targeted them. Right? This is, you know, racism that is happening right here in Palo Alto, caused by a police force that, as Rohin pointed out, like, is arresting people for things that they shouldn't be arresting them for in the first place. I think the Human Relations Commission really needs to look at the systemic issues and systemic racism. You know, it doesn't mean it's in the air, right? Like, it means that there are systems that are carrying out racism. Right? The police is one of those systems. Prisons are one of those systems. Ultimately, the 8 Can't Wait policies are not going to solve any of this. Furthermore, many attempting reforms will actually lead to giving more resources to police. Like, more training for police, more equipment, you know, more, like, less lethal weapons, more body cameras. These are ways

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of kind of inflating the police budget without adding accountability and practice. I join the other callers in calling for defunding the police, not reform. Thank you.

Ms. van der Zwaag: Thank you, Johannes. The next speaker is Winter Dellenbach, to be followed by the phone number ending in 705. Then, David Sacerdote. Winter, you are next. Go ahead, please.

Winter Dellenbach: Hi, commissioners. Well, I support 8 Can't Wait standards. I want our City Council to adopt them, and I want you to go a pace at your review so that they can get them in August. They've made some strong commitments to some real reform, including taking a close look at police policies and some alternative policing. I think that that is really very good, and they're relying on you to do this part of the task, which I think is really great. You know, I listed to the County Board of Supervisors' meeting when our wonderful supervisor, Joe Simitian, made his proposal, which was unanimously accepted for the next step for reforms, including 8 Can't Wait, for the county sheriff. One of the people that was there to speak was our independent police auditor, which is also the independent police auditor for the county of Santa Clara, Mike Gennaco. I thought, among a few things that he said I thought would be of interest for me to share with you, which was that, he stated that he is an independent police auditor who reviews citizen complaints and internal investigations for the Palo Alto police department after they are investigated. He said that he is an independent police auditor for quite a lot of police departments, law enforcement agencies, all over California. He said the 8 Can't Wait standards and policies are basically coming into use all over California. They're just becoming the standard of practice, and I thought that's important for people to know, for people to understand. This isn't exotic, this isn't unique, this isn't weird. It's becoming the standard of practice. I wanted to say something about the implicit bias training because it's very beguiling, which I completely understand. You know, I think particularly people in America, we love to take a pill and feel better in the morning, but I think of implicit bias training as a little bit like a pill. The problem with it is that there is absolutely no evidence that it works, and in fact and unfortunately, there's a pile of evidence that shows it really doesn't stick. It doesn't work. It's too easy. A whole lot of studies have looked at it and they've just come up short that it has any lasting effect. When you think about it, it kind of makes sense. You know, bias is in our culture, it's in our society, and it just gets baked into us. If it wasn't so hard to get rid of, our country would be in far better shape. I just wanted to put that out because those kinds of easy answers just aren't it. You know, our police department as implicit bias training and we still have big problems. I would just like to caution people about thinking that that is really a significant part of the answers. I want to point you, and I'm going to send you a link to it, if you don't know about the CAHOOTS program that Eugene, Oregon has been using since 1986. It's a first responder 24/7 program for 911 calls, mental health calls. They go out rather than the police, and it's great because the police then can do policing rather than social work. It really works. A number of Bay Area communities, police departments, cities are looking at it right now, and it really works. It's a lot better than I think the current program which our department is looking at because it's much more intensive. I just wanted to quickly say we need to adopt better specific PAPD policies that support good policing, good officers, equity, justice and safety for all, and that minimize the use of force. 8 Can't Wait is just getting started. We have to acknowledge that all the reforms in the world won't matter if we don't have good accountability, increased transparency, more oversight by the independent

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police auditor, and by our City Council, and expand the role of the independent police auditor, and we have to rethink policing altogether and have a department...

Chair Smith: Thank you so much, Winter.

Ms. van der Zwaag: Thank you, Winter. The next speaker is phone number ending in 705, to be followed by David Sacerdote, and then Linda Lenoir. Phone number ending in 705, go ahead, please.

Kat Snyder: Hi. My name is Kat Snyder. This public comment is in regard to choosing a fifth member of the HRC, so it's possible it's directed towards City staff. I'm not completely sure. I've lived in Palo Alto since I was six; I'm 36 now. I'll admit I only recently heard of the HRC and started listening to meetings. I just wanted to let you know that I went to both of the protests organized by recent high school graduates, and I know at least one of the organizers either has or will apply to be on the Commission. I realize that an 18-year-old may be a bit younger than you usually have on the Commission, but having attended both of those rallies, there's clear evidence that the organizers are good at reaching out to a variety of different community members and allowing them space to say what they need to say. Not to mention all the coalition building, the coordination and logistical work necessary for holding the marches in the first place. I believe these skills are directly aligned with the HRC's mission and also prove that they are ready and willing to do the work. I personally would put these young adult organizers at the top of my list of applicants, and I hope that you'll do the same. Thank you.

Ms. van der Zwaag: Thank you. The next speaker is David Sacerdote, to be followed by Linda Lenoir, and then, Raven Malone. David, go ahead, please. You have five minutes.

David Sacerdote: Thanks. I'd like to bring up two things. The first one is that Palo Alto actually used to collect racial statistics on police stops, and we stopped maybe 10 or 12 years ago. It did show that there were significant racial disparities in stops, but basically what happened is that the police argued that, well, we were in this part of town, or that part of town, and that that causes it, rather than some sort of bias. As a result, it provided fairly limited leverage for addressing the actual disparities that are caused by police bias, and to actually make it useful, it needs to be coupled with information about who is in what part of town, if we go that route. I don't think it's going to be terribly successful because the history is that it didn't work, and I don't think it's been particularly effective in other towns either. The second piece of it I would like to bring up is that in a lot of other countries, the standard is not that every call gets some heavily armed and armored person responding. It involves a response by somebody who isn't armed for many, many calls, and an armed response unit can respond in those rare circumstances where you actually need someone to come in with weapons. We don't need to have somebody who is coming around armed for the bulk of calls. If somebody had their car broken into, we don't need an armed individual there. If something was vandalized, we don't need that after the fact. It's not to say that there's zero instances where it's needed, but the bulk of them, we don't really need that. In a lot of countries, people do just fine without that, and they're okay. There's absolutely no reason why we couldn't be okay in the same way, which in terms means the standard, the model we have right now of having an armed officer shows up for just about anything is not something that has to be. It's optional. We can choose to have a response that is mostly not an

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armed response. It's a much more limited response, and it doesn't have to look like a police officer. It could, in a lot of cases, look like somebody who is a mental health professional, or should look like somebody who is trained more like an insurance adjuster, because in practice, that's why people are calling over a lot of these things. It's not because we seriously expect the police to recover a stolen bicycle or fix your car that's been broken into. They're not going to do any of that. People are doing it because, are calling because they need an official report they can give to their insurance agency. Reducing the presence of armed police for those kinds of things helps our community. Thanks.

Ms. van der Zwaag: Thank you, David. The next speaker is Linda Lenoir, to be followed by Raven Malone, and then, Eric Lin. Go ahead, please, Linda.

Linda Lenoir: Thank you. Thanks, HRC commissioners, for taking on this topic tonight. I think it's terribly important, so I do thank you for taking it on. I really look forward to the panel as well. A couple of comments. As David just pointed out, actually, a number of years ago, I was on the Human Relations Commission in Palo Alto, and we did collect data, and we did look at racial profiling. I think it's still terribly important to go back and to start collecting that data if it has stopped. I think that that could be one of the things in the strategic plan for the HRC, as we did, to look at it, and to try to get someone help assess that data. That data guides your actions. It guides what you do. I think that we can't just say there isn't anyone to collect it or we don't have enough money. I think it's really important to look at that again. I also wanted to say that we all know that racism inequities/disparities are not only in the police department. It's everywhere we look, right? Education, institutions. Just about every institution – or hopefully every organization – is looking at and reflecting on what they are doing to both look at the issue and to make changes. The other point I wanted to make is that my understanding is that when we're thinking about 8 Can't Wait, that it really needs more than just local changes. We're looking more at state and federal legislation. A number of webinars that I've been listening to said that we need to look beyond, that it really needs the state and federal, but that a stumbling block has been or can be the unions. I really haven't heard anyone address the unions yet, but I hope that we are able to address that tonight, looking at the unions. Another point I wanted to make was about the funding. I know that Winter was just talking about another program to bring in mental health therapists. Well, having been a first responder to suicides in our community for many years, I think that absolutely the police do not and should not be responding to every call. I think that the PERT is certainly a good program. It's been around for a long time. I know that there has already been funding I believe from the county for that program, so hopefully that will be brought up soon. I know that Palo Alto is one of the cities. But there's also other ways to bring in mental health people as well, particularly perhaps looking at people who are arrested and doing some kind of evaluation, if needed, with people to help them. The other point is about our youth. I think that we do have school resource police and have for years and years, and I think that, in my mind, the way to look at having a police officer on a campus would be have a focus group. Get youth together. Talk to them. What do they need from us? You need a variety, a diverse group of youth, not just the people who are the head of the youth council. You need a diverse group of youth. As you know, we probably have about 700 students in East Palo Alto also, and from other parts of our town. We need a diverse group of youth to come and say, what would you like to see the police doing? How can we be helpful? How can we support what you all need or are doing at

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school? I think that probably, I'll stop there. Once again, as I said, it's not just in training. It goes so much deeper than that one-time or once-a-month training. Thank you for looking at the issue, and I hope that you make a lot of progress and really get down to real action steps. Thank you.

Ms. van der Zwaag: Thank you, Linda. The next speaker is Raven Malone, to be followed by Eric Lin, and then Matt Basirico. Raven, go ahead, please.

Raven Malone: Hi, can you hear me?

Ms. van der Zwaag: We can, go ahead, please.

Ms. Malone: Okay. I just want to thank the Commission for allowing us to have this open floor. I completely feel like it's super important for us to adopt the 8 Can't Wait policy. However, I do want to say, do you honestly think that those who are experiencing police brutality or have experienced police brutality are adequately represented in a forum like this? I've been spending a lot of time in the last few weeks, listening to stories of, you know, our black and brown constituents, and these stories aren't being heard, and whether it's due to intimidation or work schedules, or maybe even technological difficulties, there are dozens of stories out there that aren't being told. While I do appreciate this forum, I'd be happy to help connect those on this Commission, including the chief and the City Council, with those whose voices actually need to be heard and aren't being heard. If you want meaningful change, it does require meaningful engagement, which requires a little bit more than this. I'd like for anyone who has a story who is listening to please share that, and I will yield my time to that.

Ms. van der Zwaag: Thank you.

Chair Smith: Raven, thank you so much for those comments. Part of the work plan is to collect stories for black and brown individuals, the current impact in the city. I would love to have your help collecting it. If you could email me at pastor@universityamez, we are currently shooting to do.... We are currently, not "shooting," we are currently planning to do a forum where we hear those stories in the beginning of August, so I'd really like your help. Thank you.

Ms. van der Zwaag: Okay. The next speaker is Eric Lin, to be followed by Matt Basirico, to be followed by Onaiza. Eric, you are next. You have five minutes. Go ahead, please.

Eric Lin: Hi everybody. Thank you for giving me this opportunity to speak here. I've only lived in Palo Alto for a very short time, about two years, and I'm always in and out of the country, so actually, my experience and time in Palo Alto is not very much. What I'm going to say here might go against what a lot of people will say, but I have to make my opinion. I've heard some very interesting points from very great information, especially regarding abolishing police and replacing it with community police. How exactly would that be implementing? Training civilians to do law enforcement duties, volunteers for peacekeeping. And if I could ask, how many people in Palo Alto have actual experience with firearms, and especially experience dealing with criminals, especially violent ones. Last time I checked, trying to negotiate a bank robber out of a heist or a robbery or car break-in might not happen too well. If you abolish the police, who would you call for help if you need it? But I do agree that reform is needed in some ways. I

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believe it's not necessarily a training issue, but rather a character issue. I've met and know many police officers, and some were former military members who aren't the most pleasant people to be around. I'll just leave it at that. Those are not the kind of people we would want to have in the police department, policing the streets. Also, statistics show that police killings are not a widespread issue. Let me know how people were killed in Chicago this weekend. Also, I hear a lot of information about the 8 Can't Wait, and I understand that the concern with police is basically overuse of force, and some of the things that 8 Can't Wait want to do, like banning chokeholds, strangulation, I understand that. But there are also other things like warning someone before shooting, unable to shoot at a targeting car – things like that. And I'm wondering if, in a life-and-death situation, if you put yourself in the officer's shoes, would you be able to warn a suspect or someone who was trying to kill you and attack you that you're going to shoot them before? Speaking of defunding, I understand that some people, the problem they have with the police is that they are supposedly a violent organization that kill people. Well, if anything, I think the most violent organization would be the US military, and we spend over \$700 billion a year funding the military. That's more than the top 10 countries in the world combined. If we did defund the military, all that money could certainly be poured into various other aspects of improving society, but who would say to defund the military, because otherwise, other countries may try to invade the US, even though I don't think that will happen. It's the same thing with abolishing police. If we do abolish police, who will do policing for the communities to keep law-abiding citizens safe and be able to enjoy their lives? That is mostly what I have to say regarding abolishing police. Another thing that people should understand is that crime statistics do not necessarily review racial biases. If certain groups commit more crime disproportionately, then they actually have more interaction with police. There's actually a study done in Harvard about three years ago, and they showed that even though there was somewhat of a discrimination in racial bias when it came to non-violent offenders, it actually showed that white people were more likely to be killed by police per contact. Last year, 19 white people, unarmed, were killed by police, while nine unarmed blacks were killed by police, yet the media never reports about the unarmed whites being killed by police. You can look up names like Tony Timpa, Daniel Shaver. These are all white suspects who were brutally murdered by police, and if you watch the video, they were not a threat at all. That is all I have to say. I hope everyone has a good day. Thank you.

Ms. van der Zwaag: Thank you, Eric. The next speaker is Matt, to be followed by Onaiza, and then Cari Templeton. Matt, go ahead please. You have five minutes.

[Connecting with Matt]

Matt Basirico: Hi. Thank you very much for taking the time to listen to me. Can you guys hear me?

Ms. van der Zwaag: We can. Go ahead, please.

Mr. Basirico: Great. I'm in the middle of the street, doing a silent protest for the Black Lives Matter murals. I just want to say, I understand that getting the project done of putting a sealant on this to make it last could be a large issue, but at the same time, I have talked to somebody who told me that the epoxy or the sealant would last approximately two to three months. So, what I'm asking you guys is, if we did it four times for the next, well, however many months, I

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mean, I don't think that's much of an ask. I can find monetary ways to assist if that's the issue. If it's literally just because of environmental, then the individual who I talked with who runs an epoxy company for the last 20-some years, of West Coast Epoxy – his name is Mark Ross, and I'll send you all his information – had said that he was able to put down the epoxy, and knowing how much cars go down Hamilton – I've seen it live for the last two days – it could potentially last two to three months each time he does it. I get that there's the hassle of putting up the blockades for that day that it needs to be done each time, but... And the man never promised me anything, but he did say that he would attempt to get the epoxy down, or sealant down – excuse me – to make the pieces last at least one to two years. Now, I'm not asking for two years. I think that's way big of an ask. Even a year would be amazing. That's really all I have to say. I appreciate your time and thank you for listening.

Ms. van der Zwaag: Thank you, Matt.

Chair Smith: Can we hold on for one second, Minka?

Ms. van der Zwaag: Yes, Chair.

Chair Smith: Is Director O'Kane on the phone? Yes, she is. She would like to respond to this. Thank you.

