

Baumb, Nelly

From: Aram James <abjpd1@gmail.com>
Sent: Monday, November 16, 2020 2:29 PM
To: Council, City; Shikada, Ed; Jonsen, Robert; Binder, Andrew; Cormack, Alison; DuBois, Tom; Greer Stone; chuck.jagoda; Roberta Ahlquist; greg@gregtanaka.org; paloaltofreepress@gmail.com
Cc: Winter Dellenbach; Gennady Sheyner
Subject: Local police reform -Daily Post -Nov 16- 2020 by Aram James -see the piece below...

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Hi Folks,

See item # 8 on Tonight's Palo Alto City Council Agenda re race and equity work -and ongoing issues re police reform. Item # 8 slated to begin at 5:35 pm -7pm.



Local police reform

Dear Editor: City Council will continue discussions about the nature of police reforms in Palo Alto.

If the council is to have any credibility, beyond mere lip service, regarding the establishment and implementation of viable and credible police reform or beyond their powerfully issued symbolic resolution in support of Black Lives Matter, or their proposal to expand the scope of the Independent Police Auditor's misconduct review beyond the very limited categories of misconduct currently reviewed, the council must immediately reverse its December 2019 decision to allow internal police misconduct matters to avoid the scrutiny of the IPA by being routed to and then buried in the Human Resources Department.

The council needs to reverse its cover-up policy, designed specifically

Sent from my iPhone

Baumb, Nelly

From: Winter Dellenbach <wintergery@earthlink.net>
Sent: Monday, November 16, 2020 10:59 AM
To: Council, City
Subject: Winter Dellenbach recommendations City Council Item #8 Policing

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From: Winter Dellenbach
Barron Park

My Recommendations RE: Item #8 - City Manager's Recommendations, Policing

All the following should be posted on the PAPD's public portal:

b) Approve direction to staff to expedite implementation of the new police records management system with quarterly reports to Council, and to return with the necessary agreements for the records management system allowing for Racial and Identity Profiling Act (RIPA) implementation.

h) Approve direction to staff to include the Use of Force Information that will be added to the Supplemental Report submitted as a cover memorandum to each IPA report submitted to you.

Also the PAPD Policy Manual must be updated now with the Use of Force policy changes Council ratified on 11-2-20. Changes are made to the Manual all the time. For instance:

A new (but substandard) De-escalation policy that never before existed was inserted into the Manual around the time of the HRC Hearings.

Individual policies were partially redacted and inserted into the Police Policy Manual on September 24, 2020 as noted on its cover online and inside. See: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=8065.732&BlobID=78557>
Lexipol updates the Manual policies as needed.

CA PC 13560 requires the policies to be posted online for public viewing. There is no excuse to delay this update.

Un-redact the remaining 9 PAPD policies that remain partially but substantially redacted from public view in the PAPD Policy Manual and posted on the PAPD public portal to conform to CA Penal Code 13560 requiring police policies to be posted online in public view. Redwood City PD and other law enforcement departments post all police policies. There is no excuse to not be transparent - hiding behind the Public Records Act as the PAPD does frustrates the laws intent of transparency. We must do better.

All the above should be posted online at the PAPD public portal unredacted.

Information About CAHOOTS - far more comprehensive than PERT

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

Some Council members asked the City Manager to provide information them for this meeting about the CAHOOTS and STAR programs. Here's information on CAHOOTS since you were provided very little. I thought it helpful since you heard that the

PERT program may never be available, or how many shifts a day or days a week a mental health worker would ride along with an officer. We do know PERT is limited to mental health issues.

CAHOOTS services are much wider ranging, usually do not involve police, and routed directly from Dispatch. When you consider cost you also must also consider savings, not only in our police budget but in lives and in reaching our goals of reimagining policing for public safety.

CAHOOTS website: <https://whitebirdclinic.org/cahoots/>

FAQ sheet: <https://whitebirdclinic.org/cahoots-faq/>.

I urge you to consider CAHOOTS for Palo Alto since PERT is not a functional alternative now or possible ever.

Clarify when “investigations” end to conform with the intent of these laws - providing accountability to the public through increased transparency.

e) Approve direction to staff to develop/update a policy on the timing of records release related to investigations that qualify for public disclosure under SB 1421 and AB 748.

