



City of Palo Alto

City Council Staff Report

(ID # 11754)

Report Type: Action Items

Meeting Date: 11/16/2020

Summary Title: Direction on Race and Equity Mission Statement, Reorganization, and Other Updates

Title: Direction on the City of Palo Alto's Race and Equity Work Including Adoption of a Mission Statement and Direction on Police Data Collection, Alternative Response Resources, Use of Force Reporting, Future Labor Agreement Negotiations, Citywide Workforce Assessment, and Organization of Future Work

From: City Manager

Lead Department: City Manager

Recommendation

Staff recommends that Council discuss the City's Race and Equity efforts, and approve the following actions on a variety of issues:

- a) Adoption of the mission statement as a guiding statement of the City's commitment to make equity a foundational principle in the City's operational work.
- b) Direct staff to expedite implementation of the new police records management system with quarterly reports to Council, and to return with the necessary agreements for the records management system allowing for Racial and Identity Profiling Act (RIPA) implementation.
- c) Starting after the full implementation of the RMS and the first data collection period, direct staff to resume annual data collection and analysis of police contact data similar to the previous Stop Data reports.
- d) Direct staff to work with Santa Clara County on implementation of participation in the Santa Clara County Psychiatric Emergency Response Team (PERT) program and the Mobile Crisis Response Teams (MCRT) program and to return to the City Council with any necessary agreements for program participation.
- e) Direct staff to develop/update a policy on the timing of records release related to investigations that qualify for public disclosure under SB 1421 and AB 748.
- f) Direct staff to amend and expand the current Independent Police Auditor's (IPA) scope of services to include all administrative use of force reports where a baton, chemical agent, TASER, less-lethal projectile, canine, or a firearm is applied, and all cases where

the subject's injuries necessitate any treatment beyond minor medical treatment in the field.

- g) Direct staff to maintain an every six (6) months schedule for IPA reports to City Council containing reviews ready at the time of the report; and for the IPA to provide an audit workplan to the City Council for approval.
- h) Direct staff to include use of force information to the regular Supplemental Report submitted to the City Council as a cover memorandum to each IPA report.
- i) Refer the police reform legislative priority thoughts and input to the Policy and Services Committee who will be discussing the City's legislative priorities in December 2020.
- j) Refer all race and equity work to the Policy and Services Committee for citywide diversity and inclusion practice areas and policing practice areas.
- k) Direct staff to return in the fall of 2021 with parameters, proposals, and strategies prior to engaging in Palo Alto Peace Officers' Association negotiations.
- l) Direct staff, in coordination with the City's overall diversity and inclusion efforts, to conduct a workforce demographic assessment as baseline information and to pursue an employee assessment to measure City workforce culture.

Background

In early June 2020, the City Council adopted a resolution affirming that Black lives matter ([CMR 11414](#)) and committed to address systemic racism and bias and approved a Race & Equity Framework and action plan ([CMR 11441](#)). The City Council also approved a series of actions including reviewing policing practices, making changes to use of force policies to reduce the potential for violence, and engaging the community in ongoing, thoughtful dialogue and leadership. The Mayor also established several Council Ad Hoc committees to help further the City's race and equity priorities and work.

Since that time staff and the City Council ad hoc committees have brought updates to the full City Council related to the City's race and equity efforts. The previous reports or City Council updates are as follows (with more recent discussions listed first):

- Nov. 2, 2020: (CMR 11690) Palo Alto Police Department Use of Force Policy Changes – <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=66721.35&BlobID=78906>
- Nov. 2, 2020: (CMR 11708) Referral to the Palo Alto Public Art Commission for the Development of Permanent Public Art on King Plaza at City Hall: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=58806.68&BlobID=78893>
- Oct. 26, 2020: (CMR 11689) Update on Palo Alto's Race & Equity Work: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=55110.7&BlobID=78892>
- Sept. 28, 2020: (CMR 11604) Update on Palo Alto's Race & Equity Work and Next Steps (also discussion with the City's Independent Police Auditor and the City Council): <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=59279.6&BlobID=78466>

- Sept. 14, 2020: (CMR 11573) Study Session with the City's State Legislative Advocate Regarding Bills from the 2020 Legislative Session: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=61464.25&BlobID=78275>
- Aug. 24, 2020: (CMR 11551) Update on Palo Alto's Race & Equity Work: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=59847.7&BlobID=78078>
- Aug. 24, 2020: (CMR 11516) Human Relations Commission Report on Their Review of 8 Can't Wait Policies in Relation to Current Palo Alto Police Department (PAPD) Policies: <https://www.cityofpaloalto.org/civicax/filebank/documents/78000>
- Jun. 23, 2020: Mayor Adrian Fine announced councilmember assignments to four ad hoc committees. The committees were tasked with convening individually and discussing the respective domains to return to the full City Council for potential direction, reform, and improvements.
- Early June: two reports mentioned in the paragraph above.

