

# REPORT OF THE STEERING COMMITTEE ON POLICE REFORM AND RACIAL EQUITY

March 16, 2021

## EXECUTIVE SUMMARY

In the aftermath of national and local incidents of racial bias in policing, the City Manager asked a group of Alameda residents to advise him on police reforms and engendering racial equity in August 2020. Four Alameda residents were chosen to lead an ad hoc steering committee and in turn selected about 50 Alamedans to serve on one of the following five subcommittees:

1. Unbundling Services Currently Delivered by the Police Department
2. A Review of Police Department Policies and Practices
3. Police Department Accountability and Oversight
4. A Review of Laws that Criminalize Survival
5. Systemic and Community Racism/Anti-Racism

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;

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;
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 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.<sup>1</sup>
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.

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<sup>1</sup> The City’s current numbers are not due to a “hiring freeze” but to falling retention, officers out on leave and declining interest in law enforcement overall.

The authorized number of sworn APD officers has remained steady since 2011. The Steering Committee is hopeful that the new police chief will have the opportunity to determine needs based in part on the recommendations insights gained from this process. We hope that a thorough review of service needs in Alameda, along with a shift of mental health response from police to social service professionals will result in a sworn staffing level that ideally fits Alameda's needs.

<b>Alameda Police Department Sworn Staffing</b>		
<b>Year</b>	<b>Authorized</b>	<b>Actual</b>
2000	111	
2001	111	
2002	111	
2003	104	
2004	104	
2005	104	99
2006	104	97
2007	99	96
2008	99	94
2009	92	89
2010	92	87
2011	88	81
2012	88	82
2013	88	83
2014	88	84
2015	88	78
2016	88	78
2017	88	77
2018	88	78
2019	88	75
2020	88	70

## INTRODUCTION

Communities throughout the United States are undergoing a long overdue racial reckoning and re-examination of policing as a result of high profile extrajudicial police killings of African Americans. While Alameda has not experienced police violence against Black, Indigenous or other People of Color to the degree other US cities have (such as New York City, Minneapolis, Dallas, Sacramento, etc.), it is not immune.

In May 2020, a non-emergency call about a Black man dancing in the street led APD officers to handcuff a man and push him face down onto the street in front of his own home despite the fact that multiple neighbors were vouching for him. The man was arrested and the sole charge levied against him was "resisting arrest." That encounter, coming shortly after the murder of George Floyd prompted many Alamedans, including some in government to open a dialogue about race and policing in our community.

A town hall meeting organized by City Councilman John Knox White in July 2020, was attended by 500 people (the most Zoom allowed) all of whom expressed their support for reform of our local system of policing. This community process was thus prompted.

Alameda is a wonderful community in which to live, but it is not perfect. Though many of us find Alameda to be an idyllic place to live, the history of Black people in Alameda is a history of systematic exclusion. From the 1940's, the government of Alameda undertook systematic efforts to first limit and later, to reduce the Black population of the Island City. This is well-documented, going all the way back to March 16, 1943, when Mayor Milton Godfrey called on Alameda's City Manager to report "on the problem of the increased negro population" due to the influx of war workers and the housing shortage.<sup>2</sup>

For decades prior to this, home builders boasted that their properties contained restrictive covenants preventing their sale to Black, Asian and Hispanic people. For example, clause sixteen of the Fernside Neighborhood conditions, covenants and restrictions (CC&Rs) limited occupancy as such:

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<sup>2</sup> <https://alamedasun.com/news/black-history-month-how-war-transformed-island%E2%80%99s-population>.

**DECLARATION**  
[DATED JUNE 15, 1925]  
*of*  
**CONDITIONS, COVENANTS,  
RESTRICTIONS AND  
CHARGES AFFECTING THE  
REAL PROPERTY  
KNOWN AS  
"FERNSIDE"**

**CLAUSE SIXTEEN**

**Limitation of Occupancy**

No person or persons other than of the Caucasian race shall be permitted to occupy said property or any part thereof or to live upon said property or any part thereof except in the capacity of domestic servants of the occupant thereof.