It is vital that the PAPD and City provide the public with more transparency and accountability by better conforming to these laws. Now release of records, video and audio recordings are held back for sometimes years, and even after lawsuits are settled (Alvarez). Timing should bend toward sooner than later given the laws intent are to benefit the public with accountability and protection. Keep that in mind.

Will this policy be brought back to you from Policy and Services for your review and public comment? It must.

What is the projected timing for this process before it becomes approved policy?

The Independent Police Auditor (IPA) oversight must be expanded if your work is to be successful

f) Approve Direction to staff to amend and expand the current Independent Police Auditor’s (IPA) scope of services to include all administrative use of force reports where a baton, chemical agent, TASER, less-lethal projectile, canine, or **a firearm is applied**, and all cases where the subject’s injuries necessitate any treatment beyond minor medical treatment in the field.

Clarify what is meant by “...**a firearm is applied**,...”? Certainly shooting a person is already included. But does this clause include drawing a firearm, pointing it, discharging or shooting at but not hitting anyone? Please clarify and list what is actually meant and include them all if not elsewhere.

IPA’s oversight expanded to include:

Performance Audits:

Disciplinary Record Policies for officer retention and new hires (when freeze is over)

Hiring practices to support a more diverse police department

Promotions

Police Policies coupled to Collective Bargaining agreement

Specific deadline dates must be assigned for each 6 month span to Report to City Council

g) Direct staff to maintain an every six (6) months schedule for IPA reports to City Council containing reviews ready at the time of the report; and for the IPA to provide an audit workplan to the City Council for approval.

Six months is not specific enough for getting Reports on a timely basis and for the IPA Scope of Services. It is still ambiguous enough to allow Reports to slide enough so they eventually are delayed more and more beyond the year written. Assign dates.

And direct staff to release the **IPA Reports to the HRC** containing reviews ready at the time of the report. The HRC should have reports distributed to it.

Return to the Scope of Services City Council's ability to meet and confer directly with the IPA which you removed in December 2019

It is critical that your ability to formally meet with the IPA without question is memorialized in the Scope of Services. It's not enough if you feel you can arrange a meeting with the IPA, what actually matters is to have it in writing - you know that. **See below the redlined Scope of Services that you agreed to in December. At the end of the 1st page and on the 2nd page you will see you cancelled your own power of oversight.** Take it back now for you and future Council members. It doesn't serve the public well as our elected officials. Given the Scope of Services is going to be changed in several ways, add this.

Return oversight to the IPA of Internal PAPD complaints of misconduct

Internal complaints within the PAPD were removed from IPA purview in December 2019, and are no longer investigated by PAPD Internal Affairs and now enjoy a total lack of scrutiny by Council and the public. Handled in secrecy by HR with no oversight and reporting by the IPA, serious police misconduct of race discrimination, sexual harassment, and retaliation is now a handled as any other personnel matter. It's appropriate that everyday personnel matters go to HR, but not serious police misconduct. Also the so called "Supplemental Report" generated is literally 3 or 4 words compared to 1-3 pages the IPA Reports comprised. This is a great leap backward for unaccountability and misconduct, counter to your goals for better policing and public safety. It makes no rationale sense.

Example: The first of many IPA oversight and reports of an internal PAPD officer complaint was in 2008. The IPA always had oversight over internal PAPD complaints (see below).

2008 - IPA Final Report, pg 5 - internal complaint sexual harassment by officer of PAPD employees with oversight by IPA <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=73977.83&BlobID=74898>

Police Reform is not Complete.

j) Refer all race and equity work to the Policy and Services Committee for citywide diversity and inclusion practice areas and policing practice areas.

We are not done by a long shot, as can be seen from some of the above. You all have done some good work. As has the HRC. And the PAPD. And the community who has spoken out and recognized systemic racism and this work in the name of a better city that better serves and protects all its residents, workers and visitors.

We must still address police policies that allow sealing or purging officer's misconduct records, binding arbitration that keeps officers in the PAPD that should not be there according to Chief Jonsen (EPA doesn't have binding arbitration as other cities do not), and we need to monitor for accountability and enforcement now that all our new policies are in place so that they actually make for better public safety - time will tell. We know from recent experience and many studies that policies alone don't matter if accountability is not enforced.

IPA Redlined Scope of Services, Dec. 2019 CC Meeting

Bottom of 1st page, then 2nd pg to see what was cut from Council oversight power.

