

COUNCIL MEETING

10/26/2020

Received Before Meeting

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**RACE AND EQUITY
UPDATE
OCTOBER 26, 2020**

PRESENTATION OUTLINE



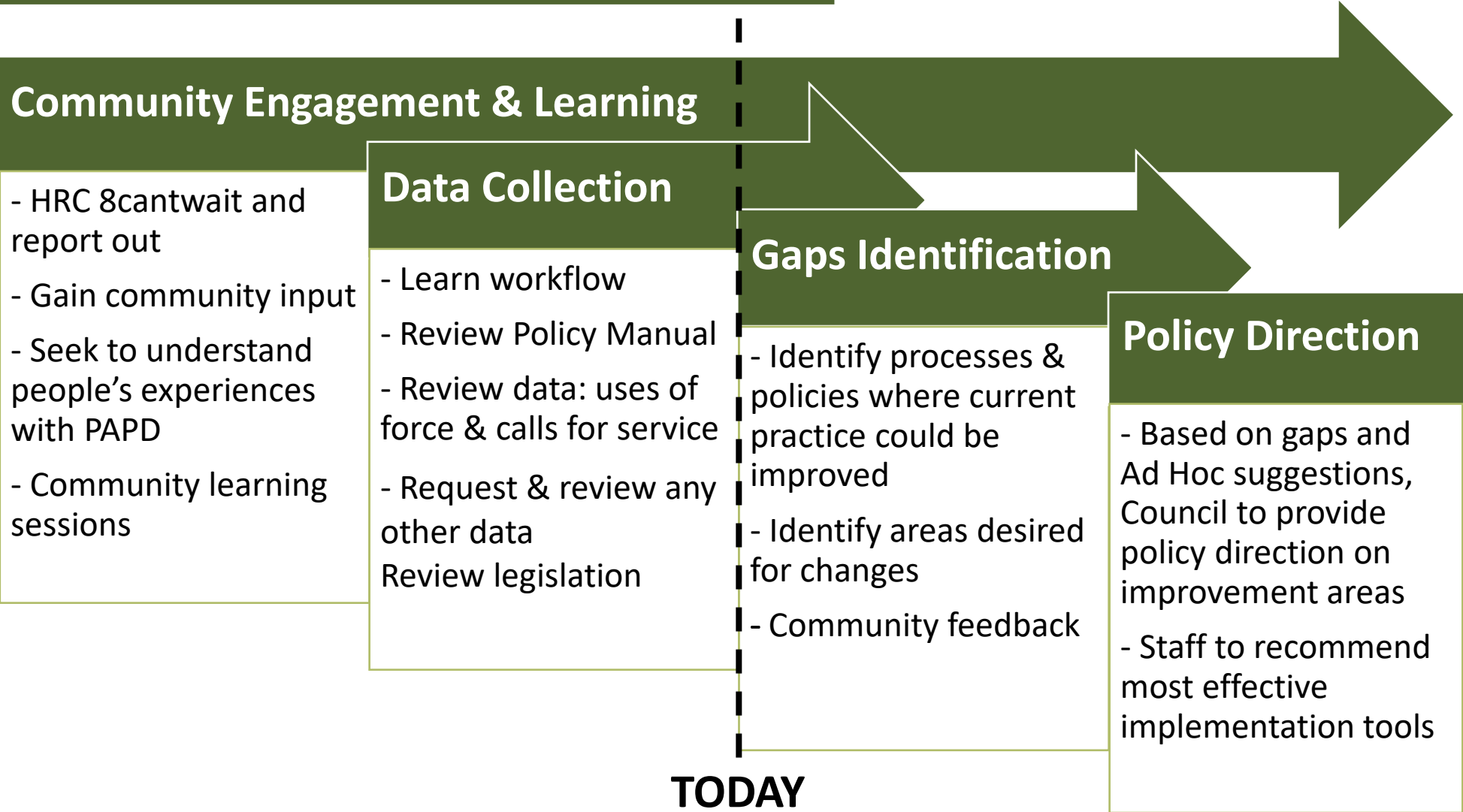
- Refreshers:
 - Mission Statement Draft
 - Framework for Practices
 - Police Practices and Citywide Practices
- Summary of Alternative Models Ad Hoc Research
- Template for Policing Practices
- Summary of Section 300 Police Policy Changes
- Council Discussion and Feedback
- Next Steps

