



Report Type: Informational Report

Date: 8/3/2020

To: City Council

From: City Manager's Office

Title: Race and Equity *Ad Hoc* Data Transmittal #1

As part of our continuing work on race and equity, staff compiled research and responses to Councilmember questions raised so far through meetings with the *ad hoc* committees.

Staff has scheduled the next round of *ad hoc* committee check-ins based on the availability of key staff and *ad hoc* committee members and they should be on respective calendars. Most are meeting the first week of August to continue work on this effort.

The *ad hoc* groups requested information from staff on a variety of topics. In response, staff compiled various pieces of information which are either linked below or follow later in this report. They are listed below by *ad hoc* committee though many relate to multiple *ad hocs* (which is why we are sharing them all at once to all Councilmembers). Items are listed under the most closely aligned *ad hoc* for ease of reference. Staff will continue to transmit information as it becomes available; it is anticipated that this is the only the first of many data transmittals to the City Council.

Documents that are linked are noted with the blue underlined text that indicates a clickable hyperlink to an external website. Documents that are included in this packet are listed in green with respective page numbers of this report listed. The green text is also clickable and will take you to the corresponding page in this report. Items that are marked as "Pending:" are anticipated to be transmitted in subsequent reports.

The items in this report are being shared to further inform our important race and equity work; they will contribute to upcoming discussions for the *ad hoc* committees and the work of the City Council as a whole.

Next steps will include both the meetings with the *ad hoc* committees and updates from each *ad hoc* to the whole City Council at a special council meeting on August 24.

Police Policy Manual, Data, and Hiring

1. Bias-Based Policing Report (2010 report of previous publicly reported information; Link: <https://www.cityofpaloalto.org/civicax/filebank/documents/18904>)
2. September 26, 2005 Analysis of demographic data (Link: <https://www.cityofpaloalto.org/cityagenda/publish/cmrs/documents/CMR381-05.pdf>)
3. Lexipol Overview Memo (how changes are made to the policy manual) | Page 4 of this report
4. “Racial and Identity Profiling Act” Memo (Contains overview of the information needed to comply with SB 953) | Page 5 of this report
5. Pending: Calls for Service Data Summary Memo (and raw data excel files)
6. Pending: Police Data Summary Memo (overview of PAPD data and regulatory requirements)
7. Pending: Response to questions from Committee transmitted via e-mail by Vice-Mayor DuBois

Public Safety Alternative Models

8. Initial Research into Alternative Models for Public Safety | Page 8 of this report
 - o St. Petersburg, Florida
 - o Albuquerque, New Mexico
 - o Denver, Colorado
 - o Eugene, Oregon
 - o Berkeley, California
 - o Seattle, Washington
 - o Sunnyvale, California
9. Pending: Notes from meeting with Sunnyvale Department of Public Safety on July 30, 2020

***Note:** Ridealongs are available. Dates below for you to confirm which works best for each of you

Police Accountability and Transparency

10. 2020 POST List of California Legislature Summary | Page 10 of this report
11. League of California Cities – Everything you need to know about SB1421 and AB748 (Link: <https://sloansakai.com/wp-content/uploads/2020/02/10-2019-AC-Jordan-Shaw-Tibbet-Everything-You-Need-To-Know-SB-1421-AB-748.pdf>)
12. Community Briefing on Accountability and Transparency (Link to the briefing: <https://www.youtube.com/watch?v=3sAlojWdCX8&feature=youtu.be>)

Citywide Diversity and Inclusion

13. GARE Brochure | Page 17 of this report
14. GARE Theory of Change | Page 19 of this report
15. City of Austin’s Racial Equity Assessment Tool (Link: <http://www.austintexas.gov/edims/document.cfm?id=309466>)

Other:

- 8Can'tWaitMemo from July 22, 2020 Discussion
(Link: <https://www.cityofpaloalto.org/civicax/filebank/documents/77691>)
- 8Can'tWaitPowerpoint from July 22, 2020 Discussion | Page 20 of this report

Ride Along Dates and Times:

Police: Please contact Acting Captain James Reifschneider at James.Reifschneider@cityofpaloalto.org to schedule a ride-along during one of the dates/times convenient for you:

Wednesday, 8/5 or Thursday 8/6:

7am-11am

2pm-6pm

Saturday, 8/8

7am-11am

2pm-6pm

6pm-10pm

Sunday 8/9, Monday 8/10, Tuesday 8/11, or Wednesday 8/12:

7am-11am

2pm-6pm

6pm-10pm

Fire:

Please contact Deputy Chief Kevin McNally at Kevin.McNally@cityofpaloalto.org to schedule a ride-along any date between August 4th and August 15th, from 8 AM until 8 PM in either a 2 hour block or 4 hour block depending on what your schedule allows.

Respectfully,

Ed Shikada
City Manager
City of Palo Alto



DATE: JULY 7, 2020

TO: CITY MANAGER ED SHIKADA

FROM: CHIEF OF POLICE ROBERT JONSEN

SUBJECT: POLICY AND LEXIPOL

As Palo Alto grapples with the national dialogue around law enforcement reform, many people within the community may have questions regarding our policies and procedures. Some specific inquiries have focused around how our policies (PAPD) are developed. As you know, we contract with Lexipol for policy services. This memorandum is to provide additional insight to how the Palo Alto Police Department incorporates policy into our practices and protocols.