Also, read 1st paragraph of 1st pg - that's where IPA oversight of internal complaints was removed. If it were a matter of lack of clarity over his 12 years of handling internal complaints, a few words added here could have clarified it. Instead, what was wanted was removal, so it was maintained the IPA didn't have jurisdiction. Just change the language, making it clear he does and return his oversight of internal PAPD complaints with good reporting of them with ID confidentiality as usual.

Finally, Read both paragraphs under “Transmittal of Reports” for an education as to the constraints the IPA works under. Some of this could be changed in the next year or two, you know. It would make for better oversight and accountability.

**EXHIBIT “A”
SCOPE of SERVICES**

Independent Police Auditor Services

CONSULTANT shall perform the following services:

1. Citizen-Complaints by Members of the Public and Internal Affairs Investigations

Intake – The CONSULTANT may receive ~~citizen~~-complaints directly ~~from members of the public~~. The CONSULTANT will forward a summary of the complaint and contact information for the complainant directly to the Department. If the Department received the complaint directly or initiates an internal investigation ~~regarding sworn personnel~~, they will notify the CONSULTANT within (3) working days ~~about the with~~ nature of the allegation(s). The Department and the CONSULTANT will review each ~~citizen~~ complaint ~~by a member of the public~~/internal investigation to determine whether a criminal component exists and proceed accordingly. Complaints and investigations of internal personnel or human resources matters are not part of these Independent Police Auditor Services.

Investigative Plan – As needed, the CONSULTANT will discuss the investigative plan with the Personnel & Training Coordinator and arrange for a mutually convenient way to update CONSULTANT on the progress of the investigation.

Review – The CONSULTANT will review each ~~citizen~~-complaint ~~by a member of the public~~ and internal affairs investigation to determine thoroughness, objectivity and appropriateness of disposition within (10) working days.

Follow-up – After reviewing the completed investigations, the CONSULTANT will confer with the Personnel & Training Coordinator to evaluate results and discuss any suggestions for additional follow-up.

Disposition – When all aspects of the investigation are complete, the CONSULTANT will confer with the Police Chief to resolve any issues about the process, the disposition or the recommendations outlined in the investigation. Disposition shall be defined as “Sustained”, “Not Sustained”, “Unfounded” or “Exonerated”.

Status and Tracking – The CONSULTANT will track each case through its conclusion to ~~insure-ensure~~ that each investigation is completed in a timely manner.

Semi-Annual Reporting – Twice a year, the CONSULTANT will produce a written report to the City Manager and City Council. The report will contain a statistical breakdown of the number of complaints/investigations and any developing trends. The report will also contain the initial allegation(s), the findings and the number and type of recommendations made to the Police Chief. The report will not contain any specific information that would identify the involved officers either internally or externally.

CONSULTANT Meetings – ~~The~~ if requested by the City, the CONSULTANT will

~~Professional Services~~
~~Rev. April 22, 2016~~

~~formally~~ meet with the City Council, City Manager and/or Police Chief ~~twice a year~~ in order to ~~provide the report and~~ discuss any trends.

2. Review Taser Deployment

The Department will promptly notify the CONSULTANT of each Taser deployment. Once completed, the CONSULTANT will review the Use of Force investigation related to the use of the Taser. The CONSULTANT will make any recommendations on the investigation and findings. The CONSULTANT may also make recommendations to the Police Chief regarding training and policy modifications.

The CONSULTANT will include a brief summary of each Taser deployment in their semi-annual report including the findings and any recommendations.

3. Transmittal of Reports

CONSULTANT will produce two reports during each year summarizing its findings and reporting on each investigation and disposition. The CONSULTANT will produce reports which comply with the Public Safety Officers Procedural Bill of Rights Act ("POBR"), California Government Code 3300 and California Penal Code 832.7. CONSULTANT will provide a draft of the report to the City Attorney's Office and the Chief of Police of the Palo Alto Police Department at least 14 days prior to its final submission for the purpose of review for compliance with state law. CONSULTANT will consider any suggestions from the City Attorney's Office and the Chief of Police regarding the information contained in the report.

~~The CONSULTANT will meet with the City Council to present each report and discuss any issues or questions raised.~~ Prior to finalizing each report, it shall be the CONSULTANT's practice to discuss significant identified problems and recommendations with the Police Department and the City Manager. CONSULTANT will solicit the Police Department's response to the report's analysis and attempt to reach a consensus as to solutions. CONSULTANT will document the Department's investigation into the incident and response to suggested solutions in its reports.

