



DATE: December 1, 2020

CATEGORY: New Business

DEPT.: City Manager's Office

TITLE: **City Council Ad Hoc Subcommittee on Race, Equity, and Inclusion Update and Recommendations**

RECOMMENDATION

1. Receive an update on the City Council Ad Hoc Subcommittee on Race, Equity, and Inclusion efforts.
2. Establish a Public Safety Advisory Board to advise the City Council on public safety matters pertaining to law enforcement.

BACKGROUND

The City Council Ad Hoc Subcommittee on Race, Equity, and Inclusion (REI Subcommittee or Subcommittee) was established this past spring as a result of nationwide protests calling for racial justice and police reform after the killing of George Floyd. The Subcommittee was formed to guide the City's efforts to engage the community in meaningful dialogue and take action toward a vision of racial justice, equity, and enhanced public trust in law enforcement in Mountain View. The Subcommittee consists of Vice Mayor Ellen Kamei, who serves as Chair, Mayor Margaret Abe-Koga, and Councilmember Lucas Ramirez.

The REI Subcommittee has held four meetings to date. The first REI Subcommittee meeting, held June 30, 2020, included an update on the Mountain View Police Department's (MVPD) use of force and deescalation policy and the Department's alignment with 8 Can't Wait, Campaign Zero, and the California Attorney General's recommendations for use-of-force policies. The Subcommittee also heard from various community members regarding racial justice matters they would like the City to explore. At that time, the Subcommittee provided direction to staff on the scope of community conversations and other potential activities the City could undertake to work toward racial equity and justice.

Guided by Subcommittee and public input, staff coordinated across all City departments and developed the Race, Equity, and Inclusion [\(REI\) Action Plan](#). The Action Plan is focused on three areas: (1) policing practices, policies, and accountability; (2) celebration and recognition of community diversity; and (3) review of City operations and policies, with opportunities for community engagement throughout. Staff presented the REI Action Plan at the second REI Subcommittee meeting on August 24, 2020. The subsequent REI Subcommittee meetings on October 5, 2020 and November 19, 2020 included updates on Action Plan items and opportunities for the public and Subcommittee members to provide feedback. The various updates and Action Plan items are described in further detail below.

The purpose of this report is to provide the full City Council with an update on the REI Subcommittee and REI Action Plan activities and next steps as well as to bring forward the Subcommittee's recommendation for creating a Public Safety Advisory Board for approval by the full City Council.

ANALYSIS

REI Action Plan Update

REI Action Plan Items Reviewed by the REI Subcommittee

Police practices, policies, and accountability are currently among the most prominent concerns related to race, equity, and inclusion in Mountain View, the Bay Area, and nationally. Consequently, many of the REI Action Plan items reviewed by the REI Subcommittee, and a large volume of staff's REI Action Plan work, has been focused on policing efforts. Items reviewed by the Subcommittee are summarized below.

- **Regional collaboration.** June through August, City Manager Kimbra McCarthy participated in a cohort of six local City Managers working with Stanford University to collaborate on addressing the challenges facing our region. The cohort decided to focus on policing oversight models and alternative mental health response efforts. The cohort engaged in dialogue with staff who lead the CAHOOTS mental health response program in Eugene, Oregon, through the White Bird Clinic and learned about the opportunities and challenges of the long-standing program that has been in operation for 50 years. In addition, the most significant focus of the cohort involved research on policing best practices in three areas: data collection and standards, culture change, and independent police oversight models. City staff collaborated extensively with the Stanford researcher throughout their research process, and the researcher shared their findings related to independent police

oversight with the REI Subcommittee in August, while staff provided a comprehensive overview of the various community-police oversight models already implemented in various cities across the country.

