

## Human Rights Commission

June 19, 2008

Minutes

### Commissioners Present

Tahir Anwar  
Robert Bailey  
Raji Bains  
Raj Bhanot  
Vanessa Thanh Dao Burbach  
Qi Deng  
Dr. Calvin Gill  
John Marienthal  
David Parker  
Edward Walker

### Commissioners Absent

Karen Elaine Davis  
Robert Sippel (Excused)

### Council Liaison

Kathy Duong - Present

### Staff

Margarita Mendoza - Present

#### 1. Call to Order

The meeting was called to order at 6:35 p.m. by Vice Chair Bailey.

#### 2. Orders of the Day & Agenda Approval

Commissioner Parker made a motion, seconded by Commissioner Marienthal to approve the agenda. The agenda was unanimously approved (Yes: 10; No: 0).

#### 3. Approval of Minutes

Commissioner Parker asked if staff had asked for the City Attorney's opinion on item 6B and whether a Commissioner can abstain from voting.

Staff reported that the Attorney had been forwarded this information and stated that although there is legislative intent in the language of the bylaws adopted in January 2008, the bylaws do not explicitly state the Commissioners cannot abstain, nor does it specifically state what action would be taken should a Commissioner abstain. If Commissioners want to specify this legislative intent, they should amend their bylaws to state such intent.

Commissioner Marienthal made a motion, seconded by Commissioner Walker to approve the minutes. The minutes were unanimously approved. (Yes: 10; No: 0).

#### 4. Oral Petitions

None.

#### 5. Standing Reports

- a) **Council Liaison Report** – None. Commissioner Parker would like to send a Congratulatory message to Council Member Chu for winning re-election to the Council.
- b) **Human Relations Liaison Report** – None. There will be no meeting in July, nor events planned.
- c) **San Jose Police Department Liaison Report** – None. Not present when this item was called.
- d) **Public Safety Oversight Committee** –

**i. Cinco de Mayo ride-alongs**

Commissioners Parker, Bailey and Sippel participated in ride-alongs. Commissioner Parker participated on Saturday night ride-along which he described as quiet and requested an additional day on Sunday which Captain Ngo was able to arrange. Both nights were quiet. Commissioners witnessed disturbances and arrests, but these events seemed unrelated to Cinco de Mayo celebrations. Examples of some of events witnessed by Commissioners were curfew violations, motorcycle gang incident, gang related activity, traffic violations. San Jose P.D. seemed well prepared and organized to handle festivities and crowds. Commissioner Parker particularly commended SJPD's collaboration with California Highway Patrol (CHP) and CalTrans to close streets/highway entrances near the downtown area.

**ii. San Jose Fire Department Oral Interviews**

Commissioner Walker participated in the Oral interviews. He interviewed approximately 10 candidates, a number from the Los Angeles area. Candidates were very prepared and enthusiastic. Candidates stated that they are applying to SJFD because they heard the Department was one of the best to work for. Interviews took approximately 15-20 minutes per interview. Overall, the pool was racially diverse. Would have liked to see more female candidates, only saw two females. Overall, good experience. A suggestion for improvement would be to increase the rating categories from three to five. The Department will then review the rating paperwork completed by the Oral Interview panelists and continue their recruitment process. Commissioner Parker stated he would like to have received earlier notice in order to arrange time to participate on the Oral Boards.

**iii. Recruitment of San Jose Police Officers in New York City**

Chair Sippel submitted a statement that was not included in the agenda packets (included in minutes). Lt. Ryan arrived at this point in the meeting and stated that the Department had been invited by John Jay College in New York City to participate in a tri-state job fair. Due to the competitive nature of the current job market and the specific outreach to candidates interested in a law enforcement careers the Department believed this was a good recruitment opportunity. One officer attended, and coordinated this trip with a business conference he was attending in Boston in order to minimize airfare, lodging, etc. expenses. Commissioner Parker asked questions regarding the amount of time spent in NYC, and the number of applications that resulted from the trip. Lt. Ryan reported that the officer attending the job fair spent one day in NYC, and there were many applicants (did not know exact number), but approximately 200 viable applications resulted from this one recruitment trip.

Commissioner Parker asked if the testing process would be expedited for out of town applicants. Lt. Ryan stated that as routine practice the Department does schedule testing/application events in a one day/two-day period to accommodate out of town applicants. Commissioner Bains asked why NYC was targeted. Lt. Ryan replied that SJPD was invited to the job fair. In the future they are entertaining other recruitment opportunities at similar events in other states, but at this time nothing is confirmed.