Lexipol is a “*for profit*” company dedicated to continuously improving public safety and the law enforcement profession with the ultimate goal of “preservation of life.” Outside Lexipol, there is not a government organization or non-profit which provides the services they do - development, maintenance and management of policies for law enforcement agencies. Lexipol’s legal team carefully monitors ongoing statutory and case law to ensure subscribing agencies meet legal standards. This continuous legal compliance activity helps agencies such as ours to reduce incidents that might generate costly civil liability. By helping PAPD develop and comply with constitutional policing practices, Lexipol supports the protection of civil rights and community safety.

Lexipol provides what is referred to as “boilerplate” policies. These are comprehensive, state-specific policies developed by a team of public safety attorneys and law enforcement experts. Lexipol researches and continuously updates all policies to comply with the most current federal and state legal standards and best practices. Moreover, every Lexipol policy can be customized to each agency’s local needs, which occurs quite often. Furthermore, as law enforcement standards are increasingly changing, we are constantly taking steps to prevent our policies from becoming outdated and non-compliant. Lexipol’s team of attorneys and content developers review thousands of pieces of legislation, case law and research reports each year and issue policy updates to us for consideration and integration into our manual. PAPD personnel receive an email notification from Lexipol advising them of each policy update. The system also tracks when the employee has opened the modified policy to review it.

Regarding the recent *#8cantwait* initiative and the conversations around the various components, we believe these eight issues are addressed in our policies, and have adapted several policies to meet community expectations (Carotid Restraint, De-escalation and Duty to Intervene). We are carefully working on a variety of other policy modifications to conform to anticipated new standards and improved best practices. We anticipate numerous changes in the future, many of which will occur through the state legislature in the upcoming year and we will provide you with updates when changes are made. Please do not hesitate to contact me if you have questions or concerns.



DATE: JULY 21, 2020

TO: CITY MANAGER ED SHIKADA, CHIEF JONSEN, ASST. CHIEF BINDER, CHANTAL GAINES, STEVEN GUAGLIARDO

FROM: CAPTAIN APRIL WAGNER

SUBJECT: RACIAL AND IDENTITY PROFILING ACT (RIPA) OVERVIEW – AD HOC COMMITTEE REQUEST FOR POLICE DEMOGRAPHIC DATA COLLECTION INFORMATION

Background Palo Alto Police Demographic Data Collection

This memorandum is in response to the request from the City Council Ad Hoc Committee on Police Policy Manual, Data, and Hiring about demographic data collection from the Palo Alto Police Department.

For a period of 10 years beginning in July 2000, the Palo Alto Police Department chose to proactively collect demographic data on all self-initiated enforcement contacts in an effort to enhance relations between the police and the community and to ensure that policing activities were being conducted fairly among different groups of people. Quarterly, the Department analyzed the data and presented informational reports to City Council. At the time, the Palo Alto Police Department was one of only two police agencies in California to provide demographic data to its community on such a frequent basis.

The Department ended the collection of demographic data in 2010 when the Crime Analyst position responsible for data collation was eliminated due to budget reductions. That decision was made knowing it would mean the end of formal demographic data collection, as City leadership was confident that, through our robust internal review processes and the fact that we had an additional layer of oversight from the Independent Police Auditor, the spirit of the data collection would be maintained.

The data our officers collected on every enforcement stop included the race, age, gender, location of the stop, the reason for the contact, the action taken by the officer (citation, warning, arrest, no action), the city of residence of the person contacted, and whether the police conducted a search of the person or vehicle (as well as the underlying legal basis for that search). Officers had to make a reasonable determination of the person's race during the contact instead of asking the person.

Interpreting demographic data presents some challenges, as does extrapolating definitive conclusions from it. Currently, the Police Department collects significant amounts of data for the following circumstances of self-initiated activity and dispatched calls for service:

- Body-worn camera footage of all enforcement contacts
- In-car video from patrol vehicles of enforcement contacts
- Computer Aided Dispatch (CAD) records of all police calls for service
- Radio recordings of calls for service

Item #4: Racial and Identity Profiling Act Memo

- Associated case records, citations, written warnings, field interview cards, booking forms, and police reports, when applicable, most of which have demographic data fields as required by legislation. Police reports include the officer's reason for contacting and/or arresting persons.

Past Demographic Data Reports

[Here](#) is a representative quarterly report to City Council on demographic data from September 2005, authored by the Police Department (CMR 381:05).

[Here](#) is the OIR Police Auditor's report from February 26, 2010, discussing the limitations of data collection and system analysis, and providing recommendations on the demographic data collection program.

Legislation Mandating Data Collection

In 2015, Governor Jerry Brown signed AB-953, the Racial and Identity Profiling Act, also known as "RIPA," into California law. It mandates specific data collection of peace officer contacts for law enforcement agencies employing less than 334 officers beginning on January 1, 2022, with the first report due April 1, 2023. [Here](#) is the text of the law.

The requirement is data collection for each "stop" done by a peace officer. A "stop" is defined as "any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person's body or property in the person's control" (officer-initiated or in response to a call for service). "Detention" is defined as any time the person is no longer able to voluntarily leave the interaction/conversation with a peace officer.