REFRESHER: RACE & EQUITY MISSION STATEMENT DRAFT

The Citywide Diversity and Inclusion Ad Hoc created a draft mission statement to be the guide for the ongoing race and equity work for the City. The mission statement is:

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

REFRESHER: RACE & EQUITY FRAMEWORK



Framework:
Sequence of work ahead

REFRESHER: RACE & EQUITY PRACTICE AREAS



Policing Practices and Citywide Practices (Lead Department)

- **Policing Practices**

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

Timeline:
Initial
Direction
by End of 2020

- **Citywide Practices:**

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

Timeline:
Extends into
2021

SUMMARY OF ALTERNATIVE MODELS AD HOC



Findings Summary:

- Unique nature of Palo Alto, with its own medical transport service makes a combined Police and Fire role less advantageous (Palo Alto is one of only a few cities in the state with its own medical transport service)
- There are other models for public safety services related to mental health, such as:
 - Psychiatric Emergency Response Teams (PERT)
 - Mobile Crisis Response Team (MCRT)
 - Eugene, Oregon's CAHOOTS and Denver, Colorado's STAR response team programs

Actions:

- Staff currently pursuing participating in Santa Clara County's PERT Program



**AD HOC COMMITTEES
DRAFT FOR DISCUSSION**

October 26, 2020

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DRAFT TEMPLATE FOR PRACTICE AREAS



The framework (slide 4) is linked to 8 practice areas (shown on slide 5). The practice areas will each be broken down according to the following template:

- Background
- Current Practices
- **Areas of Concern**
- **City Council Options to Consider**

This **draft** document provides a draft of the last two bullet points (**in bold**) for each of the policing practices areas as a report out of the Policy/Data/Hiring Ad Hoc and the Transparency and Accountability Ad Hoc discussions.

DRAFT TEMPLATE FOR POLICING AREAS



Policing Practices and Citywide Practices:

Policing Practice #1: Public contact data collection and trend analysis

Potential Areas of Concern to Address:

- Department-focused activities & priorities: Where is Patrol time spent on what kind of activities?
- Do officer contacts disproportionately affect people of color? Does increased contact lead to additional use of force?

City Council Options to Consider:

- Providing policy direction on the prioritization of types of enforcement activity
- Resourcing to ensure data is available and accurate (staff and software)
- Ensuring personally identifiable info-redacted contact data is available on the Open Data Portal
- Accelerating collection of contact demographics and pursuing statistical/research studies with some regular frequency reporting of the data

DRAFT TEMPLATE FOR POLICING AREAS



Policing Practices and Citywide Practices:

Policing Practice #2: Officer deployment priorities and practices for non-violent calls (PD)

Potential Areas of Concern to Address:

- Alternative options for responding to mental health, social issues, and low-level crimes:
 - How do we respond to welfare checks and nuisance calls?
 - How do we align our response to calls for service with the nature of the call itself; how are those response options funded?
 - Other community and regional resources or collaborations?
- Dispatch
 - Can/does the script create angst/tension/escalation for officer response?
 - Are there additional tools we can offer related to dispatch?
 - Education about the dispatch script and the internal audit process

DRAFT TEMPLATE FOR POLICING AREAS



Policing Practices and Citywide Practices:

Policing Practice #2: Officer deployment priorities and practices for non-violent calls (PD)

City Council Options to Consider:

- Role for dispatch - Additional training for dispatchers -
- Shift in resources such as medical type resource
- Pursuing a PERT/CAHOOTS model (with these programs or a regional partnership) which could assist with mental health cases that PD would normally respond to
- Increased role for Community Service Officers (CSOs) especially for non-violent calls, i.e. welfare checks and taking reports

DRAFT TEMPLATE FOR POLICING AREAS



Policing Practices and Citywide Practices

Policing Practice #3: Officer conduct investigations and transparency

Potential Areas of Concern to Address:

- Current use of force reporting and IPA review are limited to complaints and taser use
- What other options for transparency might there be? And when does the public get recordings and other case information?

