

**MEMORANDUM**

City Manager's Office

**DATE:** September 13, 2022

**TO:** City Council

**FROM:** Audrey Seymour Ramberg, Assistant City Manager/Chief Operating Officer

**VIA:** Kimbra McCarthy, City Manager

**SUBJECT:** **Update on First Year of Public Safety Advisory Board**

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**BACKGROUND**

In spring 2020, following national calls for racial equity and an examination of police practices, the Mountain View City Council created the Council Ad Hoc Subcommittee on Race, Equity, and Inclusion (REI Subcommittee) to provide input on the City's Race, Equity, and Inclusion Action Plan. At their June 30, 2020 meeting, REI Subcommittee members expressed interest in exploring different models of community-police oversight.

**Assessment of Community-Police Oversight Models**

Staff researched the practices implemented in other cities, met with Mountain View stakeholders, and worked with a cohort of Stanford University researchers and regional city leaders. At the August 24, 2020 REI Subcommittee meeting, staff provided an overview of common police oversight models, including investigatory/oversight, auditing/monitoring, review boards and commissions, and temporary task forces. During this meeting, staff noted that there is no one best practice. Rather, the ideal community-police oversight model for a particular city is that which best addresses community needs and reflects the extent to which the social, cultural, and operational realities in that city demonstrate a need for increased public trust and police accountability. Crime and public safety concerns are also factors that influence the structure of oversight programs as they may provide a venue for community members and police to have dialogue about crime and crime responses.

Staff returned to the REI Subcommittee on November 19, 2020 with a recommended model of community-police oversight for Mountain View. In developing this recommendation, staff considered the current level of community-police relations, areas where public trust and accountability of the Mountain View Police Department (MVPD) could be increased, and strengths to be leveraged, including MVPD's long-standing community-policing philosophy and proactive approach to transparency and enhanced communication. Factors considered included Mountain View crime statistics; MVPD contact and use-of-force data; and community input from

public meetings and other avenues, including the Human Relations Commission's Listening Forums on Local Policing, one-on-one meetings with community members and interested community groups, and the MVPD interactive educational forum called MVPDx: Partnership for the Future of Policing.

Staff's assessment of the above outreach, information-gathering, and analysis indicated that there were not the type of significant, widespread breaches in public trust of MVPD that would call for a board focused on investigation, oversight, monitoring, or auditing. Yet, the assessment indicated there would be value in exploring opportunities for improvement and noted the shared interest from the community, MVPD, and City leadership for Mountain View to lead by example and continuously seek ways to sustain and enhance positive, collaborative community-police relations and effective/equitable police services. Accordingly, staff recommended the creation of a body in line with the Review Boards and Commissions model. The REI Subcommittee voted to bring a recommendation to Council for the creation of a Public Safety Advisory Board (PSAB) consistent with staff's recommendation and with a purpose and composition described in the following section.

### **Council Direction of Creation of Public Safety Advisory Board**

Staff presented the REI Subcommittee recommendation to the City Council on December 1, 2020 (Attachment 1). This presentation included a summary of staff's outreach, research and analysis, and the purpose and composition of the Board and the next steps for its creation. The intent was for the PSAB to operate similarly to other Mountain View City Council advisory bodies and act solely in an advisory capacity. The proposed purpose of the PSAB was to advise and make recommendations to the City Council and provide input to the City Manager and Police Chief on public safety matters. The proposed tasks of the PSAB included holding public forums and providing input on public safety matters, including development of community-policing concepts, increasing public awareness of public safety matters, furthering the MVPD's engagement and transparency efforts, and identifying best practices.

It was recommended that the PSAB be comprised of up to seven residents appointed by the City Council to bring diverse community representation (from different neighborhoods, varying ages, races, professions, cultures, etc.). It was further recommended that the body be staffed by a member of Police command staff as well as a nonsworn employee designated by the City Manager who would serve as lead staff.

Council approved the recommendation of the REI Subcommittee and directed staff to conduct outreach to recruit applications for the PSAB. The City Council further directed that staff bring a report back to Council following the PSAB's first year of operations.

The recruitment period for the PSAB began on Friday, January 29, 2021, and closed on Friday, February 26, 2021. Outreach announcing the City's recruitment for the PSAB included web and

social media posts, *Mountain View Voice* ads, placement on the KMVT and City Hall bulletin boards, and targeted emails to a variety of community groups and interested parties. Fifteen (15) applications were received, and 13 were interviewed by the full Council on March 16, 2021 (one applicant was deemed ineligible as the applicant was not a Mountain View resident and one withdrew from the process). Council approved appointment of seven members at the April 13, 2021 Council meeting. The PSAB held its first meeting on May 27, 2021.

