

Kern County Human Relations Commission

Monday, October 17, 2011 at 5:30 p.m.

Monthly Meeting Minutes

PRESENT: Mitchell, Powell, Payne, Scales, Stobert, Banks, Taylor

ABSENT: Bernal, Hess, Hererra

Meeting called to order at 5:38 p.m.

1. FLAG SALUTE

2. WELCOME COMMUNITY MEMBERS

3. MISSION STATEMENT

4. PUBLIC PRESENTATION

- a) **Lt. Joe Mullins** from the Bakersfield Police Department gave a presentation on the Bakersfield Safe Streets Partnership and provided handouts to Commissioners and guests.

“The Bakersfield Safe Streets Partnership was formed in 2010 at the direction Chief of Police Greg Williamson and the goal was to reduce gang and gun violence in the city of Bakersfield. It is based on a cease-fire model that has been used in other cities with positive results. The model shows that violence cannot be reduced solely by locking people up. For many years the BPD locked up an increasing number of criminals but the violence continued to increase. There are three parts to the cease-fire message: direct communication with gang members, express communities concern, focus enforcement on the gang that commits the shooting. The Results of the partnership have been positive. Gang shootings are down about 50% compared to last year. The partnership has done “gang call-ins” in which at-risk gang members are asked to participate in discussions regarding what is going on in their community and gang violence. Of the 207 gang members that have attended a call in, only one has been rearrested for a crime of violence or a shooting. None of them has been the victim of a shooting. Law enforcement is only part of the partnership. It is a community effort. While law enforcement is involved many agencies and service providers participate to let people know that they are there to help them with their needs. Assessments can be done to see what individuals need to help their particular situation. Partners include the Kern County Superintendent of Schools. Garden Pathways, NAACP, Kern County Probation Department and others.”

Jeremy Wright – I am a concerned member of Kern County. I know that 99% of the law enforcement community does a good job but I want to talk about the 1%. I want to talk about the police officer that executes deadly force and is allowed to go back into the community in two months. I am here to ask you (the Commission) to stand with me in demanding that the leadership of the BPD come to terms with what they have allowed to occur. I would like Chief Williamson to resign his position as Chief of the BPD. In the case of Trevian Avila, who was killed by BPD officers, eyewitnesses said that he was trying to surrender and he was killed without being given the opportunity. How is the officer allowed to execute deadly force and then allowed to go back into the line of duty, then he executes deadly force again and goes back into the line of duty yet again within two months. And then the third time Trevian Avila

was slain. I want to know if there is a cool-off period. I would like you to stand with me to ask Police Chief Williamson to step down because you are either incompetent or you do not care about life...

Lt. Mullins – If there is a specific question about a specific case that has pending litigation I am constrained by the rules not to comment on those cases. There are certain facts that are public knowledge. My opinion and the opinion of Chief Williamson is that this particular death is a tragedy, it is extremely unfortunate and we are very sorry for this individual's family for everything that happened but what happened that night has been thoroughly investigated and those facts are available through litigation. In any case where law enforcement uses deadly force we expect and demand full disclosure of what happened and a full examination of the facts. There is not an officer working for the Bakersfield Police Department that wants to work someplace where they are told to do something unethical or dishonest. 99% and 1% were brought up. I don't know where the numbers come from but I can tell you from my experience as a law enforcement officer that most people do the right thing but everybody makes a mistake occasionally and law enforcement is no exception. Regarding a cooling-off period, there is no statute or policy that says there is a cooling-off period but neither is there a policy that says once an officer uses deadly force they are assigned to a desk job for the rest of their careers. That is not practical. There are two options for people that would like to understand or gain more knowledge about the use of deadly force. One option is the course options simulator at the Kern County Regional Training Center. Another option is a citizen's forum which the Bakersfield Police Department will be presenting on November 17 at 11:30 at 1300 17th street, Superintendent of Schools Building. Officers will talk about split-second decisions, why officers do what they do. Law enforcement is not perfect if law enforcement makes mistakes they should be held accountable.

Kim Albers - with Garden Pathways, inviting HRC to first female gang call-in on 10/20/11 at 6:00 p.m. at Garden Pathways. This will be the first time to have a call-in where multiple gangs are represented

Commissioner Taylor – has attended the Safe Streets event as a member of the Department of Child Support Services. The outreach is an outstanding event and those that participate understand that the BPD is trying to assist them. It is a step that the community needs to take to bring everyone into the fold.

Commissioner Payne – has participated in several call events and believes that part of the problem is that many of the young men that have been there are not aware of the resources that are available to them and their families. Hopefully you will have many participants for the women's call in and just as many resources available to them.

Scales – asked Lt. Mullins if he could discuss the Avila case any further

Mullins – I can't talk about the specific facts of a specific case. I was not the investigating officer and have not reviewed the specific facts. I can tell you in general terms that when we have an officer involved shooting things are measured down to the inch, they are photographed, items are seized, and we bring out the District Attorney's Crime Lab. The examination and the thoroughness of the investigation is what are absolutely necessary for us to fulfill our responsibilities.

