TO:       HONORABLE CITY COUNCIL

FROM:     CITY MANAGER                        DEPARTMENT:  POLICE

DATE:      MARCH 7, 2005                      CMR:173:05

SUBJECT:   UPDATE ON POLICE DEPARTMENT ACTIVITIES TO IMPROVE COMMUNITY RELATIONS AND ANALYSIS OF DEMOGRAPHIC DATA FROM THE SECOND QUARTER OF FISCAL YEAR 2004-2005

This is an informational report. No Council action is required.

BACKGROUND

Since July 1, 2000, the Police Department has been voluntarily collecting demographic data on all enforcement contacts. On September 10, 2001, the Police Department submitted its first quarterly report on this data to Council. Since then eight reports have been submitted (CMR:350:01, CMR:223:02, CMR:186:03, CMR:391:03, CMR:491:03, CMR:231:04, CMR:387:04 and CMR:484:04).

Staff has continued to conduct a detailed review of not only the demographic data (with a focus on the number and reason for searches associated with arrests), but also on the collection process. Staff has also continued efforts to improve relations with members of the minority community.

DISCUSSION

Update on Department’s Activities Improving Community Relations

Training - During this quarter, a revision of the Department’s policy manual was completed. This is the first time a complete revision of the entire manual has been conducted at one time. All Department policies are now consistent with best police practices, case law and legislation; and are very similar in content to over 250 law enforcement agencies throughout the State. The Internal Affairs/Citizen Complaint policy has been updated and now includes the formation of a special Internal Affairs team that will be responsible for investigations of complicated administrative cases. A Racial Profiling Policy has been developed which includes input from the HRC. This policy clearly prohibits racial profiling and provides an explanation of the new demographic data collection process. Training on the new policies will take place over the next several months. The new policies will become effective in May 2005. The policy manual is a living document and will be updated annually as case law, best practices and legislation changes.
The Field Training Officer (FTO) program audit was completed this quarter. Recommendations for changes to the program have been reviewed. A special FTO Audit Committee comprised of key personnel in the Field Services Division and management has been developed to complete an action plan that will result in significant modifications to the program, especially in areas of basic police training and community relations. Strong emphasis will be placed on improving social interaction and problem solving skills of the trainees.

Staff has started the planning process that will result in a visit by all police employees to the Simon Wiesenthal Museum of Tolerance for Law Enforcement Program in Los Angeles this summer. The Museum of Tolerance is a high-tech, hands-on interactive museum that focuses on the dynamics of racism and prejudice in America and the history of the Holocaust. Museum personnel have developed a law enforcement-specific program. The Museum, the educational arm of the Simon Wiesenthal Center, was founded to challenge visitors to confront bigotry and racism and to understand the Holocaust in both historic and contemporary contexts. The State Commission on Peace Officer Standards and Training (POST) will fund most of the costs of this program. In addition to participating in the program at the Museum, staff is exploring the possibility of using an interactive video training program offered by the Center that focuses on personal interactions between officers and the public, highlighting a number of issues such as race relations, ethics and communication skills.

The Continued Professional Training (CPT) training sessions that all sworn personnel are required to attend have been revised to address communication skills and decision-making. CPT sessions conducted in January and scheduled for March and May 2005 will all deal with scenario-based, hands-on training addressing verbalization, de-escalation skills, and use of force options. A newly developed course in tactical communication deals specifically with learning how to best communicate in stressful and non-stress situations is included in the training plan. This course also addresses de-escalation and escalation techniques, as well as listening and interpersonal skills that incorporate dealing with personal emotions during interactions.

The Department continues its partnership with the Multi-Jurisdiction/Research Group developed from the Policing Racial Bias conference held at Stanford University last summer. Police command staff participated in a pilot project on February 18 that uses different exercises to break down barriers between groups. As a result of the pilot project, Police and Stanford staff are working on plans to use this model with line-level police staff and members of the community.

