



City of Palo Alto

City Council Staff Report

(ID # 12048)

Report Type: Study Session

Meeting Date: 4/5/2021

Summary Title: Police Department Study Session with Council

Title: Report and Discussion Regarding Police Services, Including Policy Updates, Crime Statistics, Radio Encryption, and Independent Auditing

From: City Manager

Lead Department: Police

Recommendation:

This is a study session and no action is needed from Council.

Background

On February 24, 2020, the City Council held a study session on the Palo Alto Police Department (see staff report CMR #11071). Chief Robert Jonsen presented an overview of the Department and its organizational structure, crime statistics, recent notable accomplishments, administrative oversight and accountability, recent legislative changes, and the evolution of the law enforcement labor force. At that time, no one could have foreseen the changes to come in the next few months: a global pandemic, a nationwide movement for racial justice, and significant budget reductions.

In this report Chief Jonsen updates the City Council about the current state of the Palo Alto Police Department and summarizes changes over the past year. The report discusses how the Department adapted and pivoted, with personnel continuing to serve and protect the community during the pandemic despite significant staffing reductions and a resulting redistribution of the workload. This report summarizes crime statistics for 2020 and policy reforms adopted with input from the community, the Human Relations Commission, and the City Council. The Chief will talk about recent notable accomplishments, administrative oversight and accountability, and end by looking towards the future.

Discussion

The COVID-19 pandemic impacts over the past year, as well as significant conversations nationally surrounding race and equity have resulted in a year of consistent change. Department personnel have continued to serve the community uninterrupted through this period responding to emergency calls, investigating crimes and suspicious circumstances, making arrests, and more. The following summary provides updates on staffing levels, crime

statistics, police reform, and accomplishments over the last year to help inform the City Council's study session discussion.

Staffing Changes and Work Adaptations as a Result of the Pandemic

The global pandemic brought significant economic challenges during 2020. The City swiftly reduced resources to address a \$40 million decline in major tax revenues. This was directly felt following a significant number of budget reductions in the Police Department that were necessary to help the City navigate these challenges resulting in \$4.3 million reduction in expenses. For Fiscal Year (FY) 2020-2021, the Department eliminated the following positions: 11 Police Officers (all vacant), four Public Safety Dispatchers (all vacant), one Police Lieutenant, the Deputy Director of the Technical Services Division (a member of the Department's executive team), the Public Affairs Manager, the 9-1-1 Dispatch Center Manager, two Community Service Officers (both vacant), one Animal Control Officer (vacant), a Communications Technician, an Administrative Associate (vacant), two Reserve Police Officers, and six part-time Management Specialists.

The Police Department is now allocated 126.5 full-time positions and 9 part-time employees (equivalent of 1.02 FTE). Compared to the 150.5 full-time positions and 24 part-time employees (equivalent of 3.30 FTE) from the prior fiscal year, this is a 17.1% decrease in Department staffing (and a 13% decrease in the number of sworn positions). Overall, the department budget was reduced by 9.6% from prior year levels.

These reductions have resulted in service impacts to the community throughout the division in the Police Department. Where possible and necessary, responsibilities previously handled by reduced resources have been absorbed by the remaining staff members. The adaptive team has adjusted to learning new tasks and expanding work capacity through this unusual year. Additional details on the specific budget actions taken can be found in the FY 2021 Adopted Operating Budget [here](#), specifically in the Police Department section.

Personnel in non-patrol assignments (administrative staff, detectives, special events staff, and others) followed guidance provided by Santa Clara County health orders and City leadership directives to telework to the extent possible. This adaptation was significant but overall implemented successfully, with several staff members able to efficiently work remotely at least a couple of days each work week, and in so doing, limiting the number of people in the workplace.

Crime Statistics

Our 24-hour dispatch center is the third-busiest dispatch center in Santa Clara, receiving 140,578 total calls (which include all calls to police, fire, EMS, public works, utilities, animal control, and others) in calendar year 2020. 28,953 of these were emergency calls placed to 9-1-1, 99.5% of which were answered within 10 seconds. The pandemic and shelter-in-place orders were likely responsible for a decrease in calls into the dispatch center during 2020 (which saw 8,499 fewer 9-1-1 calls and 35,959 fewer total calls compared to 2019 numbers, a 29.4 percent and 25.5 percent reduction respectively). Below are annual statistics of the number of calls for

service, offense reports, and traffic collision reports handled by the Palo Alto Police Department for calendar year 2020, and dating back the past eleven years. The pandemic and shelter-in-place orders were likely responsible for a decrease in overall calls for service, offense reports, and traffic collisions (with fewer people driving on City streets and roadways).