- **Compilation and evaluation of MVPD data.** The MVPD compiled a report and conducted a preliminary evaluation of MVPD contact data broken down by race. Staff shared a preliminary analysis with the REI Subcommittee in August. Staff recognizes that data alone does not tell a complete story, and additional analysis is necessary in order to gain a true understanding of the impacts of policing on communities of color in order to address any disproportionate findings. Over the course of the next year, the City will continue to collaborate with academic partners to better understand the policing data and identify areas of improvement.
- **Research Fellow hired to analyze MVPD data and design solutions.** As part of the City's efforts to better understand the aforementioned MVPD data, the City Manager's Office and MVPD staff worked with academic leaders at Stanford University and the University of Michigan who have expertise in research and analysis in the fields of policing and race and experience applying these insights to help inform anti-bias policing practices in other jurisdictions. As part of this effort, the City took initiative and worked with our academic partners to conduct an extensive recruitment process to hire a Research Fellow in order to further explore MVPD policing data and help design solutions. The Research Fellow, a Ph.D. student at the University of California, Berkeley, started work with the City in the beginning of November 2020.
- **Exploration of alternative responses to mental health calls for service.** To explore alternative responses to police calls for service related to mental health crises, the Subcommittee received a presentation from a representative of the Santa Clara County Mobile Crisis Response Team (MCRT) pilot program. This program is part of the County's Behavioral Health Services Department's crisis response system for people experiencing mental health emergencies. The Mobile Crisis Response Teams screen and assess crisis situations over the phone and intervene when a crisis is occurring. They work closely with law enforcement, the community, and families. The Subcommittee learned that the service is available in Mountain View and has been used before; however, it is limited by the number and availability of staff, the geographic area of service, and response times. The MCRT serves all of Santa Clara County. Mobile Crisis Response Teams can be reached at 1-800-704-0900 for adults and at 408-379-9085 for youth, Monday through Friday, from 8:00 a.m. to 8:00 p.m. A clinician is available outside those hours to connect the caller to appropriate services. Staff has recently learned that the County is exploring a new program

called the Community Mobile Response Program, modeled after the CAHOOTS program in Eugene, Oregon. Staff understands that this program would be entirely independent of law enforcement and is focused heavily on prevention and family involvement. The County is expected to discuss this matter in December 2020. Staff will continue to monitor this development as no further details were known at the time of writing this report.

- **Community engagement on local policing.** The Human Relations Commission (HRC) Subcommittee on Community-Police Relations collected stories about community members' experiences interacting with Mountain View Police through four listening forums, written online submittals, and interviews during the months of August, September, and October 2020. The forums were facilitated by the Peninsula Conflict Resolution Center (PCRC); one forum was in English, one in Spanish, one in Mandarin, and another was focused on youth. The PCRC analyzed the themes from the stories submitted, and these themes were presented at a community report-out session on November 18, 2020. Staff provided an update to the REI Subcommittee on the themes from these HRC community engagement efforts at the November 19, 2020 meeting. A written report from the PCRC with a transmittal by the HRC subcommittee describing the engagement process and findings is included as Attachment 2.
- **MVPDx: Partnership for the Future of Policing.** MVPD updated the REI Subcommittee about the first cohort of the MVPDx: Partnership for the Future of Policing community-police educational program. The program was designed for residents and police officers to engage in dialogue and mutual learning around police issues and concerns. Ten (10) community members participated over 10 sessions, including 36 hours of conversations held over Zoom. The 10 sessions were held over a six-week period; five sessions were held on Wednesday evenings, and five sessions were held on Saturdays. A second community cohort is currently in the works, and staff is exploring the potential of hosting cohorts in Spanish and Chinese in the future.
- **Review of MVPD's budget.** Some members of the public inquired about details of MVPD's budget during the City budget process in June. To provide additional insight, the Police Chief provided a detailed presentation on MVPD's budget and department operations.
- **Exploration of equity-based budgeting.** In addition to a presentation on the MVPD budget, the Subcommittee received an overview of equity-based budgeting and supported a recommendation to apply an equity lens to development of the Fiscal

Year 2021-22 budget. On November 10, 2020, the full City Council approved using an equity lens as part of next fiscal year's budget development process.

- **Community-involved police oversight model – Public Safety Advisory Board.** Considering many of the aforementioned REI Action Plan items, including the MVPD data and racial demographic statistics, community input from engagement efforts, and a review of community-police oversight models, staff recommended that the REI Subcommittee approve establishment of a Public Safety Advisory Board. The REI Subcommittee approved staff's recommendation, which is presented to the full City Council for consideration as part of this agenda item.

