



City of Palo Alto

City Council Staff Report

(ID # 11441)

Report Type: Action Items

Meeting Date: 6/15/2020

Summary Title: Review initial options for a framework to address systemic racism

Title: Review and Provide Input on Options for an Initial Framework and Workplan to Address Systemic Racism

From: City Manager

Lead Department: City Manager

RECOMMENDATION

The City Manager recommends that the City Council discuss and provide direction to staff on a proposed initial framework and workplan to address police use of force and citywide issues related to race and equity.

EXECUTIVE SUMMARY

Our society is presently in a nationwide awakening to the tragic impacts of systemic racism. In response Palo Alto, like communities across the country, is reviewing policing practices and making changes to use of force policies to reduce the potential for violence. At the same time, we recognize that tackling institutional racism to achieve racial equity requires much more, including engaging the community in ongoing, thoughtful dialogue and leadership. Recognizing that Black lives matter provides a foundation for acting on our individual and collective responsibilities for human rights.

Effectively tackling these difficult issues requires immediate action on policing practices, as well as establishing a framework through which deeper and citywide issues of systemic racism can be surfaced and addressed. The initial framework and options presented in this report are intended to enable urgent action while valuing diverse voices in the decision-making process now and into the future recognizing that we cannot solve this alone.

BACKGROUND

Through the City Council's adoption of its Resolution on June 8, 2020, the City of Palo Alto affirms that Black lives matter and is committed to addressing systemic racism and bias, and honoring the lives of George Floyd, Breonna Taylor, Ahmaud Arbery, and many others. These events served as catalysts for leaders at every level of government to see the need for action to confront systemic racism and bias.

The City Council unanimously adopted June 8 resolution expresses “its support and proclamation that Black lives matter and commits our local government to do everything within our powers to review our police and public safety practices with the community and then implement measures that reflect no tolerance for police violence, prejudice, discrimination, and harm.” The full resolution can be found online here:

<https://www.cityofpaloalto.org/civicax/filebank/documents/77100>.

After passing the resolution, the City Council also unanimously voted to direct staff to:

- a. Return with a framework to review, report on, and improve our police policies and practices focused on accountability and eliminating any potential incidents of racism or discrimination;
- b. Report on possible improvements to police hiring practices; and
- c. Begin a diversity and inclusion initiative throughout the City

In addition, on Monday, June 1, a call for inclusion and a message of hope was issued by City Manager Ed Shikada, Chief of Police Robert Jonsen, Reverend Kaloma Smith (City of Palo Alto Human Relations Commission Chair and Pastor of the University AME Zion Church of Palo Alto), and Pastor Paul Bains (Palo Alto Police Chaplin and Senior Pastor of Saint Samuel Church in East Palo Alto) and presented at the City Council meeting. This message condemned the actions of the police involved in George Floyd’s murder and recognized that we have a significant opportunity to affect real and lasting change through discourse as a community. The full message can be found here: <http://cityofpaloalto.org/news/displaynews.asp?NewsID=4909>.

These steps provide evidence of the City of Palo Alto’s commitment to using this tragic moment in history as a call to action: to review existing practices, policies, and procedures, to engage stakeholders in important conversations, to report the outcomes of this engagement, and to reform where needed by implementing changes to address racial inequity.

DISCUSSION

The City Council’s direction highlights the need to act quickly on the important and urgent issues identified regarding policing policies and practices, while simultaneously taking the time and effort to look more broadly and deeply at the City as both an organization and a regional presence with communitywide impact, to address systemic inequity beyond policing. This requires setting forth an approach to this work that recognizes this as not a singular one-off effort, but rather a series of immediate actions combined with incremental steps forward on an intentional while reflective journey. This work will need to involve organizational partners representing a wide range of constituencies, as well as individual voices that are not a part of established channels of communication.

The City Council has communicated its commitment to this as a key priority. Recognizing the magnitude and complexity of work required, a key decision point for the City Council at this point is how best to ensure this work proceeds with urgency yet thoughtful evaluation and engagement with stakeholders while ensuring transparency and accountability.