RIPA requires the following data points to be collected:

1. Date, Time, and Duration
2. Location
3. Reason for Stop
4. Was Stop in Response to a Call for Service?
5. Actions Taken During the Stop
6. Contraband or Evidence Discovered
7. Property Seized
8. Result of Stop
9. Perceived Race or Ethnicity
10. Perceived Age
11. Perceived Gender
12. Perceived to be LGBT
13. Limited or No English Fluency
14. Perceived or Known Disability
15. Officer's Identification Number
16. Years of Experience
17. Type of Assignment

Local Agency Exemplar of RIPA Data Collection from the Davis Police Department

The Davis (CA) Police Department implemented RIPA data collection in 2019 through the Record Management Information System (RIMS) records management system. The Palo Alto Police Department is upgrading our records management system to RIMS as well, with an estimated implementation date in January 2021. We are working in partnership with the Cities of Mountain View and Los Altos for the upgrade. The Davis PD Crime Analysis Unit recently published a report on the analysis of their data:

<https://www.cityofdavis.org/home/showdocument?id=14972>

To comply with RIPA collection, which next year will be sent directly to the Department of Justice (DOJ) through their records management system, Davis PD requires their officers, after the conclusion of any contact, to log into the RMS system and complete the (17) RIPA categories of information. Davis PD Crime Analysis staff commented that it will take several years of data collection to have enough data to identify trends. Officers have three ways to transmit the data: the iRIMS Mobile phone application, the patrol vehicle mobile computer, or a desktop computer application. The Palo Alto Police Department will have the same methods of data transmission available for its officers.

Davis PD staff shared some comments about implementation challenges from which Palo Alto can learn. Some of the challenges were: clarifying which call types require reporting, training officers on the free-form comment requirements, training data-analysis staff on how to pull reports, and methods to ensure the data reports are completed by officers thoroughly and promptly.

The Palo Alto Police Department is committed to implementing this data collection as soon as the new records management system is in place. However, the department only has one Crime Analyst position remaining due to budget cuts and overall department FTE's are at its lowest level in 25 years. Currently, if the estimated implementation date of the new program holds firm, the Palo Alto Police Department will begin collecting demographic data one year before state law requires it.



Initial Research into Alternative Models for Public Safety

This memorandum transmits links to various articles and resources related to alternative models for Public Safety. These models show some of the work that is happening across the country, indeed the world, in terms of reimagining what public safety can look like. They range from elsewhere in the Bay Area (Sunnyvale) to elsewhere in the world (see the report from the Council on Foreign Relations). There is also an article on public safety consolidation, looking at multiple case studies of implementation and outcome that was prepared by the U.S. Department of Justice. These are meant to offer additional context and information for what alternative models for public safety can look like as the City of Palo Alto continues its work on Race and Equity.

The resources below are provided in the form of links in case the City Council has interest in learning more about some of these efforts.

Staff anticipates working with the Public Safety Alternative Models *Ad Hoc* to report out on potential options to further pursue as part of the August 24th, 2020 City Council study session.

Other Cities:

Sunnyvale, CA: How one City Provides Public Safety without a police department

(<https://www.marketplace.org/2020/06/10/how-one-city-provides-public-safety-without-a-police-department/>)

Albuquerque, New Mexico: Mayor Tim Keller to Refocus Millions in Public Safety Resources with First-of-Its-Kind Civilian Response Department (<https://www.cabq.gov/mayor/news/mayor-tim-keller-to-refocus-millions-in-public-safety-resources-with-first-of-its-kind-civilian-response-department>)

Denver, Colorado: Launch of Star Program (<http://dashrco.org/index.php/2020/06/08/press-release-launch-of-star-program/2/>)

Berkeley, CA:

Berkeley mayor: What 'defund the police' means for my city

(<https://www.sfchronicle.com/opinion/openforum/article/Berkeley-mayor-What-defund-the-police-15403555.php>)

Faced with calls to defund police, some Bay Area cities weigh radical changes to law enforcement

(<https://www.mercurynews.com/2020/07/20/faced-with-calls-to-defund-police-some-bay-area-cities-weigh-radical-changes-to-law-enforcement/amp/>)

Item #8: Initial Research into Alternative Models for Public Safety

City of Berkeley Approves Police Defunding Plan (<https://www.nbcbayarea.com/news/local/east-bay/city-of-berkeley-approves-police-defunding-plan/2326874/>)

Defunding the police: Oakland, Berkeley could be test cases for Bay Area, nation (<https://www.sfchronicle.com/crime/article/Defunding-the-police-Oakland-Berkeley-could-be-15421678.php>)

St. Petersburg, Florida:

St. Petersburg takes brave step toward police reform with new program | Editorial (<https://www.tampabay.com/opinion/2020/07/16/st-petersburg-takes-brave-step-toward-police-reform-with-new-program-editorial/>)

St. Petersburg police chief, mayor announce new team to respond to non-violent calls (<https://www.abcactionnews.com/news/region-pinellas/st-petersburg-police-chief-mayor-announce-plans-to-re-imagine-department>)

St. Pete Police will give up new officers, hire social workers for non-violent calls (<https://stpetecatalyst.com/st-pete-police-will-give-up-new-officers-hire-social-workers-for-non-violent-calls/>)

Social media responds to St. Pete Police's hiring of social workers for non-violent calls (<https://stpetecatalyst.com/social-media-responds-to-st-pete-polices-hiring-of-social-workers-for-non-violent-calls/>)

General Articles (multiple cities):

When Cities Replace Police with Social Workers (<https://www.route50.com/public-safety/2020/07/social-workers-police/166557/>)

'If the Police Aren't Needed, Let's Leave Them Out Completely' (<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/06/23/if-the-police-arent-needed-lets-leave-them-out-completely>)

Studies:

Public Safety Consolidation: A Multiple Case Study Assessment of Implementation and Outcome - U.S. Department of Justice (<https://cops.usdoj.gov/RIC/Publications/cops-w0803-pub.pdf>)

Public Investment in Community-Driven Safety Initiatives – The Urban Institute (https://www.urban.org/sites/default/files/publication/99262/public_investment_in_community-driven_safety_initiatives_1.pdf)

International:

Council on Foreign Relations: How Police Compare in Different Democracies (<https://www.cfr.org/backgrounder/how-police-compare-different-democracies>)



California Law Enforcement & Police Reform Legislation

The below legislation may impact POST or law enforcement in general.

