

Marin Human Rights Commission
September Meeting Minutes
Tuesday, September 13, 2022 — 7:00 p.m. – 9:00 p.m.

Call to Order at 7:04 with quorum.

Present: Stephany Barahona (SB), Sister Joan Hanna (SJH), Curtis Aikens (CA), Sean McQuaid (SM), Gloria Castillo (GC), Jeremy Portje (JP)

Order of Business

- 1) Approval of Agenda and Minutes
 - a) Adoption of the drafted Agenda for September 13, 2022 SJH/CA m/s/p
 - b) Adoption of drafted Minutes for August 16, 2022 SJH/CA m/s/p

Regular Business

The Commission will hold a discussion on an agenda item, at the end of the discussion, the Chair or Co-Chair will ask for public comment on that particular agenda item. The public will then have up to 2 minutes per speaker to speak on that particular agenda item before any action on the item is taken by the Commission.

2) Commissioner Announcements for Items Not on the Agenda

SJH: Clarification – When is time for follow up items from previous meeting?

SM: They are not agendized

Roger will follow up on public comment for mins/agenda

Request that pages be numbered for minutes

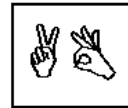
JP: Spoke on his recent experience where police were used as a weapon and asked what else the HRC should be doing or paying attention to.

SB: Issued an invitation to invite fellow commissioners and members of the public to attend a march happening this Friday – Justice for Matteo – which beings at Picante restaurant (5pm) and ends at City Hall.

JP: I have that as Sunday.

Marin Communications Forum – fighting hunger Embassy Suites in San Rafael 9/23 9am

SM: Announcements – request to Christina to forward this information to the Commissioners



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GC: Thank you Commissioner Barahona for sharing information about the recent police brutality event in San Rafael

SM: This can be voiced during this agenda item

SM: Welcome to Commissioner Castillo on behalf of all of us

CA: Request that if individuals criticize, they contribute ideas for solutions also

3) **Public Comment on Items Not on the Agenda**

Open time for public expression. The Commission will take public comment (up to 3 minutes per speaker) on all items not appearing on the agenda during this portion of the regular meeting.

Rodrigo Izquierdo – Welcome to Commissioner Castillo. States that HRC should follow the example of the BOS meetings and run HRC meeting using that as a guide. Believes public should have a say in approving HRC Minutes/Agenda. Requests that everyone watch the way the BOS runs their meetings and follow up with Roger Crawford regarding procedures. States we should be using ZOOM in order to **see** the public participate.

Damien: Stated the Commission did not give time to speak on items 2 & 3 and went right to public comment.

SM: Unsure if Roger had a chance to look into and address that.

Damian: Reiterated there should be public comment. Referenced an earlier disagreement that occurred at Board of Supervisors meeting.

JP: Agree and fighting is not the answer

Damian: Appreciate your comments. Hopes Mr. Crawford will weigh in and respond.

Roger Crawford: Looking into approval of Agenda and Minutes. There would be nothing to change on the agenda as it needs to be posted 72 hrs in advance. Have some ideas as to how we can adjust the agenda to allow the public to comment prior to approving the minutes, possibly including:

- publishing 72 hrs in advance like the agenda; and
- correcting inconsistencies/inaccuracies

Damian: Appreciate that. Respectfully – isn't that an item that we are permitted to speak on?

Roger: It would be set up as an item to speak on before it is approved.

JP: Public should have ability to weigh in on the agenda.

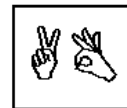
SM: Lets connect offline about video recording and discuss

CA: Will resign my seat to you Damian if you will sit in the seat and do the work. Ask you to bring positive ideas.

SM: Let's take this offline. We have other items to discuss. Thank you, Damian for your comments

Eva: Wanted to respond to Commissioners' comments. We should have had an opportunity to respond to Commissioners' comments.

SM: In the past, there was no public comment on Commissioners' announcements



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Eva: Brown Act requires every agenda item to have public comment. Should allow comment on Commissioner comments and then re-open comment for items not on the agenda
You should follow the Brown Act. Will you allow us to go back and comment on Commissioners' comments.

SM: Roger can weigh in.

Commissioner Portje is right about no comments required at adjournment.

Eva: Required to give public comment following Commissioners' comments. Will you reopen public comment?

SM: Please put 3 mins back on timer.