At the September 28 meeting, staff shared an updated framework that addresses a way to focus the City's race and equity work in the coming months and beyond. Staff also shared a list of policing practices and citywide practices that are the focus areas for the ongoing race and equity work at the City. The practice areas identified based on the work done to-date from the ad hocs are as follows (with the lead department in parentheses):

Policing Practices:

1. Public contact data collection and trend analysis (PD)
2. Officer deployment priorities and practices for non-violent calls (PD)
3. Officer conduct investigations and transparency (PD/CAO)
4. Discipline and accountability (PD)

Citywide Practices:

1. Hiring and promotions including board/commission appointments (CM/HR)
2. Board/commission engagement with race and equity issues (Council)
3. Continuous learning and improvement (CM/HR)
4. Norms and expectations of conduct (CM)

(PD=Police Department; CAO=City Attorney's Office; HR=Human Resources Department; and CM=City Manager's Office)

The practice areas discussed in the ad hocs as follows:

- *Police Policy Manual, Data, and Hiring Ad Hoc*: Discussing Policing Practices 1-2
- *Police Transparency and Accountability Ad Hoc*: Discussing Policing Practices 3-4
- *Citywide Diversity and Inclusion Ad Hoc*: Discussing Citywide Practices 1-4

The work of the Alternative Models Ad Hoc has been used as a base recommendation for the work related to Policing Practice 2.

Discussion

At the City Council discussion on October 26, 2020, the City Council asked staff to bring back information for City Council consideration to provide direction at the November 16, 2020 City Council meeting. Staff summarized the specific recommended actions resulting from the City Council's work on race and equity at the end of this report. The City Council's list of interest areas from the October 26, 2020 meeting are as follows and are further fleshed out in the "Further Information for City Council Action" subsection:

1. Adoption of the draft mission statement for all citywide diversity and inclusion work
2. Council engagement on the demographic data collection and reporting
3. Pursue participation in Santa Clara County's PERT Program
4. Develop a policy on timing and circumstances of records release of disclosable investigations
5. Expand the duties of the IPA beyond the current scope of officer involved shootings (OIS), taser use, and complaints
6. Prepare an annual report on Revised Use of Force Investigation which includes de-escalation
7. Incorporate police reform into legislative priorities for 2021
8. Send all citywide and policing practices work to the Policy and Services Committee for next year to focus on diversity and inclusion more broadly
9. Follow up related to the upcoming negotiations for the Memorandum of Agreement with the Palo Alto Peace Officers Association
10. Rewarding desired culture in the police department
11. Reporting out on "duty-to-report" situations

The City Council also discussed other ideas brought forward by the ad hoc committees which were summarized in the PowerPoint presentation here:

<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=71847.45&BlobID=78930>.

Other research requested by the City Council at the October 26 meeting:

1. Information on the annual police officer performance evaluations (described further in this report)
2. Follow-up on what the Santa Clara County Mobile Crisis Response Teams (MCRT) could look like for Palo Alto (discussion of this item in this report is combined with Item #3 above related to the County's PERT program)
3. Follow up on what the CAHOOTs model could look like in Palo Alto (limited discussion of this item is combined with Item #3 above related to the County's PERT program)
4. Staff survey and demographic data for the Police Department (described further in this report that this information will be included in the citywide diversity and inclusion work where baseline demographic data will be gathered in the coming months)

Further Information for City Council Action:

1. Adoption of the draft mission statement for all citywide diversity and inclusion work

The Citywide Diversity and Inclusion City Council ad hoc committee drafted the following mission statement as a guide to the City's race and equity work. Feedback shared at the October 26 City Council meeting recommended updating the draft mission statement to be more modern. Here is the draft mission statement:

The City of Palo Alto is committed to creating a respectful, fair, and professional workplace and city. We will identify inequities and prejudices, welcome diverse perspectives, and use a collaborative approach to create an environment that works for everyone.

Staff recommends that the City Council adopt a mission statement as a guiding statement of the City's commitment to make equity a foundational principle in the City's operational work.