Other Action Plan Items Completed

In addition to the action items reviewed by the REI Subcommittee, the City has also undertaken the following action items:

- Creating a Race, Equity, and Inclusion webpage;
- Taking the Obama Foundation's Reimagining Policing Pledge;
- Creating the Racial Equity and Justice Library Collection;
- Hosting racial equity and justice events including a discussion of race, activism, and women's rights; and a workshop series on the neuroscience of implicit bias; and
- Incorporating gender-inclusive pronouns in all City documents and policies.

Future/Ongoing Action Plan Items

The REI Action Plan is evolving and is designed to be ongoing and interwoven into the City's culture. There are a number of in-progress as well as upcoming action items planned this Fiscal Year and beyond. Upcoming action items include:

- Continuing work on the R3 Zoning District standards;
- Continuing to implement the Displacement Response Strategy;
- Holding the HRC Civility Roundtable (CRT) on Implicit Bias, scheduled for December 2, 2020;
- Coordinating Advisory Body activities that celebrate diversity and promote equity;

- Assessing and ensuring equity in sustainability planning and program design, implementation, and community engagement;
- Launching a City staff initiative on Diversity, Equity, and Inclusion to include trainings; assessment of recruitment, hiring, and other personnel practices, etc.;
- Exploring the impacts of historical zoning, land use planning, and redlining on communities of color in Mountain View to ensure that future planning efforts are equitable and address any existing barriers; and
- Continuing to explore alternative responses to police service calls related to mental health crises in conjunction with regional partners and the County of Santa Clara.

The City will launch a strategic planning effort in February 2021, which will provide additional opportunities for the City and community members to further define the City's approach and objectives to achieve racial equity and justice. The REI Subcommittee and staff have not determined when a future REI Subcommittee meeting will occur, but there may be additional meetings necessary to discuss Action Plan items that could result in policy recommendations.

REI Subcommittee Recommendation to Establish a Public Safety Advisory Body

REI Subcommittee members expressed interest in exploring different models of community-police oversight at the June 30, 2020 REI Subcommittee meeting. Staff examined community-police oversight models by learning about the practices implemented in other cities, speaking with Mountain View stakeholders, researching various models on police oversight, and working 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 the following four models:

1. **Investigative Oversight Agencies:** Comprised of professional investigators who are independent from a police department. Such agencies conduct independent investigations of complaints against police. Some investigative oversight agencies have full disciplinary power, while others make recommendations to police chiefs. *This model tends to be used in communities where community-police relations are characterized by significant erosion of trust and goodwill, often as a result of officer-involved shootings and/or excessive use-of-force incidents.*

2. **Auditing/Monitoring Agencies:** Comprised of professional auditors who systematically review and examine police operations and internal investigations. Such agencies usually seek to determine any patterns of police misconduct and systemic failures and make recommendations for improvements. *This model is often used in communities where community-police relations have deep erosion of trust and the community and law enforcement do not work collaboratively.*

3. **Review Boards and Commissions:** Comprised of volunteer community members who fulfill various assignments that may include holding public forums to receive public input and discuss public safety, reviewing investigations conducted by professional staff, and making recommendations to improve community-police relations. *This model is often used in communities where community-police relations are strained but not broken and/or where there are meaningful opportunities for community members and police to work in collaboration to improve transparency, trust, and public safety.*

4. **Temporary Task Forces:** Comprised of diverse community stakeholders who represent various perspectives (human services, activist, faith, education, business, etc.) of the community. Task forces are often charged with evaluating police policies and providing recommendations to improve police transparency and accountability for a fixed period of time. *This model is often used in communities where there is eroded trust in community-police relations as a result of significant local events, such as officer-involved shootings and/or excessive use-of-force incidents and where the community wants to explore various approaches to improving community-police relations.*

None of these models is considered to be a best practice that all communities should utilize. Rather, the ideal community-police oversight model for a particular city is whichever model best addresses the community's needs based on the political, social, cultural, and operational realities that 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.