City Council Options to Consider:

- Support expanded role for District Attorney or Attorney General in case review
- Develop policy on timing and circumstances of records release (e.g., upon conclusion of administrative interview, materials can be released)
- Expanded IPA reporting to be on all use of force cases involving great bodily injury

DRAFT TEMPLATE FOR POLICING AREAS



Policing Practices and Citywide Practices

Policing Practice #4: Discipline and accountability (PD)

Potential Areas of Concern to Address:

- Public disclosure of allegations & sustained findings
 - Informal Investigation Reports
 - Number of IPA/OIR presentations per year
 - External webpage
 - Considerations of what is made public
- 2022 PAPOA Negotiations – areas of interest?

DRAFT TEMPLATE FOR POLICING AREAS



Policing Practices and Citywide Practices

Policing Practice #4: Discipline and accountability (PD)

City Council Options to Consider:

- Holistic and comprehensive annual report on Revised Use of Force Investigation which includes de-escalation
- Annual review and report out of policy manual changes to City Council
 - Ensure Policy Manual posted online remains current on annual basis
- Annual report to package existing reports related to discipline together
- Advocate at state level for changes to POST, POBOR, and other (Decertification of individual officers)

SUMMARY OF SECTION 300 POLICY CHANGES



Revised Policy 300 – Use of Force and 8 Can't Wait – On Council Nov. 2, 2020 Agenda

- July/August 2020 – PAPD worked with the Human Relations Commission (HRC) and Council to review 8 Can't Wait policies and revise Use of Force policy
- Final Revised Policy addresses:
 - Council's directives – August 24th
 - HRC's recommendations – July 22nd
 - Latest legal updates from Lexipol
- Includes:
 - Prohibits any technique deliberately applied for purpose of restricting blood/air flow to head/neck
 - Significant amount of language with respect to de-escalation to include de-escalation alternatives
 - Requires officers to use other reasonably available resources & techniques when safe/feasible in deadly force applications
 - Added a force-options chart based on SFPD's Use of Force Policy
 - Moved pointing a weapon/discharging a weapon to this section

CITY COUNCIL DISCUSSION AND FEEDBACK



Staff intends to bring an action item to City Council for the November 16 race and equity update. At that meeting, City Council will be asked to provide direction on the following:

- The Draft Mission Statement
- Action On New Policies or Policy Changes Related to the Gaps City Council Identifies within the Policing Practices Areas
- Assignment of Ad Hoc Work Beyond 2020

Staff is seeking City Council feedback to help staff prepare materials for the November 16 action item on any of the items above or discussed in this report.

NEXT STEPS

Based on ad hoc feedback and meeting discussions, the following proposed actions represent staff's best thinking of a path forward on the ad hoc areas of interest:

1. Adoption of the draft mission statement for all citywide diversity and inclusion work
2. Council engagement on the demographic data collection and reporting
3. Pursue participation in Santa Clara County's PERT Program
4. Ask staff to develop a policy on timing and circumstances of records release
5. Expand the duties of the IPA to include more than just OIS, taser use, and complaints
6. Ask staff to prepare an annual report on Revised Use of Force Investigation which includes de-escalation
7. Incorporate police reform into legislative priorities for 2021
8. Send all citywide and policing practices work to the Policy and Services Committee for next year to focus on diversity and inclusion more broadly