## **DISCUSSION**

This memorandum provides a one-year update on the operation of the PSAB, from its first meeting on May 27, 2021 through its June 23, 2022 meeting. During this time frame, the PSAB held seven meetings, with a two-month hiatus during December 2021 and January 2022 due to the transition in the City Manager's Office staff person from the Principal Management Analyst, who took a position in a neighboring city, to the Assistant City Manager/Chief Operating Officer.

### **Status of Fiscal Year 2021-22 Work Plan Items**

The PSAB adopted its proposed Fiscal Year 2021-22 Work Plan at its meeting on August 26, 2022. On September 28, 2021, Council approved the PSAB work plan as part of the annual process to approve all advisory body work plans. In addition to the items proposed by PSAB, the City Council directed that the PSAB receive a presentation on the MVPD budget. The Fiscal Year 2021-22 Work Plan, including the status of items, is summarized in Table 1 below, followed by more detailed descriptions of several key work plan items.

**Table 1: PSAB Fiscal Year 2021-22 Work Plan and Additional Items**

<b>Adopted Work Plan Items</b>	
<b>Item</b>	<b>Status</b>
Examine and make recommendations related to the MVPD School Resource Officer (SRO) Program.	Completed.
Develop and implement follow-up actions related to the MVPD Research Fellow's analysis of traffic stop data.	Research Fellow's study completed.  Follow-up actions in progress.
Explore existing and alternative responses to persons experiencing a mental health crisis.	In progress.
Receive quarterly updates on the number and nature of complaints received by MVPD.	Ongoing; Fiscal Year 2021-22 Completed.
Receive a presentation on the MVPD budget.	Ongoing; Fiscal Year 2021-22 Completed.

<b>Additional Items Referred by Council or Identified by Staff</b>	
<b>Item</b>	<b>Status</b>
Review of proposed Military Equipment Policy.	Completed.
Review of MVPD Annual Report.	Ongoing; Fiscal Year 2021-22 Completed.
Review of MVPD SRO Procedure Manual.	Pending.
Review of SRO Program annual report.	Ongoing; First report pending in August 2023.
Review of annual report on military weapons.	Ongoing; First report pending in April 2023.

### *MVPD School Resource Officer Program*

At the June 24, 2021 PSAB meeting, the MVPD presented a report to the PSAB on the history, purpose, and activities of the City's SRO Program. At this meeting, the PSAB appointed a three-member subcommittee to gather information and stakeholder input about the SRO Program and develop recommendations for the PSAB's consideration. The subcommittee worked from the end of June through mid-November, providing an update to the PSAB at its October 21, 2021 meeting and a final report on November 18, 2021. This report summarized the information and input-gathering process, which included discussions with SROs, observation of the Dreams and Futures Program, and a survey of and meetings with Mountain View students, parents, and school staff. Staff worked with the subcommittee to distill the themes and suggestions from this process, resulting in a set of recommendations for the improvement of the SRO Program.

At its November 18, 2021 meeting, the PSAB reviewed the recommendations, took public comment, discussed additional recommendations suggested by PSAB members, and, ultimately, adopted 11 recommendations for Council's consideration. Staff presented these recommendations to the City Council on January 25, 2022 (Attachment 2), specifying which actions could be taken at an operational level and which it would be appropriate to include in a Memorandum of Understanding (MOU) with the Mountain View Los Altos Union High School District (MVLAUHSD) and Mountain View Whisman School District (MVWSD). Council approved these recommendations and directed staff to bring the SRO Procedure Manual, which would be developed as one of the recommendations, to the PSAB for review.

Throughout the process, staff provided regular updates to and sought input from MVLAUHSD and MVWSD regarding the PSAB's assessment of the SRO Program. Staff updated the districts on the direction from Council and worked collaboratively with them on the SRO Procedure Manual and MOU.

The MVPD created an internal team to review current practices and incorporate the recommendations of the PSAB and Council direction into a procedure manual that would serve

to document the SRO purpose, goals, guidelines, responsibilities, Officer selection process, training, evaluation, and complaint process. **Staff reviewed the manual with the school districts and other key stakeholders who interact with the SRO Program and will present it to the PSAB for review and comment at its September 22, 2022 meeting.**

Staff has drafted an MOU incorporating the PSAB's recommendations and Council's direction. The MOU includes the term, purpose, goals, activities, and principles of the SRO Program. It also lists the duties and responsibilities for both the MVPD and the school districts along with other terms. **Staff and MVLAUHS D review of the MOU has been concluded, and the document is ready to be executed by the two agencies. Review by the MVWSD is under way.**

#### *Ph.D. Research Fellow's Analysis of Traffic Stop Data*

In fall 2020, the City Manager's Office and MVPD partnered with Stanford University and the University of Michigan as part of a coalition of research institutes working with police departments to hire a Ph.D. candidate Research Fellow (Fellow) from the University of California, Berkeley. The Fellow's charge was to analyze traffic stop data to determine if there were any trends or disparities in the MVPD's contacts with the community. The Fellow was given unfettered access to the MVPD's contacts and traffic stop data. He analyzed data from all traffic stops made by the MVPD from 2014 to 2020 and examined whether bias was a factor in the decisions to stop and search motorists. This included conducting a variety of tests, including the "veil of darkness" test.

