

Baumb, Nelly

From: Winter Dellenbach <wintergery@earthlink.net>
Sent: Sunday, August 23, 2020 10:00 AM
To: Council, City
Subject: From Winter Dellenbach - 3 Recommendations RE: 8 Can't Wait policies, agenda item #4

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Council Members - Here are three 8 Can't Wait Recommendations for agenda item #4

Thank you for your consideration.

I will have additional recommendations for Agenda Item #5 later today.

Winter Dellenbach

8 Can't Wait and PAPD POLICIES

1. De-escalation Policy

The new PAPD de-escalation policy is inadequate and vague. During the HRC hearings, Commissioners didn't know what de-escalation meant, and Chief Jonsen, while there, didn't enlighten them though it is part of routine officer training. I realized all the more that a clear de-escalation policy is needed. As I recommended at the time, look to San Francisco Police policy (below). But first, here is a description of de-escalation:

De-escalation applies to a broad range of techniques and approaches that are intended to reduce the need for physical force. An officer's recognition of a subject's relevant physical or mental health, officer's physical re-positioning to create time and distance for safer engagement with the subject, attempts to isolate and contain the subject are common de-escalation techniques to avoid an immediate threat that may require the use of force. The goal is to increase both officer and subject's safety. De-escalation is becoming more of the standard by which the need for use of force is judged, which is even more of a reason why PAPD needs a strong clear policy.

Current PAPD policy:

CONFLICT RESOLUTION AND DE-ESCALATION (added 6-17-2020)

Officers should consider, as time and circumstances reasonably permit, conflict resolution and de-escalation techniques, when responding to all types of calls for service and when engaging in self-initiated activity.

San Francisco PD De-Escalation Policy

DE-ESCALATION. When encountering a non-compliant subject, or a subject armed with a weapon other than a firearm, officers shall when feasible, use the following de-escalation tactics in an effort to reduce the need or degree of force:

1. Attempt to isolate and contain the subject;
2. Create time and distance from the subject by establishing a buffer zone (reactionary gap) and utilize cover to avoid creating an immediate threat that may require the use of force;
3. Request additional resources, such as Crisis Intervention Team (CIT) trained officers, Crisis/Hostage Negotiation Team, or Extended Range Impact Weapon;
4. Designate an officer to establish rapport and engage in communication with the subject; DGO 5.01 Rev. 12/21/16 5
5. Tactically re-position as often as necessary to maintain the reactionary gap, protect the public, and preserve officer safety; and
6. Continue de-escalation techniques and take as much time as reasonably necessary to resolve the incident, without having to use force, if feasible. Other options, not listed above, may be available to assist in de-escalating the situation. Supervisors who become aware of a situation where an officer is using de-escalation techniques shall monitor the radio communications and evaluate the need to respond to the scene.

My Recommendation:

Adopt the San Francisco de-escalation policy or combine it with the PAPD's current policy.

2. Reporting the Use of Force - Firearms

The Use of Force Reporting policy doesn't include all firearm incidents though other weaponry is included. (PAPD policies, 300.5, 300.5.1, 3005.2)

Reporting the pointing a firearm at a person, or discharging it is included in the Non-Criminal Activity section of the Policy Manual, 153 pages away from the above Use of Force policies. Reporting on firearms must be added to Use of Force reporting requirements as 8 Can't Wait, as rational Use of Force Reporting requires and as other police departments do.

344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) **Anytime an officer points a firearm at any person**
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)

(c) Any firearm discharge

(d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)

(e) Any found property or found evidence

(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) Suspicious incidents that may place the public or others at risk

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

My Recommendation:

Remove (a) and (c) from 344.2.2 above and include it in a Reporting the Use of Force policy or create a new section in this policy for them.

3. Use of Force Application

This Staff's recommendation is to "revise deadly force application to require officers to evaluate each situation in consideration of the circumstances in each case and to use other available resources and techniques when reasonably safe and feasible to do so, including that an officer must reasonably believe the use of deadly force is necessary to justify its use".