No person of African, Japanese, Chinese or of any Mongolian descent shall be allowed to purchase own or lease said property or any part thereof.

Racially restrictive covenants were made illegal by the Fair Housing Act of 1968; Fernside residents voted to remove clause sixteen from its CC&Rs in 1969, but it was only officially removed 10 years later.<sup>3</sup>

What structural racism such as that detailed above shows is that there was a time in which Black people were not welcomed in the city of Alameda. Thankfully, such blatant racism is no longer the norm. But Alameda is only 7% Black, and due to this low number, Blacks are often still seen as "not being from around here." In a society in which many people still respond to black skin with fear, this can result in suspicion. This suspicion is manifested in a number of different ways. It can be as subtle as the sound of a locking car door as you pass or as blatant as being told to move on by an Alameda Police Officer as you enjoy an ice cream on Park Street. It can be the customer at a Girl Scout booth

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<sup>3</sup> For more information, see <https://www.mercurynews.com/2019/02/26/for-whites-only-shocking-language-found-in-property-docs-throughout-bay-area/> and "The Color of Law: A Forgotten History of How Our Government Segregated America" by Richard Rothstein.

who asks if the troop of predominantly Black girls is “from here.” Our town motto is “everyone belongs;” but we must be ever vigilant in making this statement a reality.

## BACKGROUND

### The Process

City officials initiated a citywide, community-driven process intended to address every aspect of policing as well as racial bias and inequity that can result in negative police/public interactions. Five committees were established:

1. Unbundling Services Currently Delivered by the Police Department
2. A Review of Laws that Criminalize Survival
3. A Review of Police Department Policies and Practices
4. Police Department Accountability and Oversight
5. Systemic and Community Racism/Anti-Racism

City Manager Eric Levitt appointed four Steering Committee members in late August 2020 as an *ad hoc* committee to guide the process ultimately toward advising him on racial equity and police department reforms. The Steering Committee in turn selected 60 Alamedans in September 2020 to serve on five Subcommittees among nearly 250 applicants.

To fill those subcommittees, the City Manager and his team put out the call to participate in this process on the City’s website and social media. Over 250 Alamedans answered: some applicants provided detailed sent email messages to the City Manager; others just sent in their names. Some applicants included detailed background/qualification information; others simply sent in their names. Based on the information provide, Steering Committee selected 60 “Alamedans” to participate. We’re made up of a broad spectrum of folks: educators, attorneys, probation officers, financial professionals, staff of other municipalities, as well as former (and current) law enforcement and military officers. Some volunteers specifically work in the field of police accountability. We are all volunteers and we’re here because of our love for this community and commitment to positive change.

Through the fall, the Steering Committee met at least weekly 1-2 hours depending on the topic. Subcommittees met at least weekly and communicated as necessary between their formally scheduled meetings to accomplish their work. Periodically, all committees met to coordinate and ensure processes and

published materials were consistent. Steering Committee and subcommittee chairs periodically met with city staff.

## **PUBLIC ENGAGEMENT**

### **The Process**

The Public Engagement process began in January 2021 and ran through mid March 2021. The Steering Committee/Subcommittees gave presentations to standing City of Alameda Boards and Commission as well as general public meetings, including the following:

- Civil Service Board, January 6
- Public Forum #1, January 22
- Transportation Commission, January 27
- Alameda Collaborative for Children, Youth and Families (ACCYF), January 28
- Social Service Human Relations Board (SSHRB), January 28
- "Tuesdays at 2," February 9 (with Business Associations/Improvement Areas)
- Commission on Persons with Disabilities, February 10
- Public Forum #2, February 13
- Open Government Commission, March 1
- Kiwanis Club, March 17

## **SURVEYS AND MAILERS**

### **The Process**

Concurrent with public engagement, City officials developed an online survey to gauge Alamedans' opinions on preliminary subcommittee recommendations. Additionally, during each public forum after presentation of subcommittee recommendations, participants were surveyed on the same.

