



# City of Palo Alto

## Policy and Services Committee Staff Report

(ID # 12053)

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**Report Type: Action Items**

**Meeting Date: 3/9/2021**

**Summary Title: Update on Recent Race and Equity Work**

**Title: Information Update: Summary of Recent Race and Equity Work Since November Including Update on RMS Contract for Police Data Collection**

**From: City Manager**

**Lead Department: City Manager**

### **Recommendation**

Staff recommends that the Policy and Services Committee Accept this Informational Update on the City's Recent Race and Equity Work.

### **Background**

As part of the City's ongoing Race and Equity work, the City Council adopted a list of recommendations in November 2020 (link to Action Minutes (pages 4 and 5): <https://www.cityofpaloalto.org/civicax/filebank/documents/79566>; Report [CMR 11754](#)). The recommendations and progress on each of the recommendations are shown in this report as well as other efforts since November 2020.

### **Discussion**

In addition to the recommendations made by the City Council in November 2020, the City has issued a blog update to keep the community aware of the work underway on Race and Equity, partnered with the Palo Alto Unified School District (PAUSD) on a 21-Day Equity Challenge, and also promoted a Ruby Bridges walk and roll event through Safe Routes to School. Each of those are discussed in greater detail below and are followed by updates on the status for each of the recommendations passed by the City Council.

#### *Blog Update:*

The City released a blog post in January 2021 with information about recent City efforts which can be seen here: <https://medium.com/paloaltoconnect/palo-alto-continues-race-and-equity-efforts-eabfaa6fad00>. The blog post identified many efforts underway including art exhibits, Rev. Dr. Martin Luther King, Jr. Day activities, and a summary of the November City Council actions.

#### *21-Day Habit Building Equity Challenge:*

Subsequent to the blog post, the City engaged with PAUSD, Youth Community Services (YCS), and the Palo Alto Council of PTAs (PTAC) on the 21-Day Habit-Building Equity Challenge ([www.paequitychallenge.com](http://www.paequitychallenge.com)). The challenge was a powerful opportunity during Black History Month to develop a deeper understanding as a community of how inequity and racism affect our lives, both past and present.

As part of the challenge, participants were encouraged to do one activity (up to 15 minutes) per day to deepen community connections and further understanding of power, privilege, supremacy, oppression, and equity. The challenge had over 2,000 participants and made opportunities for online dialogue. Each week also featured presentations called “Thursday Night Live” where Challenge participants could hear stories from individuals, young people, and the City and PAUSD about these concepts. Links to the available videos are below:

- Thursday Night Live #1: <https://www.youtube.com/watch?v=a-UtuJ-4uw>
- Thursday Night Live #2: <https://youtu.be/c63aXblfm54>
- Culminating Event with Joe Truss (and virtual celebration) on February 25: <https://youtu.be/tN-ai5hHMCc>

During the virtual ceremony to celebrate the completion of the challenge, participants and their families were asked to stay active and to state the following social justice pledge:

*As a Palo Alto Social Justice Ally, I pledge to:*

1. *Take action by engaging in efforts that promote access, equity, inclusion, and anti-racism in my school and/or community.*
2. *Use my skills, talents, and voice to serve my community and those in it.*
3. *Be conscious of my privilege and use it in the fight for justice.*
4. *Provide support, availability, and understanding.*
5. *Debunk stereotypes and shed light on injustices.*
6. *Speak up for marginalized groups and actively promote social justice.*
7. *Recognize that I do not have all the answers, but am here to listen.*
8. *Proudly self-identify myself as a proud and active ally.*
9. *Be the change that I'd like to see in the world.*

The reading and video materials for the 21-Day Equity Challenge will remain on the website through December 2021 for anyone who would like to read or watch them. The site won't be monitored after June 2021, however.

The planning team has worked with PAUSD librarians to develop a shorter, 7-Day Equity Challenge for younger children and families. It features many books to help start this dialogue with younger children. The 7-Day youth equity challenge should be rolling out soon.

*Ruby Bridges Walk and Roll Month:*

In addition to the 21-Day Challenge, residents are asked to participate in the Ruby Bridges Walk and Roll month with the Safe Routes to School. During the month of February, families and individuals were asked to walk or bicycle for the [Ruby Bridges Walk 'n' Roll Black History Month](#).