Kristen O'Kane: Hello. Thank you, Chair Smith, and thank you, Matt, for joining us and sharing your perspective on the mural. Our original plan was to have this be a temporary artwork. That was the direction by City Council, and that was our plan all along, and our intention is to continue that plan. We are not intending on putting a sealant on the mural. We do feel like the mural will last for some time. There are concerns with putting the sealant on. I would like to also add that I do feel like opening the street to cars and having people be interacting with the mural in different ways throughout the day really sort of weaves the mural into the fabric of the community, as opposed to it just standing alone as something that is viewed from the outside. We're sticking with our original plan to have it be temporary and to open the road and to allow people to enjoy it from whatever way they are transporting across Hamilton Avenue. Thank you for the opportunity to respond, Chair Smith.

Ms. van der Zwaag: Thank you, Director O'Kane. The next speaker is Onaiza, to be followed by Cari Templeton, and then, Ola. Onaiza, you have five minutes, go ahead, please.

Onaiza: Hello? I think it's working.

Ms. van der Zwaag: It is. Go ahead, please.

Onaiza: Thanks. I'm not even going to start with the mural because having cars interact with it, so it's woven into the fabric of our city is a little weird. I think asking for sealant is not a ridiculous ask, but that is beside the point. I'm glad that we're having this space for people to call in and talk, and I really appreciate it, and I really appreciate the five minutes. I know that was sort of an issue last week, and I'm glad that people have that time. Something that I want to ask us is, what is the role of police? Right? We always come back to this idea of public safety, right?

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Police are here for public safety. I want to say that public safety should not continue to be centered on people who are already feeling safe, that it has to be focused on people in the community who do not feel safe right now. I'm glad there's a forum where people can share their stories, but why are we discussing policies for the city before we have an accurate understanding of the problem? I've heard many stories of people who were targeted, harassed, mistreated by the PAPD. I myself have had harrowing interactions with the police, and I don't feel comfortable sharing them out here. I didn't feel comfortable filing a complaint. I plan on being there in August, but if I don't share, it's because it's not an easy thing to share, and it's not okay to expect people to show up to a forum like this to voice their concerns, or to.... Yes. Anyway. I know the City Council tasked the HRC with 8 Can't Wait, which is cool, and then they've reduced the size of this commission, which is ridiculous. I just wanted to go through a few reasons why 8 Can't Wait might not be the thing we should be focusing on, and maybe we can kind of pivot to asking these larger questions of, what is public safety, how can we create a safe place for our community? And when I say "community," I don't just mean residents. Right? I mean the teachers who can't afford to live in Palo Alto, essential workers who can't afford to live in Palo Alto. They are part of our community as well and not enough has been done, or their voices aren't being valued, I guess, or brought into the.... However, you want to say that. The first thing is banning chokeholds and strangleholds. Eric Gardner died from a chokehold, and that was banned in New York. I mean, we can put the policy in place. Fantastic. But enforcing it will require resources that the City will have to take away from other programs. Requiring de-escalation. There's always a loophole, there's always an exception. I mean... Yeah. Same thing with a warning before shooting. Actually, I'm going to start there. There are very good reasons why these policies aren't comprehensive, and while I can agree that some of them should be done on paper, I'm worried that Palo Alto is just going to say, hey, we dealt with this police problem because, look, we did these eight things that are simple to do, but yet, we're having two months of discussion about this, and then move on. But this is a problem that will persist no matter.... We need to, yes, do more, because it's a problem that will persist. The final thing I want to say is that a lot of the times – and I understand very little the frustration, and I understand that everyone has to work within this system. So, when we bring up these things we hear, oh, we can't do it because of this, we can't do it because of police union contracts, right? I would like us to, instead of focusing on, like, oh, we can't do it because of this, figure out how can we change the obstacle that is in front of us, right? How can we change the union contracts? Why do police get paid overtime for going to court? Why are taxpayers paying for pensions for officers who have had their disciplinary record sealed and been promoted? Those are the kinds of questions that we need to ask, and we need to be, like, figuring out a good way to do those things, and not just focus on these, you know, Band-Aid policies. I really appreciate everyone's effort and time, and I know this is not easy. I know there are any sides to it, but I really think broadening the discussion and moving towards defunding and imagining a society without police is where we should be going. Thank you.

Ms. van der Zwaag: Thank you, Onaiza.

Chair Smith: One quick note. Just so that we allow everybody to have equal opportunity, you're only allowed to speak once during public commentary. Thank you.

Ms. van der Zwaag: The next speaker is Cari Templeton, to be followed by Ola, to be followed by Teresa Brown. Cari, you have five minutes. Go ahead, please.

Cari Templeton: Hello. First, let me thank you all for centering on this pain that our community is feeling, and working towards ways on how to end it. I am planning and transportation commissioner for the City of Palo Alto, but I am not here in that capacity tonight. I am just speaking on my own behalf. I think that having a discussion around 8 Can't Wait is important. It's necessary, but it's insufficient, and I hope that we can look for ways to go further than that over the course of this discussion. I appreciate the previous speakers who have brought up some concerns around that movement, and will direct you to a recent article in the Harvard Civil Rights and Liberties Law Review, which I will send to you if you haven't already read it. Regarding police reform, in our zeal to protect our community, we have somehow normalized violence and become complacent about violence that is done in our name. I think that's a mistake. I think about other folks that we look to, to help us, that have great power, like doctors. They have an oath that they take to understand and process their power, and that oath is to do no harm. They have a responsibility to help, and also a perspective about how that responsibility is only to be used for a good outcome for all involved. I'm wondering if we can ask ourselves, what is the appropriate force for a given situation? I think about, for example, George Floyd. His life was lost over the matter of a sandwich. I think that was a complete overreaction and thinking about some of the previous commenters who are concerned about violent situations, maybe there's a different level of force that's appropriate for responding to a call relating to violence versus a call relating to property. We should think about that, and that might be a way for us to look at reducing the amount of violence that our community is facing, especially at the hands of the police. To close, I want to say that I understand that our community is facing a great deal of pain every day, and a lot of that pain has been kept close and kept silent and not conveyed out and open. I want to say to the folks out there that are looking to share their stories, I think that's a very powerful way to communicate to those who may not be experiencing it firsthand. I was really grateful to hear Pastor Smith mention an initiative to capture those ideas, those experiences, and to share them for the benefit of the whole community, because I do believe that talking about it and accepting that there is this pain around racial tension in our community is the best first step in addressing it. Thank you.

Ms. van der Zwaag: Thank you, Cari. The next speaker is Ola, to be followed by Teresa Brown. Ola, you have five minutes. Go ahead, please.

Ola Abiose: Hi. I want to also just thank Onaiza for a lot of the points they raised earlier because it makes my job a lot easier, too. What Onaiza was saying earlier is that the reason why 8 Can't Wait is inefficient is that a lot of the police departments with the most egregious brutality cases had all eight policies in place, and there needs to be fundamental shift in how we approach policing. And with all due respect to the City Council, it's insufficient for the City to adopt a resolution claiming black lives matter, or to have a mural, but be fundamentally out of step with the demands of people who are on the ground for the movement for black lives. So, to increase police spending and adopting the 8 Can't Wait policies when people are calling for reducing police spending. If we are going to talk about 8 Can't Wait, we should look at how the people who created that platform grade the Palo Alto city police department. For police violence, we have a grade of C. There's less than two percent of a population that's black, but 22 percent of

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the people who are arrested are black, and there's more racial bias in arrests and deadly force than 81 percent of police departments. Additionally, with our approach to policing, we have a D grade. We have more police funding than 92 percent of departments, and a higher misdemeanor arrest rate than 71 percent of departments. Now, fundamentally, when we talk... A person earlier brought up a point about what do we do about violence. Let's be real about Palo Alto, one of the wealthiest places and municipalities in the entire world. In general, police only deal with what... 80 percent of their calls are related to non-violent misdemeanor offenses, and in Palo Alto, the rate of violent crime that they deal with is three percent. Additionally, generally, only 25 percent of cases are cleared. We don't have stats on the percent of cases that are cleared in Palo Alto, but the point is that we cannot be invoking people in Chicago who are already working around gun violence for rhetorical points about why police should be in place in Palo Alto, one of the wealthiest places, that still has worse disparity in racial arrests than any other.... Sorry, 81 percent of police departments. Also, if we want to talk about violence, calling the police doesn't necessarily save someone from being murdered or save someone from being robbed because police do not get at the root of violence. It's curious to me that the City wants to cut spending for libraries and park maintenance and children's theaters, things that might keep our community more stable and flourishing, and wants to keep police spending intact, and then say that it's adopting 8 Can't Wait in a way of, like, adopting police reform, when so many activists on the ground are saying this doesn't work. Even the 8 Can't Wait creators have said that they want to move toward abolition. City Council and the City can adopt the policies that it wants, but it needs to be honest with itself, that it's invoking Black Lives Matter in rhetoric alone and not necessarily being aligned with the needs of the black community nationwide, and in Palo Alto. I just want to make a last point. I'm a Stanford law student, and there has been a petition circulating to reduce the presence of Stanford police department on campus, but apparently Stanford gave away its decision-making power on this point and we do not have the power to change the number of officers or de-militarize the police presence on campus. This is completely unacceptable. There is an open letter that has been signed by thousands of students and alumni. It is a staggering number, and we think that if we want to start talking about reducing police presence and police funding, particularly in schools, cutting the Stanford police department budget is an important first place to start. I really urge the City Council to think critically and meaningfully about how they want to defund the police department, cut spending, and not adopt window dressing in the way of being in line with the Black Lives Matter movement. Thank you.

Chair Smith: Thank you so, so much. Does anybody else like to speak, since we're coming to the end [inaudible] period, if you can raise your hand now, because at the end of this, we want to close off those that can raise hands. Please, if you want to say anything, get in the queue now, because we want to be respectful of our panelists' time, and your time also.

Ms. van der Zwaag: Thank you, Chair Smith. Hold on just a minute please. We have three final speakers. Teresa Brown, Henry Poole, and Joy Franco. We'll have Rahimeh as our last speaker. Those are four speakers that I have here. Teresa, you have five minutes. Go ahead, please.

Teresa Brown: My family has property in this city for almost 100 years but has always felt that Palo Alto police treat us like invaders who don't belong. As a child, I watched my black father, pulled over by Palo Alto cops without reason. They would ask him if he was on parole, why he was here, and make comments about him living in East Palo Alto. I had to watch my father

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explain that he's a Palo Alto homeowner that was born and raised here. I knew this wasn't normal and didn't happen to everyone. These types of incidents became the status quo to myself, my family and my friends. We have been unfairly questioned as to where we are going, who we are going to see, all without being given a reason why we were pulled over. When reasons are provided, they consist of you fit the description, or the light is out on your license plate. Something that most people don't even know you can get pulled over for. Routinely, Palo Alto police see us driving and immediately make a U-turn to pull us over. They have searched our vehicles and detained us for extended periods of time, all without cause. We have been told our taillights are out when they are actually working. Police have refused to provide reasons, stating, "I don't need a reason," and telling me to shut up when I ask for one. An officer pulled me over in front of Whole Foods for wearing sunglasses. She made me get out of my car and place my arms across the hood in front of bystanders. I can only assume this was done to embarrass me. Two male officers in two different cop cars pulled me over without providing a reason and taunted me, saying, "Don't we know you? Haven't we pulled you over before? I'm sure we pull your dad and brother over all the time." They were laughing at me and said, "Well, aren't you feisty," when I asked why they pulled me over. They searched my car with their flashlights, then let me go when I said I was going to report them. Another male officer pulled me over and held me for over an hour while he searched my car, looking for marijuana that he said he smelled. He threw my stuff on the ground. He broke my niece's car seat when he held it above his head and dropped it to the pavement. He told me it was a good thing that I don't have my own kids and hopes that I never do. He frisked me inappropriately, running his hands up and down and between my legs. The second male officer asked him to stop and told him he needed to call a female officer. He told him to be quiet. I asked if I could get my jacket. He said that if I was cold, I could sit handcuffed in the back of his car. The other cop asked him if he could get me my jacket, and he said no. The second officer apologized to me several times but did nothing to stop this. When talking with my white friends about these incidents, they are blown away, and of course have no stories like this to share. For me, these incidents happen every couple of months, but for my father, growing up in Palo Alto, it was an occurrence that happened every time he drove somewhere. How is anyone of color supposed to trust the Palo Alto police? During high school that were broken up by police, white and Asian students saw black and Latino students detained while they were told to get out of here and go home. We were told to lie on the pavement, arms out, or sit on the curb with our hands out like criminals, when we did nothing wrong but attend a party like anyone else. They never had a reason to detain us and eventually let us go. On my brother's 17<sup>th</sup> birthday, he was drinking in front of 7-Eleven with his friends, who all happen to be white. When cops pulled up, all the kids ran. They only chased my brother, sending a police dog after him. The dog bit the back of his pant leg. He dropped to the ground and put his hands up. A cop hit him across the back of the head with a mag light, knocking him unconscious. They took him to Stanford Hospital. Based on the doctor's stand, they took him from the hospital against medical advice. They drove him to my father's house in the middle of the night and left him in the gutter, bleeding from his head. They left a medical pad with blood on it lying next to him on the street. They didn't even have the decency to ring my father's doorbell. My parents woke up to the sounds of my brother crying for my dad outside. My father came out to find him disoriented, barely awake, and bleeding from his head, lying in the street next to our driveway. My father had to carry him inside as he was unable to walk. He didn't find out what had happened to his son until the next morning, when he called the hospital and Palo

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Alto police department, looking for answers. How would you feel if this was your 17-year-old son? Every time we are unlawfully detained, even if it isn't reported on our record, people are watching. It is hateful, demeaning, discriminatory and degrading. Police officers are using their power to reinforce systemic racism and negative stereotypes about people of color. People become desensitized to this behavior and believe that people of color must have done something to deserve unfair treatment and harassment. These experiences have fractured my trust and belief in our law enforcement. I don't see myself being able to rebuild that until I see good cops holding bad cops accountable. The time for politicians, government officials and lawmakers to take a stand against police brutality and racial injustice is long overdue. Thank you.

Ms. van der Zwaag: Thank you, Teresa. The final three speakers are Henry Poole, Joy Franco, and Rahimeh. Henry, you are next. Go ahead, please.

Henry Poole: Hi, I'm Henry Poole, a student at Gunn High School. I just wanted to echo the other commenters in saying that 8 Can't Wait is not enough, and we need to do more to address the serious underlying problems. PAPD is under federal investigation and it has a greater racial bias in arrests than 81 percent of other departments. Thank you.

Ms. van der Zwaag: Thank you, Henry. The next speaker is... Joy, your name was there, and now it's not there anymore. I will call on your next, so the next speaker is Joy. Go ahead, please.

Joy Franco: Thank you. I need to recognize Teresa's stories and acknowledge what she has shared. It's incredibly upsetting, powerful, and I think it's the motivation, exactly the type of motivation, why a lot of us are showing up today, is because we believe these stories are real, and they stem from what is an inherently military organization. Police departments following military structure. They have rank, they have chiefs and sergeants and lieutenants, and they come from this idea in our society that in order to be a safe society, in order to be a peaceful society, that we must have people roaming the streets with weapons, with loaded weapons, and who have the authority and yield that authority against every day civilians, regardless of what those civilians are doing, simply based on the color of their skin. I think with all of us, what really a peaceful society have to ask ourselves is, is this actually necessary? This is just, is this just a carryover of what has been the way our society has run for so long, but is it really what we need? As a resident of Palo Alto and a student of Stanford, I can say that there are so many times when the police are completely ineffective, and I think it's a misconception and a lie that a lot of people hold in their minds that the police are actually doing, that the people on the streets with the guns, patrolling, are actually doing the work of preventing crime. But is that really true? You know, I was at Stanford Mall when I saw a pair of people running out of a store, carrying merchandise that they had stolen. And were the police really going to do anything about that? No, because by the time the police arrived, the people have already gone, and now it's up to the detectives to investigate those crimes. When you do look at the crime rates in Palo Alto, the majority of them are burglary and theft. I wasn't able to find any statistics on whether or not any of those cases are actually closed, or what the rates are, and I think the fact that I couldn't find those statistics despite digging does point to the fact that there is a significant lack of transparency in how the police are operating in Palo Alto. I think that that is connected back to the idea that there does need to be more data collection. You know, the fact that there isn't data being collected on some of these matters, it's just inexcusable, because at the end of the day, it's

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taxpayer dollars that are funding police efforts. Therefore, it's absolutely necessary that if my taxpayer dollars are helping to pay for the police, that I at least have the ability to see how those police efforts are being handled, and then, what are the policies inside the police for dealing with grievances. There's one thing I know for sure about military organizations, and that's from my personal experience, is that within these types of military infrastructures, there is no room for reporting your seniors. If your superior harasses a member of the public in the way that Teresa was describing, and you report your superior, more often than not, you are going to be the one who is disciplined. That reporting usually just gets washed over, and I think that that's something that really is highlighting exactly why we need to just completely shift this paradigm away from the existing police infrastructure. I want to thank the HRC for organizing this and for putting your time and effort into this cause. There are a lot of people in the community I think who aren't here tonight, or who aren't speaking up, who really do support this effort and are trying to learn more about the subject. Thank you.