Transparency and Accountability in the Work Ahead

To accomplish the work required while including thoughtful consideration and broad community participation, staff recommends the City Council retain the primary and ongoing responsibility to lead the conversation on race and equity. In so doing, the City Council would commit to regular, publicly noticed reviews of progress in each of the following areas:

- Police use of force
- Community engagement and understanding
- City organizational policies and decision-making
- Community services and programs

Recognizing that in some areas the City of Palo Alto has already invested years of effort and is a recognized leader among agencies, the City Council's ongoing commitment will ensure that the issues can be acted upon quickly where needed and ensure the public can easily track progress. Initially, staff envisions providing an update for City Council discussion every 60 days for much of the upcoming year. Regular reporting would reinforce the City Council's ongoing engagement and attention to the issues involved, which can ensure public awareness of follow-up actions including those that do not require City Council action. As some actions may fall within the City Manager's purview to implement changes, reporting progress to the City Council ensures transparency and clarity in communication.

In addition to regular progress reviews by the full City Council, the work required would be facilitated by City Council engagement with a variety of stakeholders including existing commissions as well as potentially formalizing liaisons between the City Council and interests such as the faith-based community and others specific to the issues of race and equity. A City Council ad hoc committee could be considered for this role.

Alternatively, the City Council could refer each of these issues to an appropriate committee, board, or commission. The commission would then evaluate and develop recommendations on the issue(s) for a report back to the City Council. In the case of police use of force, the existing commission most closely aligned to this topic is the Human Relations Commission. To support such a referral, staff would propose a workplan that includes orienting the commission to current police practices and that the City Council provide clear direction to the commission on the scope and timeframe for its work. If commission referrals are of Council interest, the commissions leading work in different areas, could provide regular updates to the City Council to ensure the community more broadly can remain aware of progress.

Initial Proposed Framework

Staff assembled an initial framework with suggested elements and dimensions to guide next steps. Some of this work, such as responding to each of the "8 Can't Wait"¹ campaign or Police

¹ <https://8cantwait.org/>

Use of Force Project² points, have already been addressed or can be addressed immediately with relatively discrete follow-up actions. Other work, such as identifying and reducing bias in hiring throughout the City, must be addressed through analysis of work already done, goal setting, and monitoring progress into the future. Finally, elements such as applying a racial equity lens to policy decisions, will require foundational discussion, awareness training, and organizational development for staff, the City Council, and community stakeholders.

A proposed initial framework is provided in Attachment A. This initial framework is meant to be a starting point for City Council discussions with the broader community. It should be considered a living document, recognizing that each next step in this work will inform and affect the steps that follow. The work involved is certain to raise sensitivities by challenging long-held practices and principles, such that the pace and sequence of the work ahead must be flexible while persistent in the City's resolve to address urgent issues while ensuring progress toward addressing systemic racism wherever identified.

The proposed framework has been informed by, and reflects, the principles articulated by the local and regional Government Alliance on Race And Equity (GARE). GARE is a strategic affiliate of the International City/County Management Association (ICMA) that specifically focuses on advancing equity and inclusion in local government as well as helping local governments develop and implement equity and inclusion strategies. GARE's Resource Guide for Advancing Racial Equity and Transforming Government³ as well as the Racial Equity Toolkit⁴ were each especially instructive in the development of this initial framework. As part of the work ahead, the City will evaluate and explore other leading national and state organizations focused on racial equity and capture other resources that might help inform the City's framework. As an initial guide, a list of helpful online resources can be found in Attachment B.

This is accomplished through four stages across a variety of elements. The four stages are 1) review, 2) engage, 3) report, and 4) take immediate or near-term action, which may take the form of framing recommendations for future improvements. While there is an undeniable urgency to confronting systemic and institutional racism, it will require a sustained effort to affect lasting change:

Review: Existing policies, procedures, documentation, and practices in the organization, as well as emerging best practices from other jurisdictions and advisory groups, will be examined to identify areas of improvement and focus in the review stage.

Engage: In the engage stage, various stakeholders will be convened to discuss those potential improvements and to offer additional feedback and options.

Report: The report stage will synthesize the earlier two stages and include recommendations for immediate and near-term actions to a Council *Ad Hoc* Committee or City Council.