Calendar Year	Police Calls For Service	Offense Reports	Collision Reports
2020	44,654	4,665	446
2019	51,417	5,611	836
2018	55,798	5,715	993
2017	54,926	5,938	952
2016	52,366	5,534	969
2015	58,243	6,729	1,025
2014	59,773	6,058	1,108
2013	65,861	5,764	1,173
2012	62,783	5,607	1,001
2011	59,815	4,921	1,096
2010	63,966	5,463	1,037
2009	63,950	6,171	1,011

The Police Department is responsible for annually reporting Uniform Crime Report (UCR) statistics. Uniform Crime Reporting is a law enforcement program designed to provide a nationwide view of crime based on the submission of statistics by law enforcement agencies throughout the country. Each agency is required to report monthly crime statistics to the California Department of Justice, which in turn forwards the information to the FBI. The FBI then uses this information to publish its annual Uniform Crime Report.

For practical purposes, the reporting of known offenses is limited to the crime classifications listed in the Part I Crimes summary because they are crimes most likely to be reported and crimes that occur with sufficient frequency to provide an adequate basis for comparison across the United States.

The chart below shows the past seven years of Palo Alto’s UCR Part 1 Crime statistics. While crime trends tend to be cyclical, overall, Palo Alto continues to have a very low rate of violent crime per capita (violent crime defined as homicides, rapes, robberies and assaults). This [FBI website](#) lists all UCR Part 1 crime statistics for every city in California, which shows that Palo Alto has the lowest rate of violent crime per capita of any of our neighboring cities with the exceptions of Los Altos and Los Altos Hills. This past year, statistics showed a decrease in crime rates for robbery and larceny-theft (includes auto burglaries) crimes. There was a notable increase in commercial and residential burglaries, stolen vehicles, and arsons.

Crimes	2014	2015	2016	2017	2018	2019	2020
Homicide	1	1	1	0	0	1	1

Rape	4	13	10	11	6	10	12
Robbery ¹	26	26	28	39	30	46	39
Assault	24	27	35	40	38	29	30
Burglary ²	273	212	221	215	234	179	243
Larceny-Theft ³	975	1,407	1,161	1,477	1,197	1,724	1,571
Stolen Vehicle	68	87	65	92	83	83	112
Arson	3	5	8	6	9	8	22
Totals	1,374	1,778	1,529	1,880	1,597	2,080	2,030

¹ Robbery is defined as the felonious taking of personal property in the possession of another, from her person or immediate presence, and against her will, accomplished by means of force or fear.

² This category includes commercial and residential burglaries, but not auto burglaries

³ This category comprises thefts, which includes auto burglaries

Police Reform Measures

In early June, the City Council adopted a Resolution affirming that Black lives matter and committed to address systemic racism and bias. These events served as catalysts for leaders at every level of government to see the need for action to confront systemic racism. A week later, the City Council approved a Race & Equity Framework and action plan, 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. Since that time, the City, Human Relations Commission, Palo Alto Police Department and community continued a series of conversations about race and equity. The series of community engagement opportunities and City Council ad hoc conversations concluded in the fall with the City Council adopting new actions about race and equity including police reform measures. For the most recent status update on the City’s race and equity efforts, review the March 9, 2021 report to the Policy and Services Committee (link: <https://www.cityofpaloalto.org/civicax/filebank/documents/80509>).

As a partner in these conversations, the Police Department embraced change, listened to community input and experiences, collaboratively shared information, and worked closely with elected officials, community leaders, and residents to advance collective goals around race and equity. Here is a summary of those citywide efforts, in the three areas of community engagement, transparency, and accountability:

Community Engagement

- On June 1, released a [Message of Inclusion and Hope](#) co-authored by Chief Jonsen, City Manager Ed Shikada, and the pastors of two local churches.
- Launched a new [Race and Equity](#) page on the City website with details on how community members could provide input on these critically important topics.
- Launched a new [Accountability](#) page on the Police Department website.