Eva: Spoke about homeless encampment under the freeway. Reiterated she has been speaking about this and advocating for 14 months. States there are police abuses that have been going on for very long time. Referenced the incident of police brutality with Matteo. Stated opinion that because Commissioners are appointed by Board of Supervisors, by accepting their seat, they are making tacit agreement to be ineffectual and made to look like they are effective.

4) **Recent San Rafael Police Brutality Incident** (Introduction by Commissioner Portje)

JP: Introduction unnecessary. Incident that happened to Matteo came to light because of his community standing. His brutal beating by SR Police Dept is one of many incidents.

We, as a Commission, will see sheriff's oversight by the end of the year.

The City is investigating themselves and has hired a former police officer which is implicitly biased. Would like something on the agenda about how HRC can stand up, advocate and defend human rights and not wait once a month to do so.

Want to agendize housing. Need to be responsive and receptive to community that are filing complaints.

Come to our attention that some Police Departments are advising that people file citizen complaints w/HRC and want to open a channel to be responsive to incidences like this.

Maybe at the end make a motion to make a task force/committee to be responsive.

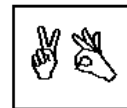
This incident in SR drew this urgency. Can't ask the BOS to issue a comment until after tonight.

Would love to hear other Commissioners ideas.

SM: Other Commissioners?

CA: How do we take complaints and best support our community? We can develop a game plan when we have retreat so we can be more responsive to community.

SB: Extremely triggered by this event. As we work through this situation, important to hear comments from elected officials & authority figures regarding those who wronged Matteo to make it right. Important for everyone to hear that.



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SJH: I find it totally unacceptable that any human being be treated abusively by any other human being. I know there are biases, but unsure what they all are, in what I've seen and read and hope that there was a fully objective investigation and that there would be some kind of just resolution. Need to know facts, what the truth is, acknowledgement of dignity of human beings and that justice prevail.

GC: Made me think about processes. Police are under investigation. What happens next? How can we prevent future instances of police brutality in our county? Want to be able to do something about these processes.

SM: Like Commissioner Castillo – picking up where you left off – Would love to know how we can be more effective as a Human Rights Commission? @Commissioner Portje – alluding to proposal to allow us to be more agile/effective as a Commission - Would love to know your thoughts.

JP: Suggesting we need a hotline for those who are not able to access resources that he did. We need a hotline or other that allows people to create awareness /file complaints.

Can call emergency meetings, create public forums. Can hold people accountable. Can't wait for once a month to do it. Can have subcommittee/working group that is less than quorum and some members of public that handle complaints from public, decide action every month as a commission. Make a motion...

SM: Before you make a motion we have to take public comment.

JP: Point of order Roger?

Roger: We have to allow public comment. Make comment then allow public comment.

JP: Make motion that we form a committee that involves members of HRC & possibly members of public that is responsive to complaints of human rights violations, and that we are receptive to complaints more frequently than once a month.

SM: Think this is well thought out and addresses the right issue

SM: Commissioners address the issue and then public comment

In past, had subcommittees. At same time public is welcome to reach out. When public reaches out that is relayed to Commissioners.

How do we as a Commission form a body that is empowered within guidelines of Brown Act and within guidelines of operating to make sure subgroup of commission is capable of making progress, but also not going it alone?

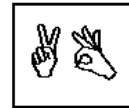
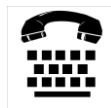
JP: Incidents happen in between monthly meetings. This would create the opportunity for people to ask questions and have them answered – to create (ad hoc) committee to have answers to emergent issues. Need to at least create mechanism.

Motion would be to create mechanism where friends of person who was brutalized can call.

Some Police Departments are still directing people to call HRC, so if that is happening, either they are not calling us or it's getting lost in the system.

We can create an opportunity for them to do that (contact us).

SJH: Presuming this group would be formed & contacted, and would gather the info- what does that group do with that information?



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JP: Not to punish, but to shed light. It would allow people to ask questions and stand up against violations. It would allow us to hear about it before channel 7. Chair sits on all subcommittees. What can we do to create this? We can create emergency sessions/forums and invite the people involved to answer to the public.

CA: Are we allowed to do emergency sessions – What about postings?

JP: Would let Roger answer that.

SM: Working with the Chair & Vice Chair to set agenda to create that forum. In past, have had longer lead time. Can coordinate, just need to work within guidelines of Brown Act.

