



City of Alameda

Staff Report

File Number:2021-720

City Council

Agenda Date: 3/16/2021

File Type: Regular Agenda Item

Agenda Number: 6-A

Recommendation to Accept Report from the Community-Led Committee on Police Reform and Racial Equity and Provide Staff Direction on Next Steps. (City Manager)

To: Honorable Mayor and City Councilmembers

EXECUTIVE SUMMARY

The community-led Police Reform and Racial Equity Committee ("Committee"), appointed by the City Manager, is bringing forward a number of recommendations which include specific recommendations in five topic areas in addition to overarching recommendations. The Committee's recommendations are attached as Exhibit 1 to this report. In addition to the recommendations by the five topic organized subcommittees, the Steering Committee has outlined of "initial steps" recommendations for the City Council to consider. . Due to the uniqueness of this report, staff, including the Police Chief, is offering some general perspective to the various Committee recommendations. On March 16, the Steering Committee will present its report to the City Council. Staff is requesting City Council direction regarding next steps in the City of Alameda's (City) Police Reform and Racial Equity efforts.

BACKGROUND

Steering Committee and Subcommittees

The Committee on Police Reform and Racial Equity ("Committee") is a quasi - community-led group developing recommendations for changes to policing and methods to address systemic racism in Alameda. In August 2020 the City Manager appointed four community members to the Steering Committee to lead this work: Christine Chilcott, Al Mance, Cheryl Taylor, and Jolene Wright. The Steering Committee then recommended approximately 60 people which the City Manager appointed to serve on the Committee on Police Reform and Racial Equity. In the initial month of the Committee, five subcommittees were created comprising individuals of the "Committee" to address the following topics:

- Unbundling Services Currently Delivered by the Police Department
- A Review of Laws that Criminalize Survival
- A Review of Police Department Policies and Practices

Agenda Date: 3/16/2021

File Type: Regular Agenda Item

Agenda Number: 6-A

- Systemic and Community Racism/Anti-Racism
- Police Department Accountability and Oversight

Based on the discussions from the Summer, the Police Reform and Racial Equity Committee was formed with the purpose to look at Policing from a different view and in particular concerns that had come from the community such as concerns with what members of the community believed represented disparate treatment of people of color. The Committee was to look at Policing from that lens in order to assist the City in reimagining policing in Alameda.

At the meeting in July that the City Manager informed the City Council that he was creating the "Committee", it was discussed that at any time moving forward, the City Council could bring the issue back if it was not accomplishing City objectives and create a different process.

The Steering Committee has stated, *"we are committed to the idea of reforming aspects of the way in which policing is done in the city of Alameda, and we hope to do so in a collaborative way. We understand that policing is important to our community and we respect APD's commitment to the safety and security of our community but we believe that the manner of policing can be improved so that all of the people in our community as well as all who visit our community feel safe, secure and respected."*

After several months of research, review, and engagement, the subcommittees and Steering Committee have completed their final recommendations.

Subcommittees' Mission Statements

The five subcommittees each developed independent mission statements for their recommendations. The subcommittees' mission statements are quoted verbatim below.

Unbundling Services Currently Delivered by the Police Department

To support the City in (1) identifying the most appropriate community and governmental agencies to provide core services, thus creating a healthier and more safe Alameda for everyone, (2) eliminating the inequitable and unjust police interactions that disproportionately impact--and put at greater risk--people of color and other marginalized members of our community, and (3) striving for the best possible outcomes and most positive interactions with service providers.

A Review of Laws that Criminalize Survival

As a committee, we will analyze data on police involvement in Alameda pertaining to issues that "criminalize survival." These include (but are not solely limited to): homelessness/unhoused populations and protocol around space, loitering, and presence; arrests and other forms of police action taken towards sex workers and sex trafficking victims, misdemeanors, and within the framework of other street economies; and on the fines and fees associated with the criminal justice system (both on local levels and county levels). We strive to produce research that, when possible,

Agenda Date: 3/16/2021

File Type: Regular Agenda Item

Agenda Number: 6-A

directs police energies, campaigns, and services away from the above issues, and towards community-run organizations and social services who prioritize the well-being and mental health of their served populations.

A Review of Police Department Policies and Practices

To review, evaluate, and make recommendations to improve current training policies, practices and procedures with an eye toward maximizing service to and communication with the community in order to improve the quality of interactions between the police and the community. To ensure that police policies and procedures meet the standards and expectations of the Alameda community.

