



# City of Palo Alto

## City Council Staff Report

(ID # 11689)

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**Report Type: Study Session**

**Meeting Date: 10/26/2020**

**Summary Title: Update on City of Palo Alto's Race and Equity Work**

**Title: Update and Discussion on the City of Palo Alto's Race and Equity Work Including Discussion of a Mission Statement, Reorganization of Committee Structure, and Other Items**

**From: City Manager**

**Lead Department: City Manager**

### **Recommendation**

Staff recommends that Council receive an update on the City's Race and Equity efforts and discuss next steps.

### **Background**

In early June 2020, the City Council adopted a Resolution affirming that Black lives matter and committed to address systemic racism and bias and approved a Race & Equity Framework and action plan. The City Council also approved a series of actions including reviewing policing practices, making changes to use-of-force policies to reduce the potential for violence, and engaging the community in ongoing, thoughtful dialogue and leadership. The Mayor also established several Council Ad Hoc committees to help further the City's race and equity priorities and work.

Since that time staff and the City Council ad hoc committees have brought updates to the full City Council related to the City's race and equity efforts. The most recent report and City Council discussion was on September 28, 2020 ([CMR #11604](#)).

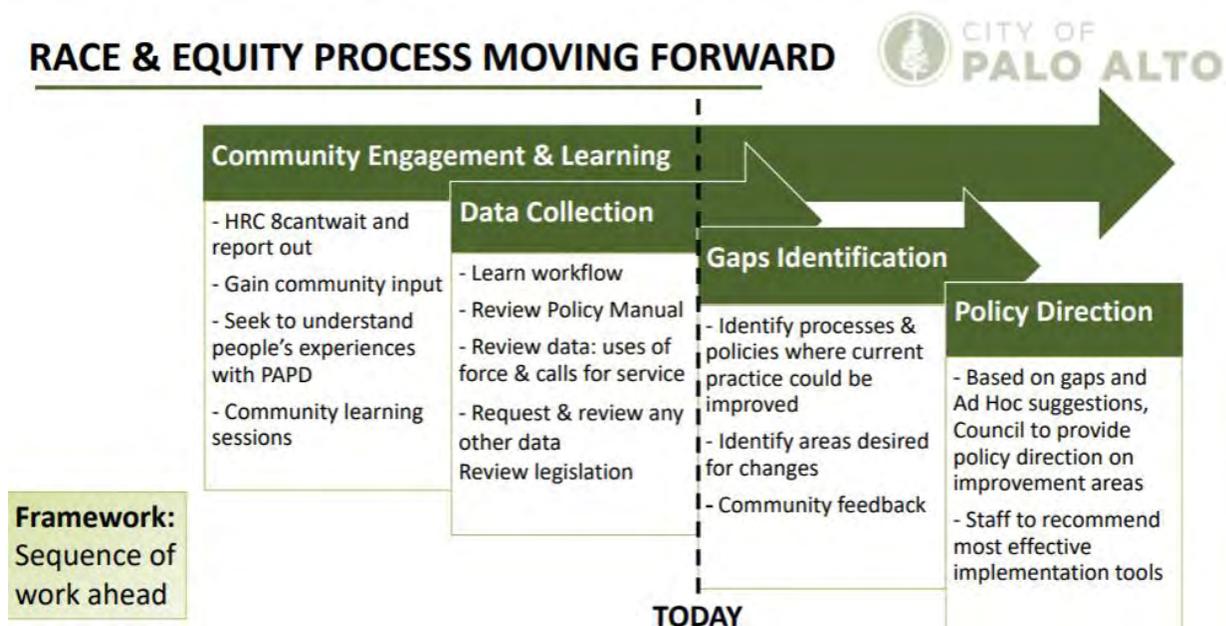
At the September 28 meeting, the City Council spoke to the Independent Police Auditor and staff shared an updated framework that addresses a way to focus the City's race and equity work in the coming months and beyond.

### **Discussion**

As shared in the presentation for the September 28, 2020 meeting ([Meeting Presentation](#)), the Citywide Diversity and Inclusion Ad Hoc Committee prepared a draft mission statement to serve as the basis for the continued work around diversity and inclusion for the City of Palo Alto. That draft 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.*

Based on the foundation expressed in the mission statement, the following framework was introduced at the September 28 City Council meeting and it summarizes the work completed to date including community engagement and data collection related to the ad hoc work. The framework outlines the steps ahead which include identifying the gaps or areas of improvement and provides some policy direction based on the gaps identified.



The practice areas identified based on the work done to-date from the ad hocs are as follows (with the lead department in parentheses):

**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)

**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)

(PD=Police Department; CAO=City Attorney's Office; HR=Human Resources Department; and CM=City Manager's Office)

The practice areas are being discussed in the ad hocs as follows:

- *Police Policy Manual, Data, and Hiring Ad Hoc*: Discussing Policing Practices 1-2
- *Police Transparency and Accountability Ad Hoc*: Discussing Policing Practices 3-4
- *Citywide Diversity and Inclusion Ad Hoc*: Discussing Citywide Practices 1-4

As further explained in the Findings subsection below, the work of the Alternative Models Ad Hoc has been used as a base recommendation for the work related to Policing Practice 2.