- Live-streamed [a series of educational community briefings](#) on Zoom and YouTube to provide detailed information on police procedures and accountability measures.
- Chief Jonsen participated in [an online roundtable discussion](#) on race relations, social injustice, and inequality on local cable television.
- Chief Jonsen participated in a live-streamed [Q&A session](#) on Zoom and YouTube along with City Manager Shikada and the City's Human Relations Commission Chairperson.
- Ongoing collaboration with Stanford's Social Psychological Answers to Real-World Questions (SPARQ) program, focused on strengthening relationships between the Department and the Palo Alto community and increasing the performance, commitment, and safety of Palo Alto police officers.

Transparency

- Significantly increased the amount of material available for public review in the Department's [Policy Manual](#) online ; committed to update the Manual on a quarterly basis.
- Participated in numerous City Council meetings and meetings of the four City Council [Ad Hoc Committees on Race and Equity](#) to provide policing data, police information and other materials to inform the community conversations taking place on police reform and worked collaboratively on notable changes. Records Unit staff processed 1,480 requests for information under the California Public Records Act.

Accountability

- Worked in collaboration with labor groups to proactively change policies, such as expressly prohibiting the carotid restraint hold and emphasizing de-escalation techniques.
- In late 2019, renewed and expanded the contract with the City's [Independent Police Auditor](#) for another three years and continued to publish their bi-annual detailed reports on our website for public review.
- Provided a safe space for more than 30 demonstrations and marches, protecting the First Amendment rights of those participating

Notable Department Accomplishments, Changes & Clarifications

Despite the many challenges of the past year, Department personnel were still able to accomplish several noteworthy items.

Online Reporting

In December, the Police Department launched a new online reporting tool, giving the public the ability to file their own online police reports for a wide array of minor crimes and non-injury traffic collisions. The tool has been extremely well-received by the public; in the first three months, the system received more than 250 reports filed online, increasing convenience for the public and saving approximately 375 hours of officer time. This creates efficiencies for officers and Community Service Officers to respond to more urgent calls for service. For more information about the online reporting tool, visit www.cityofpaloalto.org/onlinereports.

Looking forward, the Department plans to continue to leverage technology to improve service to the public and increase staff efficiency. Projects currently underway for 2021 include electronic field reporting for officers, officer contact data collection, electronic traffic citation devices integrated with the County court system, and electronically-submitted court documents to improve the timeliness of County court operations. With regards to the officer contact data collection, the Department is building the infrastructure for officer contact data collection (to comply with the provisions of AB953, the Racial and Identity Profiling Act (RIPA)). This new state law requires law enforcement to eventually begin collection on 16 different data elements on every police contact including perceived race and the reason for the contact, with the first public annual report due by April 1, 2023.

Public Information Portal

In 2020, the Department launched its new Public Information Portal on its website. The portal is a hub from which the public can view news releases, crime statistics, the Department's Policy Manual, all of the open data published to the Police Data Initiative, monthly activity reports, and more. The portal also includes information that the Department is required to disclose under the new state laws Senate Bill 1421 and Assembly Bill 748 in cases that involve officer-involved shootings, uses of force that result in death or great bodily injury, sustained findings of sexual assault, and sustained findings of dishonesty. Dating back to January 1, 2014, there are three cases that qualify under those State criteria; the portal includes information and video from these three cases. To view the Public Information Portal, visit [www.cityofpaloalto.org/gov/depts/pol/public_information_portal .asp](http://www.cityofpaloalto.org/gov/depts/pol/public_information_portal.asp).

Website Revisions

This spring, as the City migrates to a new website that is more streamlined and mobile-responsive, the Police Department has been working behind the scenes on its web pages to do the first re-organization of its content in more than a decade. The new Police Department website will be easier to navigate and contain updated, refreshed information.

Radio Encryption

In October of 2020, the California Department of Justice issued an Information Bulletin (linked [here](#)) informing local law enforcement agencies that they must promptly implement procedures to comply with state and federal Criminal Justice Information Systems (CJIS) regulations that tightly restrict access to certain criminal justice information (CJI) and personally identifiable information (PII). PII is information that can be used to distinguish or trace an individual's identity, such as an individual's name in combination with one or more data elements, such as a driver's license number, social security number, passport number, military ID number and other unique ID number issued on a government document. Restricted CJI and PII may only be accessed by authorized law enforcement personnel with an official need to know. The purpose of these regulations is to protect the privacy of members of the public, including suspects, witnesses and bystanders, who interact with law enforcement.

The Bulletin informed local law enforcement that any restricted CJl or Pll that is transmitted over radio channels must be encrypted. The Department of Justice specified two methods that local agencies may use to comply with these data privacy requirements: (a) encryption of all radio traffic; or (b) adoption of a policy to “restrict dissemination of specific information that would provide for the protection of restricted CJl database information and combinations of name and other data elements that meet the definition of Pll.”