To determine whether a particular model of community-police oversight would be appropriate for Mountain View, staff sought to ascertain the current community-police interactions and areas where public trust and accountability of MVPD may need to improve as well as positive areas to leverage, 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 engagement opportunities, including the HRC's Listening Forums on Local Policing, one-

on-one meetings with community members and interested community groups, and the Mountain View Police Department interactive educational forum, MVPDx: Partnership for the Future of Policing.

Mountain View Crime Statistics

The predominant crime problems in Mountain View are property crimes, including burglary and larceny, which include thefts from vehicles. Burglary and larceny accounted for 85 percent of the 2,274 reported Mountain View Part 1 crimes in 2018 and 89 percent of the 2,647 reported Mountain View Part 1 crimes in 2019. Part 1 crimes are those that the Uniform Crime Reporting (UCR) Program classifies as serious (homicide, rape, robbery, motor vehicle theft, etc.).

Overall, Mountain View is a safe community. Mountain View community members may communicate with MVPD about general crime concerns by attending Council Neighborhoods Committee (CNC) meetings, participating in Coffee with a Cop events, using *AskMV*, and calling to speak directly with a Department representative. A community-police oversight board, such as a Community Advisory Panel (Review Boards and Commissions model), could enhance the ability for the public to dialogue with MVPD about crime concerns.

MVPD Contact Data

As reported at the August 24, 2020 REI Subcommittee meeting, the [MVPD contact data](#) shows that Blacks (1.8 percent of Mountain View's 2019 population) and Hispanics (17.8 percent of Mountain View's 2019 population) represent larger proportions of MVPD contacts than their proportions of Mountain View's population, including when controlling for residency of the person contacted. This is true for every contact category: bookings, citations, field interviews, and vehicle/pedestrian stops.

Contact data alone does not convey the full picture of MVPD contacts. Various factors may contribute to the overrepresentation of Blacks and Hispanics in MVPD contacts. As previously mentioned, the City has worked with an academic cohort at Stanford University and the University of Michigan who have expertise in data analysis and access to successful practices in other locales to further explore MVPD contact data, determine whether overrepresentation of Blacks and Hispanics is due to racial bias or other factors, and to help design any necessary remedies. Building upon this work, MVPD has hired a Research Fellow through a program with Stanford University to work on these efforts.

Implementing a community-police oversight board may help the City gain greater clarity on community member perspectives regarding racial bias and the overrepresentation of Blacks and Hispanics in MVPD contacts and foster mutual insight and understanding of the dynamics of race in law enforcement. An oversight board based on the Review Boards and Commissions model where community members could share their concerns about policing and make recommendations to the Police Chief or City Council would be most appropriate.

Use of Force

MVPD documents use of force during a contact whenever an officer reports an application of force or an individual either reports being subjected to excessive force or being injured by an officer during a contact. Uses of force are categorized by type of force used and the level of injury that results from the force used.

Table 1: MVPD Use-of-Force Statistics, 2015 to 2019

Type of Force	Level of Injury					Total
	None	Minor	Moderate	Major	Fatality	
Control Hold	14	7	0	0	0	21
Personal Weapon	15	14	1	0	0	30
Uncontrolled Takedown	32	22	0	0	0	54
Pepper Spray	0	0	0	0	0	0
Baton/ Bean Bag Round	2	4	0	0	0	6
CED (Taser)	13	20	0	0	0	33
K-9	0	0	0	0	0	0
Ramming with Vehicle	0	0	1	0	0	1
Carotid Restraint	0	0	0	0	0	0
Firearm	0	0	0	0	0	0
Total	76	67	2	0	0	145

From 2015 through 2019, MVPD made 8,408 arrests and had 49,644 total contacts. During that same five-year period, MVPD documented 145 use-of-force incidents, an average of 29 incidents a year. Uncontrolled takedowns were the most frequent type of force used from 2015 through 2019, with 54 incidents over the five-year period. In 2019, there were 36,621 calls for service, and 26 of those calls resulted in the use of force, which is less than a fraction of 1 percent of calls.