For each of the practice areas, staff will work with the ad hocs to fill in a template with the background information, current practices, areas of concern (gaps identified), and considerations (policy direction) for the full City Council related to those areas of concern.

This Council update is a study session to gain feedback and suggestions from the Council, including potential ad hoc suggestions related to the policing practice areas. The draft document with gaps identified and policy considerations as discussed with the ad hocs is included as **Attachment A**. Staff plans to return to City Council in November with an action item incorporating City Council feedback to consider action on any of the following:

1. Adoption of the draft race and equity mission statement
2. Action on new policies or policy changes related to the gaps City Council identifies within the Policing Practices areas
3. Assignment of the ad hoc work beyond 2020

#### Findings from the Alternative Models Ad Hoc:

The Public Safety Alternative Models Ad Hoc committee convened throughout the summer to look at emerging public safety practices and assess if the City of Palo Alto should further pursue any of these models. Through research and conversation, the ad hoc learned about and discussed consolidated public safety departments that combine Police and Fire functions into a single department. As the ad hoc and the full City Council discussed, the unique nature of Palo Alto's public safety services – especially medical transport through the Fire Department as opposed to through the County's ambulance contract – does not lend itself to easily consolidating public safety line level staff.

The ad hoc also learned about alternative response programs like Eugene, Oregon's CAHOOTS and Denver, Colorado's STAR response team programs. Each of those programs provide non-police resources, such as social workers, to be dispatched to certain non-violent calls-for-service. These programs offer an additional resource that may be able to better address the underlying cause of some calls-for-service.

In addition, staff continues to pursue participating in the Psychiatric Emergency Response Team (PERT) program through the County of Santa Clara which would pair a licensed mental health clinician with a law enforcement officer to provide expert mental health assistance on some

calls-for-service. Recent staff participation includes engaging in the County's hiring process and interviewing clinician candidates.

These findings and recommendations have been incorporated into the discussion of Policing Practice Area #2 and thus the work of the Alternative Models Ad Hoc committee has been completed.

#### Work in 2021 to Continue Progress:

When the City Council voted in June 2020 to establish ad hoc committees to further explore different aspects of the City's race and equity work, the Council stated that the ad hoc committees would be temporary. As the ad hoc work progresses, the question has emerged of how the work will continue beyond the actions taken in the coming months of 2020. Some ideas offered have been the following:

Assignment of the Citywide Practices work to the standing City Council Policy and Services Committee. This recommendation came from the Citywide Diversity and Inclusion Ad Hoc committee in recognition that the Citywide Diversity and Inclusion work is ongoing and will be incorporated into citywide functions and operations going beyond just this year. The Diversity and Inclusion Ad Hoc committee has been working on a timeline which could be used as a starting place for the City Council Policy and Services Committee to continue to work on in 2021. The City Council could also consider having the Policy and Services Committee also work on the Policing Practices.

Alternative ideas include assignment of the Policing Practices to a blue-ribbon commission on policing, a City Council Committee of the Whole, or a City Council public safety committee. If the City Council pursued a blue-ribbon commission on policing, the City Council would need to determine the specific composition and structure of such a group.

To prepare for the November race and equity update which will be an action item, staff will need to get feedback on options of interest to the City Council on these items. Staff will bring back supporting information to the November race and equity check in.

#### **Additional Race & Equity Work**

In addition to the ongoing work within each of the ad hoc committees, there has been progress on other City Council race and equity priorities. The following are updates since the September 28 staff update:

- The Human Relations Commission (HRC) is working on crafting the Black and Brown history and current community in Palo Alto report with the expectation that it will come to the City Council in January. In the meantime, the HRC will discuss a draft report at their November 12 HRC meeting.
- The HRC also approved mediators for the Palo Alto mediation program. In their selection process, they ensured that that program had diversity in its mediator ranks and that mediators were very aware of issues of inclusion, implicit/explicit bias in the

work that they do with the community.

- The Public Art Commission continues to evaluate opportunities to incorporate more diversity into their work for the year, including exploring permanent race, equity and inclusion focused public art as part of their annual workplan.
- The City Council discussed 8 Can't Wait, and the Palo Alto Police Department revisions to use of force policy changes. A staff report is set for Council consideration at their November 2, 2020 meeting.
- The Policy and Services Committee discussed the Convention on the Elimination of All Forms of Discrimination against Women ([CEDAW](#)) at their October 13, 2020 meeting ([CMR #11568](#)) and scheduled a follow up discussion at their November 10, 2020 meeting.

### **Stakeholder Engagement**

Engaging the community at large to provide feedback for the City's Race and Equity strategy has been a priority throughout this process as shown in the Framework. The City continues to engage the community through a series of Race and Equity conversations. Updates on the City's efforts can be found on the Race and Equity webpage on the City website ([www.cityofpaloalto.org/raceandequity](http://www.cityofpaloalto.org/raceandequity)).