My Recommendation:

This policy change should be adopted to conform with California law, passed in the name of Stephon Clark, a young unarmed black man shot and killed by police in his grandmother's backyard in Sacramento.

Baumb, Nelly

From: Winter Dellenbach <wintergery@earthlink.net>
Sent: Sunday, August 23, 2020 2:02 PM
To: Council, City
Subject: From Winter Dellenbach - 2nd email today - this one - ITEM #5

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

For. August 24, Item #5

RE: About your Ad Hoc Item - additional recommendations other than what I sent you in my 8 page memo

Dear City Council Members,

Thank you for your time.

Winter Dellenbach

1. Convene a community town hall for robust stakeholder engagement.

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

Some of you have been meeting with police, and the Chief and other officers have had a large role at the HRC 8 Can't Wait Hearing, other forums, and the 4 recent city-sponsored police practices tutorials. The public has been saturated with PAPD input. It is time for another stream of information to reach us.

Residents need unbiased information about PAPD policing that our Independent Police Auditor of 14 years can provide. He knows more about how the PAPD actually works than anyone outside the Department, including its policies, personnel, practices, and compared generally to the many other jurisdictions he audits. And we need information from our elected officials – you.

It is time that residents had more than 2 minutes of zoom input to you on policing, as most don't write emails to Council. Our "stakeholder engagement" should not be defined or confined to passively writing, posting, or even relating our personal experiences or creating artwork.

Recommendation:

Convene a community town hall for benefit of the stakeholder public with our Independent Auditor as the lead participant. The goal is to provide information about PAPD with an emphasis on two Ad Hoc council committees:

(Police policy manual, Data, and Hiring, and Accountability and Transparency). But also consult with the IPA for subjects to include and even with some members of the public. Allow ample time for Q&A from public.

2. Lateral Transfers and Hiring practices

An effective way to check the strictness with which lateral applicants' previous conduct history is reviewed would be to have our Independent Police Auditor (IPA) conduct audits to review a sample of background investigative files. An audit of hiring practices should include background investigations. Previous disqualifying conduct should be specifically noted, including hiring police officers with a history of excessive force or misconduct complaints.

Recommendation:

A policy should be required that expressly lists conduct disqualifying a potential applicant as an Officer at any level with the PAPD. It cannot be simply left at the word of this or any Chief of Police, as it is now, that those with misconduct records will not be hired. And this policy needs to be verified with audits as described above.

3. Ensure that collective POBA bargaining contract is confined to issues of pay and working conditions

A police union contract that shields or interferes with discipline or the firing of officers for misconduct, including binding arbitration should be off the table. Pay and working conditions are all that should be on the table.

Also, Council members should then have the City Attorney remove all such policies from the PAPD Policy Manual that reflect the objectionable contract clauses above.

Contract negotiations should be handled by the 2021 City Council, as elections are in November for the majority of Council seats with all the distractions that is going to entail. Negotiations will go far into 2021 with the contract is not up until June 2021. The contract can be continued if for some reason more time is needed which is often done in other cities if not here.

Recommendation:

For continuity and less confusion, and to avoid the distractions of a majority of seats on Council subject to the November election, do not start negotiations of a new collective bargaining agreement this fall. Instead defer to the 2021 Council to handle it, hopefully without clauses that shield or interfere with discipline or the firing of officers for misconduct, including binding arbitration.

Otherwise we undermine our resolve in your Resolution – “to implement measures to tolerate no police violence, prejudice, discrimination or harm.”

Baumb, Nelly

From: herb <herb_borock@hotmail.com>
Sent: Sunday, August 23, 2020 3:32 PM
To: Council, City; Clerk, City
Cc: Human Relations Commission
Subject: August 24, 2020 Council Meeting, Item #4: Direction to City Manager Regarding Revisions to Police Policies

Follow Up Flag: Flag for follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Herb Borock
P. O. Box 632
Pal Alto, CA 94302

August 24, 2020

**AUGUST 24, 2020 CITY COUNCIL MEETING, AGENDA ITEM #4
DIRECTION TO CITY MANAGER REGARDING REVISIONS TO POLICE POLICIES**

Dear City Council:

A direction by the City Council to the City Manager to revise Police Department policies does not interfere with the Police Department's authority to revise policies that are not addressed by the City Council's direction to the City Manager.