The Police Department is continuing with the plan to purchase video cameras and install them in every patrol vehicle. As reported in last quarter’s report, Council approved the funding for the cameras on November 8, 2004. Staff and members of the Palo Alto Peace Officers’ Association are currently working on the use policy. Staff is using the model policy developed by the International Association of Chiefs of Police and the policies of other agencies as the foundation. Staff will return to the HRC for input in April and to the Council for policy review and contract approval soon thereafter. Staff anticipates having the cameras installed and operational in all patrol vehicles by May or June 2005.

**Community Outreach** - On February 23, the Police Department and Human Relations Commission (HRC)
hosted a community meeting. Approximately 60 people attended, including a number of police officers who came on their own time to hear the community concerns firsthand. HRC member Shauna Wilson ably facilitated the meeting. In addition to the Police Chief, Sergeant Scott Wong and Officer Donna Arndt represented the Department on the panel. HRC members Jeff Blum and Adam Atito also made presentations. One hour of the meeting was devoted to hearing from members of the community. Information gathered from the meeting will be used in discussions with the HRC liaison committee and City staff regarding the proposal for using the HRC as a police review body.

Staff has begun the process of developing the Police Department’s next five-year Strategic Plan. Key staff members have been identified to participate on the Strategic Plan Committee. Input from stakeholder groups in the community, including members of minority groups and the HRC will be solicited in order to develop the direction and goals for the Department for the next five years. Staff is working to have the new Strategic Plan in place by July 1, 2005.

For the past nine years, the Police Department has presented a Citizens Academy for residents of Palo Alto and neighboring communities with ties to Palo Alto. This Citizens Academy gives an overview of the many facets of police work and each of the divisions within the Department. All of the academy instructors are members of the Department who provide instruction in their particular area of expertise. This program has been very successful not only for the members of the community learning about how the Police Department operates, but also for the members of the Department to better understand and interact with the community. As a result of the popularity of the Citizens Academy, staff has expanded the program from its original two sessions per year to three. Staff has also included a block of instruction in race relations and community outreach. Feedback received from Academy alumni includes that they have a better understanding of the job of a police officer in Palo Alto and how the Department operates.

Members of the Department’s Investigative Services Division (ISD) have been invited to address the local chapter of the Anti-Defamation League on March 7, 2005, regarding the investigation of hate crimes. The focus of this discussion will be the proactive nature of the Police Department in response to hate crimes and hate incidents. The Police Department and the Santa Clara County District Attorneys’ Hate Crimes Unit, work together to aggressively investigate and prosecute all hate crimes.

This Spring, the City Auditor will work with the Police Department in conducting a random survey some drivers of vehicles that are stopped to determine how they feel they were treated during the stops.

For the past three quarters, staff has been monitoring the Community Access Line designed to allow members of the public to freely voice their concerns with the Police Department. Staff has received relatively few calls on this Community Access Line. In an attempt to reach out to a broader group of community members, this line has also been translated into Spanish. For this quarter, a total of four calls on the access line were received. Three of the calls were regarding treatment of mountain lions and one caller complained about a parking issue. None of the calls received were in Spanish this quarter and to date no calls have been received that are associated with race relations and/or racial profiling.
Next quarter, the Department’s patrol officers will begin an Adopt-a-Neighborhood program. The intent of the program is for line-level officers to be assigned to each of the City’s neighborhood associations that are willing to participate. These officers will regularly attend the neighborhood associations meetings to gain a better understanding of the specific needs of each neighborhood. In turn, the officers will provide the community members with insight in police operations and work collaboratively to solve problems and build positive relationships.

**Demographic Data**

Demographic data has been collected from all enforcement-related contacts made by police officers. These contacts include officer-initiated activity such as traffic stops, consensual contacts and contacts made by officers who witness criminal activity. Data is also collected from contacts that are a result of the officers responding to calls-for-service from the public such as suspicious persons, disturbances and shoplifters placed under citizen’s arrest. When a crime report, field interview card or citation is generated from the contact, the demographic data is retrieved from these documents. If a document or report is not generated, the officer captures the demographic data on a specially designed Demographic Data Collection Card (DDCC). It is important to note that officers do not ask the people they contact what their race or ethnicity is. Therefore, the numbers associated with each group are based upon officers’ best guess.