It provided an opportunity to learn about the Civil Rights Movement and transportation equity.

*Status Update on each of the November 2020 City Council Recommendations:*

<b>Recommendation</b>	<b>Recommendation Text</b>	<b>Status</b>
<b>A</b>	Adoption of the mission statement as a guiding statement of the City’s commitment to make equity a foundational principle in the City’s operational work;	This has been completed; the mission statement was adopted by City Council on November 16, 2020.
<b>B</b>	Direct Staff to expedite implementation of the new police records management system (RMS) 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;	This work is underway. Staff returned to City Council with the contract agreement and it was approved on November 30, 2020 ( <a href="#">CMR #11763</a> ). The three-City consortium agreement is also being finalized. The City is working to purchase the servers needed to host the system.
<b>C</b>	Starting after the full implementation of the RMS and the first data collection period, direct Staff to resume annual data collection and analysis of police contact data similar to the previous Stop Data reports;	This will occur upon completion of RMS implementation (item B above).
<b>D</b>	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;	Staff continues to discuss resources for mental health through PERT, MCRT, and the new program with the County. The County is presenting about the status of these at the March 9, 2021 Policy and Services Committee.
<b>E</b>	Direct 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;	Staff continues to work on this policy. All incidents to date meeting the disclosure criteria under SB 1421/AB 748 have been released.
<b>F</b>	Direct 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 used, and all cases where the subject’s injuries necessitate any treatment beyond minor medical treatment in the field;	Staff is working with the IPA on the contract amendment which includes this language as part of the expanded scope of services. The contract amendment is anticipated to come to the City Council for approval by June 2021. More information about the timeline for the IPA-related items are included in the Timeline section at the end of this report.

Recommendation	Recommendation Text	Status
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;	<p>Staff is working with the IPA on the contract amendment which includes this language as part of the expanded scope of services. The contract amendment will come to the City Council by June 2021. More information about the timeline for the IPA-related items are included in the Timeline section at the end of this report.</p> <p>In order to continue reporting while the changes are being finalized, the IPA will publish the 2019 report in March 2021. The supplemental staff report will contain the timeline information as described in the Timeline Section of this report.</p>
H	Direct Staff to include use of force information to the regular Supplemental Report submitted to the City Council as a cover memorandum to each IPA report;	<p>The use of force (UOF) information for Jan. 1, 2015 – June 1, 2020 is available online (<a href="https://tinyurl.com/4kwwy6xb">https://tinyurl.com/4kwwy6xb</a>).</p> <p>The next UOF report will be included as part of the Supplemental Report in January 2022 in order to include a full year of data.</p>
I	Refer the police reform legislative priority thoughts and input to the Policy and Services Committee who will be discussing the City’s legislative priorities in December 2020;	<p>This recommendation has been completed; it was included in the City Council-adopted legislative guidelines (CMR #11968: <a href="https://tinyurl.com/evzjwhpw">https://tinyurl.com/evzjwhpw</a> )</p>
J	Refer all race and equity work to the Policy and Services Committee for citywide diversity and inclusion practice areas and policing practice areas;	<p>Completed: The P&amp;S Committee will receive quarterly updates and discussion items related to the City Council Social Justice priority and Race and Equity.</p>
K	Direct Staff to return in the fall of 2021 with parameters, proposals, and strategies prior to engaging in Palo Alto Peace Officers’ Association negotiations;	<p>This will occur in fall 2021 prior to negotiations.</p>
L	Direct Staff, in coordination with the City’s overall diversity and inclusion efforts, to conduct a workforce demographic assessment as baseline information and to pursue an employee assessment to measure City workforce culture;	<p>Staff has begun this analysis.</p>