- Jan 21, Surveys to the community about the subcommittees' draft recommendations
- Feb 2021, Mailer to the community about the subcommittees' draft recommendations
- March 16, Present draft recommendations with public feedback to City Council
- March 2021, Conclusion of this initial work

Approximately 1,000 survey responses were received. Respondents were largely thoughtful and engaged on the subcommittee recommendations, providing personal experience, feedback and honest criticism for improvements. We welcomed the community's inputs; most folks in support gave wonderful constructive comments. While many of the comments were constructive, negative commenters rarely gave any actionable feedback, other than being strongly against a recommendation. They provided neither a reason nor an alternative. We felt this was particularly unfortunate since we believe that any project, particularly one done with the intent of improving a community, is made better by a diversity of *ideas* provided in good faith.

## RECOMMENDATIONS

The subcommittees worked tirelessly reviewing studies on policing alternatives, analyzing data, and speaking with experts. They developed thoughtful, at times very thorough recommendations on paths forward for reforming policing in Alameda and creating a more racially just community in which everyone belongs. All of the recommendations listed below must be considered by the elected and appointment leadership of the City. However, as we reviewed the recommendations of the five subcommittees, a number of recurring themes emerged. Recognizing that the resources of local government are limited, and highlighting the fact that successful implementation of ANY of these recommendations will require dedicated City staff to oversee the implementation of these recommendations, we propose prioritizing the following recommendations as representative of these common themes.

Based on several months of inquiry, committee discussions, 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. We have over 3,000 hours of volunteer time for this work between August 2020 and March 2021.

The leader 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 Commission** as laid out in detail by the *subcommittee on Police Accountability*.
  - a. This will include the creation of a committee to **review police policies and procedures** as recommended by the *Subcommittee on Police Policies and Procedures*
  - b. The commission shall implement a process to receive civilian complaints regarding police conduct and interactions.
2. **Shifting responsibility for responding to mental health crises from the Police Department** to other agencies (both city and county) as recommended by the *Subcommittee on Unbundling*;
3. Initiating a **campaign to educate the public on "Who to Call"** as to resources other than the police to call for various non-emergency occurrences in Alameda as recommended by the *Subcommittee on Laws that Criminalize Survival*;
4. Creating and adopting a **clear and concise protocol for APD social media** as recommended by the *Subcommittee on Systemic and Community Racism*.
5. Develop a new protocol that will require **city leaders to be notified** in potentially high profile police interactions.
6. Extend operations of **"Block by Block"** Campaign past January 2021.
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 recommended by the *Subcommittee on Systemic and Community Racism/Anti-Racism*.

Most of these recommendations come from the hard work of our subcommittees. We as the Steering Committee have offered **#5** above as a stand alone recommendation.

We additionally recommend that the city of Alameda establish regular monthly meetings between APD and the public to facilitate open communication, connection, collaboration, and education between members of the community and the police.

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 of 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.<sup>4</sup>
2. Sworn staff participate in **regular mental health and de-escalation training.**
  - a. Implementation of bi-annual police training on: 1) issues of mental health and 2) de-escalation as recommended by the subcommittee on Policies and Procedures
3. Police leadership create a **Code of Conduct for sworn officers** reflective of community values as a means of clarifying and simplifying the already existing voluminous policies and procedures thus clarifying the responsibilities and restraints governing officers actions as recommended by the Subcommittee on Police Policies and Procedures.
4. **Hire a crime analyst and purchase appropriate software** to allow the City to compile and make use of more detailed crime and response statistics for purposes including but not limited to:
  - a. Expansion of the City of Alameda's OpenGov online reporting of crimes to include additional categories outside categories required by the FBI's UCR (Universal Crime Reporting) and NIBRS (National Incident Based Reporting System) as recommended by the subcommittee on Laws that Criminalize Survival.

With regard to sworn staffing levels, the Steering Committee is hopeful that the new police chief will have the opportunity to determine needs based on experience and insights gained from this process. We hope that a thorough review of service needs in Alameda, along with a shift of mental health response from police to social service professionals would get us to a sworn staffing level that makes sense for Alameda.