Jeremy Wright – when you say we go over it inch by inch, what component of the organization does that investigation?

Mullins – when an officer involved shooting occurs, two investigations go on at the same time. A police officer has the same rights as anyone else. Anytime an officer discharges a weapon at a human being regardless of if anyone is hit, a full officer involved shooting investigation takes place. Robbery Homicide also comes out and does an investigation. At the same time Internal Affairs conducts an administrative investigation. The difference between the two is if at some point an officer invokes his Fifth Amendment Right the Homicide Unit cannot compel an answer. Internal Affairs has the right to force the officer to answer questions. Robbery Homicide investigates to determine if there was a crime and Internal Affairs investigates if there were any Policy issues.

Wright – Is this panel called the review board?

Mullins – It is the Critical Incident Review Board. It meets anytime there is an officer involved shooting or anytime a person dies in police custody or anytime the police chief designates it. A final report is made with recommendation to the chief. The chief makes the findings which are within policy or outside of policy, within State guidelines or outside of State guidelines. If outside of state law we refer the entire case to the District Attorney's for criminal charges to be filed.

Mitchell – are officers placed on administrative leave during the investigation?

Mullins – Yes, immediately while investigation is being conducted. The duration depends on the complications of the incident. If a death occurs the officer will be off for at least several days and will be submitted for psychological screening and will talk to a psychologist to be screened for returning to full duty. If there are issues the administrative leave will continue. Sometimes there are other issues, such as, waiting for toxicological results, ballistics results, etc... The duration depends on the circumstances.

Wright – is the lack of a cooling off period due to budgetary constraints?

Mullins – under no circumstances can you use budget issues as an excuse for doing something that puts the public at risk.

Scales - there seems to be a perception about the use of deadly force within law enforcement, how can we address that? If the public doesn't trust law enforcement enough to call them when there is an emergency what can we do to educate ourselves and the public?

Mullins – Television works against us. TV is not reality. We need more community forums to educate the public those that are concerned individuals so they can have an informed opinion. When an officer uses force they are not "executing" someone. I understand the use of the word but it has certain connotations and we all know what they are. I've never met an officer that has the intention of going out and executing somebody.

Scales – is there a way that we could have both parties come back so that we can follow up on how this situation is resolved.

Donald Wesson – I think it is time that the community moves forward and takes charge of themselves. I think we spend a lot of time blaming others when we have the power to resolve the issue. A distrust means that I need to align myself with others that have same distrust and then move about a solution to bring peace back into the community. When I hear that there is distrust it makes me feel like we are in fear of living in our own community. I refuse to pay money for a house that I purchased and then live in fear. There are solutions and there are

things on order to actually fix that problem but if I am not willing to rise up and take the steps necessary make that happen then it becomes my problem and I shouldn't blame somebody else for it. I too have had some bad experiences with the police department but I cannot charge the whole police department with the issues that I came face to face with. I had to do something about that. I had to go to Lt. Mullins several times to talk not only about my issues but other issues. I'm not afraid of anything because I spend my money here and I raise my family here. I have a right to do these things. The community needs to say I am no longer going to live this way because there is a way of handling it and I need to handle it in a respectful manner. I can't cuss them out and go crazy and expect to have a positive result. If I come in intelligently and begin to talk about the issues and deal with them properly you get results out of them. The community has to participate.

Wright – Dr. Wesson, I respect you and love you but I disagree with you fundamentally. When I started working for Senator Florez I didn't speak Sacramento talk. I was raised on 4th and P in the ghetto. All I knew how to say was fixin' to and 'bout to. I didn't have proper grammar but I had real good sense and I have validity to what I'm saying. If I come cussing it is because I don't know how to articulate my frustrations. How can you tell people who say that I was an eyewitness to what was an egregious wrong that they didn't really see it. I don't care in what fashion people choose to exercise right to redress government, they have that right. If they can't talk the legal language, if they can't say it in a proper fashion I want them to be hot because its life and death. We can't bring Trevian back. The Lieutenant is correct, he's never been an officer that executes but they're out there. If I don't know how to say it right I still have a right to say it. You'd rather have me doing that then doing things illegally. My family member died and it hurts. It's not blaming when you feel like you have been wrong. We need to have these conversations in whatever form we take knowing that everybody on here seeks resolution. There are a lot of people that are calling me under cover because they are scared of retribution for saying something.