² <http://useofforceproject.org/#project>

³ <https://www.racialequityalliance.org/resources/advancing-racial-equity-and-transforming-government-a-resource-guide-to-put-ideas-into-action/>

⁴ <https://www.racialequityalliance.org/resources/racial-equity-toolkit-opportunity-operationalize-equity/>

Take Action: The fourth stage will be the implementation and ongoing evaluation of those improvements. The work of progressing towards a more equitable community will not be achieved when the framework is complete. The City must continue to diligently evaluate whether it is reaching the outcomes it hoped to achieve and evolve its framework accordingly. This last stage acknowledges that the *outcomes* of the work should be the focus, not just the efforts put in.

Potential Convening of an 8 Can't Wait Citizens' Advisory Group (8CAG) and Immediate Recommended Review

The direction from the City Council on June 8 to look at the Police Department's policies and practices represents a necessary element of addressing inequities in Palo Alto. The initial framework draft provides some thought on expanding concepts that could have urgent and lasting change within the community and is meant to provide something for the City Council to consider as a springboard for the work ahead.

As indicated in the initial framework, staff recommends convening an "8 Can't Wait Citizens' Advisory Group" ("8CAG") to quickly review, solicit community input, and develop recommendations to address the eight specific police use of force issues identified in the Obama Foundation Mayor's Pledge and 8 Can't Wait campaigns. While Police Department staff has completed an initial comparison as seen in Attachment C and follow up actions that address all eight issues, an independent review including public input will help ensure the City addresses these issues comprehensively with the level of clarity consistent with Palo Alto community expectations. As envisioned, the 8CAG would be made up of members of the Police Chief's Community Advisory Group (CAG), supplemented by liaisons from the Human Relations Commission (HRC), members of a City Council *Ad Hoc* committee, and other stakeholders directed by the City Council. The current members of the Police Chief's Community Advisory Group are identified in Attachment D. The 8CAG would convene meetings in public according to Brown Act rules, on a regular schedule over the next 60 days and return to the City Council in August with their findings and recommendations.

Finally, City staff and City Council do not have all the answers needed to address this critically important adaptive challenge. The City, as both an institution and a community, will need to engage, communicate, and collaborate in order to recognize longstanding inequities and make progress against systemic racism so that future generations need not experience the pain and anguish that persists today.

ATTACHMENTS:

- **ATTACHMENT A:** Initial Racial Equity Framework and Action Plan
- **ATTACHMENT B:** Initial Racial Equity Online Resources
- **ATTACHMENT C:** Preliminary Comparison of Palo Alto Police Department Policies with the Obama Foundation Mayor's Pledge and #8CantWait Campaigns

- **ATTACHMENT D:** Existing Police Chief's Community Advisory Group Composition

Attachments:

- ATTACHMENT A-INITIAL RACIAL EQUITY FRAMEWORK
- ATTACHMENT B-RACIAL EQUITY ONLINE RESOURCES
- ATTACHMENT D-EXISTING CHIEF ADVISORY GROUP MEMBERS
- ATTACHMENT C-USE OF FORCE POLICIES PRELIMINARY COMPARISON

ATTACHMENT A



CITY OF
**PALO
ALTO**

INITIAL RACIAL EQUITY FRAMEWORK

INTRODUCTION

Taking on institutional racism to achieve racial equity requires ongoing, thoughtful dialogue and leadership. Recognizing that black lives matter provides a foundation for acting on our individual and collective responsibilities for human rights. Effectively tackling these difficult issues requires both immediate action while valuing diverse voices in the decision-making process now and into the future recognizing that we cannot solve this alone. Several elements were identified to urgently review and engage on including taking immediate steps to review police and public safety standards including police use of force issues. Only by coming together can we create change and address existing barriers. This framework is a starting point for further discussion in addressing racial equity within our community.

PURPOSE STATEMENT

Commit to achieving racial equity in all aspects of our work to address institutional racism and implicit bias, through:

- Acting with urgency through thoughtful dialogue and action
- Working in unity with community partners and the broader community
- Acknowledging that this work is more about our community together than it is about each of us as individuals
- Developing an action plan through data, results, and outcomes

FRAMEWORK OVERVIEW

The proposed framework is a foundation for next steps in achieving racial equity throughout the City. Overall, our recommended elements could come back to Council at different times so that work could continue to evolve without waiting for all items to come together in one report. The framework would follow the general steps of review, engage, report, and take immediate or near-term action.