2. Council engagement on the demographic data collection and reporting

Recent state law requires that police departments in California comply with the Racial Identity Profiling Act (RIPA) to collect demographic information about the people stopped by a police officer. A full memo about RIPA is available in at <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=44493.56&BlobID=77997>. The City of Palo Alto regularly reported on the Stop Data for the Police Department for a 10-year period. An example of a previous report from 2005 can be found online at: <https://www.cityofpaloalto.org/cityagenda/publish/cmrs/documents/CMR381-05.pdf>. Due to staffing shortages over the years, the City stopped this regular report to City Council. The new RIPA law now requires such information to be collected and reported to the Department of Justice. A sample report from the City of Davis (that already implemented RIPA): <https://www.cityofdavis.org/home/showdocument?id=14972>.

Based on discussions with the City Council and ad hoc committees, staff recommends that the City Council provide the following direction:

- a) Direct staff to expedite implementation of the new police records management system with quarterly reports to Council, and to return with the necessary agreements for the records management system allowing for Racial and Identity Profiling Act (RIPA) implementation.
 - b) Starting after the full implementation of the RMS and the first data collection period, direct staff to resume annual data collection and analysis of police contact data similar to the previous Stop Data reports.
3. Pursue participation in Santa Clara County's PERT Program for mental health assistance (also follow-up on what the Santa Clara County Mobile Crisis Response Teams (MCRT) and the CAHOOTs model could look like in Palo Alto)

The Alternative Models ad hoc committee recommended that the City continue to

pursue participation in the Psychiatric Emergency Response Team (PERT) program through the County of Santa Clara which would pair a licensed mental health clinician with a law enforcement officer to provide expert mental health assistance on some calls-for-service. Recent staff participation includes engaging in the County's hiring process and interviewing clinician candidates. However, hiring clinicians for this new program has proven to be more a challenge than expected. The hiring process is continuing this month, with more candidates being interviewed. The County plans to do more recruitment for the clinician positions for other PERT locations in the County. In addition to participation in the hiring process, City staff is awaiting the program agreement from the County.

The City Council expressed interest in the Santa Clara County Mobile Crisis Response Team (MCRT) model and inquired of what such a model could look like for Palo Alto. Mobile Crisis Response Teams screen and assess crisis situations over the phone and intervene wherever the crisis is occurring for individuals that exhibit mental health symptoms. They provide an immediate response and deliver crisis intervention services at locations throughout the County. Teams are made of up licensed clinicians and therapists with training and expertise in crisis response. The teams function outside of law enforcement but work collaboratively with law enforcement when needed.

This program already exists within Santa Clara County and can be utilized in Palo Alto by any member of the public without any additional resources from the City of Palo Alto. **Attachment A** provides a one-page flyer about the program which is also available on the County's website (<https://www.sccgov.org/sites/bhd/Services/Pages/mobile-crisis-response-team.aspx>). The City could further share the resource information about the County's program to amplify this existing program.

For both PERT and MCRT, the City will work with Santa Clara County on implementation.

The City Council also asked about Eugene, Oregon's CAHOOTS (Crisis Assistance Helping Out On The Streets) model and Denver, Colorado's STAR (Support Team Assisted Response) response team program. Each of those programs provide nonpolice resources, such as social workers, to be dispatched to certain non-violent calls-for service. These programs offer an additional resource and are very resource intensive to establish.

Based on discussions with the City Council and ad hoc committees, staff recommends that the City Council provide the following direction:

- a) Direct staff to work with Santa Clara County on implementation of participation in the Santa Clara County Psychiatric Emergency Response Team (PERT) program and the Mobile Crisis Response Teams (MCRT) program and to return to the City Council with any necessary agreements for program participation.

4. Ask staff to develop a policy on timing and circumstances of records release of disclosable investigations

There has been discussion around when records are released related to use of force situations with the Palo Alto Police Department that fall within the parameters of Senate Bill (SB) 1421 and Assembly Bill (AB) 748. Based on discussions with the City Council and ad hoc committees, staff recommends that the City Council provide the following direction:

- a) Direct staff to develop/update a policy on the timing of records release related to investigations that qualify for public disclosure under SB 1421 and AB 748.
5. Expand the duties of the IPA beyond the current scope of officer involved shootings (OIS), taser use, and complaints

The City's Independent Police Auditors (IPA), Michael Gennaco and Stephen Connolly of Messers Gennaco and Connolly provide audit services for the City for officer involved shootings, use of force complaints, and any taser use. The City's dedicated webpage that hosts information about the Independent Police Auditor work is online at:

<https://www.cityofpaloalto.org/gov/depts/pol/auditor.asp>. The City Council expressed interest in adding additional types of cases to the list of those reviewed by the City's IPA.