AB 66 (Gonzalez) Police: use of force

Would prohibit the use of kinetic energy projectiles or chemical weapons, as defined, by any law enforcement agency to disperse an assembly protected by the First Amendment to the United States Constitution, or solely due to a violation of an imposed curfew, verbal threat, or mere noncompliance with a law enforcement directive. The bill would prohibit the use of chloroacetophenone tear gas or 2-chlorobenzalmalononitrile gas by law enforcement agencies. The bill would set standards for the use of kinetic energy projectiles at the scene of a riot, including, among other things, requiring that those weapons only be fired at a specific target who presents a clear and imminent threat to themselves, the officers, or other persons. The bill also states that kinetic energy projectiles or chemical agents shall only be deployed and used by officers trained on the proper use of those weapons by the Commission on POST.

AB 465 (Eggman) Mental health workers: supervision

Current law regulates provision of programs and services relating to mental health and requires the creation of community programs to increase access to, and quality of, community-based mental health services. This bill would require any program or pilot program permitting mental health professionals to respond to emergency mental health crisis calls in collaboration with law enforcement to ensure the mental health professionals participating in the program are supervised by a licensed mental health professional.

AB 846 (Burke) Public Employment: public officers or employees declared bylaw to be peace officers

Current law requires peace officers in this state to meet specified minimum standards, including, among other requirements, that peace officers be evaluated by a physician and surgeon or psychologist and found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer. This bill would require the Commission on POST, by January 1, 2022, shall study, review, and update their regulations and associated screening materials related to the emotional and mental condition evaluated by Section 1031 to incorporate the identification of explicit and implicit bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation. This bill also states every law enforcement agency that employs peace officers shall review the job description that is used in the recruitment and hiring to emphasize community-based policing and de-emphasize paramilitary aspects of the job, amongst other changes.

AB 1022 (Holden) Peace officers: use of force

Current law requires each law enforcement agency, on or before January 1, 2021, to maintain a policy that provides a minimum standard on the use of force. Current law requires that policy, among other things, to require that officers report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be unnecessary, and to require that officers intercede when present and observing another officer using force that is clearly beyond that which is necessary, as specified. This bill would require those law enforcement policies to require those officers to immediately report potential excessive force, and to intercede when present and observing an officer using excessive force.

This bill also amends Gov. Code Section 1029 to include disqualification from holding office as a peace officer or being employed as a peace officer to any person who has, on three separate occasions, been found by a law enforcement agency that employs them to have either used excessive force, as defined, or to have failed to intercede as required. This bill also defines “excessive force” as a level of force that is not reasonably believed to be proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Existing law requires the law enforcement policies on use of force to include procedures for disclosing public records of peace officers, as specified, and to include procedures for the filing, investigation, and reporting of citizen complaints regarding use of force incidents.

This bill would require those law enforcement policies to also include an internet website that makes specified public records of peace officers available in a form searchable by each officer’s name, and to include an internet website that allows members of the public to file citizen complaints, as specified.

Existing law makes all persons concerned in the commission of a crime, whether they directly commit the act constituting the offense, or aid and abet in its commission, principals in that crime.

This bill would make a peace officer who is present and observes another peace officer using excessive force, and willfully fails to intercede as required by the policy of their employing law enforcement, a principal in any crime committed by the other officer during the use of excessive force.

Additionally, this bill creates a prohibition on retaliation against an officer that reports a suspected violation of a law or regulation of another officer to a supervisor. This bill also further defines “Intercede” and “retaliation”.

AB 1196 (Gipson) Peace officers: use of force

Current law authorizes a peace officer to make an arrest pursuant to a warrant or based upon probable cause, as specified. Under current law, an arrest is made by the actual restraint of the person or by submission to the custody of the arresting officer. Current law authorizes a peace officer to use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. This bill would prohibit a law enforcement agency from authorizing the use of a carotid restraint or a choke hold, as defined.

AB 1299 (Salas) Peace officers: employment

Would require any agency that employs peace officers to notify the Commission on Peace Officer Standards and Training when a peace officer separates from employment, including details of any termination or resignation in lieu of termination. This bill would require an agency to notify the commission if an officer leaves the agency with a complaint, charge, or investigation pending, and would require the agency to complete the investigation and notify the commission of its findings. The bill would require the commission to include this information in an officer's profile and make that information available to specified parties including any law enforcement agency that is conducting a preemployment background investigation of the subject of the profile.

AB 1314 (McCarty) Law Enforcement use of force settlement and judgements: reporting

Current law requires each law enforcement agency to annually furnish specified information to the Department of Justice regarding the use of force by a peace officer. This bill would require municipalities, as defined, to annually post on their internet websites specified information relating to use of force settlements and judgements, including amounts paid, broken down by individual settlement and judgment, information on bonds used to finance use of force settlement and judgment payments, and premiums paid for insurance against use of force settlements or judgements.