Agree with you in spirit

CA: Have had responses from Commissioners about events coming up. Would love to hear clear gameplan. Between now & next month come up with gameplan on a motion we can come up with and discuss at next meeting.

JP: That is absolutely fine. Would call on commissioners to read the bylaws to understand we don't have to wait. We can call an emergency meeting.

SB: This is important we think about having a motion right now about what Commissioner Portje is bringing to the table. We can have a community forum to have speakers and the public. This has been triggering for me – can imagine how it is for people in the canals. Should make a committee for that.

JP: Make a motion to divide the question and ask 'What is the process?'

Make a motion to:

- Create a clear process around when to hold emergency sessions/forums
- Create process to be more responsive to incidents

Then what?

- Hold public official(s) accountable
- Forum put together by HRC – in between meetings

Who makes the call to have emergency meeting?

SM: Any Commissioner can bring this forward.

Chair & Vice Chair can bring this forward

SJH: Question: Would forum format be virtual? Would have to be structure in place so voices could be heard and respect each that has something to say. Facilitators should come to a satisfactory conclusion.

SM: Stay grounded on specific incident

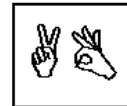
SB: If we were discussing having a forum, propose a hybrid to be inclusive.

CA: Suggest old fashioned townhall/healing circles where public can come and ask questions/demand answers. We as HRC can put together listening circles to hear what each part of the community wants/needs.

SM: This commission used to hold listening sessions. Don't think we need a motion to do that.

JP: Who puts those together?

SJH: Locations were reserved in advance.



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JP: What do we do in a situation like this? My motion was creating an ad hoc that would be receptive to the public. This happens all the time, this time it just happened to be recorded.

CA: How do we get back to idea of listening circles and using Commissioner Barahona's idea of hybrid? As member of priority setting committee – access to internet is a priority of the county. Lets get the access to those who need it. Let's find a way to get them internet

JP: Let's hear from the public and then table this until the next meeting. Maybe motion is to call for public forum w/SR. Not an isolated incident.

SM: Used to coordinate w/previous county representative. Chair & Vice Chair can coordinate that process. Let's be conscious to stick to the items on the agenda. If you have ideas for agenda, reach out to county or Chair/Vice Chair to talk about having it added to the agenda.

CA: Put thought into what the motion may be next month? Or put together listening sessions?

SM: Let's hear from public. We'll give 3 minutes per speaker for this item.

Public Comment

Rodrigo Izquierdo – Spoke about complaint procedure utilized in 2014 and how it was eliminated in 2015. Spoke about difficulty/ inaccessibility of contacting Commissioners and the need for them to be accessible.

Lisa Bennett: Responding to idea of holding forum and what kind, we asked for and received Truth Act forum where Sheriff is required to report on cooperation w/ICE. During the last Truth Act forum – the community members did not attend because they were tired of testifying and having nothing done. Would love to talk about agenda and forums – community has to have a say in this. Encourage you to look at a truth Act forum as a model/guide.

Eva Chrysanthe: Have been serial abuses for past 14 months in homeless encampment. Have attended SR city council meetings, BOS meetings, HRC meetings. Cynical about “healing circles” for this latest. It's one case and this is daily occurrence for unhoused Latinx.

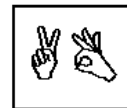
Damian: Appreciate comments re: 3 minutes vs 2 mins. Forums planned in Canal pre-pandemic. What forums were planned in Marin City for forums prior to pandemic? Spoke around non-profits that the City “hides behind”. Stated belief that each complaint should follow the officer to each department where they are employed.

SM: Will address first question myself and 4 out of 7 the current Commissioners were not here before COVID-19. My understanding was that HRC would go around to different cities but would have to look at previous agendas to confirm.

JP: Circle back to the initial motion. Moving forward we have to address these issues. How do we ensure equity and equality are provided to all in Marin County? I move that we table this for next meeting.

SB: Part of me is not ok with tabling this because I feel it should not be left for next month.

JP: Do you have ideas on what motion we can make to address this need?



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SB: At least start with the forums. Feel like we need to start making ourselves available to our communities and being proactive. Leaving it for next month is not enough for me

CA: We have had listening forums in past – don't need motion, just figure out how to go back to that. Hoping to get invitations from communities to be invited in and have dialogue. Can set up spaces at locations to have listening circles.