FRAMEWORK KEY ELEMENTS AND ACTION PLAN

The following framework and action plan provide clear steps forward as we progress towards racial equity. The elements are focused on general topics areas and are intended to guide work underway, while exploring other steps and approaches. Examples listed are for City Council consideration and further refinement and input. The items listed are intended to provide some focus on immediate actions the City could take, while evaluating and reviewing other areas for further consideration. The first two elements are central approaches overall and are connected through each of the issue-specific elements.

ELEMENTS

1. **Police Accountability and Use of Force:** Conduct an immediate review, through independent community discussion and recommendations for change in response to the “8 Can’t Wait” campaign. Report these recommendations to the City Council for consideration within the context of existing accountability systems such as the City’s Independent Police Auditor reviews.
2. **Community Engagement and Communications:** Support thoughtful dialogue by facilitating a series of community conversations throughout this process. Communicate throughout the framework implementation phases of review, engage, report, and action.
3. **City Organizational Policies and Decision-Making:** Focus on racial equity through thoughtful review of City practices and procedures such as budget and finance, employee conduct, ethics, hiring and promotion practices, training, and other policies and standards.
4. **Community Services and Programs:** There are several services offered by the City of Palo Alto and policies and practices that both directly and indirectly impact the community. Thoughtfully reviewing these services and polices through a lens of racial equity will help make progress towards addressing the racial inequities that may be inadvertently perpetuated by them in their current form. Examples are:
 - **Human Services:** Further work focused on the vulnerable community members including the unhoused and individuals in crisis, as well as other important family support services.

- **Community Services:** Review resident and non-resident fees and programs as well as access to City facilities, spaces, and resources.
- **Housing/Community Environment:** Continue to advance the City Council's priority on housing with a lens towards achieving racial equity by focusing on affordable housing and multifamily housing development.

ACTION PLAN

Police Accountability and Use of Force

Review police and public safety police practices, including police use of force policies through an 8 Can't Wait Community Advisory Group (8CAG); it is proposed that the 8CAG be comprised of members of the Chief's Advisory Group (CAG) plus liaisons from the Human Relations Commission (HRC), members of a City Council Ad Hoc committee, and other stakeholders directed by the City Council.

Options for Consideration

- Review police use of force practices and systems and raise the bar where needed.
- Provide a comparison of the national initiatives like 8 Can't Wait, Police Use of Force Project, and other benchmarks focused on review of police use of force policies.
- Respond to the City Council with a report and recommendations by August 2020.

In addition to an immediate and time-limited review by the 8CAG, a parallel review with reporting to the City Council would address the following issues:

- Review other policing data, procedures and accountability practices, including police hiring practices with a specific focus on best practices to be implemented in Palo Alto.
- Review training standards with a focus on implicit bias, crisis intervention, and cultural diversity training.

Community Engagement and Communications

Engage the community and inform about all elements of the initial framework and action plan.

Options for Consideration

- Facilitated/guided conversations addressing bias and racism
- Listening to City employees, commissions, and the community at large, building on the "Being Different Together" work previously done by the HRC.
- Engage strategic partners, thought leaders and community connectors from Stanford University, Palo Alto Unified School District, Human Relations Commission, Chief's Community Advisory Group Chairperson, religious leadership, and East Palo Alto on different elements of this work, as needed.

- Explore developing a series of listening sessions and other engagement opportunities such as virtual conversations through the implementation of the initial framework elements and leverage other existing networks to listen and engage.

Other Community Facing Services and Policies

Options for Consideration

- *Human Services:* Review human services programs to help de-escalate incidents involving vulnerable members of our community including the City's unhoused community members and those in crisis. These items could be discussed with the Human Relations Commission and other committees, as appropriate.
- *Community Services:* Explore changes to the City's community services fees and City practices governing access to facilities, spaces, and resources that could improve racial equity. This includes options like piloting a Foothills Park policy that would allow some access to the park by nonresidents, currently scheduled for discussion with the City Council on June 23, 2020. The referral coming forward for Council consideration on June 23 represents work completed by the Parks and Recreation Commission over several months that was delayed due to the public health emergency.
- *Housing/Community Environment:* Review housing policies and priorities with a focus on racial equity. Options for consideration could include Council feedback on ways to further expedite and streamline the Accessory Dwelling Unit approval process and other elements of the housing work plan priorities. It could also include monitoring and tracking several proposed bills at a state level that seek to address housing and racial equity and engaging the City Council to inform opportunities to advocate for those bills.