Mullins – I feel the need to address one issue and that is the matter of facts. The matters of physical evidence are things which are difficult to deny. I would never hesitate to tell you to whom we are accountable and I will refer you to other people if you are not satisfied with the results or our investigation. As far as facts go, physical evidence, photographs, recorded statements of people who were at the scene and the statements that they made shortly after they observed those facts. Those things are accessible through an investigation, through litigation, through criminal court cases. Those things are accessible. I encourage everyone before they make decisions, before they form an opinion, to be in a position where they have reviewed those facts and circumstances and they are familiar with them and they know what the facts and circumstances are. I will not speak to the specific facts of the case which has been referred to this evening because I do not have those physical facts. I have not reviewed the investigation. If anyone has additional information about those facts they are encouraged to contact the Bakersfield Police Department of the Kern County District Attorney's office or their own attorneys. If additional evidence is out there we want to see it and we want to hear it.

Wesson – nowhere in the statement that I made did I say that anybody didn't have the right to be heard. What I am saying is that in the ideal world it would be great if we could cuss folks out and they would hear us take our anger and make a change. We don't live in an ideal world, we live in reality. Reality is when people come in raising Cane, kicking over tables, they don't get heard. If we begin to play an active role in the forum, in other things that are going on in our community our voices will get heard and we will be able to help move the ball.

Scales – is there a way that we could have you (Lt. Mullins) to come back and follow up on this issue. I would like to set a date.

Mullins – sure.

5. **APPROVAL OF MINUTES**

September 19, 2011 Monthly Meeting

Motion for approval: Scales

Second: Mitchell

All Ayes

6. **OLD BUSINESS**

a) Annual Report

1. Submission of Commission Biographical Statement

Scales – hopefully everyone has submitted biographical information to Michael for the Personnel Dept. Newsletter and it can be dropped into the annual report.

Goulart – I believe that everyone has submitted their information.

2. Commission Photograph – Scheduled for November 21, 2011 meeting

Scales – we are going to do our during the November meeting. The photo will be part of the Annual Report.

Stobert – I question why we need photographs.

Scales – they are for identification purposes so the public can become aware of who we are and what we do. If you are opposed to having your picture taken we can place a “no photo available” caption for you.

3. Submission of events that Commissioners have participated in on behalf of Human Relations Commission

Scales - if there are events that you have attended that I don't know about please make sure that you email them to me this week.

b) Bylaw Review, Subcommittee Structure and Assignments
Tabled to November

c) Election of Secretary

Goulart – this item appears on the Agenda because it continues to be carried over from previous meetings. The Secretary position needs to be filled per the bylaws.

Further discussion tabled by President.

d) Ethics Training

Last session will be on October 20, 2011 from 3-5 p.m.

Scales – once you attend training and get your certificate please turn it in to the Clerk of the Board.

7. **COMMITTEE REPORTS**

a) Community & Media Outreach – Hess, Chair
No report

- b) Education/Essay Contest – Herrera, Chair, Hess
No report
- c) Equal Employment Opportunity/Affirmative Action – Commissioner Scales, Chair
No report
- d) Grants/Funding – Commissioner Scales, Chair
No report
- e) Housing – Commissioner Payne, Chair
No report
- f) Judicial & Legislative Review – Commissioner Scales, Chair
No report
- g) Law Enforcement - Commissioner Herrera, Chair
No report
- h) Special Issues – Commissioner Scales, Chair
No report
- i) Access and Functional Needs – Commissioner Scales, Chair
Scales – Georgianna Armstrong will be doing a presentation in January about access and functional needs. She is looking for a group to do a project and she will give more information about it in her presentation.
- j) Annual Report Ad-hoc Committee –
No report

8. **STAFF REPORT:**

Goulart – presented the Human Relation Commission website that is currently under development in coordination with County Information Technology Services.

Had a recent meeting with Supervisor Goh, John Nilon, and Mark Quinn to discuss HRC funding. It was determined that the Personnel Department will monitor its budget and provide for associated HRC costs on a case by case basis. Mileage is also available to commissioners as it has been in the past.

9. **COMMISSION MEMBER PRESENTATION OR ANNOUNCEMENTS:**

Mitchell – went to a recent Panama Buena Vista School Board meeting and spoke with them about the HRC.

Powell – Happy to be here and glad to serve.

Payne – Thanks to all the Commissioners that attended the Good Neighbor Festival. It was very successful and we had over 50 vendors there.

Scales – The HRC received a thank you note from Concerned Leaders of the Community. The document also provides information for upcoming events.

What do we want to do when we go out to events, we want to make sure that we are being noticed and getting people interested. I will send out an email asking for ideas.

Stobert – attended the Fill the Bowl event at the Padre Hotel to support Community Action Partnership of Kern food bank.

Banks – the next event for Concerned Leaders of the Community will take place on October 31, 2011 at 6:00 p.m. The event will be a harvest festival. 8 schools will be involved and games will be available for the children from 6:00 – 7:30 p.m. and then a movie will be shown.

Taylor – this was a good meeting and I want to acknowledge Jewelle for getting the public to attend and. I am also interested in the training opportunity that Lt. Mullins discussed.

10. **ADJOURNMENT**
Motion: Mitchell Second: Taylor, All Ayes