Therefore, the prohibition on carotid holds (carotid artery restraints) should be included in the Council's direction to ensure that the prohibition can only be removed from that policy by the City Council.

The Council and the Human Relations Commission (HRC) should consider the definitions for "deadly force", "use of force", and "less lethal force" included in H.R. 7120, the "George Floyd Justice in Policing Act of 2020" approved by the House of Representatives shown below.

The Police Department once had a detailed demographic data collection effort that produced quarterly reports.

I could find only brief summaries of that information on the City's website.

The Council and the HRC should consider the prior detailed quarterly demographic data information reports as a guide to determine how much of that data should be collected now.

H. R. 7120

AN ACT

To hold law enforcement accountable for misconduct in court, improve transparency through data collection, and reform police training and policies.

(a) SHORT TITLE.—This Act may be cited as the “George Floyd Justice in Policing Act of 2020”.

SEC. 2. DEFINITIONS.

In this Act:

(10) DEADLY FORCE.—The term “deadly force” means that force which a reasonable person would consider likely to cause death or serious bodily harm, including—

(A) the discharge of a firearm;

(B) a maneuver that restricts blood or oxygen flow to the brain, including chokeholds, strangleholds, neck restraints, neckholds, and carotid artery restraints; and

(C) multiple discharges of an electronic control weapon.

(11) USE OF FORCE.—The term “use of force” includes—

(A) the use of a firearm, electronic control weapon, explosive device, chemical agent (such as pepper spray), baton, impact projectile, blunt instrument, hand, fist, foot, canine, or vehicle against an individual;

(B) the use of a weapon, including a personal body weapon, chemical agent, impact weapon, extended range impact weapon, sonic weapon, sensory weapon, conducted energy device, or firearm, against an individual; or

(C) any intentional pointing of a firearm at an individual.

(12) LESS LETHAL FORCE.—The term “less lethal force” means any degree of force that is not likely to cause death or serious bodily injury.

Thank you for your consideration of these comments.

Sincerely,

Herb Borock

cc: Human Relations Commission

Baumb, Nelly

From: MIDPEN ACLU <midpen.aclu@gmail.com>
Sent: Sunday, August 23, 2020 3:56 PM
To: Council, City; City Mgr; Human Relations Commission
Subject: MidPen ACLU submission on police reform in Palo Alto
Attachments: PA_MidPen Sub on police reform 08_23_2020.pdf

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Hello City Council, HRC, Mayor Fine, Vice Mayor Dubois, Manager Shikada and Chief Jonsen,

Our first submission on police reform was sent to the city council on June 15th. Our chapter has significantly developed the reforms proposed in that email and thought it wise that those in Palo Alto's government directly working on this national issue receive the same document at the same time.

In light of the somewhat daunting length of our document and the immediacy of the city council's meeting this Monday night, August 24th, we would like to direct your attention to the section that discusses 8CantWait, as this is on the agenda for Monday. It is located in Section 1(b), in the middle of Page 2. It is also fairly easy to scroll the entire document and grasp the range of reforms we discuss.

We want to thank all of you for tackling this issue, for repeatedly involving and listening to the public and being willing to make significant improvements at this critical moment in history.

We look forward to discussing these reforms with you.
Lauren Cory, Chair
Mid-Peninsula ACLU Volunteer Chapter

August 23, 2020

City Council, Mayor Fine, City Manager Shikada, Chief Jonsen, and HRC,

Palo Alto is one of the cities in the Mid-Peninsula ACLU Chapter's region. We want to begin a continuing dialogue about Palo Alto's police practices in light of the national concern about police brutality. We offer suggestions on several topics, not as definitive answers but rather as a basis for discussion. The topics are:

1. Police Department Policy
2. Police Transparency and Accountability
3. Alternative Responses to Mental Health Crises
4. Training: Race Relations
5. Unconscious Bias and Police Practices

1. Police Department Policy

a. Use of Force—Minimum Necessary

Many uses of non-deadly force cause significant injuries, both physical and emotional.