SB: RE: Rodrigo's comment and what commissioner Portje was saying – If we had forums where people would call and mention problems they're seeing – if that was in place before, then can we bring it back?

JP: Wonder if we could make a motion to form a subcommittee that is in charge of these forums – to take direction from the community and HRC, and make a motion that the next forum involve city of SR.

SM: Is idea that we'd:

one is the listening sessions – don't believe we'd need a motion for that - in person meetings previously tabled due to COVID restrictions

@Roger – point of order - If HRC desired to host next meeting in the Canal, do we need a motion to do that? Or are the Chair & vice Chair able to organize it?

Roger: Just properly agendize where the meeting is going to take place – virtually or @ physical location

SM: @SB should this be before next meeting?

SB: Yes, we should not wait

Roger: If there is a special meeting (held in between regularly scheduled meetings), it must be posted online & in person at Civic Center according to requirements of Brown Act. You can also get the word out, however you'd like to do that.

RE: Brown Act requirement – think that since it's not regularly scheduled, I would encourage legwork in notifying the community.

CA: With the agenda – Would it just be the one thing addressed in the listening circle?

JP: This would be for just the one item.

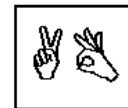
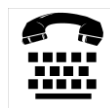
SM: Chair & Vice Chair and small committee can get together to decide about emergency meeting and logistically plan that out

Roger: Can decide and let County know that you want to hold a special meeting and the agendas will then be posted in the appropriate places.

SM: Need people to know about it, but can't necessarily turn it around in 24 hrs. Need to get the word out. Not saying I want to table it, but I don't think we need motion. Can schedule it (Chair, Vice Chair & Commissioner Barahona) & let other commissioners know.

GC: Question for Roger – based on whether we were meeting in-person/virtually – if we were to hold it in the Canal, would we have interpreter?

Roger: Good question, and that is exactly what we do. Where there is a Spanish speaking population that we anticipate attending, we would have an interpreter. Tech w/ headsets – that person would interpret into headsets of those who had requested them.



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SM: Don't know that we need a motion to take next steps. Small group can get together (w/county help) to plan whether it's scheduled on our next regular meeting or before.

JP: I withdraw the motion.

SM: Let's have that be plan – suggestion as the Chair – can take sentiment of commission and move forward. Thank you all for conversation.

5) **Unhoused in Marin County**
(Update from Commissioner Portje)

JP: Make a motion that this be wrapped into future forum that we are holding. That the same individual(s) be called into the forum at the same time instead of dividing this into 2 incidents.

SM: Please provide context

JP: Item 5 is specific to homeless encampment in SR. It is racially disproportionate, very classist, travesty that has been done cross racial lines. If you were homeless on a certain date, you were ordered to move to sanctioned camp on 5th street under freeway & threatened with arrest if you did not comply. City states that they are not enforcing, however that has been proven to not be true. Encampment is run under the SR PD heading – the same organization that brutalized Matteo – the court allowed Caltrans to clear out and move people with no plan for these people.

No actionable item other than the forum. Let's hear from the Commissioners and the public.

SM: Open it up to Commissioners on this topic

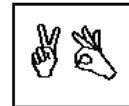
SM: Question is the idea of combining both these topics into one forum. If I'm understanding – both these topics were in SR and combining this into one matter...

JP: The forum needs to address what is plan for homelessness in SR? What is plan for police brutality? Dropping community members in another city – we have evidence of this. These travesties involve same dept/same officials - combining them allows opportunity to hold people accountable at one time.

SB: Ok w/ combining at same time, thinking about the time. How will this work out to combine these two big topics? And if we **don't** do it, will they make themselves available each time?

CA: Part of equity committee and housing was one of the biggest parts of that. Thinking of inviting Jamilah Jordan – Equity for the County – to speak about the equity plan. If you agree – this includes housing , mental health & jobs. Would you all like to hear from her? And hopefully the following month we could hear from Matthew Hymel (CAO).

SM: I think absolutely – let's coordinate the items (offline). Helpful to have a speaker.



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CA: Will extend the invitation to her and to Mr. Hymel

SM: Before you extend the invitation please coordinate w/me

SJH: RE: homeless encampment - Where were the people who were being evacuated going? Received email from Nick Morris (street chaplaincy in SR) regarding City of SR asking for help in identifying potential sites for tiny homes – people who have property or ideas for placing tiny homes in the SR area. Somebody/something is looking at some kind of action for some kind of shelter other than under the freeway. Email requested response by 9/19 (Monday).