4. Definitions

Sustained – There is sufficient credible evidence to believe that the subject officer committed the act charged in the allegation and thereby engaged in misconduct.

Not Sustained – The available evidence is insufficient to determine whether the officer did or did not commit misconduct.

Unfounded – There is sufficient credible evidence to believe that the subject officer did not commit the alleged act.

Exonerated – The subject officer was found to have committed the act alleged but the officer's actions were determined to be lawful and proper.

~~Professional Services
Rev. August 2014~~

Baumb, Nelly

From: Julia Ragno <jr26228@pausd.us>
Sent: Monday, November 16, 2020 9:54 AM
To: Council, City
Cc: Lizzie DeKraai; Mary Sano; William Bennett; Kathryn Mendenhall; Preston Nguyen; Flynn Kelley; Edwin Erostico
Subject: Proposal for a More Equitable Police Department
Attachments: Proposal for a More Equitable Police Department .pdf

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Dear City Council,

I as well as my five other classmates are juniors a part of the Social Justice Pathway at Palo Alto High School. We have been researching police reform in our community. Based on almost an entire semester of study, we have two recommendations to create a more equitable department of public safety. Please read and consider our ideas.

Sincerely,

Julia Ragno, Kathryn Mendenhall, William Bennett, Flynn Kelley, Edwin Erostico, and Preston Nguyen

Julia Ragno, Kathryn Mendenhall, William Bennett,
Preston Nguyen, Edwin Erostico, and Flynn Kelley
Palo Alto Senior High School
Cohort 6 of The Social Justice Pathway
November 13th 2020

To the Palo Alto City Council:

Hello, our names are Julia Ragno, Kathryn Mendenhall, William Bennett, Flynn Kelley, Edwin Erostico, and Preston Nguyen. We are all juniors in the Social Justice Pathway at Palo Alto High School. The Social Justice Pathway is an interdisciplinary program which consists of our English and History classes, both of which highlight social justice issues in our world today. We have been given the task to research a topic related to the question: How can we understand and dismantle white supremacy in our community? Our group decided to research police reform in Palo Alto, and have some ideas on what needs to be changed in our police department to keep our community safe. We acknowledge that we need police in order to keep our community protected and safe, but Palo Alto needs to reform the way police departments function. In addition, we understand that you have been using an Ad Hoc system to address issues of racial inequity. While we appreciate the efforts, we worry about what happens to these committees when new council members are elected. We believe that a more effective system would be to establish a task force in the model of Oakland's own Reimagining Public Safety Taskforce. We are proposing several adjustments to the way our police department and city council function in order to disrupt systemic racism in Palo Alto.

It is undeniable that Palo Alto discriminates against BIPOC; blockbusting and redlining were very prominent in this community, and because of that, Palo Alto remains a predominantly white community. The Federal Housing Administration was established in 1934, which marked the beginning of redlining, making it nearly impossible for African American families to buy houses in white neighborhoods. Although segregation was never legislated in Palo Alto, efforts were made to keep black families from buying houses in our city: “when an African-American family looked for housing in the Palo Alto area, they usually found the realtor driving into redlined East Palo Alto”⁵. Today, according to the United States Census, the Black community makes up less than two percent of the Palo Alto population, and this percentage has stayed the same for the past 50 years.

Even though the population of Black residents is 1.6%, they account for 23.2% of total arrests¹². Over the last several years, police misconduct in Palo Alto has been unpunished too often, and has cost the city millions of dollars in lawsuits from families affected by police misconduct. Some examples of the egregious police misconduct are situations involving Officer DeStefano, captain Zach Perron, and Wayne Benitez. DeStefano was previously involved in abusing residents, and has continued to abuse residents. He and Wayne Benitez were both involved in a \$572,500 lawsuit from a resident where they beat a Buena Vista Mobile Home Park resident, Gufor carrying a suspended license. In another incident, Officer DeStefano later abused Julio Arevalo outside a donut shop for a suspected hand to hand drug exchange, when video surveillance outside the shop shows otherwise. This led to a Federal lawsuit against the department, more specifically toward the current chief, Robert Johnson and DeStefano, among seven other officers for a total of 10 million dollars⁸. The Arevalo case itself cost 3.8 million dollars, as well as two previous settlements of \$800,000 from Alvarez and another civil rights case from Tyler Harney. The problem doesn't stop there, Tom DeStefano has multiple