The Fellow presented his work and findings during the June 24, 2021 and August 26, 2021 PSAB meetings. He also presented to the MVPDx Police/community engagement program. **The Fellow found that there was no clear evidence that MVPD stop decisions were discriminatory, and there was mixed evidence of disparities with regard to the decisions to search a car. As noted by the Fellow, "mixed" evidence means that "clear conclusions are difficult to draw due to the small number of searches conducted by the MVPD over the time frame of interest."**

The Fellow has continued to work with the MVPD, including consulting on methods of seeking and analyzing feedback from people who interact with the MVPD, analyzing Racial Identity Profiling Act (RIPA) data, and ways to make Police contact data more accessible to the public. The Fellow also continues to be a resource to the Police Chief by evaluating emerging data and reports on law enforcement and helping evaluate their relevance and value to the MVPD.

At its February 24, 2022 meeting, the PSAB reviewed the Fellow's final report (Attachment 3) and created a subcommittee to review the RIPA data and develop recommendations for enhancing the transparency and public understanding of Police contact data. This subcommittee's work will be continuing into the Fiscal Year 2022-23 PSAB Work Plan. In addition, the proposed work plan includes a transition in the ongoing quarterly report on complaints received by the MVPD to be a twice-yearly report on a range of Police data and feedback, including RIPA data, student, parent,

and school feedback on the SRO Program, and customer survey feedback from people who interact with the MVPD as well as complaints filed.

### *Mental Health Crisis Response*

As noted above, the Fiscal Year 2021-22 Work Plan includes an item to explore existing and alternative responses to persons experiencing a mental health crisis. In addition, the City Council work plan includes a project to explore the feasibility of alternative mental health crisis response methods as part of its Community for All Strategic Priority. On February 24, 2022, the PSAB received an update on mental health crisis response initiatives (Attachment 4) and created a subcommittee to lead its work on this item.

The purpose of the subcommittee was to gather input and make recommendations to help inform new and expanded mental health crisis response programs in Mountain View. The focus is on programs that provide an alternative to police response, primarily the Santa Clara County TRUST program and the addition of a north County Mobile Crisis Response Team (MCRT), as well as new MVPD approaches to working with community members experiencing a mental health crisis through a Behavioral Services Unit (BSU) pilot program.

TRUST is a new mobile, community-based crisis response pilot program that will use mental health workers, emergency medical service providers, and community members with lived experience to respond to mental health crisis needs and increase access to mental health and crisis services without involving law enforcement. This program is anticipated to encourage calls for assistance from those who may have historical trauma involving police and reduce unnecessary hospitalization or incarceration. The program will operate through teams based in three geographic areas: San Jose, Gilroy, and North County. Through a Request for Proposal process, the County has selected Momentum for Health as the North County provider, and the contract was approved in July 2022. Momentum for Health anticipates a soft launch of the North County TRUST program in fall 2023. Staff has met with Momentum for Health to inform them of the PSAB's work and begin to identify opportunities for PSAB and the City Communication and Outreach Division to promote awareness of this program.

MCRT provides crisis assessment and intervention in the field as well as referral to other supportive services. MCRT was established by the County in 2018 to provide an alternative to police response to mental health crises, although they work with law enforcement liaisons. Calls to MCRT can be placed by law enforcement or directly by members of the community. In January 2022, the County Board of Supervisors approved expansion of the MCRT program to include a north County team. County efforts to hire staff for this team are under way.

The MVPD BSU pilot program was launched in April 2021 to reduce the frequency of Police contact with people experiencing a mental health crisis by refocusing the efforts of an existing crisis team. The members of this team receive a minimum of 80 hours of specialized crisis training

and are available across all shifts. A full-time Community Services Officer, who is an Associate Licensed Professional Clinical Counselor/Marriage and Family Therapist, is assigned to respond with the team as appropriate and to review incidents and reports to identify opportunities to follow up and provide additional assistance.

The PSAB Mental Health Crisis Response Subcommittee's work is under way and includes tasks to monitor the development of the TRUST, MCRT, and BSU programs; reach out to community contacts to understand mental health crisis needs and resources; compile this input and other data gathered into an informal "community profile"; partner with the County and TRUST/MCRT providers to share information with the community and promote awareness of these new/expanded programs; and seek community feedback about TRUST and MCRT and share it with the County. The subcommittee is also monitoring and providing input on the County's launch of the new 9-8-8 crisis and suicide prevention hotline.