AB 1506 (McCarty) Police use of force

Current law requires law enforcement agencies to report to the Department of Justice, as specified, any incident in which a peace officer is involved in a shooting or use of force that results in death or serious bodily injury. This bill would create a division within the Department of Justice to, upon the request of a law enforcement agency, review the use-of-force policy of the agency and make recommendations, as specified.

AB 1550 (Bonta) Discriminatory emergency calls

Current law prohibits a governmental authority, or agent of a governmental authority, or person acting on behalf of a governmental authority, from engaging in a pattern or practice of conduct by law enforcement officers that deprives any person of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States or by the Constitution or laws of California. This bill would authorize a person to bring a civil action

against any responsible party, who, motivated by the person's protected status, knowingly causes a peace officer to arrive at a location to contact the person with the intent to, among other things, infringe upon the person's rights or cause the person to feel harassed, humiliated, or embarrassed.

AB 1599 (Cunningham) Peace officers: release of records

Current law deems a record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public as a public record. This bill would also make available for public inspection, pursuant to the California Public Records Act, peace officer or custodial officer personnel records pertaining to a peace officer or custodial officer accused of sexual assault involving a member of the public when the peace officer or custodial officer resigns before the employing agency has concluded its investigation into the sexual assault.

AB 1652 (Wicks) Law enforcement agency policies: use of force: protests

Would require each law enforcement agency to expand the agency's use of force policy to include clear and specific guidelines under which officers may use "kettling" or "corralling," as defined by the bill, and to prohibit officers from failing to wear, or intentionally acting to obscure or conceal information on, a badge while on duty. The bill would also require each agency's policy to prohibit law enforcement officers from using force on individuals engaged in, or members of the press covering, a lawful assembly or protest, as specified, and would further require the policy to require that an officer who is found to have intentionally violated this policy be suspended, as specified.

AB 1709 (Weber) Law Enforcement: use of force

This bill would amend Section 835a of the Penal Code to remove the specification that a peace officer making an arrest need not desist in their efforts because of resistance or threatened resistance from the person being arrested. The bill would also require a peace officer to attempt to control an incident through de-escalation tactics, as defined, in an effort to reduce or avoid the need to use force, to render medical aid immediately or as soon as feasible, and to intervene to stop a violation of law or an excessive use of force by another peace officer.

SB 629 (McGuire) Public peace: media access

This bill would authorize, in the event of a demonstration, march, protest, or rally where individuals are engaged primarily in constitutionally protected activity, as described, specified peace officers to close the immediate area surrounding any emergency field command post or to establish any other command post, police line, or rolling closure. The bill would make any unauthorized person who willfully and knowingly enters that area and who willfully remains within the area after receiving notice to evacuate or leave guilty of a misdemeanor. The bill would authorize a duly authorized representative of any news service, online news service,

newspaper, or radio or television station or network, as described, to enter those closed areas and would make any peace officer or other law enforcement officer who intentionally assaults, interferes with, or obstructs the duly authorized representative who is gathering, receiving, or processing information for communication to the public guilty of a misdemeanor. The bill would also prohibit a duly authorized representative who is authorized or permitted to be in a closed area from being cited for the failure to disperse, a violation of a curfew, or a violation of other, specified law. The bill would require that if a representative is detained by a peace officer or other law enforcement officer, the representative be permitted to contact a supervisory officer immediately for the purpose of challenging the detention.

SB 731 (Bradford) Public Employment

Would provide that a threat, intimidation, or coercion under the Tom Bone Civil Rights act may be inherent in any interference with a civil right and would describe intentional acts for purposes of the act. The bill would, with a specified exception, eliminate immunity provisions for public employees involved in a violation of the act. The bill would also authorize specified persons to bring an action for the death of a person caused by a violation of the act. Existing laws defines persons who are peace officers and the entities authorized to appoint them.

Existing laws defines persons who are peace officers and the entities authorized to appoint them. Existing law requires certain minimum training requirements for peace officers including the completion of a basic training course, as specified. Existing law prescribes certain minimum standards for a person to be appointed as a peace officer, including moral character and physical and mental condition, and certain disqualifying factors for a person to be employed as a peace officer, including a felony conviction.

This bill would disqualify a person from being employed as a peace officer if that person has been convicted of, or has been adjudicated in an administrative, military, or civil judicial process as having committed, a violation of certain specified crimes against public justice, including the falsification of records, bribery, or perjury. The bill would also disqualify any person who has been issued a certificate by the Commission on Peace Officer Standards and Training and had that certificate revoked by the commission, has voluntarily surrendered the certificate, or has been denied issuance of a certificate. The bill would require a law enforcement employing peace officers to employ only individuals with a current, valid certification or pending certification.

Existing law establishes the Commission on Peace Officer Standards and Training to set minimum standards for the recruitment and training of peace officers and to develop training courses and curriculum. Existing law authorizes the commission to establish a professional certificate program that awards basic, intermediate, advanced, supervisory, management, and executive certificates on the basis of a combination of training, education, experience, and other prerequisites, for the purpose of fostering the professionalization, education, and experience necessary to adequately accomplish the general police service duties performed by peace officers. Existing law authorizes the commission to cancel a certificate that was awarded

in error or obtained through misrepresentation or fraud, but otherwise prohibits the commission from canceling a certificate that has properly been issued.