Ms. van der Zwaag: Thank you, Joy. We have two final speakers, and those will be the final two. Rahimeh and Sunita. Rahimeh, I'm sorry if I mispronounced your name. Go ahead, please.

Rahimeh Ramezany: Thank you so much. Greetings of peace. It is my privilege to address the committee this evening. My name is Rahimeh Ramezany, and I am a Program Manager with the Islamic Networks Group, a peace-building organization that fosters understanding of Muslims and other misunderstood groups, to promote harmony among all people. By now, you may have likely learned of the racist Facebook post made by a few former and current San Jose police officers, which rose to national attention in *The New York Times* two weeks ago. Some of their hateful comments included the following quote: "I would have pulled it over her face," referring to a Muslim woman's head scarf. "I say repurpose the hijabs into nooses," and also, a sergeant who was hired to teach race bias training, who posted a graphic image that racially profiled and stereotyped all Muslims as being terrorists. *The New York Times* article also discussed the blue wall of silence, which strongly impedes whistleblowers from coming forward and undermines its attempts at relationship building between police departments and the communities they serve. For departments seeking to take proactive action against possible bigotry within their ranks, Islamic Networks Group currently offers a training on countering Islamophobia and other forms of bigotry, while building relationships with diverse Muslim American communities, and which has been certified by the Commission on Peace Officer Standards and Training, also known as POST. It's important to also note at this point that 20 to 30 percent of Muslim Americans are African American in ethnic background, so we also address the intersection of race and religion. Islamic Networks Group's training is not your typical antibias training. While the training does center on diverse Muslim American communities, it also relates Islamophobia to other forms of bigotry, including anti-blackness, anti-Latinics, and anti-Asian sentiments among Americans. This provides officers with a background on bias towards marginalized groups as it relates to common narratives about them, the same narratives that were expressed by the aforementioned officers on the private Facebook group. Training content is delivered thoughtfully and interactively in consideration of the audience's sensitivities. Islamic Networks Group has over 25 years of experience successfully delivering training to law enforcement agencies. The POST certified course is delivered by our expert trainers who are led by our Executive Director, Maha Elgenaidi, a long-time POST advisor on hate crimes and cultural diversity. We have already

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scheduled training with the Union City, [inaudible], and Morgan Hill police departments, and are currently in communication with the San Jose police department about possible training. Our executive director gave a mini version of the presentation for the Santa Clara County police chief's association at their April 2019 retreat in Monterey. In light of the strong national call for police reform and the evident presence of Islamophobia within in Bay Area police departments, I would highly encourage Chief Robert Jonsen and all California police chiefs to consider adding Islamic Networks Group's course to your department's training schedule. Thank you for allowing me this opportunity to address the committee, and may each and every one of us, as American citizens, take active steps toward addressing the bigotry that may exist within ourselves, and our communities. Thank you.

Ms. van der Zwaag: Thank you so much. The final speaker is Sunita. Sunita, go ahead. You have five minutes.

Sunita de Turreil: Thank you. Thank you for taking my call. My name is Sunita, I live in downtown Palo Alto. I'm a single mom raising two kids who identify as white. I myself am biracial. Grown up with a lot of privilege in another country. I've been living now in the Bay Area for about 20 years. I've been paying attention now for the past many weeks, attending city hall meetings, listening to the briefings, police briefings around definitions of use of force and excessive use of force, understanding what the laws are, what's on the books. Also, hearing about various cases that seem like, if they're following the letter of the law, they're not following the spirit of the law. I've been learning all about this and trying to understand and wrap my head around this and understand 8 Can't Wait and these other abolition movements. In the end, what I wanted to propose and question, and sort of wonder together with the HRC, as something to consider going forward, is, if nothing else, I think that this Black Lives Matter moment and movement – I hope it's a movement – has led us to understand that we live in a white supremacist culture. We are all living in it. We are steeped in it; we grew up in it; we're born in it. I think that the really important thing to look at here, for all of us – and I mean for myself as a mother, I'm participating in Zoom calls around race, and how to teach my kids about their white privilege so that they can go out there and perpetuate it less, and understand their privilege and how their voice matters. In many ways, this is a time for us to really look and question and ask ourselves the difficult questions. I have felt this way for a few years, that we are all racists. We all have... Not that we're all racists. We all have racism within us. It's impossible not to. I mean that for all people – people of color, black people, white people. We can all have racism living within us. I think that really the call here for all of us to do – and that includes the police, it includes all of us on the HRC, it includes citizen across the globe – is really to look, do the difficult work of looking within us to understand how we participate. Read a book like *Me and White Supremacy* by Layla Saad and start doing the work to understand our own internalized racism, our own internalized biases. Bias trainings and all of these sorts of things for police departments are great, but there needs to be a willingness there, and a willingness for people to start looking at the fact that we live in a white supremacy, a white male supremacy, and it's time for us to start looking at that and seeing how it hurts people, and how it's damaging, and how we participate in it. Another really great book to read would be Yvonne Kennedy's book, who is a black professor who is speaking to how he came to realize his own assumptions as a black man of white supremacy. I guess what I would invite all of us to do is do this difficult work of

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understanding where our own biases are, how we have received the images and brainwashing that has been going on for decades now, and how we've internalized that, and that we all need to do the work to try to root that out and do better and own up to mistakes we've made, and own up to our biases. I hope that can be something that we can all do. This is something that is not an overnight project and one book later, we're done. This is something to bring into our lives, into our day-to-day moments, and call it out. Find those teachable moments with our children. Notice them in ourselves. We don't have to be ashamed of this, but it is not okay if we don't start looking at it and find ways for us to be moving in a more productive way, and in a way that serves everybody. Thank you so much for taking my call.

Ms. van der Zwaag: Thank you, Sunita.

Chair Smith: I would like to thank everyone who spoke during public comments. It was very insightful, it was very eye-opening, and I felt like we've got a lot of good information. Tonight, we put together a panel of experts. Before I introduce each one of them, we've asked the panel these following questions: What has been your exposure to 8 Can't Wait? What are your overall thoughts about it? What are the benefits? What are the drawbacks? What other reforms? Our panel we have right now: Dr. Professor David Alan Sklansky, who is a Co-Director of the Criminal Justice Center for Stanford. We have Kenan Moos from the TheBlackHub.org. We have Matthew Clair, Dr. Matthew Clair, Assistant Professor of Sociology at Stanford University. We have Anand Subramanian, Managing Director at PolicyLink, which is one word. We've brought all these experts into the space, and we just gave them very overall direction to give their honest opinion whether they agree with the policy, not agree with the policy. We're going to start first... And we have our Chief, Chief Robert Jonsen, sorry, also on this panel. We brought people from diverse backgrounds, diverse educational spaces, just because we want to hear as broad opinion as we can. I'm going to start with Professor Alan Sklansky, who is the co-director of the Criminal Justice Center for Stanford, as our first speaker. Each speaker has 10 minutes. We're going to let them go back to back, and then, we'll have a little round robin question and answer time with the Commission, with the City Council members. Thank you.

Professor Sklansky: Thank you, Pastor Smith, and I want to thank the Commission for inviting me here. I teach at Stanford law school and I'm the faculty co-director of the Stanford Criminal Justice Center. I wrote a book in 2008 called *Democracy and the Police*. I've served as special counsel to the Rampart Independent Review Panel, which recommended reforms to the Los Angeles police department, as an advisor to the Oakland police department, and as a member of the Harvard Kennedy School executive session on policing and public safety, from 2008 to 2014. In speaking about the issues that you have been attending to today, I'm keenly aware that I speak from a position of privilege as a white man. I think that limits the scope of what I can say, and I think that it needs to be taken into account by anybody who is listening to what I say. I'm also not a police officer, so I also don't have that set of experiences and expertise to draw on, and I've had few – if any – dealings with the Palo Alto police department, so I'm not in a position to speak to how, if at all, this particular department should be reformed or rethought. I can only speak to you as somebody who cares about policing and public safety and who has studied, taught about and written about that issue for about 20 years now. As somebody who, like many, many other people around the country, I think feels, in connection with issues of policing and public safety, a great deal of sadness. Sadness about lives lost and broken by police violence.

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Sadness about victims of private violence that could have been prevented if police departments had better relationships with their communities. Sadness about missed opportunities for police reform. Things that could have been accomplished, lives that could have been saved, if the agenda of community policing had been followed more thoroughly; if the agenda of procedural justice had been followed with greater zeal. So, I have a great deal of sadness. But I'm also encouraged by the fact that people like this Commission are looking into these issues. I was inspired by many of the people who have already spoken at this meeting today. I'm happy to add my thoughts on the specific questions you raised for me. With regard to the reforms recommended in 8 Can't Wait, I'm aware of those reforms. I wasn't involved in putting them together. They all seem thoroughly sensible. I think they were designed to be consensus, non-controversial reforms, and I think they are reforms for which it's very hard to argue. But, it's true that even the leaders of Campaign Zero that put together 8 Can't Wait have said that these reforms should be considered simply as first steps. There's widespread support today for more ambitious efforts to rethink policing, and I think that that agenda should be pursued. I think the first step in pursuing that agenda is to listen and to have meetings exactly like the ones that this Commission is having today. I think we need more of that. I think that it's important to try to recover the agenda of community policing and the agenda procedural justice. It is true that those reform programs failed to accomplish what their supporters hoped that they would accomplish, but they accomplished a lot. They would have accomplished more if they weren't flawed in some important ways, and if they weren't later abandoned in the way that they've been abandoned. The biggest flaws I think with community policing agenda and the procedural justice agenda is that they didn't attend sufficiently to issues of race, and they didn't attend sufficiently to issues of violence. Those are the issues that I think people around the country today are asking police and municipalities to pay more attention to. With regard to the demands to defund the police, my own instinct is not to focus on budgets, on the size of budgets, because doing things the right way can cost more than doing things the wrong way. But a lot of what I hear when I hear people talking about defunding the police is taking responsibilities that police forces now are charged with carrying out and giving them to other groups and other organizations. I think that those are good things to consider. I think in particular, the police departments did not ask to be our principal response agency for people in mental health distress and people in emotional distress. They took the lead on that because nobody else was going to do it. When we ended forced institutionalization of people with mental illnesses in the late 1960's and 1970's, we were supposed to create community mental health systems, and we never did. We just asked the police to pick up the slack. I think it's a good idea to try to think about ways that people other than armed police officers can respond not people in mental health distress in situations where that may be a more appropriate response. The city of Berkeley is considering taking police officers out of the business of traffic patrolling. I think that's worth considering, too. And there may be other areas where we ask the police to respond to things that we could respond to in ways that would be less lethal and more effective if they didn't involve a sworn police officer with a weapon. So, in thinking through these issues, I do think it's important to listen broadly, and I think that it's important to listen not just to people in the community and to people who have been victimized by police violence, people who have been victimized by the failure of police to protect them, and people who believe that police systems should be kept the way they are now. I also think it's very important to listen to officers themselves. I want to say a bit about the role of the rank and file in police reform. There's a lot of attention today to protections that have been

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put in place in many departments for police officers who are accused of committing crimes or violating disciplinary rules. I think it's true that in many cases, those protections go further than they should. I don't know if they do in Palo Alto. But I also think it's true, if you talk to, you know, if you talk to rank-and-file police officers, they feel that nobody listens to them, and they are by and large right. I think as we move forward in efforts to reimagine policing and reimagine public safety, it's important to listen to and tap into the experience, the expertise, and the dedication of rank-and-file police officers, from the chief on down to line officers. It doesn't mean letting the police decide, because these are questions for the entire community to decide. But it does mean taking into account their perspectives, because they are important in figuring out how we move forward. I'm happy to talk about specific parts of 8 Can't Wait and why I think that, despite the fact that they are only first steps, they are good first steps, but I'm also aware that you have been listening to a lot of people, and you have other people that you're going to be listening to, so I'm going to stop now.

Chair Smith: Professor, thank you so much for those great words. I know that some of our City Council members and panelists will definitely have questions, because I have a lot of notes from what you just said. I'm excited to introduce this young man Kenan Moos who is with the BlackHub in our area which is a great space to see activism and see what's going on in that area. He's reporting from the front lines. I'd really like to hear his take on this. Kenan?

Kenan Moos: Hi, guys. My name is Kenan Moos. I'm 21 years old. I'm a graduate of Los Altos High School, resident of Los Altos my whole life. I've been helping with leading, I'm part of an organization a group of us have started called Justice Vanguard, so we have been doing a lot of the marches that you've seen in front of Palo Alto City Hall, Los Altos, Redwood City, kind of up and down the peninsula. I actually was just told about 15, 20 minutes ago about being on this panel. I did not know ahead of time, so I'm kind of speaking more on my experiences here and kind of my thoughts with a lot of this. In terms of 8 Can't Wait, I think David from Stanford just said how it is a first step. It is a very necessary and very small first step. It is something that can be done today, something that can be immediately, but it's definitely not something that's going to really make that big of a difference in terms of protecting lives. It might help slightly decrease the amount of people who end up getting killed by the police and people who are constantly scared and threatened by them, but in terms of making lasting change to our communities and being able to put money where things need to be, it's not going to do that. It doesn't look at the budget where it needs to be, it doesn't look at what other programs need to be funded. When it comes to SRO's, which is the police officers on campus, these are our students. These are kids who are 13 to 17, maybe a few 18-year old's on these campuses, and we're having armed officers on these campuses. What kind of environment are we setting for these children? Black people like myself who are often at home are getting terrorized and scared of these police officers, to now come to where they're trying to develop into adults, develop into, like, through their teenage years. I know for me personally; I didn't go to the counselor's office because that's where the SRO on our campus was. My freshman year, I had an incident where I was biking home. My helmet buckle had been stepped on that day, so it was broke. I thought my mom would be super mad if I biked home with no helmet, so I called her ahead of time, almost in tears, scared of, like, telling her, like, what do I do? Do I just walk my bike home? "Don't worry, we'll get home, go to Costco, buy a new helmet." So, I decided I'll bike safe. I go on the