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<sup>4</sup> The City's current numbers are not due to a "hiring freeze" but to falling retention, officers out on leave and declining interest in law enforcement overall.

## 1. RECOMMENDATIONS OF THE SUBCOMMITTEE ON UNBUNDLING SERVICES CURRENTLY DELIVERED BY THE POLICE DEPARTMENT

In view of the information we have reviewed and the principles just described, in order to unbundle the services provided by the Alameda Police Department, the Unbundling Subcommittee recommends that the City Council direct city staff to:

1. Immediately begin the process—through RFPs and/or restructuring of current non-police city agencies—of creating a mental health response team;
2. Begin the process of similarly moving responsibility for other non-crime functions to other city agencies or contractors;
3. Develop an RFP for an outside contractor law enforcement expert without law enforcement ties to assess Alameda's police patrol, investigations, management, operations, technical, and administrative staffing needs, given Alameda's size, geographic, demographics, and crime rates; and,
4. Advance a dynamic, ongoing, and robust annual assessment of community needs, conducted by assessment experts, using service call data, police dispatch and outcome data, surveys of Alameda residents and visitors, and other community outreach modes.

The preceding four recommendations represent those that the Unbundling Subcommittee believes to be most urgent. In particular, the need to create and separate out mental health response from the police department is the subcommittee's strongest single recommendation; we feel that such an action best reflects Alameda's values and desire to create a safe and welcoming island for all who live, work, and visit here.

### **Additional Recommendations for Implementation Phase**

In addition to the above recommendations, the Unbundling Subcommittee believes there are several additional avenues of action that the City can take to reduce the number of non-criminal calls for service that sworn officers spend time responding to. Key recommendations for further study, or implementation following the community needs assessment, include:

1. Retain flexibility by avoiding, when possible, any new or further long-term commitments in policing until after the police reform process is complete.
2. Establish a "Central Services Department" for all non-911 calls, which can direct the call to the appropriate department, thereby limiting APD response to only crime-related calls. And help bolster and promote 211

services to provide a clear alternative for calls that do not require police intervention.

3. Examine means of reducing the number of discretionary traffic stops made by police, while simultaneously improving traffic safety. Strategies to achieve this goal may include:
  - a. Monitoring, and perhaps emulating, such models as those under development by the City of Berkeley and City of Los Angeles to enforce traffic laws (including moving violations) through a separate department employing unarmed civilian staff.<sup>5</sup> Consistent with the recommendations regarding mental health teams, unarmed traffic safety personnel could call police officers for backup, if necessary.
  - b. Continue the City's Vision Zero work implementing appropriate design changes and traffic calming interventions to reduce the harm caused by speeding, reckless driving, or other moving violations, and thereby reducing the need for city personnel engaged in traffic enforcement;
  - c. Consider technological solutions (e.g., cameras), if they can be implemented in compliance with state law and in a fair and equitable way. Systems that do not accurately identify the driver would be problematic, as recognized by the City's 2019 ban on use of facial recognition technology<sup>6</sup>).
4. Forego any reinstating of the School Resource Officer program, and continue to develop and expand youth mental health programs and/or restorative justice programs for children and youth, to complement any such programs in place or contemplated by AUSD.
5. Reallocate resources to other City departments to address issues which are compatible with, or a natural extension of, that department's function: e.g., parking enforcement and abandoned vehicles would be addressed by Public Works, which currently manages the paid parking program and is responsible for street maintenance.
6. If reassigning responsibilities to another City department is not feasible, the City should contract with non-profit or external governmental organization(s) to respond to non-criminal calls for service, such as those related to individuals in crisis (including those with acute or ongoing mental health needs), unhoused individuals, welfare checks, and

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<sup>5</sup> See Sam Levin, [California City Moves to Replace Police With Unarmed Civilians for Traffic Stops](#), The Guardian (July 15, 2020).