accusations of misdemeanors from hit and runs while off duty, including being accused of obstruction of justice for trying to cover these events up^{8, FBI}. Captain Zach Perron was also mentioned in the federal lawsuit for using racial slurs toward another officer, Marcus Babour, jokingly saying “N****s can’t swim” after he rescued a black felon when he jumped into San Francisquito Creek and got a medal of valor.² The person who instigated most of the violence toward Alvarez, Wayne Benitez, was only charged with one crime this October, but the offense occurred in 2018³. Gustavo Alvarez was chased by the Palo Alto Police Department on the assumption that he had an expired driver's license. From that moment on, they pulled him out of his house, beat him until he bled, and when he expressed that he was bleeding, they told him he would be bleeding a lot more. Officer Benitez retired before he could be fired for the misconduct. These recurring problems our police department caused the FBI to investigate PAPD, and has cost the city millions of dollars, as previously mentioned. These officers committing offenses like brutality have cost the department far too much time and money that could be used to fund important causes.

8 Can’t Wait is the bare minimum to pass through city council, however it appears that not all of them have been passed and it has been multiple months. It appears that the Palo Alto Police Officers Association is causing the delay. We as a group would like to encourage the passage of all eight policies, as research has shown it will drastically reduce the amount of police misconduct. We were able to interview Raven Malone, and learned that she felt the policies that *are* being accepted are “lacking the teeth” she feels are necessary to create meaningful change and live up to Palo Alto’s promise to strive toward equity. We understand you have accepted some of the recommendations of 8 Can’t Wait, but many qualifiers were included, especially as related to use of force. We are urging you to adopt stronger wording - accepting the

recommendations as written - as per the Humans Relation Commission recommendations. We would also like to see the Palo Alto Police Officers Association pass more of the recommendations of the Humans Relations Commission. Palo Alto has only adopted three out of the eight, but there are still more issues in Palo Alto that need to be addressed. One thing that needs to be pointed out is that San Francisco and Los Angeles, which are two much larger cities with higher crime rates, have already adopted all 8 Can't Wait policies with no problem. We also had the opportunity to interview Kaloma Smith, Reverend of University Church in Palo Alto, as well as an active member of the Human Relations Commission. He expressed that, "there should be less money spending on [the police department] but more to communities in need, such as East Palo Alto." In short, Palo Alto should put our money where our mouth is. Why did you drastically change the language of 8 Can't Wait? For example, there was the ban on chokeholds and strangleholds, which also included chest compressions; that was cut down to just chokeholds and strangleholds, and vascular restraints were left separate from the recommendation. These policies do in fact make a difference according to Campaign Zero—

“Our analysis finds that each additional use of force policy was associated with a 15% reduction in killings for the average police department. Since the average police department had already implemented three of these policies, implementing all eight use of force restrictions would be associated with a 54% reduction in killings for the average police department. Even after taking into account the number of arrests made, assaults on officers, and community demographics, police departments with all eight of these use of force policies implemented would kill 72% fewer people than departments that have none of these policies in place.”¹

In City Council meetings, police department representatives remarked that they were concerned that adopting all policies as written endangers police officers. However, both the Los Angeles Times and KQED reported that both the Los Angeles and San Francisco police unions had similar complaints to ours such as “the prohibition on shooting at vehicles; and the use of a particular, but easily misapplied, control hold called the carotid restraint.” And yet, they adopted both because they responded to the needs of their community members.

Let’s contrast their decision with the “Palo Alto Police Department response: The Department does not recommend a revision to the current policy on shooting at moving vehicles. Department policy allows for shooting at moving vehicles as a last resort and only under two circumstances in which the vehicle and/or occupant(s) could pose a deadly threat to officers or others,” as reported by the City of Palo Alto’s recording of the discussion of the Humans Relations Commission's recommendations. The union in Los Angeles also had concerns over use of force, saying, “Police face dangerous, rapidly unfolding situations, the union said, and asking officers to avoid using force could keep them from defending themselves” (The Los Angeles Times). The claims they made against the use of force policies were later retorted by policing officials for Los Angeles, and both were not supported by their own commission only, but also supported at the union level. Most of the concerns are over safety for police officers, *whose job it is to protect and serve their community*, and Campaign Zero’s data goes against these claims as more restrictive use of force policies actually show a decrease in attacks on police officers as more policies are implemented.