### **Resource Impact**

There is no fiscal impact to report at this time. Significant staffing resources have been dedicated to this work and future resource impacts are dependent on the actions and direction approved by the City Council.

### **Environmental Impact**

This is not a project under Section 21065 for purposes of the California Environmental Quality Act (CEQA).

### **Attachments:**

- Attachment A: Draft for Discussion-Template for Policing Practices



**AD HOC COMMITTEES  
DRAFT FOR DISCUSSION**

October 26, 2020

[www.cityofpaloalto.org/raceandequity](http://www.cityofpaloalto.org/raceandequity)



# **DRAFT TEMPLATE FOR PRACTICE AREAS**

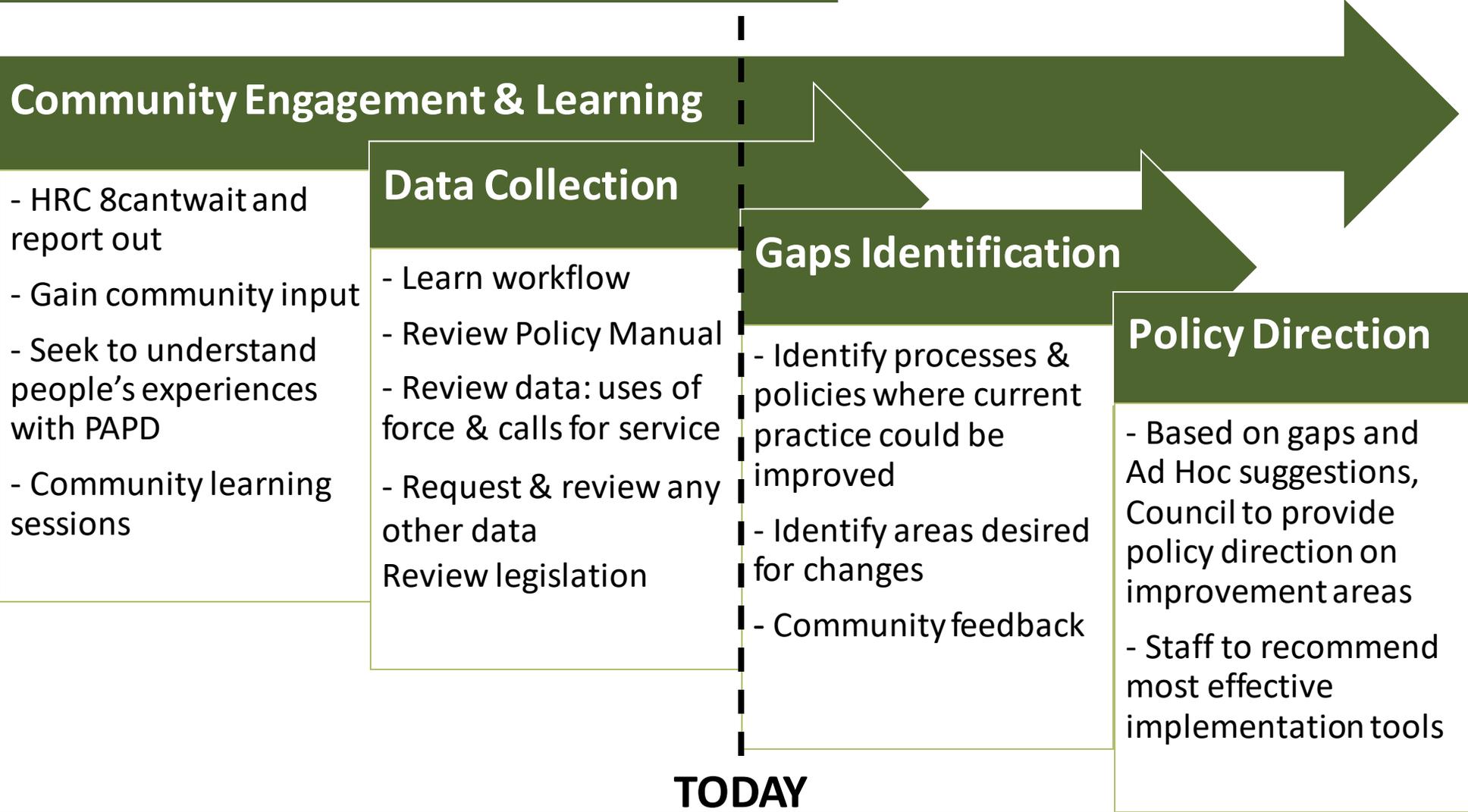
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The framework (shown on next slide as a refresher) is linked to 8 practice areas (shown on slide 4). The practice areas will each be broken down according to the following template:

- 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.

# 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



# **DRAFT TEMPLATE FOR POLICING AREAS**

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## **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**

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## **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**

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## **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 CSOs especially for non-violent calls, especially welfare checks and taking reports



# **DRAFT TEMPLATE FOR POLICING AREAS**

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## **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**

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## **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 – internal
  - 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**

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## **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)