This bill would instead declare certificates awarded by the commission to be property of the commission and would authorize the commission to revoke a certificate on specified grounds, including the use of excessive force, sexual assault, making a false arrest, engaging in unprofessional conduct, or any act or omission indicative of bad moral character. The bill would grant the commission the power to investigate and determine the fitness of any person to serve as a peace officer. The bill would require the commission to refer grounds for decertification to the Civil Rights Enforcement Section of the Department of Justice for investigation, which would then determine whether the certification should be denied or revoked, as specified. If a certificate holder or applicant provides notice to the commission of the holder's or applicant's intent to contest the revocation or denial, the bill would require the Civil Rights Enforcement Section to file a petition with the Office of Administrative Hearings.

The bill would make all records related to the revocation of a certificate public and would require that records of an investigation be retained for 30 years.

The bill would require an agency employing peace officers to report to the commission the employment, appointment, or separation from employment of a peace officer, any complaint, charge, allegation, or investigation into the conduct of a peace officer that could render the officer subject to revocation, findings by civil oversight entities, and civil judgements that could affect the officer's certification.

In case of a separation from employment or appointment, the bill would require each agency to execute an affidavit-of-separation form adopted by the commission describing the reason for separation. The bill would require the affidavit to be signed under penalty of perjury.

The bill would require the commission to report annually on the number of applications for certification, the events reported, the number of investigations conducted, and the number of certificates revoked.

SB 776 (Skinner) Peace officers: release of records

Existing law makes peace officer and custodial officer personnel records and specified records maintained by any state or local agency, or information obtained from these records, confidential and prohibits these records from being disclosed in any criminal or civil proceeding except by discovery. Existing law sets forth exceptions to this policy, including, among others, records relating to specified incidents involving the discharge of a firearm, sexual assault, perjury, or misconduct by a peace officer or custodial officer. Existing law makes a record related to an incident involving the use of force against a person resulting in death or great bodily injury subject to disclosure. Existing law requires a state or local agency to make these excepted records available for inspection pursuant to the California Public Records Act.

This bill would make every incident involving use of force subject to disclosure. The bill would remove the requirement that a complaint relating to sexual assault or dishonesty be found to be sustained following an investigation in order to be subject to disclosure. The bill would

require records relating to sustained findings of wrongful arrests and wrongful searches to be subject to disclosure. The bill would also require the disclosure of records relating to an incident involving prejudice or discrimination on the basis of specified protected classes. The bill would require the retention of all complaints currently in the possession of a department or agency. The bill would require that records relating to an incident in which an officer resigned before an investigation is completed to also be subject to release. For purposes of releasing records, the bill would prohibit assertion of the attorney-client privilege to limit the disclosure of factual information provided by the public entity to its attorney, factual information discovered by any investigation done by the public entity's attorney, or billing records related to the work done by the attorney. The bill would impose a \$1,000 civil fine per day for each day beyond 30 days that records subject to disclosure are not disclosed. The bill would entitle a member of the public who successfully files suit for the release of records to twice the party's reasonable costs and attorney's fees.

Existing law requires a court, in determining the relevance of evidence, to exclude from trial any information consisting of complaints concerning peace officer conduct that is more than 5 years older than the subject of the litigation.

This bill would delete that provision.

Existing law requires an agency or department employing peace officers to make a record of any investigations of misconduct. Existing law requires a peace officer seeking employment with a department or agency to give written permission to the hiring agency or department to view that file.

This bill would require each department or agency to request and review that file prior to hiring a peace officer. The bill would also require every person employed as a peace officer to immediately report all uses of force by the officer to the officer's department or agency.

SB 1120 (Umberg) Peace and custodial officers

Would, on and after January 1, 2022, require any state or local law enforcement agency maintaining personnel records of peace officers and custodial officers to, upon request, provide a prosecuting agency a list of names and badge numbers of officers employed by the agency in the 5 years preceding the request who meet specified criteria, including, among other things, that the officer has had sustained findings for conduct of moral turpitude or group bias or that the officer is on probation for a criminal offense. The bill would require the prosecuting agency to keep this list confidential, except as constitutionally required. The bill would additionally require a prosecuting agency, prior to placing an officer's name on a Brady list, to notify the officer as soon as practicable and provide the officer an opportunity to present information to the prosecuting agency against the officer's placement on the list, except as specified.



LOCAL AND REGIONAL GOVERNMENT ALLIANCE ON **RACE & EQUITY**

The Government Alliance on Race and Equity (GARE) is a national network of government working to advance racial equity and increase opportunities for all. GARE is a joint project of Race Forward and the Haas Institute for a Fair and Inclusive Society at UC Berkeley. As a membership-led, membership-driven network, GARE members share effective practice, collaborate across regions and subject areas to advance policies and practices, and develop solutions to racial equity challenges.

1. We are a membership network of local, state, and regional government jurisdictions working to achieve racial equity.
2. We offer pathways for new jurisdictions to begin racial equity work.
3. We support and build local and regional collaborations that are broadly inclusive and focused on achieving racial equity.

MEMBERSHIP

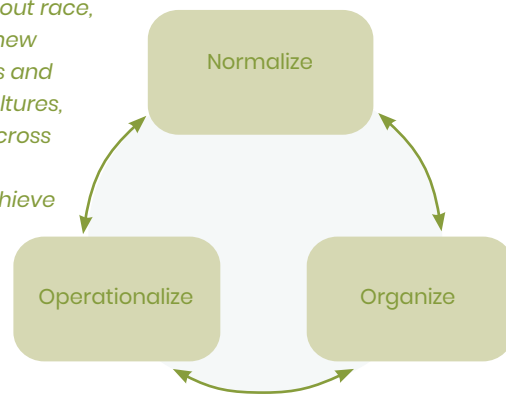
Membership is open to all local, state, and regional government jurisdictions that are committed to advancing racial equity. GARE offers technical assistance, peer exchanges and mentorship, tools and resources, and extended learning curriculums to its members. Members convene regularly, both virtually and in person, and participate in the GARE Annual Meeting, which brings together 400+ practitioners working to transform government. Subject Area Working Groups offer members an opportunity to hone their practices and expertise through joint research, exploring opportunities and challenges in the field, and hosting regular webinars and presentations.