Recommendation: Limit use of force to the minimum necessary to accomplish a legitimate law enforcement purpose; the special circumstances for which deadly force is authorized would still apply.

As written, the Policy Manual covers use of force reasonably well. But it could be improved considerably.

Section 300.3, Use of Force, states "Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose."

At the very least, "perceived" should be "reasonably perceived."

Section 300.3 further states "Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving."

Although this closely matches wording from *Graham v. Connor* (1989), it makes absolutely no sense in circumstances that are *not* tense, uncertain, and rapidly evolving.

Recommendation: Revise the first two paragraphs in § 300.3 to the effect of

Officers shall use the minimum amount of force necessary to accomplish a legitimate law enforcement purpose.

The reasonableness of force used will be judged from the perspective of a reasonable officer on the scene at the time of the incident rather than in hindsight; facts later discovered but unknown to the officer at the time can neither justify nor call into question an officer's decision regarding the use of force. Evaluation of reasonableness will consider the totality of the circumstances and will take into

August 23, 2020

account, when appropriate, the need for officers to make split-second decisions about the amount of force necessary in a particular situation, sometimes with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

This would provide a clear, succinct statement of what is required while ensuring a fair assessment of the reasonableness of a use of force.

More concerning are the third and fourth paragraphs in § 300.3:

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

Notwithstanding any other section of this policy, it is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, techniques or methods provided or taught by the [Department/Office]. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting.

The first paragraph is very similar to language in SB 230, but the second seems to invite doing whatever an officer wants when it is inconvenient to adhere to restrictions in the Policy Manual.

Recommendation: Eliminate the second paragraph above or substantially revise it so that it does not imply exemption from stated use-of-force policy whenever an officer sees fit to do so.

b. Compliance with 8 Can't Wait Recommendations

Several MidPen volunteers have independently examined Palo Alto's current compliance with the 8 Can't Wait recommendations, and we generally agree with the Human Relations Commission's analysis.

Recommendation: Revise the appropriate sections of the Policy Manual to comply with the recommendations of the HRC to the City Council, with the following exceptions:

1. Ban Chokeholds & Strangleholds

Add language to ban chokeholds and strangleholds. Have Council's Policy Manual Ad Hoc Committee work with the PAPD and HRC on language that would prevent incidents like that which killed George Floyd while still allowing police to do their jobs. In doing so, use clear, simple language that avoids needless weasel words.

6. Ban Shooting at Moving Vehicles

Change all instances of "should" to "shall"; *shall* is mandatory, but *should* is merely advisory. Like shooting at moving vehicles, advisory language is seldom effective.

8. Require Comprehensive Reporting

Policy Manual § 344.2.2 appears to require reporting any time a firearm is pointed at a person; move this requirement to § 300.5 so that it is clear that it is considered a use of force. We also think that drawing a firearm when directly confronting a person should be a reportable use of force, and suggest working with the PAPD and HRC on appropriate language to address this.

Recognize that implementation of the 8 Can't Wait recommendations is only a good first step toward meaningful police reform.

c. Stops

People of color who have spoken at recent City Council and Human Relations Committee meetings have said they have felt consistently and unfairly targeted by police for decades.

Policy for detention of suspects on reasonable suspicion of involvement in crime is given in the euphemistically titled Policy 440, Field Interview and Photographing of Field Detainees. In aggregate, this section probably gives sufficient guidance on complying with constitutional safeguards, but while this might work for a court, we don't think it provides sufficient guidance to a typical police officer or sufficient information to the average person.

Recommendations: Revise Policy 440—and especially § 440.3—so that it is clear that a person may not be detained unless there are specific and articulable facts that tie the particular person to a specific crime. Have the policy make clear, as does San Francisco's DGO5.03, that the refusal or failure of a person to identify himself or herself or produce identification upon request of a police officer cannot be the sole cause for arrest or detention, except when the driver of a motor vehicle refuses to produce a driver license upon the request of an officer enforcing the Vehicle Code.