**Contacts**

A total of 2,023 contacts were made during the quarter. Attachment A provides the detailed numbers. Attachment B provides comparison information with previous reports. It is important to note that this data includes not only self-initiated contacts, but contacts that result from calls from citizens, store security guards, business owners, etc. In the majority of the incidents officers respond to, their contacts are based upon people already in custody or upon suspect descriptions provided by reporting parties. In other words, the race of people they contact is predetermined by the nature of the call. As an example, if they respond to a call that a reporting party describes the suspect as a white male wearing a red sweatshirt, it would be totally inappropriate for officers to be stopping African-Americans wearing a red sweatshirt. Because these contacts have been included in the data since 2000, staff believes they have skewed the results to indicate that officers are arbitrarily stopping people of color. As a result, on January 1, 2005, officers began collecting data only on drivers of vehicles stopped and on bicycle and pedestrian stops that they are not dispatched to.

**Searches**

There were a total of 412 searches during the quarter. Attachment C provides a breakdown of searches for the quarter. Attachment D provides comparison information with previous reports. The majority of the searches (84.9 percent) were associated with an arrest and were conducted after the arrest was made. A total of nine searches were conducted prior to the arrest. Seven of those searches were a result of the subjects being on probation/parole from previous criminal convictions and two were the result of the subject consenting to the search.
The two consent searches leading to arrests were as follows:

- One African-American was stopped for a broken taillight. The officer knew the subject had a history of drug violations and asked for consent to search for drugs. Drug paraphernalia was found and the subject was arrested.

- One Hispanic was stopped for making an unsafe lane change. During the contact, the officer smelled the strong odor of marijuana. Consent was requested for the officer to search the vehicle for drugs. Marijuana was located and the subject was arrested.

Both of these searches complied with Department policy.

**Searches not incident to arrests**

Fifty-one searches were conducted that did not result in arrests. Sixteen of these searches were the result of Department-required inventories of vehicles being impounded. Most of these impounds were associated with unlicensed drivers. Ten searches were the result of conditions of parole/probation not leading to an arrest. This means that during the contacts, officers learned that the individuals had search clauses included in their terms of probation or parole. Searches of these people were conducted, but no contraband was located.

Thirteen searches not associated with arrests were made as a result of reasonable suspicion developed by officers, officer safety, or plain view of possible contraband. These searches, known as probable cause searches, differ from the consent searches mentioned above because the officers had legal justification to conduct the search even without the consent of the subject.

The thirteen probable cause/officer safety searches are listed below.

- A White was placed on a hold for a 72-hour mental evaluation. This person was searched for weapons prior to transportation to the hospital. No criminal charges involved.

- An Asian was stopped for suspicion of drunk driving and found to have a minor arrest warrant. As the officers conducted the field sobriety tests and processed the paperwork for the warrant, the subject’s behavior became increasingly threatening to the officers. As a result, the officers had probable cause to search the subject for weapons to ensure their personal safety. No weapons were found and the subject was released.

- An Asian was stopped after officers were dispatched to a reported vehicle theft that had just occurred. During the initial stop of the reported stolen vehicle, the driver was searched for weapons. Further investigation determined the vehicle had not been stolen and the subject was released without charges.

- An African-American was stopped after officers saw him attempting to light papers on fire in the
street. The person was detained and an arson investigation was initiated. During this investigative contact, officers were unable to confirm the identity of the subject. The subject stated he had no identification, however, officers could clearly see the subject had a wallet in his pants pocket. The officers searched the wallet for identification and were able to confirm the subject’s identity. No arrest was made.

