



MEMORANDUM

City Manager's Office

DATE: August 26, 2021

TO: Public Safety Advisory Board

FROM: Melvin E. Gaines, Principal Management Analyst
Michael Canfield, Police Captain

SUBJECT: Public Safety Advisory Board Fiscal Year 2021-22 Work Plan Final Discussion

RECOMMENDATION

Discuss and prioritize potential items and recommend the Public Safety Advisory Board Fiscal Year 2021-22 Work Plan for City Council approval.

BACKGROUND

At its July 22, 2021 meeting, the Public Safety Advisory Board (PSAB) engaged in a discussion about potential items for the recommended Fiscal Year 2021-22 PSAB Work Plan. During the discussion, staff identified items already referred by the City Council and/or recommended by staff. PSAB members also proposed work plan items and explained what actions they would like to take related to the items.

Following the meeting, staff analyzed the proposed items with the consideration of a number of criteria, including fit with the scope of the PSAB and staff and PSAB capacity. Staff's analysis is documented in the following Discussion section of this memorandum. In addition, staff has proposed a process for the PSAB to select projects to include in the work plan that will be forwarded to Council for approval.

DISCUSSION

PSAB members requested that staff review the following 15 potential work plan items for the Fiscal Year 2021-22 Work Plan:

- Examine and make recommendations related to the Mountain View Police Department (MVPD) School Resource Officer (SRO) program (referred by the City Council and currently under way).

- Develop and implement follow-up actions related to the MVPD Research Fellow's analysis of traffic stop data.
- Explore alternative responses to persons experiencing mental health crises.
- Explore where it is appropriate to have nonsworn personnel respond to calls for service.
- PSAB review and comment on a current lawsuit.
- Create a process for the PSAB to examine complaints against the MVPD.
- Explore how Police Officers use an individual's records (criminal/driving) to make enforcement decisions.
- Explore how the prosecutorial section of the MVPD operates. What types of diversion programs does the MVPD offer?
- Create a MVPD program to help people resolve automotive tickets that have been issued by MVPD.
- Create a MVPD reconciliation program for formerly arrested and/or incarcerated persons.
- Explore how MVPD can ensure that other departments it works with are held to the same standards as MVPD.
- Understand/further develop the City's mediation program.
- Evaluate Police Department cross-cultural/multilingual communications, outreach, and training.
- Measure efficacy of MVPD policies related to implicit bias.
- Examine MVPD policies/practices related to the mental health of Police Officers. Make sure Police Officers have good physical and mental health.

ANALYSIS

Staff reviewed the proposed work plan items to determine if the items:

- Fit into the scope of the PSAB;
- Support City Council goals and strategic priorities;
- Are consistent with existing City policy;
- Avoid duplication of existing City work plans and initiatives;
- Are feasible to implement within staff and PSAB capacity constraints; and
- Can be completed in a timely manner to address timely issues.

As mentioned in the July 22, 2021 memorandum and discussed during the meeting, the City is facing capacity constraints throughout the organization as it continues to focus on COVID-19 recovery efforts. Because of this, the City Council desires for advisory bodies to limit the number of work plan items on their proposed Fiscal Year 2021-22 Work Plans.

Several of the proposed work plan items require significant resources from the MVPD, City Manager's Office, and PSAB members. Some of the work plan items may require extensive research or coordination with other City departments, government agencies, nonprofits, or community-based organizations to achieve the desired outcomes. Staff recommends that the proposed PSAB work plan include no more than three to five items based on these variables and the potential for the City Council, the Ad Hoc Subcommittee on Race, Equity, and Inclusion, the City Manager's Office, and MVPD to recommend additional work items or assignments during Fiscal Year 2021-22.

A number of proposed items seem to convey an interest for the PSAB to learn more about particular topics. Staff recommends that the PSAB not include such informational requests on the PSAB Work Plan, but the Chair and Vice Chair should work with staff to add informational reports to PSAB meeting agendas throughout the year. If a PSAB member proposes to the Chair that staff provide an informational report, the Chair could add the item to a PSAB meeting agenda if it is feasible for staff to prepare the item within existing capacity constraints.

The following sections of this memorandum organize the potential projects listed above into three categories: (1) items recommended by staff; (2) items for which staff did not have enough information to provide a recommendation; and (3) items not recommended

by staff. In some cases, the staff comments point out items that could be informational requests that do not need to be added to the PSAB Work Plan. If the PSAB determines through its discussion that it would like to consider items beyond those in Table 1, staff will help facilitate a prioritization process.

Work Plan Items Recommended by Staff for PSAB Consideration

The work plan items staff recommends for the PSAB to consider for the Fiscal Year 2021-22 PSAB Work Plan are listed below in Table 1. Staff has provided input on the scope, general approach/activity, and potential timing for each recommended item.