Recommendation	Recommendation Text	Status
M	Policy and Services CEDAW recommendation: Direct Staff to proceed with a community summit on gender equity issues and next steps in Palo Alto;	Staff has begun planning for the summit. Staff has started identifying organizations and individuals who may be interested in participating.
N	If the County does not assign a resource to Palo Alto in the next six months, refer to Policy and Services Committee the exploration of the feasibility of a CAHOOTS-type program;	Staff continues to discuss resources for mental health through PERT, MCRT, and the new program with the County. The County is presenting about the status of these at the March 9, 2021 Policy and Services Committee. Additionally, the City Council made a referral at the January retreat regarding these resources.
O	Amend the contract to require the Independent Police Auditor (IPA) to meet with the City Council in open session twice a year with each report;	Staff is working with the IPA on the contract amendment which includes this language as part of the expanded scope of services. The contract amendment will come to the City Council for approval by June 2021.
P	Refer to the Policy and Services Committee consideration of the Independent Police Auditor (IPA) oversight of internal complaints regarding misconduct related to harassment, discrimination, or retaliation resulting in city investigation of uniformed officers.	The amended IPA scope of services will include a placeholder noting that this work task may be added, depending on the outcome of the Committee discussion. Staff will schedule the Committee discussion for an upcoming meeting. More information about the timeline for the IPA-related items are included in the Timeline section at the end of this report.
Q	Direct Staff to work with IT to streamline publishing police policy updates to the City website on a quarterly basis.	Completed. The Police Department found a solution to streamline the redaction process to make quarterly updates. The policy was last updated on February 1, 2021.

### **Timeline, Resource Impact, Policy Implications**

The next Race and Equity Update report is estimated to come to the Policy and Services Committee later this year in either May or June. Other specific topic areas could be scheduled to come back at different dates.

The estimated timeline for the implementation of the City Council actions related to the IPA contract is below. It is subject to adjustment as negotiations with the IPA continue to progress.

- The Office of Independent Review (OIR) will present to the City Council at least two times per year, approximately six months apart, likely starting in August 2021. The schedule for the presentations will be as soon as possible after the OIR report has been publicly released through an Informational Report to the City Council. If the City Council wishes to meet with the OIR to discuss the 2019 report, staff recommends incorporating those issues into the August presentation.
- The discussion with OIR regarding an audit workplan can also be incorporated into the August presentation. This is tentative and has not yet been confirmed with OIR.
- While staff continues to discuss specifics with OIR, the estimated timeframe for the reports' release is at the beginning of the year and mid-year, which likely will mean early after City Council summer break. The reports will be Informational Reports and then a discussion with the OIR will be scheduled as soon as practical thereafter.
- Additional scope related to including all administrative use of force reports where a baton, chemical agent, TASER, less-lethal projectile, canine, or a firearm is used, and all cases where the subject's injuries necessitate any treatment beyond minor medical treatment in the field will be included in the OIR report for the time period beginning with the cases sent to OIR starting in January 2021. The new timeframe for reports, where an OIR report will be released every six (6) months containing any reviews ready at the time of the report, is scheduled to begin starting after the City Council summer break in 2021.
- The direction to include use of force information with the regular Supplemental Report submitted to the City Council as a cover memorandum to each IPA report will begin in January 2022. Use of force incidents are not frequent in Palo Alto. Staff recommends the data be released once annually in order to provide a larger data set to better inform discussions. The UOF data for the past five (5) years through June 1, 2020 was included in City Council Ad Hoc committee Transmittal #3 in August 2020 (link: <https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=51654.01&BlobID=78257>).
- The City Council has referred consideration of the Independent Police Auditor (IPA) oversight of internal complaints regarding misconduct related to harassment, discrimination, or retaliation resulting in city investigation of uniformed officers to the Policy and Services Committee. The Committee will schedule this item. Staff will include a placeholder in the contract amendment to reflect that the discussion will occur in the coming months.

**When will the Contract Amendment come to the City Council for approval?** Staff is in discussions now with OIR about the expanded scope of services for the contract. The contract reflecting previous City Council direction is anticipated to come to the City Council before the summer break.

### **Resource Impact**

The expansion of the IPA contract will have a fiscal impact, but the amount is still under discussion with OIR. Staff will identify the additional funds needed once a quote is received

from the IPA.

### **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, including the '100 Influencers' initiative that the Human Relations Commission is undertaking. Updates on the City's ongoing efforts can be found on the Race and Equity webpage on the City website ([www.cityofpaloalto.org/raceandequity](http://www.cityofpaloalto.org/raceandequity)).