Commissioner Parker asked if oral interviews would take in July. Lt. Ryan referred Commissioners to the SJPD website to confirm dates.

Commissioner Gill asked if members of the Sikh community can maintain their beard and wear their turban. Lt. Ryan said that all officers are required to be clean shaven and wear their hair short,

therefore a beard would have to be shaved while on-duty and a turban removed. Commissioner Gill stated that the beard and turban are religious symbols and cannot be shaved or removed.

Lt. Ryan restated that all individuals are invited to apply for an officer position with SJPD, however, if extended an employment offer, as a Condition of Employment, officers must agree that while on-duty, they maintain a clean shaven appearance and in the case of a turban, not wear one. Commissioner Gill asked staff to confirm with the City Attorney's Office what the legal basis is for this Condition of Employment and return with a written statement addressing this question.

Commissioner Gill stated that the SJPD Condition of Employment is a concern to members of the Sikh community since they feel this prevents them from serving as Police Officers.

Lt Ryan stated that OSHA regulations and safety equipment such as gas masks, support the Department's decision to enforce no beards and short hair requirements.

Commissioner Marienthal stated that Pakistani and Indian armies employ Sikh individuals and use gas masks and other similar types of safety equipment. Can SJPD look to those armies for guidance/advice? Commissioners asked Lt. Ryan to provide written information on SJPD's Condition of Employment; Lt. Ryan agreed to provide such information.

**e) Staff Report – The following are upcoming community events:**

- Mayor's Solar Fair

**6. Discussion and Action Agenda Items**

**6 a. Presentation by the Office of Women's Policy on its data analysis report on: "Breaking Cycles, Rebuilding Lives: A gender Analysis of Programs & Services for Female Offenders in Santa Clara County."**

Video and Power Point Presentation given by Esther Peralez-Dieckmann, Director; and Carla Collins, Policy Analyst for Santa Clara County's Office of Women's Policy.

Commissioners applauded The Office of Women's Policy report and thanked them for their work and information. Additionally, Commissioners asked the following questions:

- Can a model similar to the placement of non-violent juveniles in community-based programs versus placement in a detention facility can be adopted for non-violent female offenders.
- Was information gathered on how many of inmates are involved with someone who is in the criminal justice system?
- In the survey- did participants answer questions indicating if they were in permanent versus temporary housing?
- How many participants returned to jail? How do you report recidivism rate?

**6 b. [Discussion and Action – Municipal Identification Cards](#)**

Commissioner Parker distributed a handout (attached) describing the Municipal Identification card program as adopted in October 2007 by the City and County of San Francisco. The San Francisco program is in the implementation process and should be operational by the end of summer. San Francisco Supervisor Tom Ammiano is willing to come and speak to the Commission should the Commission wish to invite him.

Commissioner Parker conducted outreach via press releases and was disappointed in the low turnout at the meeting. He would like to receive more feedback and public opinion in order to have a proposal to the City Council in early fall. Commissioner Parker solicited questions and/or feedback from Commission.

Commissioner Marienthal suggested the Commission embark on an outreach/publicity campaign similar to efforts with the IPA report and outreach to the Youth Commission. Per Commissioner Parker, the Youth Commission has been approached with this issue and they are interested in finding out what the adults have to say on this issue.

Commissioners discussed the possibility and benefit of attending Community Events/Fairs and hosting a booth as a method of outreaching to the public. Perhaps organizers of such events would not charge the Commission to host a booth, or if Council Member Chu has a booth at an event, maybe the Commission can share the booth. Commissioners would rather have a booth at an event versus walking around the event with a clipboard and soliciting feedback or information. Commissioners Bailey and Anwar volunteered to help provide tables and chairs if Commissioners were to attend a Community Event and were in need of equipment.

The Commission discussed the location of the July meeting and the opportunity to conduct further outreach to increase public attendance at the July meeting. The July meeting will take place at a South San Jose location. The Southside Community Center was discussed as a potential site. Commissioner Parker will also research other sites.

Commissioner Marienthal made a motion, seconded by Commissioner Anwar to continue discussion on this issue at the July meeting. This motion was unanimously approved (Yes: 10; No: 0).