Table 1: Summary of Recommended Work Plan Items for PSAB Prioritization

Item	Type of Activity	Staff Comments	Potential Timing
1. Examine and make recommendations related to the MVPD SRO program (referred by the City Council and currently under way).	Information gathering and sharing. Analysis to make recommendations to the City Council.	Staff recommends that the PSAB continue conducting surveys and interviews to learn about community experience with the MVPD SRO program, consider other information, such as Memorandum of Understanding (MOU) terms, and develop recommendations to the City Council.	July-Nov. 2021
2. Develop and implement follow-up actions related to the MVPD Research Fellow's analysis of traffic stop data.	To be determined. Based on the results of the data analysis, the PSAB may request additional information, provide input on next steps, hold community meetings about the research, and/or make program or policy recommendations stemming from the research.	Staff recommends that the PSAB add an item to perform follow-up actions to the traffic stop data report. This is an important topic to the community and the City Council. Some potential work plan items include review of MVPD's implementation of and compliance with the new Racial Identity and Profiling Act (RIPA) (AB 953) policies and procedures; making recommendations for MVPD regarding public access to data; and holding forums to discuss data.	Sep 2021-June 2022

Item	Type of Activity	Staff Comments	Potential Timing
3. Explore alternative responses to persons experiencing mental health crises.	Information-sharing to raise community awareness. Providing input/recommendations.	Staff recommends that the PSAB receive updates about the North County initiative to implement an alternative mental health crisis response program and other City efforts, help facilitate community input regarding crisis response needs in Mountain View, help build community awareness, and provide recommendations to improve program implementation.	Sep. 2021- June 2022
4. Receive quarterly updates on the number and nature of complaints that MVPD receives.	Information-sharing to raise community awareness.	PSAB members proposed creating a process for the PSAB to examine complaints against the MVPD. As noted below, that project is not recommended. However, staff recommends that the PSAB receive a quarterly update about the number and nature of complaints against the MVPD to learn about the volume, types, and resolution of complaints and provide greater transparency within the community.	Oct. 2021- June 2022

Work Plan Items that Need More Information

Staff requests that the PSAB provide more information regarding the proposed work plan items listed in Table 2 to better understand the intent and scope of the items and determine their feasibility. During its discussion, the PSAB is requested to determine whether it wishes to add any of the items in Table 2 to the recommended list in Table 1 for PSAB prioritization. If any of these projects require a medium to large volume of work from PSAB members and/or staff, staff recommends that the PSAB only add them to the prioritization list if they would rank the project higher than one or more of those projects included in Table 1.

Table 2: Summary of Work Plan Items that Need More Information

Item	Staff Comments
1. Explore how Police Officers use an individual's records (criminal/driving) to make enforcement decisions.	More information is needed on the purpose, scope, and desired outcomes of this project. If this item is a request for information, the Chair may add it to a PSAB meeting agenda, and staff can provide a brief overview and recommend additional ways for PSAB members and the public to learn more.
2. Explore how the prosecutorial section of MVPD operates. What types of diversion programs does the MVPD offer?	More information is needed on the purpose, scope, and desired outcomes of this project. If this item is a request for information, the Chair may add it to a PSAB meeting agenda, and staff can provide a brief overview and recommend additional ways for PSAB members and the public to learn more. The Santa Clara County District Attorney's (DA's) Office is responsible for prosecution and handles diversion, so staff would likely request that the DA's Office provide a presentation.
3. Create a MVPD program to help people resolve automotive tickets that have been issued by the MVPD.	To properly scope this project, staff would need to know whether the PSAB intends to coordinate this program using the PSAB, City staff, or another entity. MVPD currently lacks the capacity to staff such a program, so this project would not be recommended if MVPD staff were needed for its coordination.
4. Understand/further develop the City of Mountain View's mediation program.	More information is needed on the purpose, scope, and desired outcomes of this project. The Mountain View Mediation Program is administered by Project Sentinel. The program scope includes mediation of matters that could escalate into a Police call for service; however, the program is not focused on criminal disputes.
5. Create a MVPD reconciliation program for formerly arrested and/or incarcerated persons.	To properly scope this project, staff would need to know whether the PSAB intends to coordinate this program using the PSAB, City staff, or another entity. The Santa Clara County Probation Department is the entity tasked with reentry programs for those released from incarceration. MVPD currently lacks the capacity to create a program within the Department, so this project would not be recommended if MVPD staff were needed to coordinate the program.

Item	Staff Comments
6. Explore how the MVPD can ensure that other departments it works with are held to the same standards as MVPD.	More information is needed on the purpose, scope, and desired outcomes of this project. If this item is a request for information, the Chair may add it to a PSAB meeting agenda, and staff can provide a brief overview and recommend additional ways for PSAB members and the public to learn more. In general, MVPD can set a standard for officer conduct but could not hold another law enforcement agency accountable.

Work Plan Items Not Recommended by Staff

Staff does not recommend the proposed work plan items below in Table 3 be considered for inclusion in the Fiscal Year 2021-22 Work Plan. These items are either out of the scope of the PSAB or, due to capacity constraints, cannot be undertaken by the PSAB unless projects from Table 1 are not included on the work plan.