<sup>6</sup> Alex Najibi, [Racial Discrimination in Face Recognition Technology - Science in the News](#) (October 24, 2020); see also Alameda City Council, [Minutes of Meeting of December 17, 2019](#) and [Resolution Establishing a Privacy Policy, Data Management Policy, and Prohibiting the Use of Facial Recognition Technology](#).

substance use, and utilize the services provided by 211 as much as possible.

### **Holistic Solutions**

The charge of the unbundling subcommittee was to examine whether and how certain services currently assigned to the Alameda Police Department could be redirected to, and better served by, non-police service providers. Eliminating bias in policing cannot be achieved solely through such a restructuring. Accordingly, the recommendations herein must be viewed in conjunction with the recommendations of the other subcommittees and the necessity of addressing societal ills that disproportionately impact people/youth of color, including systemic racism throughout our society, poverty, housing insecurity, displacement, ableist, anti-LGBTQ+ sentiments, and many others. In particular, we urge the City to continue in its pursuit of solutions to the housing crisis, supportive services for the homeless and poor, and marginalized youth.

Specific to police reform, but consistent with the recommendations of other Subcommittees, the Unbundling Subcommittee urges the City to hire a police chief committed to reform and, in particular, to rooting out bias (implicit or explicit) and use of excessive force in policing, and committed to creating a department characterized in its policies and culture by diversity, equity, and inclusion. Special attention should be paid to candidates traditionally underrepresented in police chief positions.

1. APD staffing and budget should be maintained only at the level necessary to properly prevent, respond to, and investigate crime, i.e. the activities that require the training of a police officer
2. The City should contract with non-profit or external governmental organization(s) to respond to non-criminal calls for service, such as those related to individuals in crisis (including those with acute or ongoing mental health needs), unhoused individuals, welfare checks, and substance use
3. Analyze incoming calls and implement necessary changes to the 9-1-1 system to redirect calls when services can be provided by other professionals.

## 2. RECOMMENDATIONS OF THE SUBCOMMITTEE ON LAWS THAT DECRIMINALIZE SURVIVAL

The following recommendations are preliminary frameworks that we hope to expand upon in detail and scope with APD and city leadership.

1. Conduct a "Did You Know" social media campaign using Instagram, Facebook, and Twitter to direct folks away from emergency police reporting.
  - A. Campaign will mobilize a "What To Do If ..." strategy to connect engaged viewers with city and county services for issues on unhoused populations, animal control, and other non-emergency referrals.
2. Extend operations of "Block by Block" Campaign past January 2021.
3. Create a task force through the City that conducts further analysis of fines and fee revenue to determine their extent and effects on poor people of color.
  - A. The City should consider how repeated usages of punitive fines and fees affect low-income residents.
4. Expand the city of Alameda's OpenGov online reporting of crimes to include additional categories outside categories required by the FBI's UCR (Universal Crime Reporting) and NIBRS (National Incident Based Reporting System).
  - A. The department should release data that codes and specifies youth interactions without compromising the confidentiality of minors.
  - B. The "all other" category for reported Part II crimes should be specified.
  - C. Daily reports should be archived alongside yearly numerical reports. Citizens should be able to delineate data that spans periods of days, weeks, and months.
  - D. The department should track and publicize data on police stops and use of officer force.
5. Continue the current campaign to partner with Compstat for Justice, the Center for Policing Equity, and other outside nonprofits for additional recommendations and reports on clarity, transparency, and equity.
  - A. Collaborate with Oversight Committee, civilian committees, policy organizations, the APD IT department and other advocacy organizations in this engagement.
  - B. The department should be transparent about their process of communication with the Center for Policing Equity and seek to release all

reports and analysis conducted by the Center.

6. Report requests for public information in a timely fashion (14 business days).
  - A. Continue to improve data collection and transparency without compromising resident integrity, privacy, and increasing the department's reach in the usage of unnecessary criminological surveillance.