City Organizational Policies and Decision-Making

Review and implement action plan findings through citywide focus on employee conduct, ethics hiring practices, training, and other policies and standards.

Options for Consideration

- Review and reset standards of conduct and accountability citywide, including but not limited to the Police Department. Specific areas to consider include conducting Citywide implicit bias training and updating the City's Ethics Policy.
- Review the City's budget and finance practices with a focus on racial equity. This would include exploring additional support for community services and human services programs, including emphasis on supporting vulnerable community members.
- Review and reset hiring and promotional practices and further explore concepts such as creating a "blind" job application review that blocks sources of bias, including name,

address, college and establishing a certification program for hiring managers within departments.

- Review other City policies through a racial equity lens and amend where needed.
- Based on findings from the action plan, adjust resources to align with what is needed and explore other opportunities such as a half-time position in Human Resources to serve as “Inclusion Officer” to address equal access to jobs and potentially partnering with other agencies and groups on a non-police response resource to act as a coordinator on social services issues (longer-term).
- Further the efforts of the framework and implement change through the unified commitment of the City’s Executive Leadership Team.
- Existing Committees could explore opportunities focused on racial equity as a way to begin thoughtful dialogue and share stories and experience with for change and change-making.

Addressing each of the issue areas described above will require engagement with a variety of stakeholders. Staff anticipates refining this framework, identifying issues to be addressed with specific descriptions and venues for review and policy actions.

ATTACHMENT B

RACIAL EQUITY ONLINE RESOURCES

This list represents initial efforts to compile resources, publications, and emerging thoughts about potential options to promote racial equity in local government. Additional resources will continue to be explored and added on an ongoing basis as this important work continues.

Government Alliance on Race And Equity (GARE)

- GARE's Resource Guide for Advancing Racial Equity and Transforming Government <https://www.racialequityalliance.org/resources/advancing-racial-equity-and-transforming-government-a-resource-guide-to-put-ideas-into-action/>
- Racial Equity Toolkit <https://www.racialequityalliance.org/resources/racial-equity-toolkit-opportunity-operationalize-equity/>
- Other Tools and Resources <https://www.racialequityalliance.org/tools-resources/>

Race Forward

- Publications: <https://www.raceforward.org/research>

The Othering and Belonging Institute

- Publications https://belonging.berkeley.edu/news-and-resources?news_resource_category=11

Center for Social Inclusion

- Publications: <https://www.centerforsocialinclusion.org/tools-resources/>

ATTACHMENT D

Chief's Advisory Group Members and Neighborhoods		
Name	Area	Neighborhood
Cathie Foster	1	Community Center
Evan Reade	1	Crescent Park
John Guislin	1	Crescent Park
Hamilton Hitchings	1	Duveneck/St. Francis
Vycelka Gatto	1	Duveneck/St. Francis
Andrew Mackenzie	1	Duveneck/St. Francis
Dana Wong	1	Triple El
Jake Olsen	2	Midtown 1
David Gobuty	2	Midtown 3
Eric Newman	2	Midtown 3
Carl Darling	2	Midtown 5
Jonathan Keeling	3	Cubberley
Albert Dorsky	3	Adobe Meadow
Paul Koo	3	Adobe Meadow
Carol Turner	3	Greenmeadow
Yvonne Boxerman	4	Barron Park 1
Joe Landers	4	Barron Park 1
Laura Porter	4	Barron Park 2
Ann Pianetta	4	Barron Park 3
Jennifer Zimmerman	4	Charleston Meadows
Susannah Hursh	5	College Terrace
Peter Shambora	5	Southgate
Sophie Tsang	5	Southgate
Pat Markevitch	6	Downtown North
Alan Bennett	6	Old Palo Alto
Jay Boyarsky	6	Old Palo Alto
Kathleen Jason-Moreau	6	Old Palo Alto
George Richard	6	Sand Hill Corridor
Michelle Robell	6	University South
Michael Blum	6	University South

ATTACHMENT C



Use of Force Policies Preliminary Comparison With The Obama Foundation's Mayor's Pledge / #8CantWait Initiative

The [Obama Foundation Mayor's Pledge](#) campaign has called attention to the [Police Use of Force Project](#) list of 8 concerning law enforcement use of force policies. These same policies are also the subject of the [8 Can't Wait](#) campaign.