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sidewalk, and I'm headed home. This is from Los Altos High School, my freshman year. I'm 13. On my bike ride home, the SRO on campus flies his cop car onto the sidewalk in front of me, cuts me off, while I was biking. And whether it was drawing his weapon or taser, he hops out of the vehicle, points an object at me – one of the two – and I'm 13, I don't know what a gun looks like, so it's something pointed at me, and yells at me to freeze. He continues to yell at me as I watch other students pass by me. My experience from then on in high school and on campuses, I was frightened constantly to go there, to get help when I needed it, and it stopped me from getting access to other resources that would have helped me in high school to be able to reach out. Being one of the few people of color in my school, I already suffered with a lot of feelings of isolation, feelings of I am alone in this, and when I have lack of access to these things that are offered on campuses, it really is a scary and isolating thing that hurts you, hurts the image of yourself and of who you are as a core being. When it comes to looking at the police and the budget, it's not that there are certain things that maybe they've helped protect. It's looking at the fact that right now, huge percentages of the budget that are in these cities that are going to the police when there are other things that they should be going to in terms of funding education, in terms of going back to our communities and low-income housing, in terms of funding other ways to protect our communities. If you look at Camden, New Jersey, it was an example of East Palo Alto 20 years ago. They actually completely abolished the police, and you can look at now, their crime rates, you can look at now, with how successfully they're doing, as an example of that. You can look at the examples of a lot of suburbs, where the money is not put directly into the police. Instead, it's put into the communities and put into different resources for children, and see how much less crime they have there, how happy people are there, with different rates and depression in those areas. I've had a lot of issues with how I've been treated and how I've been looked at in Los Altos, Palo Alto, Mountain View, and how I've felt criminalized just by going to these areas. For me, when I go outside, no matter who I am, no matter the fact that I'm a senior in college, no matter how educated I am, I'm still treated the same. I leave my house, I leave wherever, and I am just a black man, and the way I get treated from that, from the community, from police officers, is very scary. I've been pulled over in this area 22 of 23 times, followed to work, had multiple officers pull me over in vehicles, and have had a lot of trauma dealing with things like this. To me, the 8 Can't Wait, sure, do that. You need to. But that's a tiny first step. There's a lot more that needs to be done. There's a lot of people who feel the way I feel and are terrorized this way constantly. It sucks. It really sucks with how you see yourself and how you feel as a person. In terms of mental health things on campus, I don't know how much time I've had or how long I've spoken for, but in terms of having these people on campuses as well, there's a lot of depression when it comes to students in high school, whether it's through race issues, whether it's through bullying, whether it's through self-image. We have, I think it's one part-time counselor that comes to our campus, that comes once or twice a month. There is a long wait list to be able to see that person, and respectfully, the person is white. So, if you're dealing with issues of color, it's not someone you really feel comfortable going to sit down to. For myself, when I was even presented with the opportunity, and I sat there, I did not feel comfortable sharing because I was sharing it with another person who had no way to relate and communicate with me. Again, the way things have been done here has isolated a large part of the community, where they see that we're hurt, they see that we're scared, and instead of coming by and being like, let's talk with you, let's listen, let's look at what other examples there are and where this money can go, and how we can help you, it's, yeah, we have ideas, and we'll

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just kind of do it ourselves. Which, again, is not listening, not hearing us, and making us feel even more like we don't matter. We do matter. We are here as well, and we need to be cared for, and we need to be looking at these systems that we have, because you can't just fix a system that was founded on kind of a racist background. That's why I say that the 8 Can't Wait is just a first step. Thank you.

Chair Smith: Kenan, thank you for your bravery and your clarity in what you said. It was extremely powerful. We have Dr. Matthew Clair, assistant professor of sociology from Stanford University, will be our next speaker.

Dr. Matthew Clair: Thank you so much to you, Pastor Smith, and the other members of the City's Human Relations Commission, as well as all the other panelists and civilians who came today to speak up in this public forum. My name is Matt Clair, I'm a Professor of Sociology at Stanford University. I received my PhD from Harvard, where I spent years studying the Boston criminal legal system. My book, *Privilege and Punishment, How Race and Class Matters in Criminal Court*, is based on my time there interviewing public defenders, prosecutors, police officers, and people who are involved in the system. I also spent two years in Philadelphia at the University of Pennsylvania's law school's Quattrone Center for the Fair Administration of Justice. My remarks today are based on the best available research in sociology, clinical science, economics, criminology, and other social science fields, as well as my understandings of what it means to live in a safe and free society. In short, like nearly everyone else, I believe that 8 Can't Wait is a modest start and should be implemented, but only to the degree that it does not expand police budgets. I also think it's insufficient, both on social scientific grounds and moral grounds. So, as others have said – Johannes, Onaiza, Ola, David Sklansky – Campaign Zero, the organization that proposed 8 Can't Wait, has itself acknowledged that these eight proposals are not enough. They have written that, quote, "If you are from a place where 8 Can't Wait is being considered, demand steps towards defunding and abolition. If you are a legislature who has adopted these policies or are considering it, please know that it will take many strategies to move beyond policing, and use this time to learn more and listen to the needs of your community." While the Palo Alto police department seems open to these reforms, has already agreed to ban the carotid choke hold, and does have policies in place that in many ways seem to align with the spirit of these 8 Can't Wait reform proposals, I wonder how can we as a community ensure that these policies are actually enforced. Will police officers be fired who violate them? As with any other social institution, policies written on paper often do not align with practices on the ground, as many people in our own community have shared with us today. There's no certainty that the police will hold themselves to these policies, and there's no mechanism for external enforcement of a policy manual. For instance, the police department has said that it encourages de-escalation in some of its written material. This is one of the eight proposals of 8 Can't Wait. The current policy manual says that, quote, "Officers should consider, as time and circumstances reasonably permit, conflict resolution and de-escalation techniques when responding to all types of calls for service, and when engaging in self-initiated activity." But police inherently as an institution are not a de-escalating institution. Police work, given our legal norms around probable cause, and also the proactive policing policies and practices in culture that have arisen since the 80's and 90's especially, even with community policing, which promotes actively searching for illegal behavior, is based on a logic of escalation. I just want to share again the story of Julio Arevalo,

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who Rohin – a caller earlier – wonderfully mentioned, and others as well. On July 10, 2019, he was a person who was currently on probation at the time. He was outside Happy Donuts on El Camino, talking with other people. Video camera footage has now shown that he was likely, maybe selling a bike, or just interacting with people, like many people do on an ordinary basis. But because he was known by police as someone who had been involved with the legal system in the past, and who was on probation, and was criminalized, a police officer approached him, assuming that a drug deal was occurring. The man walked away from the officer. He did not attack the officer. He simply walked away. The officer moved to detain him using a pain compliance technique to handcuff him. The officer shoved him to the ground, and his face hit the pavement, resulting in a fractured orbital socket. The department ultimately found that the officer acted reasonably based on its own policies, which is a predictable outcome given our laws around the reasonable use of force. This does not mean that it's a just outcome simply because it was found to be reasonable, or that it's morally right to have been approached in the first place by a stated authority in such a way. Policing is not only harmful for so many people, especially poor people of color, but it's also financially costly for everyone. So, in this specific case, the City now faces a \$10 million lawsuit. In fiscal year 2020, the City's general fund spent \$43.8 million on police. That's about one-fifth of the City's expenses. Meanwhile, the City spends a very modest \$1.6 million on support for non-profit organizations. So, the best way to ensure safety from excessive use of police force, as well as from community issues of violence, is actually to reduce the massive upscale and rise of the imprint of police that has occurred over the past 40 years. We can do that by shrinking the amount of public tax dollars we spend on police and asking police to do less work. For example, as vacancies on the police force arise, those vacancies could simply remain unfilled. Police should not be actively instigating people who seem to be minding their own business at places like Happy Donuts. Instead of asking police to respond to an overdose or a mental health crisis, or an unhoused person walking around at night, we could establish and advertise throughout the community an alternative line to call for mental health professionals and social workers as first responders, as Denver, Oakland, and other cities around the country are beginning to. Such as the CAHOOTS program that I think a caller named Winter mentioned. The money we used to spend on police to handle these very issues should thus be reinvested in community service to handle these issues in non-violent and non-punitive ways. Careful research conducted by sociologists and criminologists has shown that investment in community organizations that are non-punitive can reduce crime. Drawing on a panel of 264 cities, spanning from the 1990's to the 2010's. One study estimated that for every 10 additional non-profit organizations in a city of 100,000 residents, there was a reduction in the murder rate by 9 percent, violent crime rate by 6 percent, and property crime rate by 4 percent. Such reductions occur because investments in non-profit organizations provide revitalize cities, help people find affordable housing, advocate for renter protections, clean streets, build playgrounds, mentor young people, and crucially, they employ people with criminal records to act as violence interrupters, or counselors, or positive role models in the community. Another randomized control study in Chicago found that among 1,634 disadvantaged high school youth, assessment to a summer jobs program decreased violence by 43 percent over 16 months, and importantly, this decline occurred largely after the eight-week intervention period ended, so it wasn't just that they were just sort of "incapacitated" by being in a summer program and were sort of not available to commit crime, but even after the intervention occurred, there was a change in their behavior. In addition, legislators should research and consider decriminalizing all local

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ordinances and laws that criminalize homelessness, panhandling, public sleeping, sex work and drug use. Shrinking the police and decriminalizing are both critical for public safety of everyone, for community members, for victims of police abuse, and for police officers themselves. The fewer interactions people have with police who are struggling with mental illness or other substance abuse issues, the fewer chances there are for situations that spiral out of control. Last, I just want to correct a comment that was made by one of the people from the public part of the conversation. The caller mentioned that police killings are not a big issue. This is simply not true. More than 1,000 people are killed by police every year, which doesn't count how many people are abused, mistreated, or sexually assaulted by police. You're not going to find many of these experiences from the caller – I think her name was Teresa Brown – in any FBI statistics or any data set. If we think about how many people are murdered every year in the United States, and we look at that in relation to police killings, police killings accounted for around 6 percent of homicides in the United States. In Palo Alto, murder rates are exceedingly low. In fact, Palo Alto is a very non-violent place. In 2015, one person was murdered by a civilian. One person. That same year, one person was also killed by the Palo Alto police. In that year, half of the homicides in the city were due to police violence. The caller also mentioned a study published, they claimed showed white people being more likely to be killed by police. I think this is a paper, the proceedings of the National Academy of Sciences. It's based on a statistical error. The authors of the paper have retracted it. Basically, the idea is they selected a [inaudible] variable in the study. There is racial bias in police shootings nationally, and in Palo Alto, recent data – as many of the other callers have mentioned – shows that there is racial bias in police stops, often given where police are targeting their police resources. Drug use and drug dealing also is proportionate across racial groups, but policing and incarceration are not. They're exceedingly disproportionate. Thank you again for your time, and I just want to reiterate, we need to defund and invest resources in non-profit organizations and other community-based ways of dealing with crime in non-punitive ways. Thank you so much.

Chair Smith: Thank you so much, Dr. Clair, for that well-researched group of statements. Right now, I'd like to introduce Anand Subramanian. He is the managing director at PolicyLink, and he's going to give us a lot of great information.

Anand Subramanian: Thank you so much, Commissioner Smith and the rest of the Human Relations Commission, and to the community members who gave powerful testimony. I'm going to try, I think, to share some slides, and we'll see how it goes. If it doesn't work, I'll stop that. Still learning how to do this well on Zoom. [sharing slides] My name is Anand Subramanian, and I'm a managing director at PolicyLink. I have been leading our national work on community safety and justice. I wanted to start by giving some background related to some of my expertise and how that work led me to some conclusions about police reform, and the relationship between policing and safety at large. I'll then pivot to talking a little bit more about my assessment of 8 Can't Wait, and then, close with just a couple closing comments about this opportunity. This really, it's quite different than the moment in 2014, during the Ferguson uprising, and uprisings around the country, in that people are talking about systemic racism in a different way, and how anti blackness and other elements of what's happening with police violence influence our systems and sectors, even outside of policing. That being said, it reminds me, conversations like this one and the promotion of platforms like 8 Can't Wait, really remind me of where a lot of us

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were in 2014, when we were really looking for policies that made a lot of sense on paper. Things that were really common sense that we just had to agree upon, that a lot of police chiefs were advocating for at that time as well. We started our work, we resumed our community center policing work in 2014 with some of these briefs you see on the screen now. Really partnering with organizations around the country, talking with police departments, talking to chiefs and community members, to really understand what the most promising practices were to achieve police accountability, demilitarization, limiting excessive use of force, etc. We also did a deep dive into what community members were asking for and calling for at that time. You can see that in the bottom middle report. Finally, what we realized was that, me personally, I was sitting at my desk, doing research, talking to people, trying to figure out what the answers were, and I realized that I didn't have a sense of what it really took to implement some of those policies in a department, in a city of county setting. I was farmed out from PolicyLink for a year to act as the executive director of the blue-ribbon panel on transparency, accountability and fairness in law enforcement in San Francisco, which stemmed from an incident called Techs Gate [phonetic], where 14 San Francisco police officers were found to have engaged in racist homophobic texting with each other. That report led to, it was a panel of three judges and a number of law firms researching eight policy areas related to police accountability and transparency. After a year's investigation led by three judges, who are retired judges with expertise in legal implications of policing, we issued a report with 81 recommendations and 72 findings across those eight areas. So much of that report was the findings and recommendations related to the way that the San Francisco police officers' association had influence over the department's culture, and influence over public safety policy in the city and county. Stemming from that, we helped to run a campaign in San Francisco called No Justice No Deal around the police contract negotiations in 2017-2018. What we found – and I'm skipping ahead, would be happy to answer any number of questions, either today or after this hearing – was that fundamentally, police reform does not work. I'm not going to talk today about the abolitionist framework about how policing was designed to do what it's doing. To Professor Clair's many great points, including how police aren't organized to de-escalate. I think that stems from that. I think as a matter of pragmatism alone, in terms of the barriers to reform versus the barriers to really imagining a system that actually works to keep everyone safe, there are numerous problems across multiple levels that make it very challenging to actually reform the police. I would just point to the lack of any examples of a police force in any diverse city or county, or any locality, that actually has figured out how to eliminate – or limit, even – instances of bias, instances of violence. I don't have time to go through all of this, and of course, not going through it, just a little bit of a sampling and some notes here. This is a little bit of an analysis of some of the more prominent reforms that have been proposed over time, including ones that we've proposed ourselves in some of those early reports. What we found was that ways that policy mandates, (a) they are very, very hard to achieve, but even when there's political will to achieve them, the idea that individual officers can be held to some of these mandates is very challenging, nearly impossible. You can just look to some of the rhetoric, including folks like the police union president in Chicago, who recently said, even if choke holds were banned, they wouldn't follow that policy. Just turning to a little bit on 8 Can't Wait. A caveat... And I should have started with some of the same caveats that Professor Sklansky shared about privilege, and about my own perspective on some of this work, from a national, and level that's not specific to Palo Alto. I should also share that I worked with Samuel Sinyangwe, from Campaign Zero. He's a former PolicyLink staffer. We worked together

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on police accountability issues when I was more focused on that. A lot of what I have to say about 8 Can't Wait has been said already in this hearing by community members and by Professors Sklansky and Clair. You know, as I've mentioned, policy mandates, they don't really work to hold police accountable, and I think that's part of the problem – and this is in my chart – with procedural justice, as Professor Sklansky expressed, some of the regret around that hasn't worked. It sort of begs the question. It's like, if you just act properly, then you'll establish legitimacy. But part of the problem is that it's not organized to act properly. Others have all mentioned, you know, that all eight of these policies have been adopted in several cities where there's still consistent problem related to police violence. The data analysis is severely flawed. This is something that the Campaign Zero organizers have apologized for as well. There are several data analysts who have done deep dives on this and explained why. That is publicly available, and I would be happy to share if that's of interest. People have already talked about how at least two of the three Campaign Zero members have left that formation as a result of this and have inserted a lot more language that is about expanding our view of what safety is, as others have said. Increasing funding to police in this moment where so many folks are calling for defunding the police, I think is absolutely the wrong approach. There's a blurb I have in my chart about training, and how there are so many issues with it, but one of the more fundamental issues is that it inevitably increases police budgets. I think it offers false hope, and just a note on this. I legitimately believe that everyone here, and the vast majority of police chiefs and rank and file and everyone in between, desperately care about justice, and about ending police violence against black or brown communities. I do think, however, that there's some desperation to do something whenever instances like this come up, and I think that this 8 Can't Wait, in this case, is that something in too many places. It really isn't going to lead to the results that folks are really aspiring to, in my opinion. I just want to make a couple more points, and then I'll close. I think black, indigenous, other people of color, and other dis-invested neighborhoods, really do need more investment to address root causes of poverty, address root causes of violence, and that really is what will lead to more safe communities, as Professor Clair so eloquently put, and others in the community as well. And, to respond to one of the comments, we need more time, patience and investment to pilot alternatives to what policing could look like, and that's the place where we're in now. If we just jump to reform without actual public investment and patience in what alternatives could look like, we'll really be making a mistake. I'll just close with the following, which is, during a presentation of the blue ribbon panel findings to the San Francisco Board of Supervisors, one of the panel members, Judge Lourdes Cordell who many of you may be familiar with – gave an impassioned reading of Appendix B of our report. Appendix B was a timeline outlining a repeated cycle of egregious incidents in San Francisco police history, followed by attempts to investigate and reform based on those incidents. What it really showed was that there was a cycle of this type of bias, and it just laid it out very plainly. Biased policing followed by attempts at reform, and then, we just end up in the same place again in 10 or fewer years. We're in a unique position now where the call to defund police and really reimagine what safety needs to look like is... A more public call has been picked up by many more folks, and defunding the police, investing directly in communities, is a path that will break that cycle, I believe, and Palo Alto is in a position to take that path. I urge the City to do so. Thank you.