We believe that police reform needs to be implemented in our police department in order for everyone to feel safe and respected in our community. Police officers are only required to undergo a six-month training period to receive a badge and a gun, while doctors and lawyers

have to receive a bachelor's degree, and then go to law or medical school for another three to four years. One mistake in a doctor's or lawyer's practice could potentially ruin their career in that profession and destroy someone's lives; whereas a police officer could potentially end someone's life and as we have seen, they rarely face any consequences, and are sometimes - as with the case of Zach Perron - are actually promoted.

It has been too long having these policies go unchallenged, and these recent protests fighting for change has sparked interest towards police reform in cities all over the world. You work for us, and we are demonstrating that we expect and demand change. Not in ten years, but now. Our own local government has also begun preparations to start changing things in our city regarding police. When Kaloma Smith talked with us, he emphasized that it is very worrisome that we aren't taking people with mental health issues into consideration; we basically push them aside.

We understand that you have an Ad Hoc committee system in place to research these allegations of adequate training among police and police reform, but we also understand that as we move forward, the city is expecting this "change" to take place over multiple elections and changes to who is running the city council. In order to keep the information more consistent, and to continue making organized progress, we would like to suggest a task force system modelled after Oakland's own Reimagining Public Safety Taskforce, where the city could hire experts of all opinions to look into the issue more broadly, and get a more consistent view of what needs to actually be changed.

Oakland's goal is to reduce spending by 50% in police departments, but even if Palo Alto does not want to defund the police, it would still be beneficial to have consistent research throughout the entirety of the process to suggest changes, as the issue is very complex and will

likely take a long time regardless of the decided solutions. Ad Hocs are designed to be temporary, whereas a task force would be more effective for long-term research and solutions as it is designed for longer term use. Council Member Cormack told us in our interview that the process of enacting police reform may take 8-10 years. That is not an acceptable timeline when so many community members continue to be harassed, racially-profiled, abused, and targeted by PAPD. This is not a temporary issue and we need consistent long term research. We believe Oakland has the right idea with a taskforce, and we encourage you to follow suit.

It is crucial that change is made, and not just talked about among members of this community. We acknowledge that talking is crucial with creating change, but as Rev. Smith expressed, without taking action, we will suffer getting policies into place. We need to work together as a community to create a safe environment for minority groups. There needs to be support for those that are being oppressed; the Black Lives Matter Movement that spread across the country early this summer and exploded in Palo Alto proves this. George Floyd and Breonna Taylor were two out of many African American victims that fell into police brutality. But the question we may all ask ourselves is why on May 25, 2020 did we finally decide to notice and stand up to our many racial discriminatory flaws in our system? We saw a wide range of protests, including multiple in our own city. You approved a symbolically-powerful (but realistically meaningless) mural that lies on Hamilton Ave. To what extent have your words, proposals, and symbolic gestures reflect the commitment you are supposedly working toward in your Ad Hoc committees? As we said before, action needs to be taken within the police force in Palo Alto, and reform needs to be implemented. Not in ten years - today. We ask that you do more than just implement 8 Can't Wait policies because that is truly the least you can do to help the situation. A task force could also provide long term benefit and research that Ad Hocs cannot, because Ad

Hocs are not consistent enough to create change - you do not have experts or community input.

We truly hope you take our ideas into consideration for the well being of fellow citizens of this community, so we can try and dismantle systemic racism together.

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Baumb, Nelly

From: MIDPEN ACLU <midpen.aclu@gmail.com>
Sent: Sunday, November 15, 2020 10:58 PM
To: Council, City; City Mgr; Jonsen, Robert
Subject: UPDATE - MidPen ACLU Submission on Police Reform w/Attachment (11-16-2020)
Attachments: MidPen ACLU Submission on Police Reform to the City of Palo Alto (11-16-20).pdf

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

Hello City Council, Mayor Fine, Vice Mayor DuBois, Manager Shikada and Police Chief Jonsen,

Thank you for your time in accepting our most recent submission regarding police reform in the City of Palo Alto. We look forward to being your partner in this important endeavor.