As the Palo Alto Police Department had the pre-existing infrastructure to immediately comply with these regulations, the Department joined several other Santa Clara County law enforcement agencies in moving to an encrypted radio channel to safeguard the Pll of those with whom personnel come into contact.

It should be noted that as of early March, the only cities left in the county operating on non-encrypted channels are Santa Clara and Milpitas; all law enforcement agencies in Santa Clara County will be using encrypted radio channels by the end of 2021. Due to feedback received from some in the community after conversion to encrypted channels, Police Department staff are currently exploring the feasibility of alternative options for complying with these state and federal security requirements while simultaneously providing for as much transparency with radio transmissions as legally possible. Of the other agencies in the county already using encrypted radio channels, none considered alternative options due to the numerous operational and tactical challenges they present; as a result, there is no local model using alternative options that staff can readily replicate.

The Department continues to respond to press inquiries for public information; produce [our police report log](#) every business day noting cases and other incidents for public information and for media partners; distribute [news releases](#); post information on our website like [crime statistics](#), [monthly activity reports](#), [Policy Manual](#); and, manage many [social media platforms](#) to ensure the public is aware of police activities and ways to stay safe.

Nonetheless, the Police Department has requested further consideration by the California Department of Justice. State legislation was previously introduced to enable news organizations to gain access to encrypted radio communications, and staff has been watching for introduction of a similar bill this year. However, at this time our Sacramento lobbyists have not identified any current legislation. If the City Council would like to pursue legislation on the encryption topic, staff would work collaboratively with stakeholders and with the City’s State advocates on future legislation for consideration by the State legislature.

Canine Team

The Palo Alto Police Department’s canine program has been the topic of significant community conversation of late, as a result of an incident involving a Palo Alto Police Department canine team who responded to Mountain View to assist Mountain View Police Department officers in locating a felony domestic violence / kidnapping suspect who Mountain View Police believed had fled into a residential neighborhood.

The Palo Alto Police Department has employed police dogs for more than 30 years. Currently, the Department has two police dogs (both German Shepherds) assigned to patrol the city with their handlers. The dogs live at home with their handlers and their families, and come to work every shift with their human partner. Both dogs are trained for basic patrol service (which includes searching for people and items, apprehension, and handler protection), and one of the dogs is also certified in explosives detection.

Police dogs can be used in a variety of circumstances, which include but are not limited to searching locations and under conditions not safe for officers (such as a crawl space or in a location with an armed barricaded suspect), encouraging voluntary compliance by their mere presence at an arrest scene (often reducing the need for officers to use any force whatsoever), providing a level of force (less than deadly) to be applied in particularly dangerous circumstances, searching for hidden explosive devices in advance of dignitary visits or large-scale community events, locating fleeing suspects or hidden items of evidentiary value to a degree that is far beyond human capacity, and providing a positive way for our personnel to interact with our community members in non-enforcement situations like National Night Out, block parties, and while out walking in local parks.

A canine handler is selected after an interview panel with scenario-based questions where they demonstrate their tactical experience and decision-making skills. In addition, a candidate must successfully pass a psychological examination.

Both of the Department's canine teams (the dog and the officer) are highly trained. After attending a four-week state-certified course together, each canine team participates in ongoing regional training twice monthly with other canine units from the Stanford Department of Public Safety, the Redwood City Police Department, the Los Altos Police Department, the Menlo Park Police Department, and the East Palo Alto Police Department. Every shift, each handler works with the dog to train further. This adds up to about 60 hours of training each month for each canine team. The State of California Commission on Peace Officer Standards and Training (POST) requires that each police canine qualify annually in certain basic patrol tasks. For police dogs that are selected for specialty assignments (like explosives detection), additional multi-week training schools and ongoing qualifications are required. All training for each canine team is documented and retained as part of the handler's personnel file.

Between 2018 and 2020, the Department's two canine teams were deployed a total of 350 times in the field. A deployment is defined a search for a person, a search for an article (evidence), a possible suspect apprehension (for example, a car stop on a known armed felon), a warrant service, or an explosives detection detail. Of those 350 deployments, five resulted in one of our police dogs actually engaging and bite/holding the suspect. The vast majority of the time, the canine team is able to assist in finding the wanted person without direct contact with the person. As a result of changes made in 2020 to the scope of the Independent Police

Auditor's contract, the IPA is reviewing all uses of force involving a Palo Alto Police Department canine.