Chair Smith: Thank you so much for that very insightful presentation. We'll ask the chief of police for the city of Palo Alto, Chief Jonsen, to be our next speaker.

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Chief Robert Jonsen: Thank you, Chair, and good evening, everyone. It's been a pleasure being a part of this. As you know, Chair, we've been part of many of these over the last couple of weeks, so we have been going around and around and listening. And when I say, "round and round," it's been very enlightening, because it's been important to hear from different members of our community. The exposure to your question – and I'll keep my answers relatively brief so we can get into what we may need to really get into, and that's a courageous conversation that needs to be had. My purpose tonight is to listen, to continue to learn, to modify our department to serve this community better. One thing I want to say as far as the questions you posed to us at the beginning were, starting with the exposure, you know, the 8 Can't Wait, as many of the other panelists have said, and even the speakers have presented, clearly is just a beginning, and we at the Palo Alto police department believe that as well. It's something, you know, this is a national platform, a national initiative that I do think needs to be implemented throughout our country. In California, because California is relatively progressive, a lot of the 8 Can't Wait initiatives were already embedded in the law enforcement in California, due to Senate Bill 230 that I've talked about at prior forums. We in Palo Alto police department have almost all of those areas embedded in our department's policy already, but this initiative, what I've liked about it, it's given us the opportunity to go back and really look at our policy again, and to see where had areas to improve, and we've done just that. I think most of this panel may be aware, and some of you have actually articulated where we've made those adjustments. You know, we didn't wait very long to really look at our policy and realize there were certain areas that we could automatically implement, and in fact... Well, it's been 30 days, right? This is July 9<sup>th</sup>, and that was June 9<sup>th</sup>, is when we removed the carotid restraint from our policy and prohibited it. We didn't stop there. We looked at other policies, de-escalation policy, the duty to intervene. We modified those policies as well. We're continuing to look at not only the 8 Can't Wait areas, but other areas, even in the hiring and retention and accountability. I think, really, that's where there is room for improvement, and that's why I'm excited about the initiative, because it's really generated that movement to continue looking at how law enforcement serves their community throughout the state. I think accountability is one of those areas. There are numerous bills sitting in Sacramento that are talking about accountability, talking about transparency. You know, it's all coming together. I think we're moving in the right direction, but it's definitely not the final place. We have a lot of work ahead of us. I'm encouraged to be part of this conversation, and again, I thank you for allowing us. One of the things that I'm really hoping that this platform brings about, to kind of summarize your questions of the reforms and what reforms we'd like to see, I'm really hoping it doesn't stop because I think the momentum is different than in the past. I've been doing this for over 34 years. There have been many moments in my career where there's been a lot of conversation about police reform, and it always seems to stall or become stagnant along the way. I think, at least from my perspective, I think we have momentum that we need to keep moving forward, because if we really want to change, the time is now to do it, and I think the opportunity is here. Again, thank you for having me be part of this conversation. I'm looking forward to listening, learning, and being engaged with you tonight. Thank you.

Chair Smith: Thank you so much, Chief. I'm going to ask my vice chair to read a letter that we received from a former councilmember, that I think will be pertinent to that. After that, we're going to go into our round robin question time. What I would like to do with that is start with our two council members, who have been with us each step of the way – Council Member Tanaka,

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Council Member Kou – and we will go through the Commission alphabetically. Each person will have five minutes to ask their questions. As you're answering the questions, panel, if we could expedite it, because they only have five minutes to ask questions. That would be great. Then, if we need to do another round robin, or if all the questions haven't been answered, then we can come back to do a second five minutes. I really want to get as many voices involved in the conversation. Vice Chair Stinger, can you please read this beautiful letter?

Commissioner Stinger: Okay. This is a letter from Vic Ojakian. He spoke at the Santa Clara County Board of Supervisors. He can't speak to us tonight, but he asked that the same letter be put into the official record. I will read it now: *Dear Santa Clara County Board of Supervisors. We commend and support supervisors' police reform proposal. It is timely, appropriate and needed. NAMI Santa Clara County leaders are well aware of the unfortunate outcomes that often occur when individuals in mental health crises come in contact with law enforcement. We support policies that lead to positive encounters. We endorse NAMI's national June 17<sup>th</sup> resolution, unanimously approved by the Board of Directors, that condemns racism in states. We must continue to fight to eliminate the mental health disparities perpetuated by racism and racial discrimination. We must continue to spread awareness about the negative psychological, social, educational and economic effects caused by racism. Often, when Santa Clara County residents with mental health conditions encounter law enforcement, the results are tragic. According to a Santa Clara County grand jury report, police and mentally ill, improving outcomes, almost 30 percent of police involved shootings in the county. Nine of 31 fatal shootings between 2013 and 2017 were with individuals with mental health conditions. Nationally, the percentage of police-involved shootings of individuals with mental health conditions is even higher, at least 40 to 50 percent.*

[No audible for several seconds.]

*... gives some references. Many in Santa Clara County's mental health community, as well as in the community at large, recall individuals that have died from interactions with law enforcement. The following names come to mind: Diana Showman, Jesus Geney-Montes, Cau Thi Bich Tran, Johnnie Nakao, Kyle Hart, and of course, Michael Tyree. We agree with Supervisor Simitian that some situation should be resolved by mental health professionals and other providers, rather than by law enforcement personnel. I'm going to skip this part. We would like to suggest some additions to this proposed by Supervisor Simitian. Not only require law enforcement officers to have body cameras but make it a termination offense to not have them turned on at all relevant times. Require these times to be functional and replaced immediately if they are not working properly. Ban shooting a suspect in the back, as included in the City of Atlanta police procedures. Require that all emergency personnel complete cultural humility training. Require that specific personnel – for example, the mental health liaisons – be requested for incidents involving individuals in a mental health crisis. Ensure mental health services for emergency personnel. Thank you for considering these comments and suggestions. Sincerely, the NAMI Santa Clara County Board co-presidents, Vic Ojakian and Beverly Lozoff. Thank you.*

Chair Smith: Thank you. I felt it was very important to have NAMI speak because they specifically deal with mental health. Right now, we are going to get into our question and answer time. Your five-minute indication of your time will be up, is when you see Mary's face pop on

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the screen. That's the City of Palo Alto. We will start with Council Member Tanaka, with his ability to ask questions.

Council Member Tanaka: Thank you, Chair Smith, and thank you to all the members of the public for giving your stories and testimony. I really appreciate it. Also, thank you for the members of panel. That was very insightful, so well done. I just want to ask either the Chief or the City Manager. We had one of the speakers, Teresa Brown, who talked about some of the stories. Are those logged somewhere, or is it possible to look at some of the body cam footage to corroborate some of this? I guess, for me, I was really moved by that story, and I'm kind of curious to know, like, if some of that is true, it does sound a little bit disturbing to me.

Chief Jonsen: I can address, you know, I can't address everything that was said. I would have to look in... Obviously, you know, we have a very comprehensive complaint procedure within the Palo Alto police department. I do know, or I believe, one of the incidents she talked about was captured and documented, and it's also gone through the civil process for the city of Palo Alto. I think that was before I was the chief here. I may be wrong on that, but that's something I know can probably be found. But to answer your question on body cameras, I think most of this panel knows, and most the community knows, that Palo Alto has the most comprehensive body camera or video capturing system in the region. We have not only five cameras within our mobile system, on our vehicle, we also have body cameras that were implemented in 2018. So, as I have talked about in prior forums, just over the past two years, we've captured 103 terabytes – which is a lot – over 30,000 hours of video. We have the ability to go back, if we have specific dates and times, to look at incidents, to see if they were captured, and I'm more than willing to do that. All I need are details.

Council Member Tanaka: Okay. I don't know if she's still on, if anyone knows here, but I think it would be great just to check on some of this stuff. It does sound disturbing. Onaiza, I thought your presentation was actually quite good. I thought it was quite interesting. One of the things that we talked about on City Council, so, both me and Council Member Kniss, is the idea of... I'm not sure if you're familiar with the Stanford prison experiment, where some students pretended to be prisoners, some students pretended to be prison guards, and basically, the experiment had to end early because there was a lot mistreatment and other issues. Both myself and Council Member Kniss came up with an idea, we both had the same idea, but it was kind of a coincidence, which was... And in Sunnyvale actually had the idea of a joint fire and police department, where, like, the police officer would carry a fire jack in the trunk of their car and, you know, they could instantly become firefighters. So, this has some interesting financial aspects because it makes maybe a more flexible workforce, perhaps. But the other aspect I was interested in, I think this is why both myself and Kniss brought this up, is it kind of maybe gets away from the Stanford prison experiment type of issue, where someone is serving as an enforcer of the law, but also someone who is trying to help people, and would give the officers kind of multiple perspectives, versus just a guy carrying a gun type of situation. It also gives community members kind of a viewpoint of seeing their police officers not just as a police officer, but also as a firefighter, as an example, right? So, we've been doing some research on, you know, police brutality here versus Sunnyvale, and we're still compiling that data. We're actually going to have office hours on this with the mayor of Sunnyvale, Larry Klein, and also Council Member Kniss and myself are going to be on that call. Of course, any members of the community are welcome.

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We're just trying to think of how to... I do agree with what you're saying. There must be probably some broad terms of how you structure it, but I was wondering if you could comment a little bit about how, you know, changing how public safety is delivered, how that has gone. Like, they did the Sunnyvale model, and I think a few other cities have changed. I know Minneapolis is in the course of change, but I'm just curious because I'm actually on the ad hoc committee right now to try and figure out if changing it makes sense, or, where we have the best, or are there better ways of delivering public system than what we're currently doing. I don't know if you could comment on that.

Anand Subramanian: I'd be happy to comment and would welcome thoughts from other panelists as well. I think that being creative and thinking of solutions that are outside the box is absolutely what we need right now. I think that the way we think about public safety, and typically... I mean, maybe I'm making some assumptions here, but when you think about combining police and safety, my sense is that you're still sort of thinking about public safety in the way that it's currently structured within the city systems. I think to really answer the question of what keeps especially black communities safe, the folks who are most impacted by racialized policing, community members have to answer that question for what systems and structures will keep them safe, including investments in specific infrastructures within neighborhood, within communities. I would start there. I think that creative ideas are where we need to go, absolutely, but because the intersection of all these systems – criminal legal system, safety, economic systems, housing, all of it – are so intertwined, and we always saddle them with too much. I think we need to think more about how these systems interact with each other more broadly, as opposed to just how we think about public safety systems right now.

Council Member Tanaka: I mentioned the Sunnyvale model but of course we're thinking for that for instance, there's traffic enforcement. Do you need to have a sworn officer doing that? Or somebody who is committing suicide, do you need to send a police officer over, or do you send a social worker? I don't know. It's more about... I just mentioned an example of one, but there's actually a lot of potentials that people are looking at, and I don't know if there's been any studies around this. That's kind of where I was coming from.

Anand Subramanian: I'll just quickly say, I would need to look at the Sunnyvale model more, and I haven't looked at that closely. It makes some sense to me as a cost-saving measure, but you're also asking police officers to potentially do more, which is exactly the opposite of what folks are calling for. The last thing you want is for folks to be living in fear of... If there's a fire, like, you don't want someone armed to come in and potentially escalate a situation. That would be another concern that I would have.

Council Member Tanaka: Okay. My other question is regarding around the...

Chair Smith: Council Member Tanaka, five minutes. We'll come around a second a time.

Council Member Tanaka: Okay, no problem. Okay.

Chair Smith: Is Council Member Kou ready for questions?

Council Member Kou: Thank you so much. I also want to thank all the general public for coming in and speaking and sharing their stories. I feel a lot of heart, and sadness. To the panelists who spoke, thank you for all the insights that you've provided as well. To Mr. Moos, thank you for sharing. Just to go into, Mr. Anand, you mentioned in your slide, I captured 1033 program. Could you tell me what that would be?

Anand Subramanian: Sure. That's a reference to a federal program that provides military equipment to local police departments. The Obama administration did some work to minimize how that was used. The Trump administration reversed those policies. That was just an example of how... I mean, it's actually a microcosm of how federal oversight is problematic generally because it's so administration dependent. You can see that with the DOJ Civil Rights Division investigations, patterns of practice investigations have been curtailed, etc. So, it's just an example of a proposal that has been floated a lot, and it's something that's getting a lot of attention now as well. Clearly, we need to demilitarize police departments. There's no question about that. But a narrow focus on that program isn't sufficient.

Council Member Kou: Based on what you said, you know, I mean, I see a lot of it that the implementation has not really been supported on the higher levels in government, so where and how can we get more support? In terms of legislation, I know there is legislation, as I was reminded at our last forum, that there is legislation. However, there has to be some teeth to those legislation where it is enforced, and there is accountability to it, as well as transparency. I know the chief mentioned a lot of the bills that, you know, I know the City is working two words, but that is one area that I think that we also need to take a hold of and get our higher representatives to really push on that as well. Especially, I feel like we have to kind of really address this at this point. I mean, 400-plus years is just too long. We take one step forward and two or three steps back, and I think in this time, it has gone back so far, it's not acceptable anymore. I also wanted to ask, you know, I see that, you know, cities, there's big and there's small. Do you see that – and this is for all the panelists – do you see that perhaps...? I'm wondering, does a one-size-fits-all, the different cities, the different type of demographics? Can you help me understand that?  
Mr. Moos?

Kenan Moos: I'm only going to speak on this a little bit. One thing to look at for cities is, one, the size of the city, and then, also, the breakdown of what the calls are coming in for. So, when it comes to making changes, it requires knowing what the data is of the types of calls that are coming in, the types of responses that are coming from it, and be able to analyze that to understand what programs should be getting funding to help combat these issues. Because if you have issues with domestic violence in a city, you have programs that not only talk about this, addressing those issues, but if you have issues specifically of beating towards black and brown people, you look at programs to help you along those lines, and you kind of have to tailor it based on that. Palo Alto, Los Altos, Mountain View – these are cities with a huge – Sunnyvale as well – with a huge financial power, although they might not be population-wise, they have huge power to do a lot when it comes to putting money towards these programs, to make these changes. That's kind of all I want to say on it.

Chair Smith: Chief Jonsen?

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Chief Jonsen: I actually just wanted to say how insightful Mr. Moos' comments were because we've talked about that exact issue on some of these forums, of looking at the data to see how we can serve our community. I think that's so important because it's so easy, taking statistics and presenting them the way that benefits you. I think we really need to do a comprehensive deep dive into the data to see what we're receiving as far as our calls for service from the community, because those are what we respond to. A vast majority of our interactions are based on calls for service in the city of Palo Alto. I think data is important because I think it will tell us exactly what this community wants and expects, and design systems around the service that's expected. That's all I wanted to say. Thank you.

Council Member Kou: Thank you for that. I was just wondering, Chief, and to the city manager as well, you know, in terms of collecting the data, understanding the data, and to use the data in order to come to some change, is there a way for you to provide a, when to expect that? Because, obviously, if I understand correctly, Chief, that, you know, based on the state law – or was it federal law? – one of the AB or SB bills that requires the collection, and it's not going to... We're still ramping up to that. So, if there's an expectancy date, you know, that would perhaps be something that would be valuable for the public, and also for us council members to know, and work toward understanding that.