6 c. [Discussion and Action – Resolution opposing state constitutional amendment banning gay marriage.](#)

Commissioner Parker participated as a volunteer to marry couples in Santa Clara County. In his experience, couples were very happy to be married.

The Commission read the proposed Resolution drafted by Commissioner Parker (attached).

Commissioner Deng asked for additional information regarding the additional ballot measures stated in paragraph six. Per Commissioner Parker stated that there currently two additional measures in circulation for signatures to qualify for the November ballot. One measure defines marriage as a union between a man and a woman and the other measure will prohibit civil unions, domestic partnerships and similar relationship recognitions and dissolve the dissolve the rights and responsibilities.

Commissioner Marienthal stated that he understands that regardless of the outcome of the November election, marriages between same-sex partners occurring between June and November will still be honored.

Commissioner Bailey stated he sees this issue as very volatile. Rushing to pass this resolution and send it to Council so that the Council would go on record as opposing this ballot measure is very political. The Commission would be saying that they are opposed to a ballot measures that a good number of people wanted to put on the ballot. People have a right to do this [qualify measures for the ballot] and it is not in the

purview of the Commission to say that people do not have a right to put this measure on a ballot and that the Commission wants the Council to go against this [ballot measure].

Commissioner Bailey would like to open this discussion to public and get comments, but not sure how to conduct such outreach. Perhaps seek an advertisement in Mercury News. The commission represents all citizens not just a vocal minority.

Commissioner Deng asked if Commissioners could read documents that show language of mentioned measures that are currently in circulation, to review as a group to understand what is being proposed.

Can we do straw poll? Set up a table? Write a question and ask for how they feel?

Commissioner Bailey has seen polls in the mercury news. Perhaps they can run a poll to see what people think- but such a poll should not necessarily say the poll is on behalf of the Commission.

Commissioner Parker stated that the Commission has been charged to stand up for the small vocal community regardless of sexual orientation, race, etc. This [resolution] is important because citizens of San Jose will be discriminated against as a result of a small group of people who were paid to gather signatures. The Commission should take an opinion on this issue, so that the Council can take this issue and then let the Council take whatever position they decide to take. However, the Commission needs to take an opinion, whatever it may be.

Commissioner Bains stated that this [Limits on Marriage] is a human rights issue because it denies the same rights to people. Political issue, perhaps, but beyond that it is a human rights issue.

**Commissioner Marienthal motioned to move Resolution opposing "Limit on Marriage" Amendment, and seconded by Commissioner Parker.**

**Commissioner Deng presented a substitute motion that the Commission postpone a vote until the Commission sees more language of the proposed ballot measures in circulation.**

Commissioner Parker stated that the he would be willing to amend the resolution to delete references to the measures that are currently in circulation and only name the measure that is already certified to go on the ballot.

Commissioner Marienthal presented a Parliamentary clarification, If Commissioners do not have enough information they can make a motion to table this item.

**Commissioner Anwar motioned to table the resolution opposing "Limit on Marriage" Amendment, and seconded by Commissioner Deng.**

Commissioner Marienthal presented a Parliamentary clarification, the motion needs to state a time limit to table the resolution.

Commissioner Bailey stated that the Council should be given enough time to comment on this resolution before the November election. Commissioner Bailey suggested that the Commission vote on this resolution no later than August.

Staff Comment: The Council is on recess until the first week of August. The Resolution would not be forwarded to Rules until then.

Commissioner Anwar motioned to table the resolution opposing "Limit on Marriage" Amendment and discuss no later than August and seconded by Commissioner Deng. The motion was approved. Vote: 8 Ayes, 2 No (Bains, Marienthal)

#### 7. Standing Committee Reports

- Outreach Committee: No report.
- Youth Commission Liaison: No report, Commissioner Burbach was not able to attend the June 2 meeting, but will attend the next Youth Commission meeting.

#### 8. Commissioner Updates

- None.

#### 9. Community Events

- World Refugee Day, Friday June 20.
- Council Member Chu is hosting a Community Pancake Breakfast on June 21.
- Community Resource Fair at History Park on June 28.
- San Jose Punjabi Festival at Evergreen Community College- Saturday June 28
- Mike Honda Foreclosure Event, advisors will be present to counsel homeowners. July 2 at the Berryessa Library from 5 p.m. to 7 p.m.

#### 10. Future Agenda Items

- Internet Filtering (July) Invite Councilmember Constant
- Website Development (August)

#### 11. Adjournment

The meeting adjourned at 8:31 p.m.

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