INTRODUCTION

Palo Alto Police Department (PAPD) has conducted a preliminary comparison of existing policies and training to the eight principles. Below is a summary of Palo Alto's current status. The Department looks forward to reviewing these policies in detail with the community and ensuring that the Department continues to maintain a leadership position among law enforcement agencies across our nation.

PRELIMINARY COMPARSION

Police Use of Force Project Policy Concern #1: Failing to require officers to de-escalate situations, where possible, through communication, maintaining distance, slowing things down, and otherwise eliminating the need to use force.

Palo Alto Police Initial Review: PAPD incorporates these concepts and other de-escalation techniques into its use of force policy and requires that, prior to using force, officers consider other reasonable and feasible options and their possible effectiveness ([PAPD Policy Manual §300, et seq.](#)).

Police Use of Force Project Policy Concern #2: Prohibiting officers from using maneuvers that cut off oxygen or blood flow, including chokeholds or carotid restraints, which often result in unnecessary death or serious injury.

Palo Alto Police Initial Review: PAPD specifically trains its officers not to use "chokeholds." On June 9, 2020, the Department changed its policy to prohibit the use of the carotid control hold as well ([PAPD Policy Manual §300.3.4](#)).



Use of Force Policies Preliminary Comparison With The Obama Foundation's Mayor's Pledge / #8CantWait Initiative

Police Use of Force Project Policy Concern #3: Failing to require officers to intervene and stop excessive or unnecessary force used by other officers and report these incidents immediately to a supervisor.

Palo Alto Police Initial Review: PAPD policy requires that officers intercede to prevent the use of unreasonable force by another officer. An officer who observes another employee use force that clearly exceeds the degree of force permitted by law is also required to promptly report those observations to a supervisor ([PAPD Policy Manual §300.2.1](#)).

Police Use of Force Project Policy Concern #4: Failing to restrict officers from shooting at moving vehicles, which is regarded as a particularly dangerous and ineffective tactic.

Palo Alto Police Initial Review: PAPD policy restricts officers from shooting at a moving vehicle except as a last resort to protect human life ([PAPD Policy Manual §300.4.1](#)).

Police Use of Force Project Policy Concern #5: Failing to limit the types of force and/or weapons that can be used to respond to specific types of resistance and specific characteristics such as age, size, or disability.

Palo Alto Police Initial Review: PAPD policy restricts the application of all types of force to specific types of resistance ([PAPD Policy Manual §300, et seq.](#)). For certain types of weapons (e.g., TASER), policy includes special considerations for characteristics such as age, size, or disability ([PAPD Policy Manual §309.5.2](#)).

Police Use of Force Project Policy Concern #6: Failing to require officers to exhaust all other reasonable means before resorting to deadly force.

Palo Alto Police Initial Review: PAPD policy incorporates California State law that restricts all officers from using deadly force except when necessary in defense of human life. All officers are required to use all available resources and techniques other than deadly force, if reasonably safe and feasible. ([PAPD Policy Manual §300.4](#) and [California Penal Code §835a](#)).



Use of Force Policies Preliminary Comparison With The Obama Foundation's Mayor's Pledge / #8CantWait Initiative

Police Use of Force Project Policy Concern #7: Failing to require officers to give a verbal warning, when possible, before using serious force such as shooting, tasing, or pepper spraying someone.

Palo Alto Police Initial Review: PAPD policy requires officers to provide a verbal warning, when possible, prior to the use of deadly force, a TASER, or tear gas ([PAPD Policy Manual §300.4](#), [§308.9.2](#), and [§309.4](#)).

Police Use of Force Project Policy Concern #8: Failing to require officers to report each time they use force or threaten to use force (e.g., pointing a gun at a person).

Palo Alto Police Initial Review: PAPD policy requires officers to promptly, completely and accurately document any use of force ([PAPD Policy Manual §300.5](#)). Policy also requires officers to document any time they point a TASER or firearm at a person ([PAPD Policy Manual §309.6](#) and [§344.2.2](#)).