Chief Jenson: That's another issue I think we've talked about. AB 953 is the law that went into place that is going to require all agencies in the state of California to capture data on every interaction that they have. One of the callers had mentioned how Palo Alto used to collect data and report on that, and that's true. They did it for a 10-year period and stopped in 2010 when budget reductions no longer had that employee to do that manual labor. What we will be doing is have a system in place that will capture the data that will be entered off of every interaction that law enforcement has. We as a department are designed to have that in place by January 2022. We are in the process of putting the infrastructure in place. Our hope is to have it as soon as next year. But, in the meantime, we're already starting to go back to a manual system of looking at our reports to extract data that's been asked of us. We're working on that and should have those preliminary high-level reports for you in the very near future.

Council Member Kou: Thank you so much.

Ed Shikada: If I could just add to that. I'm sorry, I'm going to give a little bit of an extended response to your question because I do think it's important to provide a little bit of context, that it builds on some of the discussion that's happening today. Really recognizing that 8 Can't Wait is a first step, the City Council has certainly recognized this in the work plan that they've begun, and as staff, working on a variety of fronts. Let me just acknowledge, specific to the data issue, that this is an item that will be coming back to the full council, among several others. Just real quick, again, primarily for the public since I know, and certain council members know, and I believe our commissioners as well, and for the panel, is that the City Council has actually undertaken a multi dimension initiative as it relates to dealing with race and equity, and is doing so in a really aggressive time frame. Clearly, this 8 Can't Wait discussion and the referral to the Human Relations Commission is one important step. Certainly, the Council recognizes that this is not a one-off. We've got specific City Council subcommittee that has been assigned to look at the police policy manual overall, and specifically the issue of data collection and hiring as it

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relates to our department. There's another City Council ad hoc committee that's been established to look at accountability and transparency, or effectively, how issues are handled as they come up, both structurally as well as specifically. Another City Council ad hoc established on the topic of alternatives through service models, as Council Member Tanaka pointed out, looking at Sunnyvale, the CAHOOTS model, the PERT model, a number of acronyms that you've already heard, and others I'm sure that could be enlightening for us as that subcommittee does its work. Finally, I would note a subcommittee that's focused more citywide, as has been referenced already, looking at diversity and inclusion. Recognizing that while we're starting with the police department, that this really does need to be an issue that is looked at citywide with a number of our other boards and commissions involved as well. Just wanted to note that. Thank you, Chair and Council Member.

Chair Smith: Thank you. We'll come back. Thank you, Mary. Commissioner Lee, you have your five minutes.

Commissioner Lee: Okay. I want to start by thanking the public for coming out and speaking. I think it's going to be incumbent on the public to continue to hold our city and our official's accountable, for not only just talking about these issues, and listening to these issues, but actually doing something. For me, there's always been a sense of urgency to address these voter issues, not because they are new issues, but because of the impact that they are having on people every single day. I was particularly struck by Teresa Brown's personal story, and certainly that isn't the end story. A lived experience of a lot of minorities in this community unfortunately have not been as positive as the majority of folks in this community have experienced. So, as long as that continues to happen, we have our work cut out for us. It's important for the community continue to hold us accountable because it's so easy, even when you assume good faith effort and good expectations from folks, because we know... My experience for change and reform, you know, oftentimes it meets a bizarre sense of resistance and opposition because it's uncomfortable. I would implore our community to continue to have these uncomfortable conversations, and to continue to push for uncomfortable change, because that's going to be what's needed to get something done. Too often, we hear folks trying to silence other people's voices or thoughts about what change we need to happen, sort of in the name of decorum or professionalism, or any other thing of that nature. But I think we need to push against that and really do the work that's necessary. My first question is really to 8 Can't Wait. It seems like for the most part, the panel agrees that it's a good first step. It's a first step. It's a drop in the bucket, and certainly we need to take more comprehensive steps to actually address the larger issue. I guess my question is, is there any reason, legal, practically or otherwise, anything unique to Palo Alto, that would prevent us from enacting 8 Can't Wait, pretty much adopting the model policy that Campaign Zero has put out verbatim? I ask that because as I've been doing my own work and redlining our existing policy, including the policy that was updated in the last month or so, as I've been redlining against the model policy and looking at what our police department and what our city have been saying about the changes that it is making, and what it's saying about how and whether it's complying with 8 Can't Wait, it's pretty evident to anyone who is paying attention that we're not there yet. This is a question for the panel. Is there anything that would stop us from adopting the model 8 Can't Wait policy verbatim in the next month or two? Is there anything that would give us reason to believe that that's not possible? Because certainly even after the changes have been

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made, you know, there have been a lot of qualifications, a lot of watering down, in my opinion – and I think in many people’s opinion – of whether we’re actually complying with that. That’s my first question. Can we adopt the model policy verbatim in the next month or two? Is there anything that would stop us from doing so? From a legal, practical standpoint, or a specific reason.

Chair Smith: Chief?

Chief Jonsen: The question I would probably go back to the community is, you know, I think when you look at our policy, especially with the Campaign Zero 8 Can’t Wait, very, very, very closely aligned. You’d have to tell me exactly which ones you feel are not, and which ones you still feel need enhancement, so we can have that conversation begin. To answer your question directly, I think there are challenges to adopting it verbatim, and I think adopting it verbatim puts people at risk. So, that’s up to the community to decide. You know, there are times and situations that would clearly justify using deadly force, and I know those are probably the primary ones that are still debatable, and they’re still be talked out at the state level as well. Like I said earlier, or brought into the equation earlier, is many of the 8 Can’t Wait and the Campaign Zero were part of the conversation around Senate Bill 230, and some of these were talked about these extensively, and some of them were adopted as part of 230. Some of them were not because of the language and the restrictions they place on law enforcement. I think that’s where the conversation needs to begin because I could probably give you an example of why we probably wouldn’t want to completely remove the use of deadly force, depending on the situation. I mean, there are many laws, many policies, especially with deadly force, that prohibit and really restrict when it should be used, but to flat-out ban it from an officers use would be, in my opinion, a disservice to the community.

Commissioner Lee: Okay, well, I appreciate that answer, and I know the purpose of this meeting isn’t to....

[crosstalk]

Chair Smith: Commissioner Lee...

Commissioner Lee: Is my time up?

Chair Smith: Yes, it is. Commissioner Regehr?

Commissioner Regehr: Hi. I just wanted to say, I need some hope here, and I’m going to kind of direct it to Professor Clair, or anyone else who has some hope. The City, for one, they decreased a social non-profit in their budget. They reduced our committee from seven to five, and they noticed that diversity was going to become a problem, and it was under staff efficiency. And then, they gave us a task to promote 8 Can’t Wait, and we have 60 days to do this, and we’re halfway into it now. Professor Clair, or whoever wants to step in, I’m trying – and I have another question for the Chief. I’m just trying to figure out, what can we do as a commission? Because I was working on housing, and unhousing, and just a lot of issues that make our community

healthy and safe, and now, we're spending 60 days on promoting this 8 Can't Wait campaign. Professor Clair, do you have any suggestions on what we go beyond, or what we can do?

Professor Clair: I don't [distortion] the political or legal architecture behind sort of how you all deal with the City, and sort of with respect to the budget, but I would say it's clear from the community, as well as many of the panelists, the overwhelming majority agree that funding needs to be invested in non-profits and organizations within the community. So, I think advocating and arguing for that reality, and arguing for the reality that many people in the communities who have experiences, but also from the data, understand that 8 Can't Wait is not enough, and that money actually needs to be invested within communities. One way to do that, one very simple way to do that, is to look at the police budget and reallocate funds. That is a clear place where we can move funding. I think that would be my suggestion. Again, I don't know, sort of exactly who has power to do these things at the City level, but I think that would be my suggestion.

Commissioner Regehr: Thank you. And then, I have a question for Chief Jonsen. I was listening to another panel that you were on, and every panelist was asked what systemic racism was to them, and what it meant. You quoted Maxwell Bradwell's book. I would like to hear your answer not using that quote. Like, what is it to you, systemic racism?

Chief Jonsen: I mean, I used that quote because I think it was relevant, and it is relevant, that it exists. I think biases exist. I think everybody has them. I think they're systemic not just for law enforcement, but throughout almost every area of life, whether it's educational, city politics – everything. So, I think it's the awareness, and that's why I quoted Malcolm Bradwell. It's the awareness, is the key, because especially for people like us who are in decision-making, you know, if you're not aware of your biases and you're making decisions about how you serve communities, that can be dangerous. So, I think it's very important that you start with that awareness, and I think that's training that needs to be done that I'm also an advocate for.

Commissioner Regehr: I guess my question is, we're in Palo Alto. You were police chief, like, around LA, so I'm sure you're aware of it before. I guess what I'm asking is about how you think that plays into the police and your experience. How systems have caused whether or not we're aware of them or not, racism.

Chief Jonsen: Yes. I think...

Commissioner Regehr: I mean, I'm not saying that people that are doing it are racist. I'm just saying part of the system is racism in itself.

Chief Jonsen: Yes. One of the forums that we took part of, and one of the panelists talked about, is systemic racism has been in place obviously, the structures have been in place far longer than any of us. There have been models, and we tried to fix those models, and until we decide to really dismantle, as has been mentioned, some of these models, we're never really going to have room for improvement. That's why I said earlier I'm excited about these conversations because I do think the opportunity is now to look at our structures and see how we want to revamp them so we can better serve our communities.

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Commissioner Regehr: I guess my further question then is, is, we've had these issues before, so, what, when it happened the first time, when it happened a second time, happened a third time, what were you thinking? Like, what were you thinking of what needed revamped at that point? And going forward? What can we do to support you in regard to all the other issues and the lawsuits and stuff to help this? Because I'm sure you've been aware of it, we've all been aware, so, what can we do to help? What are your plans?

Chief Jonsen: I don't know if there's anything at a local level we're going to be able to do. Really, where it needs to be is the accountability. One of the things that's being looked at at the state is – and I've mentioned it several times. No chief that I've ever met appreciates having to take back an officer they've fired. You know, the systems that are in place are designed to protect people, and sometimes they require agencies to bring back people that shouldn't be part of that organization, especially law enforcement, where the authority is so profound. I think there's room for improvement, drastic room for improvement. From a state level, that is one of the bills that's being discussed about decertifying police officers who have a history of violence or history of discrimination, because I think until we get serious about not... Well, get serious about rooting out people that shouldn't be part of this profession, some of these issues will continue. I am an advocate for doing that. I think the systems need to be shored up so that when we make a decision to fire someone, that decision is upheld.

Commissioner Regehr: Well, okay, so, what can we do in Palo Alto?

Chair Smith: Commissioner Regehr...

Commissioner Regehr: Okay. My time...?

Chair Smith: Yes, ma'am.

Commissioner Regehr: Okay, sorry. Thank you.

Chair Smith: Thank you. Commissioner Savage.

Commissioner Savage: First, I want to thank everybody for speaking. It very good use of time.

Ms. van der Zwaag: Commissioner Savage, I'm sorry to interrupt, but we're having trouble hearing you. If you could get as close as you can to your microphone, that would be great. I know you're having a little trouble with the sound tonight. Thank you.

Commissioner Savage: Is this better?

Chair Smith: That's better.

Commissioner Savage: All right.

Commissioner Regehr: That's good. Better.

Commissioner Savage: Anyway, I just briefly wanted to thank everybody for speaking. It was a good use of time. A majority of the speakers, although 8 Can't Wait does have some flaws, a majority believe that it is a good first step. More to be done following it, but still, it's a good way to get started. As the Chief said, 8 Can't Wait is pretty much already embedded into either the manual or training, and we're very close. That's what I believe. There are a few things that he mentioned, such as, you know, there are extraordinary circumstances, although rare, do happen, so I think that's a sticking point where we're going to have to have some wiggle room around. But based on that, you know, I am looking forward to doing further research, further work, and looking forward to getting back to Council with our recommendations, advice and referrals to adopt 8 Can't Wait.

Chair Smith: Thank you, Commissioner. Commissioner Stinger, you're up.

Commissioner Stinger: Thank you and thank you to the public and to our panel of experts. This has been really helpful. I think I'm starting to frame my questions directly on the charge we've been given by Council, the 8 Can't Wait. Then, looking at how we extend or refine beyond the 8 Can't Wait. But I'm really interested in how we reform or refrain a safe... How we protect our community. I'd like to ask quickly a question about 8 Can't Wait. This was from Dr. Clair. You had said that there might be some budget ramifications. My question to Chief is, do you see that 8 Can't Wait has any costs associated with it that we need to think about as we make our recommendation to Council?

Chief Jonsen: I think right now with the modifications we've done and the enhancements we've done to our policy, it doesn't necessarily, for the 8 Can't Wait areas, require a huge budget, especially as far as... I think the question will come when it comes to training, and training obviously always costs money. Right now, I don't see any huge, huge issues as far as funding. I think the funding question goes to what many of the panelists have referred, looking at how we can provide other services to this community, freeing up law enforcement from doing or responding to those, which we're already very actively engaged in those conversations.

Commissioner Stinger: Thank you. I want to jump to a future thing. Dr. Clair, you had suggested that we could defund the police force by just not filling vacancies. That seems like a very slow process. And, building up the non-profits to support the police for mental health calls, substance abuse, would be a very expensive up-front cost. I wondered, do you have examples from other cities where they've managed, particularly under conditions like this – budgets are so tight – the transition from one model to another model. Are there lessons we can learn?

Professor Clair: Yes, I think so. We can think about overtime pay, so, as the Chief mentioned, if we are able to shift the things that police are doing, then they're not responding to as many calls. Overtime pay could be something to look at. I also think that salary could be something to look at as well. Across the United States, workers in many different industries, including people in Palo Alto and the Stanford area, are taking pay cuts because of crises. I think pay cuts could be another way and using that money to be reallocated immediately. But you're right; vacancies are slow. But I will say, we have models around that are very close. Oakland, I know was discussion, I think last year, and I think they're just now implementing sort of a version of the CAHOOTS program that was happening in Oregon. I think it's called NARCO or MARCO.

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[crosstalk]

Professor Clair: Right. Yeah, I think there are various ways. But also, I think the decision to invest can still be something that we advocate for, even if we have not cut the police budget to the same degree.

Commissioner Stinger: Thank you. Mr. Subramanian, you had a chart that looked at the challenges to restorative justice and transformative justice. I wonder if you could elaborate on that.

Anand Subramanian: I'll have to look back at my chart. I typically tie any challenges to transformative justice. I think there's a... Some restorative justice programs that are held within police departments and prosecutor's office are problematic, but I don't know if that's a row that I have. I'll look back at that and see.

Commissioner Stinger: Okay. I think it was both of you that talked about pilots that you thought were intriguing for Palo Alto, and I wondered if you could elaborate on what pilot programs we might look at for this particular city of 65,000 people with a socioeconomic...?

Professor Clair: The CAHOOTS one I think is interesting because it sort of... So, there's a diversion way in many of these programs. At the 911 call moment, right? A determination that's made of where do we send, or who do we use, what force do we use? Is it police, or mental health professionals, to send? But then, there's also a diversion prior to that where the community is aware of different numbers to call, and different ways to ask for resources for things that should not be police related. I think those are two different ways, and one sort of embeds in the police organization the determination of when to decide whether this is a call for service that they're going to respond to or send to another organization, and one sort of makes that go sort of more to the community level.

Anand Subramanian: Yes, just to respond, I did look at my deck, too, Commissioner Stinger, and the justice term that was on there was "procedural justice," so I can talk about that if that's what...

Commissioner Stinger: Thank you.

Anand Subramanian: Sure. Is that something you want me to talk about?

Commissioner Stinger: I would. My next five minutes, I'll come back to that. Thank you.