Revise the title of Policy 440 so that it is more obvious that it deals with detentions. The [Racial Identity and Profiling Act of 2015](#) (AB 953) requires that certain stop data be collected, starting in 2022 for smaller police departments. We recommend that Palo Alto begin collecting and compiling the most important data as soon as possible, and make them available on the city's website. Such data can help ensure compliance with policy and ensure that the process works smoothly by the time the data are required to be reported.

d. Policy Manual Redactions

The public version of the Policy Manual dated 2019/10/21 has 19 sections completely redacted, giving vague reference to several sections of the Government Code as justification. But it is not obvious how the cited sections justify most of the redactions. No explanations are given, and the sections of the GC that justify redaction are not specifically cited for each redacted section.

Recommendation: For each redacted section of the Policy Manual, cite the specific section of the GC that allows redaction and provide at least a one-sentence explanation of why this is the case. Reexamine each redaction and consider making only a partial redaction where reasonable.

e. Online Version of Policy Manual

Several sections of the Policy Manual were revised on 2020/06/17, but were posted online separately from the 2019/10/21 full version of the manual, making the revised sections difficult to find.

Recommendation: When any part of the Policy Manual is revised, post the entire updated version so that people can easily find it.

2. Police Transparency and Accountability

a. Independent Oversight

Palo Alto arguably provides better oversight of police actions than many cities its size. A Use of Force Review Board reviews significant uses of force, but all members are from law enforcement. Although such a composition undoubtedly brings considerable expertise, it does not provide the benefit of arms-length analysis.

Complaints from the public and significant uses of force are reviewed by the city's Independent Police Auditor. Although the auditor appears to be well respected, reports have been slow to be released, and seem subject to considerable filtering by city legal staff and police representatives. Perhaps some review is necessary to ensure that the IPA has complied with procedural and confidentiality provisions of state law, but the current process hardly gives the impression of timeliness or transparency. And the IPA has no community involvement; perhaps the Chief's Advisory Council somewhat fills this gap, but it's not an official agency and the meetings are not made public.

Recommendation: At a minimum, involve the Human Resources Commission in drafting of Police Department policy and empower them to review complaints against police officers. Preferably, establish an independent body that would work with, yet not be answerable to, the Police Department on setting policy and reviewing complaints. The body should broadly represent the demographics of the City, including its racial, ethnic, cultural, gender, socio-economic, and geographic diversity.

Such a body might be a Police Commission with 5 or 7 members, with at least the standing as other city commissions; ensuring that a commission is inclusive of all members of the community might argue for the larger size.

An implementation similar to the [San Francisco Police Commission](#) might grant the commission

- Authority to set police policy and issue general orders, and set limits for the Memorandum of Agreement with the Police Officers Association

- Authority to investigate complaints, either first look or on appeal from the Police Department adjudication, with at least a minimal paid staff
- Authority to fire officers, subject to the Public Safety Officers Procedural Bill of Rights and the MOA between the city and the POA

3. Alternative Responses to Mental Health Crises

Mental health crises make up a significant percentage of calls for police service. Police departments carry a heavy burden having to respond to mental health calls and the presence of armed police can unnecessarily escalate a crisis. We need to re-imagine public safety and include alternative responders, such as crisis and mental health workers, in the 911 response continuum. Mental health professionals—not police—should be the primary responder for a majority of people with mental health crises.

The [CAHOOTS program](#)¹ in Eugene, OR is a successful program in which a medic and crisis worker respond to non-violent crises so police don't have to. The program has received [national press coverage](#)² and have been estimated to result in \$15 million cost-savings. Several cities across the US are establishing similar programs including Oakland and West Sacramento. The Oakland City Council approved to divest \$1.35 million away from Oakland's Police budget to fund the [Mobile Assistance Community Responders of Oakland](#)³ (MACRO) pilot. West Sacramento City chose not to hire five vacant police positions and use that money to develop a "[Community Outreach and Support Division](#)"⁴ (mental health and crisis intervention team). We believe Palo Alto should reconsider the budget to create a similar program or division.