@Roger: Can you send this out on my behalf to the other commissioners.

Roger: Yes, Commissioner Portje. City has been looking at tiny homes for last 9 months

JP: Why remove these people from under freeway where they forced them to move, without having plan in place or tiny homes available?

SB: Would ask the same thing?

SM: Can we bridge these items? Commissioner Barahona & Commissioner Portje should be included in that conversation.

Bring someone else in to hear about how we can be more proactive and hear from public on what we can do

Public Comment

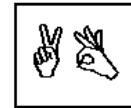
Eva Chrysanthe: Spoke to her involvement with the homeless encampment and believes media coverage is due to her work on this. States she doesn't think they should be linked. Big topics and should be addressed on their own. Would like HRC to reach out to her to talk about this.

JP: Point of personal privilege since I was named by Ms. Chrysanthe – Some of us are more humble and don't take the credit for our involvement.

SM: I broke it up into separate issues, not Commissioner Portje.

Rodrigo Izquierdo: This is a hot topic and important issue. Recommend that next time the meeting time be extended until 9:30 to handle all aspects of public comment.

Spoke about recent incidents and recordings – RE: homeless person that was picked up in SR being dropped off in the Presidio w/out any resources and the incident of police brutality with Matteo. Stated “We only know what we see” and stated there needs to be oversight and “have to make time” for this.



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6) **AB 1185 Citizen/Resident Sheriff Oversight Update**
(Update from Commissioners Aikens and Portje)

CA: Applications have gone out for working group. Have spoken to all commissioners. Meeting has been set up with subcommittee of supervisors. Commissioner Portje & I are in contact w/Jamilah & NACOLE. Would love to have Ms. Jordan speak next month. We are of opinion that our job as HRC is that community residents are protected in this procedure. People who are overpoliced and underserved have a voice and are represented by the HRC.

CA – Would like Jamilah to speak on two issues – This and what the county is doing to get the applications out to all the community? And also dealing with what the equity committee is putting in place to get equity throughout the county.

Digital divide – we want to be upfront in helping those without internet gain access.

SM: Had discussed that topic previously. These are big issues and need to give thought to how how we agendize and give them time.

SB: Questions about oversight – We're all here for the same cause. What authority will subcommittee have? And will it have subpoena power?

CA: Subcommittee of HRC – we have helped county with working committee – public input throughout 5 districts in Marin about what oversight is. Encourage everyone to ask questions. Trying to help the county put together an effective system. Personal opinion is in favor of IG (Inspector General) model.

JP: Our role as committee was to put together representatives of community members and advocates and those with lived experience – They will decide ins & outs of the oversight. They will determine rules (re: subpoena power, IG)

Will be voted on in November.

SM: Thank you Commissioner Portje & Commissioner Aikens

SB: Are all districts being represented?

CA: RE: working group – it is important that all 5 are represented. Working group is not fully formed yet. In the process of putting that group together.

SB: Will HRC oversee who is in oversight or will county supes decide?

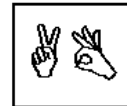
JP: September 12 was deadline. County will decide who will be on working group. Looking for 12 members. Supposed to be representative geographically, experientially, and knowledge base.

CA: There will be those with experience on both sides of the fence, so to speak.

JP: They will do the work & we will report back.

Public comment

Rodrigo Izquierdo: In 2014 HRC had subpoena power, in 2015 got rid of it. Stated that the reality is HRC has to rely on the county on how to proceed. Opinion of those most affected – Canal, Marin



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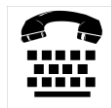
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City, some areas of Novato and West Marin – know that the county may have different goals than the HRC.

Eva Chrsanthe: Questioned efficacy because of HRC + County partnership. Referenced hyper focus on civilian oversight. Stated it is responsibility of the DA – who is also the “top cop” in the county – who is supposed to police the police and that this doesn’t happen. Stated that “unless you are demanding DA do something, you’re part of the problem”.

SM: Thanks Commissioners Portje & Aikens
Thank you everybody – Roger & Christina as well. Thanks for joining.
Appreciate productive discussion. Good night.

7) Adjournment
Meeting adjourned at 9:25 PM



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