Chair Smith: Okay. Well, I'll take the torch. Minka, you can cut me off at my five minutes and make sure we keep it fair, all right? I'd like to ask Dr. Sklansky and Mr. Subramanian a question. Both of you highlighted community policing and procedural justice as having been failed or incomplete processes. I want to know, what lessons have we learned in those reforms that we can apply to these reforms, that we do not end up with the same result?

Dr. Sklansky: I don't think that community policing failed. I think that it succeeded, but only partially, partly because we only tried it partially, and then, we stopped trying it, and partly

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because even when we were going full bore with community policing, there were problems, that if we wanted to really boot it, we would need to address. One is that community policing never took police violence as a central problem. A second is that community policing didn't take enough account of racism. Racism within policing, and racism within the society that the police operate. A third problem I think with the community policing was that the community often was too narrowly defined. It often excluded, for example, young people, who were seen just as problems to be controlled and not assets or constituents to be brought in. And then, I think it is true that the community policing agenda, in some ways, wasn't sufficiently ambitious. It didn't for example, consider the possibility that maybe the police footprint should be radically shrunk in some areas. I don't think that that was wholly excluded from community policing discussions. One problem when discussing community policing is that it became a buzz phrase that was attached to all kinds of things. It's true that, for example, even aggressive stop and frisk in New York was called community policing. So, if you want to recover community policing, you can't just say, well, let's look at all the things that people called community policing, and let's do all those again. You need to ask, what, at its best, what was that movement doing, and should we try to recover and expand on that. I think at its best what it was doing was to get away from the idea that the police have full responsibility for providing public safety; get away from the idea that the police should be a militarized force, standing apart from the community; and make the police part of a community-wide effort to bring justice and safety to all parts of the community. That involved, at its best, a consideration of under what circumstances the police are the proper agency to respond to a problem, under what circumstances should a different agency be responding to those problems. So, I think that there is a lot in the history of community policing that is worth recovering, and I do think there are places where it made a significant difference. There's no place where it solved all the problems of policing, but I think the community policing movement, for example, made policing in Los Angeles vastly better than it was before. It did not get rid of police violence, but it reduced it. It didn't get rid of police racism, but it reduced those problems. It's nowhere near enough. It wasn't ambitious enough. It had all kinds of problems. If we want to recover it and build on it, I think we need to realize that it was not sufficiently ambitious, that it often was used as a buzz phrase without real substance; that it did not take sufficient account of police violence; that it didn't take sufficient account of racism; and that it often failed to take full account of the complexities of communities. But I don't think any of that is inherent to the community policing movement, and I think there was progress that was made there that's worth recovering and building on.

Chair Smith: Thank you so much. Dr. Clair, I have a question for you. You know, right now, we are hearing cities.... Well, people have weaponized the police against black communities, for calling, for just being black. Do you think the laws that now make that a misdemeanor or felony to call on racial, on racial calls, or in a racist way, do you think that's helpful in this process?

Dr. Clair: I do not think it's helpful. You know, I think it's really unfortunate that racism in everyday society weaponizes police in that way. I think police, many of them, are annoyed by that as well. I generally am someone who does not think a punitive stance is the way to go to correct social problems. So, the social problem of racism, I don't think we should punish it through a police force or a carceral apparatus that's going to, you know, with Amy Cooper, have her charged, go through the criminal court process. Maybe be incarcerated. I think Amy Cooper

learned a lot from the shame that she received, and hopefully that corrects her behavior in the future. But I generally do not think that that approach... I think someone mentioned maybe the CARES Act. I don't think that's the approach to go because that just, again, broadens the imprint of an institution that we understand is also contributing to violence. Pastor Smith, we can't hear you. I think you're muted.

Chair Smith: Yes, sorry. Okay. We're going to go into our second round. Please remember, this is question time. We have a lot of great panelists, so let's use their time wisely with questions. Thank you. Council Member Tanaka.

Council Member Tanaka: Yes. I just want to say, Professor Clair, that's a really good point about pay cuts, especially now. I know at Stanford, there have been some pretty big pay cuts, especially because of economic recession/depression caused by COVID. So, a very good point about that. I just wanted to continue the question I started to ask but ran out of time on. I'm not sure if the city manager or if any of guys heard of the Stanford Open Policing Project that focuses on traffic stops done by law enforcement. A lot of cities around the country actually are a part of this, but we're not. But given that we're next door neighbors, I thought it might be good for us to participate. I don't know if you guys have heard of this, but I know that Palo Alto has our own police data initiative and the ad hoc commission. I'm certainly aware of that. But it seems like if we could be part of a standardized data set so we can do comparable comparisons against other cities, especially given that this project is being done by, you know, our neighborhood university, especially a world-class university, it seems like this would be a good thing. Maybe either the chief or the city manager could respond. That would be great.

Ed Shikada: I'll take the first crack at it. I'm not familiar with the project, so, Council Member, if you'd like to refer the information to me, I'd be happy to follow up. We are in ongoing discussions with Stanford University on a variety of projects.

Council Member Tanaka: Okay. I'll do that. The other part is, I'm not sure if you guys have heard of Project Comport, but there's a bunch of similar projects around the country. What they do is they give data on, it's basically open data, not just on police action, but it's actually data on complainants, like the one from Teresa Brown, what month it happened, what allegation, on which officer, and the demographics of those turning in the complaints. I don't know if you guys are also familiar with that, the Project Comport, but it also seems very interesting because it's trying to open the data for complaints like what we heard from Teresa Brown earlier. I don't know if you guys could speak about that.

Chief Jonsen: Well, I mean, I will say, clearly you're aware that we have an independent auditor who oversees all our complaints that are made, and that report is made public, and we hold that on our accountability page. So, the public is willing, able to go to our accountability page and see 10 years' worth of complaints and the outcome to those complaints. Going into specific data capturing, as I mentioned, that will be something that will be part of AB 953, the data collection and racial profiling, because what we will be required to do is on every interaction, is to document the race of the individual, or the perceived race, the reason for the stop, if a search occurred, the outcome of stop. It will be pretty comprehensive, and that will be available because it's something, again, that has to be reported to the state each year.

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Ed Shikada: If I could add to that as well. I think rather than take it for granted that the public, and even members of our panel, are aware of it, that the City of Palo Alto does have both internal as well as external processes for handling issues that are raised, either formal complaints or even informal complaints, and those are reported regularly to the City Council. It's a process that's been established for a number of years. It is revised periodically, and in fact, as a part of the ongoing work, as I mentioned earlier, City Council has established a subcommittee on accountability and transparency.... [crosstalk]

Council Member Tanaka: City Manager, I want to cut you off just because I'm on a timer here. I get that, and I'm aware, but I think the issue is that the data is not very accessible. What I'm talking about is open data, especially when it's standardized, because that way, you could do comparisons against other cities. I am aware of that, but I'll move on because I'm trying to squeeze into my five minutes here. So, for the Chief, we heard discussion a little bit earlier about police unions. What's your thoughts? You know our police union really well, so, what are your thoughts in terms of the union's response so far in terms of supporting some of these reforms? We saw a bunch of, earlier this month, a bunch of articles in the *New York Times* about the issues in terms of police unions and, you know, being able to do some of these reforms. Maybe you could talk a little bit about how you see it with our union.

Ed Shikada: Council Member, let me, if I might, Chief, before you respond to that, I would note that for the purpose tonight, we do have the extraordinary resource of the panel, and Council Member, you have unlimited time and opportunity to ask questions of our police chief and myself. So, perhaps you might want to focus on areas that are both taking advantage of the panel that you have before you, as well as, again, recognizing that the council members here are liaisons to the HRC, and that we really do want to support the HRC's specific assignment to look at 8 Can't Wait.

Council Member Tanaka: I understand...

[crosstalk]

Council Member Tanaka: I understand your point, City Manager. Actually, I don't have access to the Chief. I'm told that I have to go through you. And [crosstalk]...

Ed Shikada: I mean unlimited in terms of future council meetings [crosstalk] specific area.

Chair Smith: Thank you both so much. Council Member Tanaka, do you have one last question, please?

Council Member Tanaka: Yes, I did. Maybe, if the Chief doesn't want to respond, I would love to just open it up to any of the panelists here in terms of their experience with police unions, and any advice as we work with [inaudible] here.

Chief Jonsen: Yeah, no, I am more than happy to respond to that question because our union for the city of Palo Alto has been very collaborative, and actually, they are the ones that came forward right from the beginning and said, hey, we rarely use a carotid restraint, so why don't we

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do it if it makes the community a better place? So, they were the ones that came forward with removing the carotid from our policy. We didn't have to ask them from the management. They brought it to us. They've also been the ones that have been working with us and our policy modifications, and they've been extremely open to change and supportive of it. I am greatly appreciative that we don't have those barriers. As one of the speakers said earlier, obstacles can cause problems, but in Palo Alto, I actually have to say these obstacles have created opportunity, and I'm really grateful for that.

Council Member Tanaka: I think [crosstalk] I don't know if Mr. Moos could respond...?

Mr. Moos: I'll just talk really quick. I still have homework that's due tonight. I'm a senior in college, I still have stuff to turn in. Kind of responding to the police chief and a few other things. Yes, there are things when it comes to the legitimate use of force that need to be changed. A lot of it isn't just coming down to use of force. A lot of it is the fact of us getting followed around. When I go to work, we put a complaint into the Los Altos and Mountainview police departments. On my drive there, out of eight days – this is, like, one work week – I was followed six different times. Cop cars flip around going the other way, following me the entire way and questioning me at work. That's not a use of force. That's scaring me and criminalizing me and following me as I do these things. It's to the point now, when I hand my ID to a cop when I get pulled over, I'm putting my school ID on top of it. That way, when I get pulled over, I can explain to him, actually say I'm a college student, I'm educated on this, and I'm doing whatever it is to try to make the cop not think I'm a drug dealer or I am a criminal. One thing everyone is talking right now, and everyone has been asking the same things about the 8 Can't Wait. Yes, it is a very small first step. It's not bringing more funding, and that's not what we're asking, it's not what we want. To be able to make these changes, we need to understand now – now next year, not three years from now – what the data is now. I do know on tickets I've gotten and things I've had, it says, "black." I know that it says "black" right there. I'm half white, half black. Why doesn't it, like...? It says, "black," so you guys do have that data. It's bringing that data to us in the next two weeks, not the next... whatever. With Mountain View, they just released their statistics and said that black residents, I think, are five times more likely to get pulled over than anyone else in the city, and 11.2 times more likely to get arrested. There are programs such as CalGain [phonetic] that criminalize children just by the people that they hang around with, or their families, or something like that, and put them on a list that can never be removed from. They continue to target them the same way that person was that we brought up earlier, at the donut shop. There are SRO's in schools, as I mentioned earlier, that are following us and terrorizing us. It's not just the use of force that needs to be reviewed. It's looking at the prison pipeline and looking at when there's no help being given to students because they don't have access to that help. What can we do to be put things into our schools to help them, instead of just, oh, there's an issue, this student had a fight? Not, let's look at what's happened in their household, or what's happening outside of school that could be bothering them. Instead, we'll put them in an alternate school where there's even more cops, where they get put on this list, where they get isolated immediately. I know that we're short for time, and I'm not even supposed to be speaking right now, but I thought I needed to share that before I hopped off.

Chair Smith: Can I cut in? I'm going to use my last five minutes with Kenan. Is that all right? You live here, you grew up here. What do we have to do to make you feel safe here? Because we

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can spend hours talking about research and all this other stuff that's going on, but at the end of the day, and as a black man that grew up in New York, I have some ideas of what I need to feel safe, but I want to hear what you need us to do to make you feel safe in this community.

Mr. Moos: The way that I currently feel would be that I don't feel comfortable when I've had my house broken into, to call the police, or when I've been followed by people of the community. Not even police officers. Calling the police, thinking that I just don't belong here. It just escalates. To make me feel safe is putting money into programs that show that you share about the community. When we have such issues with homelessness, with the lack of money going to schools where my teachers are, when I was in high school, having to buy their own supplies, and now, students are getting the education and things they need. Why, in the schools, the only things I'm being taught about myself are that, one, as a black Jewish person, Holocaust and slavery are nothing positive are being taught to myself. It brings a whole negative image as you grow up, which is what ends up linking to these higher crime rates, when people have issues and are lashing out because they feel unheard. So, it's not reacting to these things and being like, you know, we're going to do the 8 Can't Wait, and that's going to take a few months to implement, and doing something else that's going to take a few years. It's putting money into things that when we have these events... Because we've been hosting, I think, like, 23 marches in the last month, up and down the peninsula, that I've been helping lead, giving speeches at. One of which we actually had the police come to in terms of, like, blocking off streets. Otherwise, we've had a few riot teams stand off to us, and stuff like that. But there's not been issues with safety when it comes to us taking care of ourselves at our marches. Us, making sure people who are there are safe. All it's done is escalate and make us feel intimidated when cops are there. It's a system that, the first badge, what police officers was, was slave patrol. It was not a community officer; it was not someone who was designed to protect us. It was someone designed to go after us if we got freedom and bring us back. You can look at the initial badge. There are images everywhere. Exact same shape it is now. It says, "Slave Patrol." It's doing things that are listening to our brown and black communities and realizing the pain and hurt that we have been going through, the trauma, and finding ways, not by you designing them yourself – I don't mean this just to the police, I mean to the whole city – I mean finding ways with programs that are already in these cities. People are already doing these works. Like in East Palo Alto, the Hood Squad, they are doing incredible things in their city. It's THA, if you guys want to look it up. THA Hood Squad. And the way they're giving back to their community, the way they're bringing people together that hasn't been done in decades, and the awesome things that they're doing. Instead of just funding programs from these big corporations that come in, looking at these groups here, doing this work, and giving support to them, saying yes, we hear you, and we understand that we have this power. How can we support you on this, rather than how can we build our own thing?

Chair Smith: Thank you. You speak with wisdom beyond your years, sir. You've got a bright future. Thank you so much. Council Member Kou, your five minutes.

Council Member Kou: I would actually be interested to hear about some of the programs that are implemented, like, say, for example, in the city of Berkeley, and in San Francisco, after the blue-ribbon committee made their recommendations. What were the outcomes of those? How long ago were they implemented? What are the outcomes? Professor Sklansky, I appreciated the points that you pointed out about community policing, and just kind of, really putting it into, you

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know, think deeper about where it worked, where it didn't work. While it can work, we need to kind of focus on some of these items that you mentioned. So, thank you for that, but I'd love to hear the outcomes of the programs.

Dr. Sklansky: Yes, sure, thank you for the question. I'm going to talk very fast. Part of the challenge in implementing the recommendations was our logic around the challenge about police reform generally. The success was that the use of force policy hadn't been reformed in decades, was reformed during the course of the investigation, and one of our working groups participated in that process. The DOJ's Community-Oriented Policing Services – COPS program – they had a collaborative review that came in after Mario Woods was shot and killed by an SFPD officer. That effort adopted all of the recommendations of our report. Those recommendations, they have 272-or-some-odd recommendations, have been infamously not implemented, for the most part, in San Francisco for three-and-a-half years after publication of that report. If and where there's a chief who is committed to reform in San Francisco, really cares about implementing those results, I wanted to just close... And this is a long conversation, we can connect afterwards. Connecting to one of your earlier questions, Council Member Kou, which is having support at the state, and potentially federal level. The attorney general of California took over oversight of implementation of those recommendations when the Trump administration pulled out. Even with that, it's not yielded any acceleration or further implementation of those recommendations. So, I think that looking to other jurisdictions or higher – so to speak – jurisdictions to offer support, especially in terms of oversight, is also a model that I wouldn't necessarily support. On the other hand, there is a bill right now that may end up just being part of the budget in California called the Crises Act, which will offer funding to pilot programs to establish community-based alternatives, alternative responses to emergency. That's the type of thing I think we need to be pushing state and federal legislators to do more of. Rather than funding law enforcement, let's start funding community-based alternatives.