Based on discussions with the City Council and ad hoc committees, staff recommends that the City Council provide the following direction:

- a) Direct staff to amend and expand the current Independent Police Auditor's (IPA) scope of services to include all administrative use of force reports where a baton, chemical agent, TASER, less-lethal projectile, canine, or a firearm is applied, and all cases where the subject's injuries necessitate any treatment beyond minor medical treatment in the field.
 - b) Direct staff to maintain an every six (6) months schedule for IPA reports to City Council containing reviews ready at the time of the report; and for the IPA to provide an audit workplan to the City Council for approval.
6. Ask staff to prepare an annual report on Revised Use of Force Investigation which includes de-escalation

Presently, staff provides a report to the City Council with each IPA report called the Supplemental Report (submitted as a cover memo to each IPA report). It includes information on the Personnel and Human Resources Matters Involving Sworn Officers, and Informal Inquiry Reports (IIRs) Statistics. The most recent report to the City Council was in March 2020. The report is online at: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=61887.82&BlobID=75662>. The City Council ad hoc committees expressed interest in adding use of force to the Supplemental Report. The information to include would look similar to the Use of Force

Memo which was included in Transmittal #3 released to the City Council in the fall: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=51654.01&BlobID=78257>.

Based on discussions with the City Council and ad hoc committees, staff recommends that the City Council provide the following direction:

- a) Direct staff to include use of force information to the regular Supplemental Report submitted to the City Council as a cover memorandum to each IPA report.

7. Incorporate police reform into legislative priorities for 2021

The City Council closely tracked the recent state legislation related to changes in policing policies at a state level. Some of the bills of interest passed and were signed by the Governor and others were not. The City Council ad hocs have expressed interest in continuing to follow the legislation and to weigh in where appropriate. Based on discussions with the City Council and ad hoc committees, staff recommends that the City Council refer this legislative priority input to the Policy and Services Committee who will be discussing the City's legislative priorities in December 2020.

8. Send all citywide practices and policing practices work to the Policy and Services Committee for next year to focus on diversity and inclusion more broadly

When the City Council voted in June 2020 to establish ad hoc committees to further explore different aspects of the City's race and equity work, the Council stated that the ad hoc committees would be temporary. As the ad hoc work progresses, the question has emerged of how the work will continue beyond the actions taken in the coming months of 2020. Some ideas offered have been the following:

Assignment of the Citywide Practices work to the standing City Council Policy and Services Committee. This recommendation came from the Citywide Diversity and Inclusion Ad Hoc committee in recognition that the Citywide Diversity and Inclusion work is ongoing and will be incorporated into citywide functions and operations going beyond just this year. The Diversity and Inclusion Ad Hoc committee has been working on a timeline which could be used as a starting place for the City Council Policy and Services Committee to continue to work in 2021 working towards an equity work plan. The City Council could also consider having the Policy and Services Committee also work on the Policing Practices. Alternative ideas include assignment of the Policing Practices to a blue-ribbon commission on policing, a City Council Committee of the Whole, or a City Council public safety committee. If the City Council pursued a blue-ribbon commission on policing, the City Council would need to determine the specific composition and structure of such a group.

Staff recommends that the City Council provide the following direction: Refer all race and equity work to the Policy and Services Committee for citywide diversity and inclusion practice areas and policing practice areas.

9. Follow up related to the upcoming negotiations for the Memorandum of Agreement with the Palo Alto Peace Officers' Association

Through discussions with the City Council ad hoc committees, transparency, accountability and equity were reaffirmed as priority labor principles to guide the next series of negotiations with Police Department Unions.

Currently, the Palo Alto Peace Officers' Association has a closed contract which is in effect until June 30, 2022. Staff recommends that the City Council direct staff to return in the fall of 2021 with parameters, proposals, and strategies prior to engaging in negotiations.

10. Rewarding desired culture in the police department and surveys and workforce demographic information

The City Council and ad hoc committees have emphasized that it is important to honor the very important work done by the police department and to find ways to amplify the positive behavior and culture within the department. The ad hocs have also pointed out an interest in assessing staff and understanding baseline demographic information for the City organization (including the Police Department). Based on this feedback and the draft workplan for the Citywide Diversity and Inclusion ad hoc, staff recommends that the City Council direct staff, in coordination with the City's overall diversity and inclusion efforts, to conduct a workforce demographic assessment as baseline information and to pursue an employee assessment to measure City workforce culture.