None of these uses of force over the five-year period involved an officer using their firearm or resulted in major injuries or fatalities.

MVPD's culture contributes to the Department's low use of force-to-arrest ratio. MVPD prioritizes safety, deescalation techniques, and securing community trust while reducing crime. This is conveyed in the Department's [Strategic Policing Plan](#) and other Department materials as well as through MVPD actions.

MVPD piloted the use of officer-worn cameras in 2015 and fully implemented the program for all patrol officers in 2016. Every patrol officer must wear a camera while they are on duty, and the camera must be turned on while responding to every call for service.

MVPD is also cognizant of community concerns about its use-of-force policies and desire for the Department's policies to align with 8 Can't Wait and the Campaign Zero Framework, which integrates recommendations from President Obama's Task Force on 21st Century Policing.

At the June 30, 2020 REI Subcommittee meeting, Police Chief Max Bosel provided an update on the Department's alignment with 8 Can't Wait, Campaign Zero, and the California Attorney General's recommendations for use-of-force policies. Currently, the Department's website also includes analysis of MVPD's use-of-force policies, including a ban on chokeholds and carotid restraints, the requirement to deescalate, and the requirement for officers to intervene, among others. Moreover, in 2015, President Obama's Task Force on 21st Century Policing established 151 model practices to promote effective crime reduction and build public trust, MVPD proactively completed a comprehensive and deliberate assessment of its implementation of the model practices. MVPD's assessment showed that the Department has fully or partially implemented 73 of the 85 recommendations and action items that apply to local law enforcement.

Securing community trust requires ongoing efforts, and MVPD has shown a commitment to engaging in further dialogue with community members about its policies. The Review Boards and Commissions model of community-police oversight includes the opportunity

to engage in ongoing dialogue between the public and police officers and provide opportunities for the public to make recommendations on policing.

Community Input on Policing

The City has engaged in various efforts to learn about the public's experience with MVPD and hear community feedback regarding policing in Mountain View. Staff has met with community members and various stakeholder groups, individuals have shared feedback through social media channels and in one-on-one meetings, and many community members have provided input on policing at City Council and REI Subcommittee meetings. Additionally, the HRC Listening Forums on Local Policing and the MVPD interactive educational forums, MVPDx: Partnership for the Future of Policing, both provided deliberate opportunities for community members to share their experiences with and concerns about MVPD.

Community input on policing in Mountain View includes both criticism and commendation. In light of national events, many have conveyed concerns regarding, and desires to prevent, potential police interactions that could result in death or serious injury at the hands of police officers in Mountain View. Notably, it has been 15 years since a firearm has been used in a MVPD use-of-force contact.

Other feedback has been provided that MVPD needs to further refine certain policies and involve Mountain View residents in doing so. At the same time, MVPD receives an overwhelming amount of positive feedback from the community through its social media platforms, e-mails, and in-person contacts. This feedback reflects the community's understanding that while the national narrative is highly critical of law enforcement, they believe that MVPD sets a high standard for its officers and should be regarded as an example to the rest of the country.

The HRC hosted four Community Listening Forums on Local Policing and also received community input from anonymous online submittals and interviews during the months of August, September, and October 2020. A total of 87 people participated in the four different sessions, while 51 people submitted anonymous stories online, and 43 stories were collected through interviews. The community report-out session on the themes from these stories was held on November 18, 2020.

Themes from the stories compiled by the HRC include both expressions of satisfaction with policing in Mountain View and expressions of concern. The most frequent expressions of concern include perceptions of domineering behavior by the police, race-based/biased treatment, police not being the appropriate personnel for responding to the

situation, the request for further police training, and a lack of trust in the police from some participants. The most frequent expressions of satisfaction relate to general appreciation for the police, positive community relations, police assistance in resolving problems, and friendly/caring police behavior.