Council Member Kou: Could you please make sure that our lobbyist is aware of this Crises Act, and to let us know about it. Professor Sklansky, do you have any information on the outcomes of City or police, taking police out of traffic patrolling? How did that work out?

Dr. Sklansky: I don't think they've done it yet. I think they're thinking about it.

Council Member Kou: Okay. Thank you, though. You know, I think, you know, there's a lot of work to be done within the police itself, but I think that also as a community, in our schools, you know, my husband tells me, my husband is African American, and he tells me it's very hard to change people because a lot of the racism is ingrained, ingrained in a lot of people. Somebody had mentioned that, you know, even each of us could have some racism in us. I think it was you, Professor Clair, right? It is so. But it's becoming aware. But the whole thing is also, how do we ensure that at schools, you know, Mr. Moos had said something that really, really moved me, and it was painful to hear. I felt the pain, and it's very sad that they go through this. How do we do it differently at every level, starting from kindergarten? How do we do that differently? I think that's something that is a bigger conversation. On the 8 Can't Wait, I think I need to kind of compare it a little bit more, and I would love the help of everybody here, because I'm not quite sure that I am comparing it right, that everything is implemented. For example, San Francisco has shooting that it exhausts our means before there's a shooting. They've put it into their

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policies. So, you know, maybe we should look at that a little bit further. I mean, we have an expert panel here, so I don't want to waste their time. I just think that 8 Can't Wait is not ready yet. Thank you.

Ms. van der Zwaag: You're muted, Chair Smith.

Chair Smith: Commissioner Lee.

Commissioner Lee: I have two questions. The first one is specifically about 8 Can't Wait because that's the current task in front of us. In the next couple of meetings, this Commission is going to be looking at 8 Can't Wait and comparing it to our existing policy and making recommendations to the Council. I guess this question is for our Police Chief. To the extent that you or the department have concerns, reservations, objections – whatever you want to call it – to whatever extent you have those things about adopting the model 8 Can't Wait policies fully and without any sort of equivocation, to the extent that that exists – and it sounds like there are some reservations about that – would you be willing to kind of lay out what those objections are, and why, in a methodical and [inaudible] way so that this Commission can study that in advance of our actual working session, where we're going to be making recommendations. Would you be willing to do that bit of homework so that we have it in advanced? Or perhaps Police Department doesn't want to make those changes, go this far. Could you detail that for us in advance of the work we are planning on doing in the next couple of weeks. Is that something that you'd be willing to do?

Chief Jonsen: Yes, no, we can definitely. I think there's really three left that we are definitely willing to have that conversation, that we have challenges with. But yes, can do that. We can lay it out for you, and we'll provide that information to you.

Commissioner Lee: Appreciate it. Okay. Thank you very much. Second question is regarding, you know, I really want to thank Dr. Clair and Mr. Subramanian, who were talking about the need for social services. I think this Commission recently has advocated that the City Council reinvest some PAPD funds into our community and services [inaudible]. I myself have advocated for doubling our social services budget. I see that in at least the Council's initial list of action items, of things to look into, but the budget for those social services isn't on the list of things to look into. And certainly, they can add it later, but it's currently not on the list. I wanted to get a sense from Dr. Clair and Mr. Subramanian, how do we change the discussion and the sort of budgetary calculus that we have as community leaders about public safety? Because it seems to me, you know, when we talk about public safety and try to prioritize public safety, we only look at how much we're funding the police department, when it seems to me... What I'm hearing it's much more nuanced than that, and all the programs we choose to fund and not to fund really have an impact on public safety. How do we change that calculus so that we're actually making those investments in some of these longer-term, more effective solutions, as opposed to just looking at the PAPD budget? How do we do that? How do we know what to fund and how much is enough to fund?

Professor Clair: I think one way is you all could actually just – and maybe the commissioner could help with this, or the chief of police could help with this – you all could just literally tally

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up, what's [distortion] right now with respect to complaints against the police. A \$10 million lawsuit will probably be settled for less, but still, right? You could add that up, and that's a clear economic cost. But I really think, deep down, it really has to be a moral argument about, do we want to continue criminalizing communities when we know that criminalization is also criminogenic, right? Criminalizing children from the beginning, but also communities as a whole, and mistrust of police, and then, not wanting to call on the police, as Mr. Moos beautifully and eloquently articulated from his experience. I think it's an excellent way of sort of making that claim and that call for more funding for these community organizations. I also want to sort of signal and remind you all that I think Mr. Moos is right. It needs to be funding organizations that exist, not sort of these people who are flying in as sort of, oh, I have a policy or program that could work, because that is not probably going to work long term because it is not invested and rooted in the community.

Anand Subramanian: I would just quickly add that I think, looking also at something that came up earlier about the calls for service and what Palo Alto police are actually asked to do, what we're finding as this data is coming is that, you know, in the vast majority of places, calls for service for violent crimes are, calls for service around violence are very, very low. In New York, it's four percent. So, the idea of what keeps us safe... People want to feel safe, and we have not, as a society, given folks, over two generations, any answers to what keeps us safe, besides police. What we're finding now is we need to dig into that. To what extent to police actually keep, especially black and brown communities, safe? We're all agreed that we're opposed to mass incarceration, but policing is the front end of that. We need to make that connection as well. And then, I don't know if you're at your five minutes, but just to respond to one of your earlier questions, and someone else's question, in terms of implementing these policies as written by Campaign Zero quickly... First of all, I want to just push back a little bit against the premise that the panel majority agrees that you should be implementing these policies. I don't know that I heard that. I'm not suggesting that. I think there's an opportunity cost there that you really have to look at, aside from the other concerns that have been raised. But, you know, the police union, I'm glad to hear that they've been supportive of this, but as you all know, especially in Palo Alto, they insist on meet and confer rights, and all of these things take time, and they may dramatically want to change the language of the policy, depending on what happens to those negotiations.

Commissioner Lee: Gottcha. I guess my final question.... Do I have time? No. Okay.

Chair Smith: No.

Commissioner Lee: No.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: I just want to thank all of you because I think that it's been an incredible discussion, and also the community. I also want to put a shout-out to City Council member Tanaka and Kou. You two were the ones that are seeing budget cuts that, you know, staffing, let's look into staffing, and not cutting services, and not cutting the HRC and the Arts Commission. So, I wanted to say, you knew inside what our city needed in regard to making a healthy community diverse, and also be able to find creative solutions. I just want to thank you

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guys because I think you two were the only ones that were really pushing for certain things. So, thank you. I don't really have any... Our admission was to promote 8 Can't Wait, to lead the 8 Can't Wait campaign. I was very upset; I personally was very upset over that because I thought we have so much more to do in our community. I think one or two people that have been beaten up by police in Palo Alto is a disgrace, and I think that we can do better. Even though it's not a lot, I think we need to figure out what we can do. I guess... Have any of the panelists heard anything about what City Council and different human relations commissions have succeeded in building the gap and helping out, in making a healthy community? Because our budget has already been set, you know? I mean, they've already approved it. I mean... So, I guess, I'm looking to see what, when a budget has been giving more money to the police and cut budgets, what things can we do in regard to, in your book that's coming out in November? Professor Clair?

Professor Clair: There's one example. I don't know if you're aware of this Council member Oakland, Rebecca Kaplan. From what I've read in news reports, I actually don't [cuts out] this Council member, but what I've read in news reports is she sort of led the way with respect to a \$40,000 request in the city budget last year to sort of do a pilot program of, sort of mental health workers, or a mobile sort of mental health worker system. I mean, having conversations with people like her and other people in other cities, you know, just literally looking at media and news reports and identifying who are the council members who are able to make these decisions happen, I think is the strategy that I would suggest going forward.

Commissioner Regehr: Thank you.

Anand Subramanian: I would just quickly add that we can't, nationally, in any place, can't think of this as this year's budget cycle, then we're done.

Commissioner Regehr: Right.

Anand Subramanian: Right? So, the need to respond in this moment, we're all feeling this pain desperately, it makes a ton of sense, and it's great to see. But, like, trying to carry this over, over the course of your terms, etc., that's critical, into the next election cycle, etc. – All of that will be critical as well.

Commissioner Regehr: Thank you. I guess Daryl is next.

Chair Smith: Yes, Commissioner Savage is next. Commissioner Savage, your time.

Commissioner Savage: Yes. Most of my questions and issues have already been discussed...my time.

Chair Smith: Commissioner Stinger.

Commissioner Stinger: Thank you. Thank you again to the panelists and to the community. I'm slightly overwhelmed. So many people have missed opportunities. I think you talked about, you opened our conversation that way, David. We need to just stay on... We need to listen and

develop a track, and then, stay on that track long enough to pilot some programs, and to monitor their success, their failures, and have the courage to go back in and change it. It's too easy, I think, when something fails, to walk away from it. We can't let that happen. My question, which might be a little too specific, but I'm going to ask it now, is that I understand the value of 8 Can't Wait to curtail the most abusive use of police force, but I'm actually more concerned about racial profiling and the other biases that exist in many cities, and in our city. We've heard from the public about programs that didn't work in the police force. Are there programs that did work? We follow quickly to implicit bias training. I'm wondering if anyone is familiar with how that worked in Oakland, or if there's alternatives we should consider.

Anand Subramanian: If the question is what works to eliminate racial bias from police departments, I have not seen anything that works in Oakland. You know, who has been under federal receivership for decades. There are studies every few years, including one by Professor Eberhardt, reviewing the results of body camera audio, and demonstrated existing racial biases as recently as a couple years ago. I think the way to eliminate racialized policing is to start to minimize police civilian contacts. That's how you'll get rid of racialized policing.

Professor Clair: And I will also say, you know, when the sort of denominatorsollar [phonetic], as it shrinks, hopefully, right? As few contacts happen, we may actually see an increase in racial disparities. But we need to remember that that's fewer people who are black or Latino who are having contact. So, yes, we should be concerned about racial disparities, but we've also got to really be concerned about the denominator. I think treating that is also about decriminalizing certain things that are associated with racial groups, or that are conveniently used to target certain racial groups, I think is also something that should be on the table as well.

Dr. Sklansky: I just want to say that, despite my enormous respect for Matt Clair and for Anand Subramanian, I don't think that minimizing contacts between the police and public is a good direction to be pursuing as a strategy to decrease violence. For one thing, I used to live in a city – Los Angeles – that tried that in the 1960's. That was the guiding philosophy of the Los Angeles Police Department, to be lean, and mean. It didn't minimize violence. I do think, though, that getting the police out of certain lines of work that other people or other agencies could do better and less violently does make sense. I agree that the CAHOOTS program is a model that's worth examining. I mean, the CAHOOTS program was not for defunding of the police, and in fact, I think if you talk to people... There are a lot of people in Eugene, Oregon now who are saying, "Don't look at the CAHOOTS program. We need to make the CAHOOTS program an example of defunding." Because so far, the CAHOOTS program has just supplemented and worked with the police and it hasn't substituted or policing. That may be true, that the CAHOOTS program hasn't gone far enough, but I do think that it's a good model to look at, and possibly to learn from. I think the idea of getting police out of schools is a good idea, too. And I do think that if... I understand that your Commission has been charged with making a report on 8 Can't Wait, so I don't know exactly what the call to your mission was, but it seems to me it would be perfectly reasonable for you to say, we've looked at it, we think that we should be doing everything that 8 Can't Wait includes, but we think that we should not treat that as anything but a very first step, and, in particular, there's a significant piece of the form agenda that 8 Can't Wait doesn't agenda, which is the overall footprint of policing, which we think needs to be rethought and probably shrunk in important ways. My own view is that schools, and response of people in

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emotional distress, are two places where it does make sense to think about shrinking the police role and substituting other forms of response.

Professor Clair: Can I just say one thing....

Chair Smith: This will be the last comment.

Professor Clair: I just want to remind everyone that reducing police contact does reduce police violence, which is a huge problem in communities of color, right? So, when we think about violence, we have to remember all and multiple types and forms of violence. We also have to remember that defunding is not just defunding; it's investing. I know that you all are trying to figure that out, but yes, I very much agree, and I agree with Pat Sharkey and David as well, that defund must be met with investment because it's going to be quite convenient if we defund, and then, everyone says, oh, look, it doesn't work, because we didn't invest. We must [cuts out] communities [inaudible].

Chair Smith: I know I, and the rest of the commissioners and our city council members, learned a lot. You gave us a lot to think about. We actually have to sit down in an extended policy meeting in about a week and a half and go through 8 Can't Wait, and we have a lot of thoughts from this panel that's going to inform that discussion. I want to thank each of the panelists. You have really, really, really done an amazing job to expand the field, but also give us a lot to think about. Thank you so much for being with us this evening.

#### **IV. APPROVAL OF MINUTES**

Chair Smith: We have one last item of business, which is just us as a Commission voting on minutes. Mary, what are the minutes we're voting on? This is our last piece of businesses, and then we can go from here.

Ms. Constantino: It was June 11<sup>th</sup>.

Chair Smith: Okay. Do you want to put anything on the screen for us? Or just go...?

Ms. Constantino: You all have copies.

Chair Smith: Okay. I assume everybody has received them and viewed your copies. Can I get a motion to approve the minutes for June...? What date was that?

Ms. Constantino: The 11<sup>th</sup>.

Chair Smith: For June 11<sup>th</sup>. Can I get a motion, please?

Commissioner Stinger: I so move.

Commissioner Lee: Second.

Chair Smith: We have a motion and a second. We will go for a vote. Commissioner Lee.

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Commissioner Lee: Aye.

Chair Smith: Commissioner Regehr.

Commissioner Regehr: Aye.

Chair Smith: Commissioner Savage?

Commissioner Savage: Aye.

Chair Smith: Commissioner Stinger?

Commissioner Stinger: Aye.

Chair Smith: All right, thank you. I will also vote Aye.

**MOTION PASSED 5-0.**

Chair Smith: Our minutes have been passed. I would like to thank the chief, the city manager, Director O’Kane, Minka, our two council member liaisons, for being with us tonight. I would also like to thank the public, all that hung out a little bit longer than most. We were up to 70, 80 people at one point, so this discussion was robust. We will see everybody. What is the date again?

Commissioner Lee: Chair Smith, would you mind just elaborating for the Commission and the public what exactly we will be doing at our next meeting? In case they want to tune in.

Chair Smith: Okay. Our next meeting will be the policy meeting. What we’re going to do is we’re going to sit and we’re going to go through each point of 8 Can’t Wait. I think, depending on the date, we will have a representative from the police department, and we’re going to go through, and we’re going to redline and go over each thing. That is where we’re going to generate the recommendations that we will be sending to Council, in particular to 8 Can’t Wait. If you’ve been following our meetings, you know, this report will include two parts. It will be, this is 8 Can’t Wait, this is where we are, this is what the experts said, this is what... and it’s in a great format. Then, we will also have an addendum/appendix, and addition, where things like what Professor Clair spoke about, and Professor Sklansky, and Anand spoke about, will be in that. City Council, please look at these things because these are things, in our investigation of 8 Can’t Wait, that have come to the surface. I know that the Council has a couple different ad hoc committees that are focusing on different elements, and we’ve done a lot of listening and got a lot of expert advice. So, we would not want to lose that momentum and not give it to Council in that packet.

Commissioner Lee: Are we going to be voting on our actual recommendation at the next meeting, or are we just starting work and redlining, and then, at a subsequent meeting...?

Chair Smith: No, we’re going to wrap it up.

Commissioner Lee: Vote on it. Okay, great.

Chair Smith: Next meeting is an action item. Yes, it is.

Commissioner Lee: Okay.

Chair Smith: Yes, Minka?

Ms. van der Zwaag: Yes. Commission, I think there was a question as to the day and the time of our next meeting. It will be Wednesday, July 22<sup>nd</sup>, 6:00 p.m.

Chair Smith: Thank you. Thank you so much. I will adjourn this meeting if there are no other questions. Thank you everyone. Please have a good evening. Thank you for all that you do for the city of Palo Alto.

## **VII. ADJOURNMENT**