Across the country, local government is working in partnership with communities to dismantle structural racism and accelerate a more equitable future for all.

Despite the fact that equality and justice are commonly held values in our nation, historically the benefits associated with these values have not been extended to all. Our government laws and practices created and continue to maintain racial inequities across all life indicators. Government leaders and staff, in partnership with the communities they serve, must now transform government to proactively advance racial equity.

GARE focuses on normalizing conversations about race, operationalizing new policies, practices and organizational cultures, and organizing across sectors and with community to achieve racial equity.



WHY GOVERNMENT?

From the inception of our country, government at the local, regional, state, and federal levels has played a role in creating and maintaining racial inequities. Despite progress in addressing explicit discrimination, racial inequities continue to be deep, pervasive, and persistent across the nation. Racial inequities exist across all indicators for success—education, criminal justice, jobs, housing, public infrastructure, and health.

TOOLS & RESOURCES

Drawing on lessons learned from over a decade of racial equity work in government, GARE has developed a Racial Equity Toolkit to operationalize racial equity. The GARE Racial Equity Toolkit is a methodology to support staff in making decisions that will lead to equitable policies, practices, and programs by centering the communities most impacted, and assessing benefits, burdens, and unintended consequences. Using the Toolkit is one way to ensure proactive decision-making to advance racial equity.

Racial Equity Action Plans put a theory of change into action, build staff capacity, and realize a collective vision and implementation plan for racial equity. The Results Based Accountability framework within the process is a disciplined methodology for developing concrete actions, accountability mechanisms, and engagement processes, and measuring progress in eliminating racial inequities. Embarking on a Racial Equity Action Plan process ensures that your jurisdiction prioritizes its work and shifts long-standing systems, creating shared practices and strong partnerships across your jurisdiction and community.

Visit www.racialequityalliance.org/resources to access our tools and explore all of GARE's resources on workforce equity, contracting and procurement, community engagement, and more.