### 3. RECOMMENDATIONS OF THE SUBCOMMITTEE ON POLICE DEPARTMENT POLICIES AND PRACTICES

1. We recommend that APD require mental health and de-escalation training on an annual or semi-annual basis.
2. We recommend the adoption of an Alameda police department code of conduct.
3. We recommend that the city create a police policies and procedures review board.
4. We recommend the establishment of regular monthly meetings between APD and the public to facilitate open communication, connection, collaboration, and education between members of the community and the police.
5. We recommend that APD's policies and procedures include procedural justice as a core value.
6. We recommend that the City of Alameda contract professional services (eg *Impact Justice, Prevention Institute*) to continue the process begun by the task force of reviewing and revising APD policy and procedures in partnership with community stakeholders.



#### 4. RECOMMENDATIONS OF THE SUBCOMMITTEE ON SYSTEMIC & COMMUNITY RACISM

##### 1. Business Racial Accountability Pledge

City will offer anti-racism training for businesses led, at least in part, by Black or POC facilitators. Experienced facilitators will work with all stakeholders in advance of the training to ensure the training is tailored to the needs of our community. As part of the training business owners and their employees will work through an anti-racist curriculum including readings, videos, role playing exercises, and assessments to evaluate their understanding of the material. Upon successful completion of the training businesses will sign an anti-racist accountability pledge and be given a plaque/decals to indicate their commitment to actively pursuing the tenets of anti-racism as laid out in the curriculum they use. Biennial recertification will be granted after the completion of continuing education about the topic.

2. Create And Adopt A Clear And Concise Protocol For Social Media  
After reviewing other police departments' policies and best practices, we recommend that the Alameda Police Department adopt a protocol similar to the one currently used by SFPD. More substantive **guidelines need to be in place for Social Media engagement and monitoring**. Recently, APD posted a Black man's face on their Facebook page, **after** he'd been taken into custody, and prior to prosecution. It appeared that the purpose of the post was solely to make Alameda's citizens aware of "bad people." APD allowed open, non-moderated public comment which devolved into inappropriate posts that were insensitive at best, and toxic at worst. There was no legitimate need to post the photo since the individual had already been arrested and taken into custody. At the very least, mugshots should not be posted unless APD is seeking the community's assistance in finding a suspect. Additionally, conversations should be moderated and comments should be disabled if necessary.

- Upon further review of information provided in response to RFIs, we have determined that APD's current protocol fails to address mugshot posting or provide guidelines for approval of posting and monitoring of APD's social media accounts. We recommend adopting and implementing a protocol similar to SFPD's current Social Media practices and policies which can be found here:  
<https://drive.google.com/file/d/1MSS95aXwhuPi7WVut4oYhd7YRmlnqaQc/view?ths=true>

##### 3. Public Feedback Portal | "Public Safety Accountability Tool":

We recommend that the city develop a city-wide online reporting and feedback system (i.e. "City of Alameda Antiracism Reporting/Feedback Tool") for residents and visitors to report instances of perceived racial bias, discrimination, abuse of power, and racism that occur in Alameda. Once a report is received, the information submitted shall be provided to city staff for assessment and investigation. The data collected from reports should be analyzed and metrics capturing the location, race of involved parties, number of reports about specific people (positive and negative) should be kept. We recommend amplifying this portal's existence to the community once it's active, via all communication methods the city currently utilizes to communicate with its residents (Facebook, city website, Twitter, postal mail, email, etc.).

The disaggregated data collected from this portal should be analyzed to determine where city resources to address the issues raised should be directed to remedy the issues identified after investigation deems reports to be credible. In this manner, any instances of prejudice/racism identified from the reports within our local healthcare providers, landlords, and City Services (Fire/EMT, police, code enforcement, building inspection) will be documented in this database and shared with the appropriate parties to be assessed and addressed accordingly.

While APD's existing feedback portal is a good place to start, APD is not analyzing the information submitted or utilizing it to change existing practices to better serve the community.