Systemic and Community Racism/Anti-Racism

Our subcommittee has identified five different areas of systemic racism within our community that we will seek to address and remedy: Housing, Education, Healthcare, Law Enforcement and City Government. We will push to get public portals for community feedback and get such systems in place - within both the City Government & Law enforcement - in an effort to collect data relevant to our greater mission: a more inclusive city. We endeavor to implement programs within AUSD, focusing on creating racially focused dialogue between staff & administration, students & their parents/guardians, and the greater community. Upon receipt of collected data, we'll then undertake a plan to assess the remaining areas of concern with respect to systemic racism within Alameda.

Police Department Accountability and Oversight

The Alameda Police Department Community Accountability and Oversight Committee, working together with those affected most by policing in Alameda and other community stakeholders, to foster an atmosphere of dignity, respect, and trust; seeks to listen, discover and report patterns of systemic racism and other forms of marginalization in police behavior by: developing recommendations for the creation of systems of oversight, ensure accessible complaint processes, increase transparency, deter police misconduct, promote thorough/fair investigations, identify patterns and opportunities for harm prevention and/or restorative justice, and manage adaptability to adjust to changing community needs over time.

Data Requests

At the request of the Committee and Subcommittee members, the City provided approximately eighty (80) information files to the Committee. While most of the data and information came from the Alameda Police Department (APD), other departments that provided information include: Fire, Economic Development, Human Resources, and the City Attorney's Office.

Public Engagement Process

City staff and Steering Committee members collaborated to engage the public in the following ways:

- **Webpage and online survey.** Since June 2020, the City has been sharing updates about this work with the community at www.alamedaca.gov/policing <<http://www.alamedaca.gov/policing>>. In January 2021 staff added the draft recommendations

Agenda Date: 3/16/2021

File Type: Regular Agenda Item

Agenda Number: 6-A

and online survey at www.alamedaca.gov/policingsurvey <<http://www.alamedaca.gov/policingsurvey>>.

- **APD Speaker Series.** On November 10, 12, and 16, 2020, there was a three-night speaker series with the APD and Committee members. APD staff presented information about the Department's policies, practices, data, budget, and more, followed by questions and discussions with Committee members. Members of the public were invited to watch via a livestream on the City's YouTube channel, where the recordings were, and continue to be, posted on the City's website.
- **Press releases and social media posts.** On January 15, 2021, the City issued a press release with an update on the Committee's efforts, and on January 21, 2021, the City published a second press release launching the public engagement period for the report, including the draft recommendations. Throughout the month-long engagement period, the City posted multiple times on its Facebook, Instagram, Twitter, and Nextdoor.
- **Public forums.** The public was invited to hear about the recommendations and give feedback at two forums that were live-streamed on Facebook and recordings are posted on the City's YouTube channel.
- **Presentations to Boards and Commissions.** Committee members presented to the Civil Service Board, Transportation Commission, Social Service Human Relations Board, and Commission on Persons with Disabilities, and Open Government Commission.
- **Presentations and outreach to business, youth, and social groups.** Committee members presented to the Alameda Collaborative for Children, Youth, and their Families and the Alameda business community, and worked with community groups and organizations on additional outreach.
- **Newspaper opinion pieces and other media coverage.** Members of the five subcommittees drafted opinion pieces that were published in the newspaper, and the work was highlighted in several newspaper articles and social media posts.
- **Postcard mailer.** A postcard was mailed to every Alameda address with QR codes and links to the draft recommendations, online survey, and upcoming events. Staff will continue this outreach with a survey by mail being delivered to all mailboxes this week.

Online Survey

A preliminary analysis of the online survey responses to date is included in Exhibit 2. Generally, people who attended the public forums and recorded meetings had a greater level of support for the Committee's draft recommendations compared to people who completed the online survey. Following the presentation to City Council on March 16, the City will post the subcommittee's final recommendations on the website. In addition, to the on-line survey, the "Committee" received input at their public presentations which also influenced changes in the Final Recommendations.

Public engagement during a pandemic has required a different approach. The online survey was

Agenda Date: 3/16/2021

File Type: Regular Agenda Item

Agenda Number: 6-A

designed to allow for public feedback and is not a statistically significant sample of Alameda residents. For example, in the city, around half of people rent their homes and half own their homes, however 71% of survey takers reported owning their home. The online survey cannot prevent someone from taking the survey more than once or from misrepresenting themselves. It did allow survey takers to share their open ended feedback about the draft recommendations and general policing experiences. As of March 1, 2021, 1,485 people had taken the online survey, and the City and subcommittees are reviewing the 1,947 written comments received to date.