Recommendations:

1. Revise 911 system so non-violent, non-criminal mental health calls are directed to crisis intervention specialists or mental health workers rather than law enforcement. This will require establishing an alternative crisis response team.
2. Track calls for service and responses to people in a mental health crisis. Conduct regular assessments to determine the effectiveness of response efforts.
3. Appoint a mental health coordinator to manage this process. Cover it in the current police budget.

¹ <https://whitebirdclinic.org/services/cahoots/>

² <https://www.npr.org/2020/06/10/874339977/cahoots-how-social-workers-and-police-share-responsibilities-in-eugene-oregon>

³ <https://oaklandside.org/2020/06/29/call-911-for-a-counselor-oakland-will-pilot-an-alternative-to-police>

⁴ <https://sacramento.cbslocal.com/2020/07/28/west-sacramento-police-crisis-intervention-team/>

4. Training: Race Relations

a. History of Race Relations

Police training on race relations needs to be much more robust than implicit-bias training. It needs to include not only the historic events but also the devastating emotional impact these events have had on both the recipients and those holding the power.

Young recruits, as well as veteran officers, more often than not lack this historical knowledge. The story of race relations in our country begins with the genocide of Native Americans. With regards to Black Americans, the training would begin with slavery and its relationship to economic expansion, slave patrols, through Reconstruction and Jim Crow, redlining, onto voter suppression in all communities of color, and the current school-to-prison pipeline. The training should also include items like the Mexican–American War, the Chinese Exclusion Act, the imprisonment of Japanese Americans during World War II, and other significant events between non-White communities and the dominant White culture.

This approach to police training is doable and is absolutely essential given the expense of doing nothing or continuing to do the same. This is not to say that some past attempts have not been created with good intentions but instead to say it is time for serious reevaluation and serious change.

Some of what is suggested above is already required by the [Racial Identity and Profiling Act of 2015](#) (AB 953).

b. Examples of Racial Bias Training

Montgomery, Alabama

Police Chief Kevin Murphy, currently their deputy sheriff, created a class for new recruits as well as established officers. It went back to the Dred Scott case and the Emmitt Till case and moved through the Civil Rights movement. In an [interview](#)⁵ on the PBS NewsHour, Chief Murphy said it was added to the police academy's training. Its intention was to educate and also inform young officers of historical issues Black persons might bring to an interaction with a White officer. He also included civilians. The class finished with a “values” segment that demonstrated the benefit of the class by shedding new light on the power of the badge to all officers. Interview approximately 7 minutes long.

⁵ <https://www.tpt.org/pbs-newshour/video/how-one-chief-tried-to-reverse-past-police-injustices-1463098038/>

Stockton, California

Mayor Michael Tubbs and Chief of Police Eric Jones of Stockton, California, have initiated a range of progressive changes for their city. In an [interview](#)⁶ with Michael Krasny on Forum, Mayor Tubbs briefly speaks of these improvements. *The first 8 minutes* of this interview are very helpful and we strongly urge its viewing.

Houston, Texas

Police Chief Art Acevedo briefly mentions teaching empathy and de-escalation in a PBS [segment on policing](#)⁷. It offers a new awareness and relevant perspective. It also includes contributions by Tracey Meares, professor and founder of Justice Collaboratory at Yale, on national standards and cultural changes, and Sam Sinyangue of Campaign Zero on police accountability and police unions.

When we called the Houston Police Department we also found out about their new “Respect for Culture” training to bring awareness to their officers of economic and social issues community members bring to any interaction with police.

Journal of Criminal Justice Education

A 2012 [study](#)⁸ evaluated the positive impact of NYC police officers taking an ethnic studies class.