Other research requested by the City Council at the October 26 meeting:

1. Information on the annual police officer performance evaluations

At the October 26 City Council study session, the City Council asked for information on annual police officer performance evaluations. The Police Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement. Evaluation reports cover a specific period and are based on the documented employee performance during that time period. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee and gives supervisors a way to create an objective history of work performance based on job standards. The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position and uses several categories to accomplish this. Such categories include,

performance of duties, problem solving, community interaction, communication skills, teamwork, and commitment to organizational mission and goals.

Additional Race & Equity Work

In addition to the ongoing work related to the recommendations from the ad hoc committees, there continues to be progress on other City Council race and equity priorities, including:

1. The City and SRTS Partnership recognize that supporting healthier school commutes can mitigate challenges by enabling all students access to the healthy and active school commutes. To meet the goals of their 5 Year Work Plan, SRTS Staff are developing an Equity Action Plan. In undertaking this process, they are building out essential community partnerships by advancing the many engagement activities. A few are:
 - Staff conducted 3 meetings with a PAUSD School and Family Engagement Specialist and the Municipal Operations and Transportation Coordinator to identify physical distancing related concerns on school buses. City staff proposed creating a “Bike Train Pilot” to mitigate these concerns by creating an inclusive volunteer-supported program to encourage older elementary and secondary students to actively commute via the Bike and Pedestrian Overcrossing.
 - On November 19, staff will host a PAUSD all-Spanish language Safe Routes to School Workshop to build community support among PAUSDs English Language Learner Community, to engage more diverse parent leadership in their monthly City School Transportation Safety Committee meetings, and to share educational information about the health benefits of physically distanced walking and bicycling.
 - Staff held two equity focused CSTSC discussions to assess PTA support and considerations around hosting diversity trainings within their Transportation leadership group to generate awareness of local and regional transportation equity and justice questions and concerns.
2. Planning for a Library chat with local Stanford Faculty and resident Dr. Jennifer Eberhardt on her book “Biased.” This is forthcoming in December.

Stakeholder Engagement

Engaging the community at large to provide feedback for the City’s Race and Equity strategy has been a priority throughout this process as shown in the Framework. The City continues to engage the community through a series of Race and Equity conversations. Updates on the City’s efforts can be found on the Race and Equity webpage on the City website (www.cityofpaloalto.org/raceandequity).

Resource Impact

Fiscal impact is currently unknown at this time. At least three of the above recommendations would require new resources and others could entail a realignment of existing resources to prioritize this work. Significant staffing resources have been dedicated to this work and future resource impacts are dependent on the actions and direction approved by the City Council. The goal is to incorporate the equity work into the City’s regular operations to reflect the City Council’s commitment to the values of diversity and inclusion.

Environmental Impact

This is not a project under Section 21065 for purposes of the California Environmental Quality Act (CEQA).

Attachments:

- Attachment A: SCC MCRT Flyer

Behavioral Health Services Department Mobile Crisis Response Teams

Santa Clara County residents can call **1-800-704-0900 Monday-Friday 8am to 8pm**, selecting option #2 to request a Mobile Crisis Response Team.

Mobile Crisis Response Teams screen and assess crisis situations over the phone and intervene wherever the crisis is occurring. They provide an immediate response and deliver crisis intervention services at locations throughout the county.

These teams respond to individuals in crisis that exhibit mental health symptoms, may be suicidal or at-risk and need an evaluation for psychiatric hospitalization. Teams are made up of licensed clinicians and therapists with training and expertise in crisis response.

Mobile Crisis Response Teams work closely with law enforcement, crisis hotlines, the community and family members. The services they provide include crisis screening, intervention, de-escalation services, and connect or refer people to community resources.

The Mobile Crisis Response Teams are available Monday-Friday from 8 am to 8 pm. If a person is experiencing a mental health crisis outside those hours, call the same number — **1-800-704-0900**. A clinician is **available 24/7** to assess the situation and connect the caller to appropriate services.

Over 200 languages are available through a language service line.

Mobile Crisis Response Teams increase the response by the County of Santa Clara Behavioral Health Services Department to mental health emergencies.

Mobile Crisis Response Team

Call 1-800-704-0900

**Monday-Friday, 8am to 8pm
Select option #2**

Suicide & Crisis Hotline

1-855-278-4204

Or text RENEW to 741741

Available 24/7, free & confidential