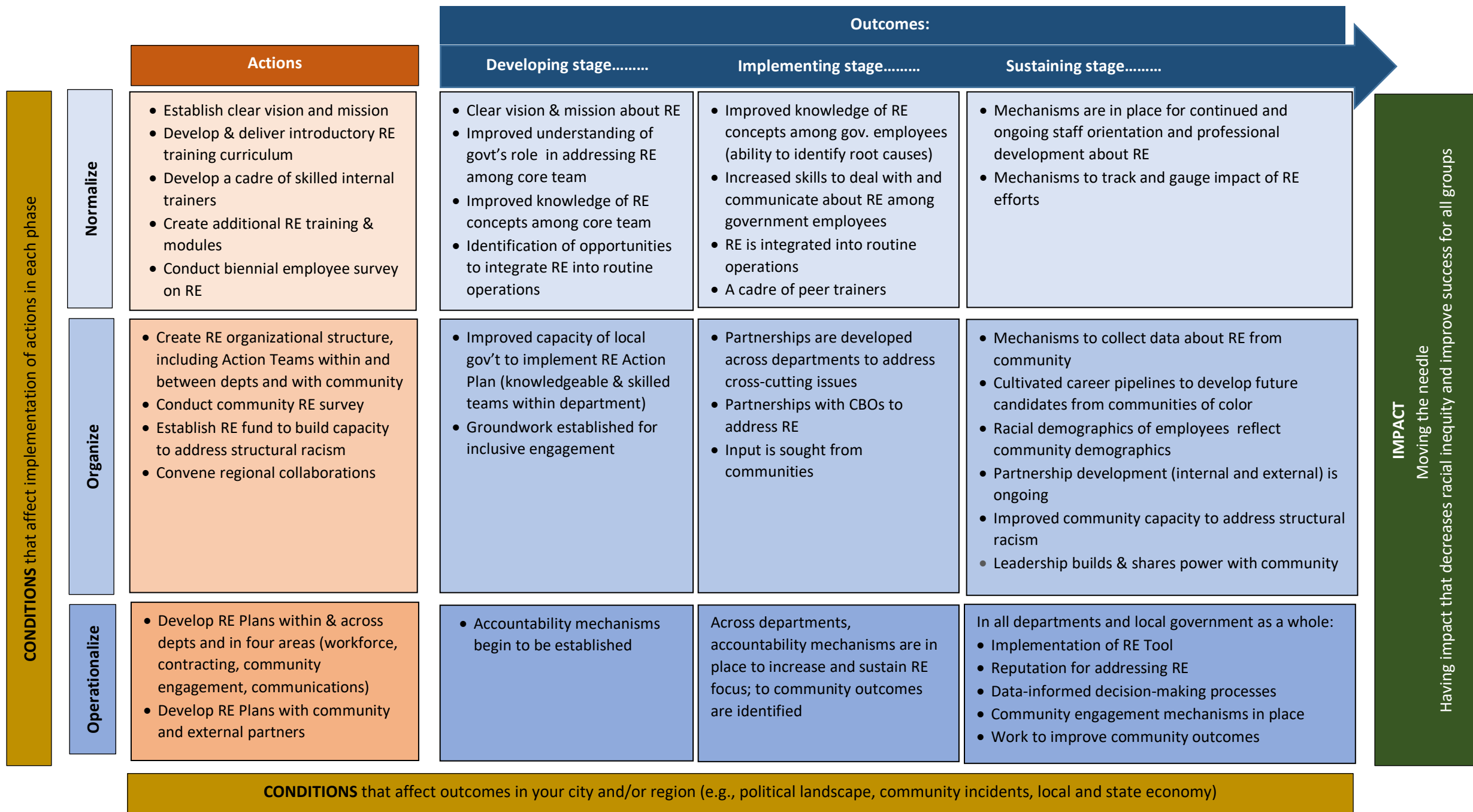


Join the GARE Member Network

<https://www.racialequityalliance.org/members/join/>



RACIALEQUITYALLIANCE.ORG



IMPACT
Moving the needle
Having impact that decreases racial inequity and improve success for all groups

GARE Logic Model



**PAPD Policy Review
and 8cantwait**
Assistant Chief Andrew Binder
Palo Alto Police Department

JULY 22, 2020

www.cityofpaloalto.org

Palo Alto Police Department Review & #8cantwait



Overview

- Campaign Zero's 2016 Academic Study
 - PAPD and 8cantwait
 - Question & Answer

Campaign Zero and 8cantwait

CAMPAIGN ZERO

- September 20, 2016 Academic Study by Samuel Sinyangwe

Examining the Role of Use of Force Policies in Ending Police Violence

- Analyzed use of force policies of 91 of America's 100 largest cities' police departments
- Study sought to examine relationship between use of force policies and police-involved killings among the nation's largest city police departments
- Study identified 8 main policies establishing restrictions on police use of force

Ban Chokeholds and Strangleholds



PAPD Policy 300.3.5: The use of the carotid control hold is not authorized

Current Status:

- The carotid restraint, chokeholds and strangleholds are not authorized
- Policy was revised on June 9, 2020

Require De-escalation



PAPD Policy 300.3.1 Conflict Resolution and De-Escalation:

- Officers should consider, as time and circumstances reasonably permit, conflict resolution and de-escalation techniques

California SB 230 Use of Deadly Force, Training & Policies:

- Requires officers to utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible

Current Status:

- California SB 230 – Will require officers to utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible by January 1, 2021
- Campaign Zero’s Study – “when possible”
- PAPD is currently in the process of revising its policy language so it is consistent with this requirement prior to the law’s imposed deadline.

Require Warning Before Shooting



PAPD Policy 300.4 Deadly Force Applications states in part:

- Where feasible, the officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts

California AB 392 Deadly Force:

- Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts

Current Status:

- Policy is consistent with California AB 392
- Campaign Zero's Study – "when possible"

Requires Exhaust All Alternatives Before Shooting



PAPD Policy 300.4 Deadly Force Applications states in part:

- Officers should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force

California Penal Code 835(a)(2) Arrest states in part:

- Officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer

Current Status:

- Requiring officers to “exhaust all alternatives” is neither safe nor feasible
- California Penal Code requires officers “use other available resources and techniques if reasonably safe and feasible”

Duty to Intervene



PAPD Policy 300.2.1 Duty to Intercede:

- Requires an officers to intercede to prevent the use of unreasonable force and to promptly report these observations to a supervisor

California SB 230 Use of Deadly Force, Training & Policies:

- Requires an officer to intercede when present and observing another officer using force that is clearly beyond that which is necessary

Current Status:

- Policy is consistent with California SB 230
- Policy was revised on June 17, 2020.

Ban Shooting at Moving Vehicles



PAPD Policy 300.4.1 Shooting At or From Moving Vehicles:

- Officers should only discharge a firearm at a moving vehicle or its occupants
 - Officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle
 - If deadly force other than the vehicle is directed at the officer or others.

Current Status:

- Policy allows for officers to discharge their firearm at a moving vehicle as a last resort if deadly force other than the vehicle is directed at the officer or others or if it is being used as a deadly weapon.

Require Use of Force Continuum



PAPD Policy 300.3 Use of Force states in part:

- Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances
- Officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in circumstances that are tense, uncertain, and rapidly evolving.

PAPD Policy 300.4 Deadly Force Applications:

- Sets forth specific circumstances in which deadly force can be used.

PAPD Policy 309 Conducted Energy Weapon (Taser):

- Sets forth specific circumstances in which a taser can be used.

California SB 230 Use of Deadly Force, Training & Policies states in part:

- Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance.

Current Status:

- PAPD's force option policy is based on California Penal Code 835a and
- The objective reasonableness standard set forth in Graham v. Connor.
- PAPD's force policies define/limit the types of force and/or weapons that can be used to respond to specific types of resistance

Require Comprehensive Reporting



PAPD Policy 300.5 Reporting the Use of Force:

- Requires any use of force to be documented promptly, completely and accurately in an appropriate report

PAPD Policy 309.6 Documentation:

- Requires documentation when pointing a taser at a person

PAPD Policy 344.2.2 Non-Criminal Activity:

- Requires documentation anytime an officer points a firearm at any person

California SB 230 Use of Deadly Force, Training & Policies:

- Requires comprehensive and detailed requirements for prompt internal reporting and notifications regarding a use of force incident.

Current Status:

- Policy is consistent with California SB 230 and Campaign Zero's Study



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