[Share Feedback](#) --. We recommend that the city-wide feedback portal include more explicit, unambiguous language to permit the reporting of incidents of perceived racism, racial profiling, and racial bias in city services. The link/badge for this city-wide online reporting tool should be located on the APD page (where the existing feedback portal is currently located), on the main APD page (**Image 2**) near the "contact us" link, as well as on the homepage of the City of Alameda's website to ensure it's easily accessible. We recommend that this tool allow for anonymous submission of feedback with the understanding that those on the receiving end of racism or prejudice may not feel safe having their identities disclosed for fear of further instances of harm.

#### 4. Budgets Are Aligned With Anti-racism & Equity Strategy

We recommend that the city examine the budget allocations across different areas including but not limited to, policing, education, transportation, housing, staffing, and specifically, this program. We are asking for more focus to be placed on this work after March 2021. Working alongside the Alameda Board of Education, we are hoping to implement a racial awareness and education program in all Alameda schools by September 2021.

- Compensation for work is a matter of equity. You cannot equitably and accurately represent the interests of your constituents if we as a city are not proactive about creating space for diversity of race, ethnicity, socioeconomics, abilities, genders, and sexualities in our leadership. We can move toward accomplishing this by compensating council members, committee members, and people who facilitate city events at a level consistent with the time commitment, expertise, and value added to the city by their work.
- We acknowledge that the school board and city council are separate entities, however, we see a real opportunity for the city to extend its budget to pay for a professional facilitator/educator to lead a group of high school students from Encinal, Island, and Alameda High School (that will fulfill their community service requirements for graduation) through training and ongoing leadership development that is designed to foster racial literacy and civic engagement. This program will build a foundation of civic engagement starting at elementary school level and continuing through high school that will create greater understanding of racial dynamics within our city and country and an informed citizenry whose civic engagement will continue into adulthood.

#### 5. Storytelling

We recommend the City invite residents and visitors to Alameda to share stories that capture historic and current incidents of racism (personal and systemic) within the city. This can be done in multiple ways including written stories that are then published on the city website or in local papers (with permission of the party), facilitated community meetings, lecture series in collaboration with the Alameda Library, and in small group sessions at schools, City Hall, etc. Comments from the recent survey indicate that many respondents think racism does not happen here, but as we have learned in presentations with community leaders racism is pervasive here and has impacted people in Alameda at school, work, during recreational activities, and while shopping in the city. Storytelling will provide a safe space for Alamedans and visitors to our city to share their lived experiences with racism in an effort to bring a greater understanding of what it's like to exist as a person of color here, and to help provide a roadmap of the specific harms the community needs to address with changes to policies and practices to prevent further instances of harm. This will provide an opportunity to demonstrate that Alameda's recently adopted mantra "Everyone Belongs Here" isn't just an empty phrase but is being put into action. In order to mitigate the effects of continuing harm and trauma for those impacted there should be a counseling professional on hand for any public forums and services should be offered to those who decide to share stories.

The public storytelling sessions should be held in locations throughout the city to make them accessible to all demographics. Outreach should be made to renters, owners, the unsheltered, residents, and non-residents to invite all interested persons to participate in the forums and share their stories via written the methods outlined. Facilitators may also act as educators to inform community members about the history of racism in our city and the surrounding Bay Area and to inform the community about how it has been baked into our institutions. It is our hope that these opportunities to come together (in person when health authorities have determined it is safe to do so) will allow for healing from the wounds of the past and innovation about paths for moving forward to create an anti-racist community that recognizes the humanity and contributions of each and every person.

#### 6. Transportation Equity And Safety\*\*

Upon receiving multiple reports of renewed safety concerns at Alameda Point, our team met with some of the community members and staff of the Alameda Point Collaborative (APC). We devised an action plan, and opened up communication with the Alameda's Transportation Commission to enlist their guidance and assistance with the following projects and areas of concern:

## 5. RECOMMENDATIONS OF THE SUBCOMMITTEE ON POLICE DEPARTMENT ACCOUNTABILITY AND OVERSIGHT

### 1. Create an effective, thoughtful, charter-strength oversight board

We believe there is sufficient evidence to warrant an oversight board. Below are some of the qualities that we feel are important to any civilian oversight board that might be created.