DISCUSSION

Please see Exhibit 1 to review the detailed recommendations and the rationale for the recommendations from all five Subcommittees. Further, the Steering Committee will be making a presentation to the City Council on March 16.

The Steering Committee overarching recommendations are outlined below followed by an initial staff analysis. Due to timing of the report further analysis may be required on the recommendations.

Based on several months of research and inquiry, committee discussions, discussions with APD leadership, a community survey and multiple public meetings, the Steering Committee makes the **overarching recommendation** that the City of Alameda **create and staff a new city department focused on police accountability and racial equity**. We acknowledge that this “ask” comes with a price tag, but a City’s budget is a reflection of its community’s values. The committee has put over 3,000 hours of volunteer time for this work between August 2020 and March 2021 and much remains to be done.

The staff of this new department would report directly to the City Manager and work collaboratively with the Chief of Police. The department’s **initial priorities** would be to determine the feasibility of:

- 1. Facilitating development of Citizens’ Police Accountability Board**, institutionalized in the City Charter, including conducting a periodic/regular **review of Police Policies and Procedures**;
- 2. Shifting responsibility for responding to mental health crises from the Police Department** to other non-police agencies;
- Initiating a **public education “Who to Call” campaign** that clarifies which City and/or County agencies to call for various non-emergency occurrences in Alameda;
- Creating and adopting a **clear and concise protocol for APD social media**;
- Develop a new protocol that will require **city leaders to be notified** in potentially high profile

Agenda Date: 3/16/2021

File Type: Regular Agenda Item

Agenda Number: 6-A

police interactions;

6. Extending operations of the “**Block by Block**” Campaign past January 2021; and

7. **Supporting the business community** in their continuing efforts to increase equity and inclusion. This may include but not be limited to the adoption of a business racial accountability pledge.

As for reforms within the Police Department, the Steering Committee is hopeful that its recommendations below would be considered to ensure that all who live, work, play and pray in Alameda can experience positive policing:

1. The City of Alameda should continue to **hire APD officers to the number authorized in the budget - 88** with bi-monthly updates to the City Council on the staffing number until 88 is reached. During this time APD should endeavor to use social services organizations to provide support on calls that may not require sworn officers.¹
2. Arrange for sworn staff to participate in **bi-annual mental health and de-escalation training**.
3. Work with the Citizen’s Accountability Board to create a **Code of Conduct for sworn officers** reflective of community values.
4. The City Council should approve the addition of a **full-time Crime Analyst position** in the Police Department’s budget, enabling APD to expand its statistical/data capabilities.

Staff’s initial Analysis (including thoughts from Interim Chief Fenn) regarding the eleven overarching recommendations is included below.

1. Facilitating development of Citizens’ Police Accountability Board,
institutionalized in the City Charter, including conducting a periodic/regular **review of Police Policies and Procedures;**

- This recommendation would need further analysis if the Council desires this to be analyzed. Accountability Board or Review Committee’s have traditionally been seen in larger cities, but are being explored or implemented by other cities. One unique issue in Alameda is how it would be implanted within the Charter or as the “Committee” recommends may require a Charter amendment.

2. Shifting responsibility for responding to mental health crises from the Police Department to other non-police agencies;

- Staff supports pursuing this recommendation. Programs used as an example will have another department or not-for-profit be the lead agency with the Police Department being a support agency on a percentage of calls or all calls. This is a program that can be pursued but would need to evaluate through the budget process.

3. Initiating a public education “Who to Call” campaign that clarifies which City

and/or County agencies to call for various non-emergency occurrences in Alameda;

- Staff is supportive in looking at ways to expand our current communication efforts.
 - 4. Creating and adopting a **clear and concise protocol for APD social media**;
- There have been concerns brought forward in how we communicate both on social media as well as press releases. The City Manager's Office is working with the Police command staff on these policies. We have made changes based on community input, and are supportive of having a protocol that is consistent with City philosophies. Direction from Council would be helpful.
 - 5. Develop a new protocol that will require **city leaders to be notified** in potentially high profile police interactions;
- Staff has current systems and protocols but is open to refining them. We have a communication system for both Police and Fire calls. With this program, any changes would need to be consistent with legal requirements. The definition of a high profile police interaction would need to be defined.
 - 6. Extending operations of the **"Block by Block"** Campaign past January 2021; and
- The cost for this is approximately \$500,000 and would need to be prioritized by City Council in evaluating with other programs or find alternative funding or partnerships for the program.
 - 7. **Supporting the business community** in their continuing efforts to increase equity and inclusion. This may include but not be limited to the adoption of a business racial accountability pledge.
- Staff is open to Council direction on this. We currently are working with some programs such as GARE and evaluating other programs as well as outside data analysis firms.