University of Illinois at Urbana-Champaign

The [University of Illinois Police Training Institute](#) tried a [course](#)⁹ that covered [critical race theory](#).¹⁰

National Museum of African American History and Culture

In 2018, this museum offered a [new training course](#)¹¹ that also stressed [critical race theory](#).¹² The course was designed to teach officers about “African American history and culture in the U.S., and more specifically in Washington.”

c. White Supremacy in Police Departments

We include the articles and links below to call attention to the systemic racism and White supremacy that permeates our culture. Without a clear awareness of this reality it

⁶ <https://www.kqed.org/forum/2010101878047/stockton-mayor-tubbs-on-police-accountability-and-guaranteed-income-during-a-pandemic>

⁷ <https://www.pbs.org/video/policing-in-america-1591218301/>

⁸ https://www.researchgate.net/publication/232830065_Critical_Race_Theory_Meets_the_NYPD_An_Assessment_of_Anti-Racist_Pedagogy_for_Police_in_New_York_City

⁹ <https://www.sascv.org/ijcjs/pdfs/schlosseretalijs2015vol10issue1.pdf>

¹⁰ <https://phys.org/news/2016-08-police-racial-biases.html>

¹¹ <https://www.si.edu/newsdesk/releases/national-museum-african-american-history-and-culture-hosts-metropolitan-police-department-0>

¹² <https://www.washingtonian.com/2018/04/16/dc-police-critical-race-theory-nmaahc-bernie-demczuk-sharita-thompson/>

is easy to think of this as purely fringe and that it's thinking cannot enter our local systems.

A recent [article](#)¹³ in The Daily Beast noted the long-standing influence of White supremacists in American policing:

In 2006, the [Federal Bureau of Investigation](#) knew America's police forces had a [white-supremacist problem](#). But the internal report the agency compiled that year was so heavily redacted that almost no one knows what it contained.

Now, amid [national protests over police brutality](#) against Black Americans and new scrutiny of racist cops, lawmakers are pushing for the report's full release.

[A nearly blank version of the October 2006 report](#), titled "White Supremacist Infiltration of Law Enforcement," has circled the internet for years, after it was released in a Freedom of Information request. The few unredacted lines are worrying: In addition to warning of historic attempts by groups like the Ku Klux Klan to gain employment with police, it refers to white-supremacist leaders' "recent rhetoric" calling on followers to infiltrate police forces.

As the country grapples with racist policing—both overt and in the form of unconscious but often deadly biases—28 members of Congress are calling on the FBI and Justice Department to release the full, unredacted document, which some experts say is more relevant than ever.

Recommendations:

1. Seriously examine the current training, recognize shortcomings in light of current research and commit to creating an innovative training that could actually change officers' beliefs towards communities of color. Acknowledge the pervasive White supremacy that has been systemic.
2. Allocate funds for a pilot curriculum as mentioned above that would cover our country's past-to-present dismal history of race relations. It would be part of the police academy's basic training for all new recruits. Include existing officers the first season. Have refresher courses every year for everyone.
3. Reach out to Montgomery, Stockton, Houston, and other cities to explore new approaches that other police departments are using to re-imagine race and cultural awareness training.

5. Unconscious Bias and Police Practices

[Dr. Jennifer Eberhardt](#),¹⁴ professor of psychology at Stanford, has done extensive research on the relationships between racial imagery and the public at large and then

¹³ <https://www.thedailybeast.com/inside-the-new-push-to-expose-americas-white-supremacist-cops>

¹⁴ <http://web.stanford.edu/~eberhard/>

more specifically with police practices. In her TED talk, “psychologist Jennifer L. Eberhardt explores how our biases unfairly target Black people at all levels of society—from schools and social media to policing and criminal justice—and discusses how creating points of friction can help us actively interrupt and address this troubling problem.”

The Oakland Police Department has been under federal monitoring for more than a decade since the so-called Riders case involving police misconduct. A team of Stanford researchers, led by Dr. Eberhardt, were engaged to assist Oakland in complying with the federal order to collect and analyze stop data by race. Among the findings, Black men were four times more likely to be searched than Whites during a traffic stop. Blacks were also more likely to be handcuffed, even if they ultimately were not arrested.

Dr. Eberhardt’s team produced a report with 50 specific recommendations for police agencies to consider to mitigate racial disparities.

