

## **Humboldt County Human Rights Commission**

Meeting of December 11, 2007  
6 p.m. Conference Room A  
Humboldt County Courthouse, Eureka, California

### **A. Attendance and Introduction of Guests:**

Present: Altschuler, Botzler, Herbelin, Lochtie, Miller, Sanders, Shaffer and Tillinghast

Excused: Brake-Mills, Lyons, Munsee and Tharp

Absent: Depucci and Filar

Guests: Two

### **B. Minutes:**

Altschuler moved to approve minutes of November 13, 2007. Miller seconded. Minutes were approved unanimously.

### **C. Public Comment:**

#### **Katherine**

1. Katherine had a problem getting the Humboldt County Sheriff's Department complaint form. She ultimately submitted a complaint, but received no response within the 30-day response time indicated on the form. She is not pursuing a lawsuit, but wants her complaint to be part of our public record.

**Miller** has copies of Katherine's letter to the HCHRC indicating that she wants the Commission to contact the jail commander regarding this issue. **Miller** will review contact criteria and contact the jail regarding these issues, including failure to respond in a timely fashion.

#### **2. Rap Sheet**

Katherine complained about improper entries in her rap sheet to the Humboldt County District Attorney by certified letter in October 2007. She has not received a response from that letter. She has provided a copy of that letter for HCHRC use.

### **D. Telephone Calls, Correspondence and Contact Reports:**

#### **1. Calls**

**Lochtie** has nothing to report.

**Altschuler** reports receiving one call:

- a. Ryan called from Humboldt County Superior Court Self-help and wanted information cards.

**Miller** reports receiving five calls:

- a. He reports receiving two scattered, incoherent calls.
- b. He received a call from someone whose job is in jeopardy due to mental health issues. The caller was referred to his union representative and to the California Department of Fair Housing and Employment.
- c. He received a call concerning the HCHRC's recent press release regarding the public forum on police review.
- d. He reports that Katherine called. (See Public Comment, above.)

#### **Phone List for Coming Weeks**

Miller	December 1-15
Lyons	December 16-31
Shaffer	January 1-15
Tillinghast	January 16-31
Botzler	February 1-15
Sanders	February 15-28

## **2. Correspondence**

- a. **Botzler** reports receiving the letter from Katherine. (See Public Comment, above.) He also reports that some website material was referred to him.
- b. **Lochtie** reports that she obtained materials from the Poverty Law Center, including books for children and a teacher's guide.

## **E. Committee, Liaison and Case Reports**

### **1. Finance**

**Shaffer** reports that according to the latest bank statement \$849.82 was the balance on November 30, 2007, which includes all current deposits. **Sanders** will complete a letter thanking the Humboldt County Bar Association for their contributions.

### **2. Law Enforcement**

Nothing new

**3. Outreach/Education**

**Munsee** not present. Nothing new was reported.

**4. Website**

**Munsee** not present. It was reported that there were a couple of inquiries through the website regarding whether the Altschuler issue was on our agenda. And questions were received regarding the second review commission forum. **Shaffer** asked if there is a blog on the internet for Human Rights Commissioners. **Tillinghast** will send out web sites.

**5. Recognition**

The Humboldt County Board of Supervisors and Arcata City Council have issued proclamations recognizing December as Human Rights Month. Ferndale City Council to approve a proclamation. Trinidad City Council is to send a copy of their proclamation. Rio Dell City Council approved a proclamation last Tuesday, but a copy has not yet been received. **Loctie** picked up the Fortuna City Council proclamation.

**Altschuler** moved that the HCHRC write a letter to appreciation to the Humboldt County Board of Supervisors and the five city councils that issued proclamations recognizing December as Human Rights Month. **Tillinghast** seconded the motion. The motion was passed by unanimous vote. **Tillinghast** suggested publishing an acknowledgement in the "My Word" column "Thanking communities that recognized Human Rights Month." **Sanders** will draft the appreciation letter for **Botzler's** signature.

**6. Internships**

a. Will Mond sent **Botzler** the review commission materials from San Diego. Mond previously sent **Botzler** materials regarding review commissions statewide.

**7. Event Calendar**

Nothing new reported.

**8. Jail**

**Brake-Mills** not present – there will be a report at the next meeting.

**F. Unfinished Business**

**Law Enforcement Review Board**

1. **Herbelin** reports that she met with the Humboldt County District Attorney for an hour and a half. She presented the material she has regarding advisory boards versus review boards. She will give a report

regarding her meeting with the Humboldt County District Attorney (hereafter DA) and the information she has about advisory boards in Alameda, Sacramento and Berkeley.

Discussion was held regarding concerns about the creation of a review board among police chiefs. A suggestion was made that meetings be organized with the various police chiefs to get their input without being forced into public scrutiny. The DA appears to back a board depending on the format; review board vs advisory committee.

The California Attorney General's office surveys police chiefs, and all the chiefs responded, and the DA has supplied his notes on his contacts with various chiefs as well.

The U.S. Department of Justice did a study that the DA gave **Herbelin**, and she is in the process of reviewing the study, which is very lengthy.