• An African-American was stopped after Department of Motor Vehicle records showed an outstanding felony warrant for the registered owner of the vehicle he was driving and because he matched the physical description of a crime that had just occurred. The subject was initially detained and searched for weapons for officer safety. The subject was released after the officers determined he was not the subject named in the warrant or the suspect in the crime.

• Three subjects (one African-American, one White and one Other race) were stopped for driving to the left of the centerline of the roadway. As the officer contacted the driver, a gun was observed on the floorboard. All subjects in the vehicle were searched for additional weapons.

• An African-American was stopped because he matched the description of a wanted violent sex offender. The subject was initially searched for weapons for the safety of the officers involved. Further investigation proved the subject was not the wanted person and he was released.

• Two Hispanics were stopped for not wearing seatbelts. During the contact, indications of marijuana were seen in plain view. The vehicle was searched for additional marijuana but nothing was found.

• One Hispanic was contacted after officers were dispatched to the Mitchell Park Library on a suspicious person call. When officers contacted this person, he was acting in a bizarre manner. Officers chose to ask the subject for consent to search for weapons for officer safety reasons. No weapons were found.

The twelve remaining searches were consent searches that did not result in arrests. In all cases the individuals agreed to being searched.

• Three Whites were seen acting suspiciously at 1:30 a.m. in the downtown area adjacent to closed businesses. All three were asked for consent to search for burglary tools or stolen property. Nothing was found.

• One Asian was contacted after officers were dispatched to a shoplifter in custody at the Stanford Shopping Center. This individual was not under arrest, but was associated with the subjects that were in custody. Due to his association with theft suspects, he was asked for consent to search for possible stolen property. None was located and he was released.

• An African-American was stopped after officers observed his vehicle partially hidden in the commercial area of East Bayshore Road where a number of commercial burglaries had recently
been reported. Consent was requested to search for possible burglary tools or stolen property. Nothing was found and he was released.

- An African-American was stopped after officers were dispatched to a call of a possible bicycle theft in progress. Officers asked the individual who matched the description for consent to search for possible burglary tools or stolen property. Nothing was found.

- One Hispanic was stopped for driving a vehicle without a headlight at night. During the stop, the officer detected the odor of marijuana from the vehicle. The officer asked for consent to search this person and his white passenger for marijuana, but found nothing.

- An African-American was contacted after officers were dispatched to a reported forgery investigation. Upon arrival, officers contacted the reported suspect and asked for consent to search for evidence of the forgery. Further investigation revealed that a crime had not been committed and the person was released.

- One White was stopped for driving a vehicle with lighting and registration violations. During the contact, officers learned the subject had a history of drug violations and was asked for consent to search for drugs. Nothing was found.

- An African-American was observed by an officer at University Avenue and Chaucer Street to be in possession of a shopping cart taken from Whole Foods Market. The officer was aware the subject had a criminal history for theft offenses and asked the subject for consent to search for stolen property. Nothing was located.

- One Hispanic was stopped after officers were dispatched to a downtown bar on a report that a subject had stolen a tip jar from the bar. The subject was asked for consent to search for evidence of the crime. Nothing was found.

- One “Other” race was stopped at Forest and Ramona at 12:00 a.m. for attempting to gain entry into several vehicles and acting suspicious. Officers asked for consent to search for burglary tools and stolen property. Nothing was found.

- A White was stopped after officers were dispatched to a subject carrying a lit flare in public. Officers asked for consent to search the subject for weapons to ensure their safety. Nothing was found.

All these searches complied with legal requirements and Department policy.

**RESOURCE IMPACT**

An hourly employee is retained to compile statistics at a cost of $200 per quarter. Additionally, over 80
hours of staff time has been spent on the in-depth analysis of the demographic data, citations and arrest reports.

**ATTACHMENTS**

Attachment A - Second Quarter Statistics 04-05  
Attachment B - Comparison of Second Quarter to previous reports  
Attachment C – Second Quarter Search Summary  
Attachment D - Second Quarter Search comparison to previous reports

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