Second Set of Overarching Recommendations

- 1. The City of Alameda should continue to **hire APD officers to the number authorized in the budget - 88** with bi-monthly updates to the City Council on the staffing number until 88 is reached. During this time APD should endeavor to use social services organizations to provide support on calls that may not require sworn officers.¹
- Staff is supportive of the recommendation.
 - 2. Arrange for sworn staff to participate in **bi-annual mental health and de-escalation training**.
- Staff is supportive with caveat that it would have budget impacts.
 - 3. Work with the Citizen's Accountability Board to create a **Code of Conduct for**

sworn officers reflective of community values.

This recommendation would take further analysis if the City Council is supportive. In the draft recommendations most of the elements of the proposal are currently addressed by the Police Department in some form in Policy Manual section 340. The criminal sanctions recommendation for violating the Code would require a further analysis. It would need to be evaluated in conjunction with State laws, how it could impact Bargaining Rights for the department personnel and the fact that we are not aware of a similar provision in another City in California.

4. The City Council should approve the addition of a **full-time Crime Analyst position** in the Police Department's budget, enabling APD to expand its statistical/data capabilities.
- The Police Chief is supportive of this recommendation. It was eliminated in a previous year during an economic downturn. It can be brought forward as part of budget for the City Council to weigh with other budget priorities.

Further, the Steering Committee also included an "Overarching recommendation that the City of Alameda create and staff a new city department focused on police accountability and racial equity."

The committee proposed seven "initial priorities" for this newly formed department, summarized below.

1. "Facilitating development of Citizens' Police Accountability Board."
2. "Shifting responsibility for responding to mental health crises from the Police Department."
3. "Initiating a public education 'Who to Call' campaign."
4. "Creating and adopting a clear and concise protocol for APD social media."
5. "Develop a new protocol that will require city leaders to be notified in potentially high profile police interactions."
6. "Extending operations of the 'Block by Block' campaign."
7. "Supporting the business community in their continuing efforts to increase equity and inclusion."

In reviewing this list, most are currently duties/responsibilities of existing City staff. The Committee believes that these things should be handled differently or may want to see certain initiatives expanded or modified, but staff believes that they can be addressed within existing departments, with existing staff (although other priorities may need to shift to account for new priorities)., protocols, and staff. In fact,

City Council

Agenda Date: 3/16/2021

File Type: Regular Agenda Item

Agenda Number: 6-A

to remove some of these responsibilities from positions like the Police Chief and City Manager seems antithetical to efficient operations. The City Council may wish to give new direction, reset priorities, or increase staff and/or resources to further these initiatives, but these responsibilities fall under and should remain with, the City Council.

Developing a new "Citizens' Police Accountability Board" would be a is certainly a new initiative, and there are several ways to facilitate that development that policy decision, if directed to do so by the City Council. Most approaches would not require an entirely new City department, however. The same could be also be said of number seven, "anti-racism campaigns directed at businesses."

RECOMMENDATION

Staff looks for the City Council to direct staff on any immediate specific recommendations you want to move forward on or receive further analysis.

Staff also seeks direction on next steps.

CITY MANAGER RECOMMENDATION

The City Manager concurs with staff recommendations on the Eleven Overarching recommendations from the Steering Committee. Several of the recommendations have budget impacts and would need to be weighed against current operational costs that will come forward in budget as well as other proposals.

I want to thank all of the Police Reform and Racial Equity Committee members for all of their work on the report as well as community members who have provided input.

At this time this Committee has completed its work and City Council would need to determine how the Council wants to move forward.

We seek direction from City Council on how to move forward as well as next steps in reimagining policing.

Respectfully submitted,
Eric Levitt, City Manager

Attached Report (Exhibit 1) Submitted By,
Steering Committee, Committee on Police Reform and Racial Justice, including: Christine Chilcott, Al Mance, Cheryl Taylor, and Jolene Wright

And

City Council

Agenda Date: 3/16/2021

File Type: Regular Agenda Item

Agenda Number: 6-A

Staff Report Authored By,
Eric Levitt, City Manager
Gerry Beaudin, Assistant City Manager
Randy Fenn, Interim Police Chief
Lisa Foster, Transportation Planner
Sarah Henry, Public Information Officer

Exhibit:

1. Final Report on Recommendations
2. Engagement Efforts