Her work led to a dramatic reduction in the number of stops by the Oakland Police Department by simply having officers ask “Do I have information that ties this particular individual to a specific crime?” before making an investigatory stop. In the year before this question was added, there were approximately 32,000 stops; in the following year, there were approximately 19,000 stops. It should be noted that asking this question is required for even minimal compliance with the constitutional standard established in *Terry v. Ohio* (1968). It should also be noted that many of the data that Dr. Eberhardt had police record are required by [AB 953](#) (2015).

As quoted in the first paragraph of this section “Dr. Eberhardt explores how our biases unfairly target Black people at all levels of society—from schools and social media ...” At every city council and HRC meeting MidPen has joined since George Floyd was killed and during which residents of color spoke of the biases in Palo Alto’s culture, the Euro-centric curriculum was frequently referenced with great frustration and hurt. An honest eye cannot be turned towards police reform without also examining how we educate our children and how they receive a constant diet of European, and therefore White, supremacy.

Recommendations:

1. Watch Dr. Eberhardt’s TED talk: [How racial bias works—and how to disrupt it](#).¹⁵ Review Dr. Eberhardt’s 50 recommendations for the Oakland PD and see if any can be used in Redwood City. Improve and rewrite the police policy manual and forms to include any applicable recommendations.
2. Commit to establishing an immediate dialogue with the school board and school principals about re-imagining the curriculum of K-12 as one that truly recognizes Brown and Black cultures and includes their significant contributions.

¹⁵ https://www.ted.com/talks/jennifer_l_eberhardt_how_racial_bias_works_and_how_to_disrupt_it

Summary of Recommendations

1. Police Department Policy

- Limit use of force to the minimum necessary to accomplish a legitimate law enforcement purpose; the special circumstances for which deadly force is authorized would still apply. Clarify the assessment of the reasonableness of the use of force.
- Implement the 8 Can't Wait recommendations as recommended in the HRC report to City Council, with the several exceptions noted above, and recognize that they represent only a good first step toward police reform.
- Revise Policy 440 so that it is clear that a person may not be detained unless there are specific and articulable facts that tie the particular person to a specific crime. Revise the title so that it is obvious what the section covers. Begin collecting stop data required by AB 953 (2015) as soon as possible rather than waiting until 2022. Make the data available as soon as possible after beginning collection.

2. Transparency and Accountability

- Establish an independent body that could work with, yet not be answerable to, the police department concerning complaints. The body's funding must be independent of the police department. Give the body at least the same standing as existing city boards and commissions.

3. Alternative Responses to Mental Health Crises

- Establish and expand partnerships with mental health agencies and community-based organizations to allow mental health experts—rather than police—to handle mental health crises.
- Track calls for service and responses to people in crisis. Conduct regular assessments to determine the effectiveness of response efforts and opportunities for improvement.
- Appoint a mental health coordinator to manage this process. Cover it in the current police budget.

4. Training: Race Relations

- Establish a small committee that includes an educator to develop a curriculum for a pilot program on the history of race relations.
- Reach out to Stockton; Houston; Eugene, OR; Montgomery, AL and other cities to explore innovative programs.

5. Unconscious Bias and Police Practices

- Listen to Dr. Eberhardt's TED talk, paying special attention to improvements she helped incorporate into the Oakland police department's stop policy. Reach out to her for additional improvements in basic police practices.
- Review Dr. Eberhardt's 50 recommendations for the Oakland PD and see if any can be used in Redwood City. Improve and rewrite the police policy manual and

forms to include any applicable recommendations. Reach out to her for additional suggestions.

- Recognize that an officer asking “Do I have information that ties this particular individual to a specific crime?” before making an investigatory stop is required for even minimal compliance with the constitutional standard established in *Terry v. Ohio*, and ensure that this is standard practice.
- Commit to establishing an immediate dialogue with the school board and school principals about re-imagining the K–12 curriculum.

We look forward to discussing these items with you.
Mid-Peninsula ACLU Volunteer Chapter