On a related matter, Mountain View joined the cities of Palo Alto and Los Altos to work with Congresswoman Anna Eshoo, who advocated for and was able to secure \$2 million in Federal funding to support community response to mental health crises without engaging law enforcement. Staff is collaborating with these neighboring jurisdictions to develop the most effective way to invest these funds to increase access, use, and effectiveness of mental health crisis response services in our communities.

### *Military Equipment Policy*

Assembly Bill 481 (AB 481) calls for local agencies who use what the legislation defines as military equipment to adopt a policy regarding its funding, acquisition, and use along with other related requirements. Staff developed a draft policy and presented it to the PSAB for review and comment on March 24, 2022. Council adopted the policy on May 10, 2022 (Attachment 5). The staff reports to PSAB and Council identified which of the 15 categories of equipment included in AB 481 are in within the MVPD's inventory along with the purpose, authorization, examples, and frequency of use for each category of equipment. The reports also summarized the MVPD's policies and procedures, including specialized training, for the use of this equipment.

**The MVPD has equipment in eight of the 15 categories. The MVPD does not have equipment in the categories most often associate with military use, such as armored or weaponized vehicles, firearms designed to launch explosive projectiles, or shockwave, microwave, or water cannon devices. The equipment that is in the City's inventory has generally been in place for decades and is highly specific and limited in its use.**

One of the requirements of AB 481 is for the governing body to annually review, renew, and approve the policy. In addition, the agency is to prepare an annual military equipment report to be discussed at a community engagement meeting. At its May 10, 2022 meeting, Council

directed staff to present the annual report to the PSAB as the host of this community engagement meeting. This item is included in the Fiscal Year 2022-23 PSAB Work Plan.

### **Fiscal Year 2022-23 PSAB Work Plan and Schedule**

As noted above there are several PSAB work plan items that were initiated in Fiscal Year 2021-22 and that are either ongoing or will continue into Fiscal Year 2022-23. In addition, the PSAB conducted a two-meeting process in May and June 2022 to identify new items for the Fiscal Year 2022-23 PSAB Work Plan. A list of all of these items is summarized below and also presented for Council approval on this same agenda along with the other advisory body work plans.

#### *Ongoing Items*

The ongoing items are for the PSAB to review and comment on the following:

- MVPD budget;
- MVPD annual report;
- Annual report on the outcomes and operation of the SRO Program;
- Annual report on the implementation of the City's military weapons policy; and
- Regular report on Police complaints and other feedback and data received about the MVPD (including feedback on the SRO Program, RIPA data, and customer service survey data).

#### *Continuing Items*

PSAB work plan Items initiated in Fiscal Year 2021-22 that are anticipated to continue into and be completed in Fiscal Year 2022-23 are to:

- Review and comment on the SRO Procedure Manual;
- Gather information about mental health crisis response needs and resources to help inform, promote awareness of, and provide feedback to Santa Clara County Behavioral Health regarding its new and expanded mental health crisis response services in north Santa Clara County; and
- Provide input on the analysis of RIPA data and develop recommendations for sharing this information with the community.



### *Proposed New Items*

Through its work plan process, the PSAB is recommending the following new items:

- Examine the State Auditor's report and any related legislation regarding bias/extreme views in policing and identify current or potential best practices in the MVPD to prevent this in Mountain View;
- Receive an informational report on MVPD recruitment and retention challenges and strategies; and
- Receive an informational report on support services and enforcement activities related to residents living in vehicles.

### **Proposed 2023 Schedule**

In order to have sufficient time between PSAB meetings to convene PSAB subcommittees, conduct research and analysis, and prepare presentations of updates, findings, or recommendations to the PSAB, the PSAB Chair raised the idea at the June 23, 2022 meeting of scheduling PSAB meetings to occur every other month. This additional time will also enable increased coordination to support and engage PSAB members to a greater extent in the presentation of subcommittee work. The importance of this subcommittee role was noted during public comment. It is staff's intent to propose an every-other-month schedule for 2023 for adoption at the December 2022 PSAB meeting. This would result in six meetings during the year compared to the seven meetings conducted during the PSAB's first year. Staff also intends to post to the PSAB webpage a tentative list of agenda topics and dates to allow advanced notice to the public, which was another community member suggestion offered during public comment.

ASR/MS/6/MGR  
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- Attachments:
1. [December 1, 2020 Council Report](#) on REI Subcommittee Recommendation to Create PSAB
  2. [January 25, 2022 Council Report](#) on PSAB Recommendations Regarding the SRO Program
  3. [February 24, 2022 PSAB Report](#) on the Fellow's Analysis of MVPD Traffic Stop Data
  4. [February 24, 2022 PSAB Report](#) on Mental Health Crisis Response Initiatives
  5. [May 10, 2022 Council Report](#) on Military Equipment Funding, Acquisition, and Use Policy