Table 3: Summary of Work Plan Items Not Recommended

Item	Staff Comments
1. Explore where it is appropriate to have nonsworn personnel respond to calls for service.	Recommended projects from Table 1 regarding SROs and alternative mental health crisis response include consideration of whether sworn Police Officers are the appropriate personnel for these community needs. There are additional types of calls for service that could be evaluated; however, doing so would likely require extensive PSAB and staff effort. This project is not recommended due to capacity limitations.
2. PSAB review and comment on a current lawsuit.	Existing litigation matters are not appropriate items for an advisory body work plan. PSAB members are welcome to review claims, the City’s responses, and all of the pleadings that have been filed in a particular lawsuit. These documents describe the allegations and claims against the City and the procedural history of the lawsuit. Court filings are publicly available on the United States District Court’s website. Other communications between the City’s counsel and its officers and staff remain confidential. It is a City policy not to comment generally on matters relating to existing litigation. The City will announce developments in cases, for example, should a lawsuit be dismissed or settled.

Item	Staff Comments
3. Create a process for the PSAB to examine complaints against the MVPD.	<p>When the City Council reviewed different models of police oversight boards and formed the PSAB in December 2020, it determined that the PSAB would not review complaints against MVPD. This determination was based on the low volume and nature of complaints against MVPD and the fact that the City Attorney's Office serves as the entity independent of MVPD that reviews complaints against MVPD.</p> <p>Staff does not recommend this item because it is not in Council's intended scope of the PSAB. Rather, staff proposes Item 4 in Table 1 in order to keep the PSAB informed on the volume and nature of complaints about MVPD.</p>
4. Evaluate MVPD cross-cultural/multilingual communications, outreach, and training.	<p>This project is not recommended due to the project scale. If this project is undertaken this fiscal year, another project recommended in Table 1 should not be included on the work plan. If the PSAB would like to receive an informational update, the Chair can add an item to a future agenda, and staff can provide an overview and recommend additional ways for PSAB members and the public to learn more about MVPD cross-cultural/multilingual outreach and training.</p>
5. Measure efficacy of MVPD policies related to implicit bias.	<p>This project is not recommended due to the level of staff and financial resources it would require. Evaluating the efficacy of trainings and policies related to implicit bias is a large-scale project that could require hiring a consultant to design and oversee the evaluation. If the PSAB recommends this project for the work plan, another project from Table 1 will need to be removed. A budget appropriation for consultant services could also be necessary.</p>
6. Examine MVPD policies/practices related to the mental health of Police Officers. Make sure Police Officers have good physical and mental health.	<p>Staff does not recommend that the PSAB lead an effort to examine policies and practices related to mental health of Police Officers. Such policies are driven by the Police bargaining unit, the Human Resources Department, and MVPD leadership. MVPD has a number of resources in place for mental health and wellness for officers. Officers recently had Employee Assistance Program (EAP) services expanded to 10 visits, all officers and dispatchers receive critical incident stress debriefing when involved in a traumatic incident, and all staff have access to the Cordico app (an app that is available on all MVPD smartphones that provides mental health resources). This project could be scoped to provide the PSAB with an informational update on what the department policies and practices are if the Chair adds it to a future PSAB meeting agenda. Staff does not recommend this item be scoped for the PSAB to make recommendations.</p>

Process for Selection of Items to Include in the Proposed PSAB Work Plan

The PSAB should review the project list above and the staff assessments included in Tables 1 through 3. Considering staff's recommendations, PSAB members should determine which work plan items they would like to consider for the recommended Fiscal Year 2021-22 PSAB Work Plan. When evaluating work plan items, staff recommends that the PSAB:

1. Affirm the listed scope or further define the scope for each item;
2. Affirm or define the general approach/activity of the work plan item (e.g., information gathering and/or sharing, public discussion/forum, analysis to make recommendations, raise community awareness, etc.); and
3. Discuss the potential timing for the implementation of the work plan item.

Depending on the collective scope of the projects the PSAB would like to include on the work plan, the PSAB may need to prioritize which projects should be included. As stated above, staff recommends that the PSAB undertake no more than three to five work plan items during Fiscal Year 2021-22.

- If the PSAB chooses to focus on the four work plan items recommended by staff in Table 1 and does not add any additional work plan items to be prioritized, the PSAB can vote to approve Table 1 items as the recommended Fiscal Year 2021-22 Work Plan.
- If the PSAB chooses to include additional work plan items, the PSAB will need to vote to prioritize the top three to five items. Each PSAB member will receive a certain amount of votes based on the total number of projects to help select priority projects.
 - The work plan items with the highest number of votes (or consensus) will be included on the final recommended work plan to be forwarded to Council for approval.

NEXT STEPS

The City Council will review and approve the PSAB recommended work plan along with other Council advisory body work plans for Fiscal Year 2021-22 on September 28, 2021.

MEG-MC/6/MGR

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