**Botzler** reports that the second forum was very good and that law enforcement's presence at the forum was appreciated, though there was a feeling they could have given more information at the forum.

Discussion was held concerning preparing for the next step, and maybe referring the matter to committee and then reporting to the full Humboldt County Human Rights Commission in January. The committee could use the information **Herbelin** has obtained from the DA. **Tillinghast** indicated that the DA's meeting with **Herbelin** shows he has great interest in this topic.

Discussion was held concerning using the DA to help in obtaining law enforcement's concerns so that a board isn't viewed as being imposed upon law enforcement.

**Herbelin** suggested we use the League of Women Voters' standard format to interview each police chief individually.

**Miller** suggested moving during tonight's meeting toward a third forum, and then allow the committee to put it together so it could happen in a speedy fashion. He agrees that it seems the DA is involved in this issue, and that it would be a good idea to use him to try to get law enforcement involved constructively.

**Altschuler** says he has the impression that the DA is in favor of an advisory committee as opposed to a review commission.

**Herbelin** stated that she got the impression at her meeting with the DA that he is open to ideas and that he seems like an ally, but that he does not want to be the front person.

**Altschuler** suggested that the next forum of experts move more quickly than the last. **Altschuler** moved to have the HCHRC move forward on a third forum with experts on the panel. **Miller** seconded the motion. Discussion on the motion occurred.

**Botzler** He says he talked to Tom Dewey privately about his concerns. **Botzler** indicated that he does not want to lose law enforcement in this effort.

**Lochtie** suggested we take what we learned at the first two forums and determine what to do. She doesn't feel we should move to the third forum immediately until we have studied the issue of trust.

**Shaffer** stated that our efforts need to help establish trust from law enforcement toward the community and from the community toward law enforcement. He feels the depth of distrust needs to be understood as a foundation and that we should study the Police Officer Standards and Training (POST) agency and the police academy to help build trust.

**Lochtie** feels we need to bring as many people as possible into what we are doing before trying to do something new. The DA's interest is a new development.

**Altschuler** suggest we move ahead. He feels the purpose of the forum is fact finding, and there is reason to bring people with experience into the process.

**Miller** says what he got from the last forum was the current of distrust and believes that it is great that the DA wants to be involved.

**Herbelin** feels we are in process now and need a broad stake-holder base.

**Botzler** opens discussion to the public:

Anthony disagrees with the Humboldt County District Attorney's idea of forming an advisory commission. He sees the recent Chicago civil award as an example. He has had good experiences with law enforcement, but feels there are bullies in police departments in Los Angeles, Chicago and others. He strongly advocates an oversight committee with powers.

**Shaffer** states that "expert" is a loaded word. He wonders if we can see if existing review committees are working or whether some may be duds. He suggests the need for the committee to study the programs that work.

**Tillinghast** suggests we amend the current motion to include a requirement that we do an inventory of law enforcement chiefs and have a dialogue with each of them.

**Altschuler** agrees to withdraw his motion so the Lochtie can make an expanded motion.

**Lochtie** moves that we go forward with the process leading toward a possible oversight committee and learn which current commissions are doing well in California. That we work to build trust with all stakeholders in the community and hold a third forum of knowledgeable

speakers. **Herbelin** seconded the motion. Discussion on the motion ensued.

**Herbelin** read an excerpt from the Department of Justice study. In short, the study indicates the need for flexibility and cooperation from the parties involved. The study indicates that the involvement of all interested parties is more important than the formal structure of the review board. That there is a need to work with all stake-holders in a community to build a dialogue.

The motion was passed by unanimous vote.

## **H. New Business**

**Altschuler** reported that he attended the October 8, 2007, Ferndale City Council meeting. He had applied for a home occupational license and was denied. He had heard from the realtor that everything was okay and he had the approval of the Planning Commission. A neighbor filed an appeal. Staff reviewed the matter and recommended approval. The matter was to be heard by the Ferndale City Council on October 8, 2007. **Altschuler** reports that was a very uncomfortable meeting. He states that the Ferndale Fire Chief spoke for his relatives' appeal and there were inappropriate homophobic innuendoes. **Altschuler** answered Leonardo's questions and the mayor never gaveled down such actions. He retained an attorney who was present at our meeting. Thirty days later the City voted down his occupancy permit. That is, they granted the appeal.

**Miller** wonders whether the decision needed to be in written form.

**Altschuler** stated that in order for the Ferndale City Council to overturn the Planning Commission decision they needed to make certain findings, which they did not do.

**Sanders** asked what **Altschuler** was asking from HCHRC.

**Altschuler** stated that he is asking for a finding of fact that a human rights violation occurred.

Discussion was held regarding the ability of the HCHRC to intervene in this matter.

Following the discussion, **Altschuler** withdrew his request for any formal action by HCHRC, but requested that those commissioners so moved write as individuals to the City of Ferndale concerning what occurred.

Meeting adjourned by unanimous vote.

Next meeting is scheduled for **Tuesday, January 8, 2008 at 6 p.m.**

Respectfully submitted,

Neal I. Sanders