Between 2018 and 2020, the Department's two canine teams completed 248 public relations details in the Palo Alto community. These could be planned community events like National Night Out, block parties, a visit to a class of students, or an impromptu interaction with an interested member of the community. These types of community engagement interactions are a beneficial way to foster trust and understanding between police officers and community members.

Administrative Oversight and Accountability

Administrative investigations are completed at the direction of Police Department command staff. Investigations may be conducted by police sergeants, police managers, or contracted investigators, depending on the circumstance. Executive Staff reviews all investigations and sends specified investigations to the Independent Police Auditor in accordance with the Auditor's City Council-approved scope of work.

In 2020, there were zero public complaint investigations, 7 supervisory inquiry investigations (including five involving sworn personnel, one involving a public safety dispatcher, and one involving an animal control officer), and one internal affairs investigation.

With regards to use of force, Police Department personnel used the following types of force during 2020: 9 physical strength (i.e., no tools like baton, OC, or firearm used), one TASER deployment, and two canine deployments. As part of the 2020 Ad Hoc Committee Race and Equity work, the Police Department issued a summary report on uses of force for 5 years on August 26, 2020 (linked [here](#)). The Department will issue an updated report on uses of force in *January 2022* and annually thereafter.

The City of Palo Alto continues to provide one of the strongest independent police review system of any city our size. State law requires all police agencies to receive and investigate complaints made by the public against police officers. However, having independent review of police investigations is a choice made by the City of Palo Alto several years ago and is not required by law. While large agencies like the City of San Jose work with an independent police auditor, it is rare for a small city to retain a police auditor or contract for services. Palo Alto has had an independent police auditing program since 2006. The IPA reviews police investigations for objectivity, thoroughness, and appropriateness of disposition, and can also make recommendations to the Police Chief regarding further investigation, processes, and dispositions. At the conclusion of their review, they publish a public report with all of their findings. All such reports dating back to the inception of the IPA in 2006 are viewable on the Police Department's website at www.papd.org. The latest report issued can be found [here](#) for calendar year 2019.

Historically, the IPA has reviewed three categories of Department investigations: (a) complaints from members of the public, (b) Department-initiated internal affairs investigations, and (c) all TASER deployments, regardless of whether a complaint was filed. At City Council's direction in November 2020, the IPA's scope of work is being expanded to include Department reviews of uses of force reports where a baton, chemical agent, TASER, less-lethal projectile, canine, or firearm is used, and all cases where the subject's injuries necessitate any treatment beyond minor medical treatment in the field. In addition, the IPA will attend and confer with City Council two times per year, following publication of the IPA's report. Finally, this spring, the Policy and Services Committee will explore expanding the IPA's scope further to include review of internal complaints against uniformed officers regarding misconduct related to harassment, discrimination, or retaliation.

The IPA's report is drafted to provide public accountability while also complying with state laws (Cal. Penal Code sections 832.5-832.8) that require employing agencies to maintain the confidentiality of law enforcement personnel records, with limited exceptions specified in state law. To comply with these obligations, the IPA report does not identify individual officers; rather, the IPA report discusses incidents at a general level, focusing on departmental policies and practices. The IPA's comments at upcoming City Council meetings will be handled similarly. Department officials, City managers and City Councilmembers must also refrain from public disclosure of individual officers' personnel information.

Members of the public have considerable discretion under the Brown Act when speaking in public comment and may name individual officers or speculate about particular department personnel. Members of the public should understand that the IPA, City officials and Councilmembers cannot respond to requests from the public for information about individual officers that is confidential under the law.

Looking Forward

As we move further into 2021 and hopefully a continued gradual return to normalcy due to positive progress from vaccine administration and reduced cases of COVID-19, the Police Department plans to continue to adapt to the changing circumstances in the best ways to meet the needs of our residents, businesses, and visitors. The Department is looking forward to launching a new Psychological Emergency Response Team (PERT) in partnership with the Santa Clara County Behavioral Health Services Department, continuing our conversations with our Chief's Advisory Group, and making strides on the many technology initiatives designed to improve service to our community. In addition, we recognize that the City continues to face significant fiscal challenges, and the Police Department remains committed to doing its part to help. No matter what challenges the future may bring, the Department will continue to steadfastly and equitably serve and protect this community with the respect and integrity that everyone deserves.