Thank you,
Jason G. Miles, Chair
ACLU of the Mid-Peninsula (Volunteer Chapter)

November 16, 2020

City Council, Mayor Fine, Vice Mayor DuBois, City Manager Shikada, and Chief Jonsen,

We would like to respond to recommendations D and J in the City Manager's Action Item report titled Direction on Race and Equity Mission Statement, Reorganization, and Other Updates (ID #11754).

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

While the co-responder [PERT](#) team will be an improvement, an [open letter](#) signed by 17 major mental health care organizations including the American Psychiatric Association (APA) and National Alliance of Mental Illness (NAMI) states “we need to address urgent and emergent behavioral health needs independent of law enforcement and only engage [them] when indicated by safety or criminal concerns.”

It would be helpful to know the average number of calls Palo Alto PD receives related to mental health crises, substance use and homelessness. Then the decision point is to decide whether Palo Alto should pilot a [CAHOOTS](#)-like team on their own or work with the county's [Mobile Crisis Response Team](#) (MCRT). If we partner with MCRT, we would need to work with the county to create a more robust program integrated into the 911 system, ensure timely response to Palo Alto (response time has been reported up to an hour due to traffic), and provide 24/7 in-person services.

Funding a city-level team may feel challenging and resource intensive. However, note the cost of CAHOOTS is only [2%](#) of the cities' police departments and has been estimated to result in over [\\$15 million](#) annual cost savings. Along with CAHOOTS, there are cities across the nation considering or starting a CAHOOTS model that could help provide [direction](#). Furthermore, the Substance Abuse and Mental Health Services Administration (SAMHSA) (who has published [best practices](#) on [crisisnow.com](#)) recommends shifting the burden of funding away from local communities to the person's health insurance plan that, by law or contract, is responsible for covering.

J) Refer all race and equity work to the Policy and Services Committee for citywide diversity and inclusion practice areas and policing practice areas.

We are encouraged that the work of the ad hoc committees formed under the Race and Equity Framework is seen as important enough to be continued by a standing committee. But as several members of Council have noted, police oversight is a demanding task that requires considerable time and effort. It also requires

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expertise that few people possess, so many cities require extensive training for those involved; for example, Berkeley will require 40 hours training for all members of its newly created Police Accountability Board.

Given this, we are concerned that the current focus on policing reform may get lost among the Policy and Services Committee's other responsibilities.

Accordingly, we recommend an independent commission whose members can focus specifically on policing and devote the necessary time and effort and spend the time to develop the necessary expertise. The commission should have a broad focus that includes policy and hiring practices and agreements with police unions as well as investigating or reviewing complaints. Ideally, the commission would have an investigative staff, but if this is infeasible, we recommend that the independent police auditor fulfill this role but report to the commission rather than to city staff.

One alternative included in the City Manager's Report is a blue-ribbon commission on policing. What we propose would be essentially the same thing, except that it would be permanent. The issues aren't temporary, and the commission shouldn't be, either.

We suggest a "Police Commission" rather than a more complicated name because it implies neither a particular objective nor a limitation on the body's scope.

Why Independent Oversight?

Who guards the guards themselves? Certainly, it cannot be the guards; self-accountability is anathema to a functioning democracy. Independent oversight can ensure that police department policies reflect the needs of those served as well as those of police, and increase public trust in police by ensuring that investigations are done thoroughly and objectively. It can also reduce the city's financial risk from lawsuits by ensuring that unlawful actions by police will not be tolerated. Independent oversight works to increase public trust and confidence in the police, leading to greater cooperation in a department's efforts to prevent and solve crimes. Ultimately, police benefit as much as the community.

In summary, we think it imperative that police oversight be handled by a commission that is permanent, dedicated to the task, and truly independent.

Included for reference are direct links to our previous submissions:

[October 26, 2020](#), [September 28, 2020](#), [August 23, 2020](#)

We would appreciate a meeting with you to discuss our and the community's interest in these items.

Very best,
Mid-Peninsula ACLU, Volunteer Chapter

November 16, 2020

Baumb, Nelly

From: MIDPEN ACLU <midpen.aclu@gmail.com>
Sent: Sunday, November 15, 2020 10:50 PM
To: Council, City; City Mgr; Jonsen, Robert
Subject: MidPen ACLU Submission on Police Reform (11-16-2020)

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Hello City Council, Mayor Fine, Vice Mayor DuBois, Manager Shikada and Police Chief Jonsen,

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