As previously mentioned, MVPD launched the first community-police educational program for a cohort of 10 community members called MVPDx: Partnership for the Future of Policing. MVPDx was designed to allow community members and police officers an opportunity for dialogue, listening, and learning while discussing policing matters. The program included 10 sessions. Common discussion points from MVPDx included questions about bias in policing, deployment of police officers (how to determine the best use of officers for certain calls for service and whether there are alternatives), and desires for Mountain View to not experience the pervasive types of policing incidents that have occurred in other communities.

Additionally, Mountain View police leadership met one-on-one with numerous community stakeholders, both individuals and groups, to discuss the national narrative around policing, how Mountain View is perceived, how officers are trained, and what improvements may be made. MVPD created a dedicated section of their website to address many of the questions and concerns regarding national dialogue around issues and themes mentioned above. That portion of the website is continually updated and will continue to evolve as changes and adaptations are made. MVPD staff also spent a significant amount of time addressing questions and concerns that were received via social media and e-mail.

The Public Safety Advisory Board

Mountain View crime statistics, MVPD contact and use-of-force data, and community feedback suggest that the primary areas where public trust and accountability of MVPD could increase are related to negative interactions with police officers experienced by some community members and overrepresentation of Blacks and Hispanics in MVPD contacts. Although not reflecting distrust, there is also a community desire to ensure that MVPD has strong policies that will prevent police interactions in the future that result in death or serious injury at the hands of police officers.

Considering the range of precipitating events and levels of public trust that often warrant different community-police oversight models in other jurisdictions, the assessment prepared for this report indicates that, while there are not significant, widespread breaches in public trust of MVPD, there are still opportunities for improvement. Furthermore, there is shared interest from the community, MVPD, and City leadership

for Mountain View to lead by example and engage in continuous improvement to sustain and enhance positive, collaborative community-police relations, and effective/equitable police services.

Accordingly, as described in the sections above, the Review Boards and Commissions model is the most appropriate model for community-police oversight for Mountain View.

The REI Subcommittee recommends the City form a Public Safety Advisory Board (PSAB) that fits the Review Boards and Commissions model. The PSAB should have the following characteristics:

- The body acts solely in an advisory capacity and is tasked with holding public forums and providing input and recommendations to the Police Chief and City Council on public safety matters, including development of community policing concepts, increasing public awareness of public safety matters, furthering MVPD engagement and transparency efforts, and identifying best practices.
- The body may have up to seven members who are appointed by the City Council.
- As a guiding principle, the City Council should strive to appoint members who bring diverse community representation to the PSAB (Mountain View residents from different neighborhoods, of varying ages, races, professions, cultures, etc.).
- The body should be staffed by a member of the MVPD executive leadership team (known as “command staff”) and a non-MVPD employee designated by the City Manager.

An Investigative Oversight or Auditing/Monitoring agency model would not be appropriate for Mountain View. MVPD receives a small number of complaints and has not experienced a pervasive community-police relations issue, such as a controversial officer-involved shooting or excessive use-of-force lawsuit, and does not suffer from deeply eroded public trust.

A temporary task force comprised of community members with expertise in various perspectives is also not recommended. Although the task force could address issues such as community members having negative interactions with police officers and overrepresentation of Blacks and Hispanics in MVPD contacts, a sustained community advisory board can better address these challenges and provide additional opportunities for community input on policing matters.

NEXT STEPS

If the City Council approves establishment of the Public Safety Advisory Board, the Police Chief and City Manager will appoint staff liaisons in January 2021 who will prepare a member recruitment plan, including a potential timeline for Council's appointment of members.

FISCAL IMPACT

Establishing a Public Safety Advisory Board may have administrative costs associated with staffing meetings and preparing reports and meeting materials. The City intends to fulfill these administrative functions with existing staff members. Accordingly, no fiscal impact is currently anticipated.

ALTERNATIVES

1. Do not establish the Public Safety Advisory Board.
2. Establish a community-police oversight body based on another police oversight model, such as the investigatory, auditing, or temporary task force models.
3. Provide other direction.

PUBLIC NOTICING – Agenda posting and uploaded to the REI webpage.

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- Attachments: 1. REI Action Plan
2. HRC Community Listening Forums Report