- **Core powers established by City Charter**

The city should hold an election to amend the city charter to establish a civilian oversight board for the police department.

In other cities where civilian oversight was not written into the charter, it was in short order made largely ineffective by political erosion of rights and powers. If we are to have accountability it must be effective. A charter-strength oversight board can only be diluted or removed through further charter amendment, a very public process that requires the public to affirm that oversight should be removed.

- **Independent and apolitical**

The civilian oversight board should be independent of the police department, with the power to adopt its own rules for operating procedures. It should not be co-located at the police department.

In no way should getting onto the board be a political process. We recommend the board be appointed to avoid the need for campaigning and fundraising.

Both independence and the appearance of independence are important for assuring the public of the objectivity of the oversight board. Civilian oversight has proven to be a critical tool to address police performance, and should be independent of the police department to ensure impartiality. This includes not sharing space with the police department, which would give the appearance of bias and would suppress involvement by those who are from communities that suffer from being overpoliced.

- **Strongly community driven**

The board should aim to meet the accountability needs of the community, including those who are rarely represented at the city governmental level.

Currently we have an unbalanced system, where the public is held accountable by the police, but not vice versa. Public service must include an element of public accountability. This applies to the civilian oversight board, as well. The board should be accountable to the public, as much as it holds the police accountable. They should produce an annual report to the public on board work, including an evaluation of the board's effectiveness and follow-up surveying on participant experience. They should also be active participants in NACOLE (National Association for Civilian Oversight of Law Enforcement).

- **Made up of members of the community**

*This should be a civilian-only board*

We recommend the board be made up of civilians who are not sworn officers or members of the police union, employees of the city, or employees of the police department. Independence has been demonstrated as an essential element in gaining community confidence in the oversight process.

*All residents of Alameda should be represented*

As with other city positions, the members of this board should be made up of people who reside in Alameda, including those with permanent homes, those who face housing insecurities, and those without permanent housing. The board should determine criteria for establishing whether a recently evicted or homeless person is a resident of Alameda, including last known permanent address and social/familial ties to the city.

We recommend the board have an odd number of members between seven and thirteen in order to provide representation to as many impacted communities as possible, and also to ensure that there are always a sufficient number of board members available for investigations and hearings.

The police department internal accountability mechanisms remain important including their specialized knowledge of the mechanics of policing. However, Internal Affairs processes are not visible to the average citizen who has a grievance with the department, and the concerns of the police will not always match those of the community at large. Public Accountability is in addition to and not a replacement for internal command and management.

Members of the civilian oversight board should be chosen to represent a wide range of demographic groups in Alameda. In order to preserve the impartiality of the board and make it truly a civilian board, it should be made up of members of the community rather than law enforcement, police employees, or city employees.

Because the homeless population is significantly overpoliced in many places, and residency requirements often hinge upon having a permanent address in a city, representation for those without permanent housing or who face housing insecurities would help the board have a broader perspective on the real lives of the community, and help the board to improve the interactions of the police with the broader community.

Finally, boards established in the Alameda City Charter currently have between five and seven members. We feel that a larger number of members for this board is necessary in order to get representation from as many impacted communities as possible. In addition, a larger number of board members allows for the work of reviewing police policies and practises to be broken up into manageable amounts (the Alameda Police Policy Manual alone is 755 pages long).

- **Clearly stated rules around the function of the board and membership**

The civilian oversight board should have clearly stated rules about term length, term limits, removal from the board, filling vacancies, and chairship. We recommend members of the board serve two-year terms, with a two-term limit, with terms arranged so that only half expire in a given year. Board vacancies should be filled promptly by the city manager rather than being left open until the next term for that position begins.

The board should make provisions for removal of board members, if necessary, including setting rules about how to conduct a review of membership on the board when a member's circumstances change (such as being sworn in as a police officer, taking a job with the city, deciding to run for office, or moving out of Alameda). In addition, there should be a process for removing members of the board who do not or cannot fulfill the goals of the board (we recommend that this be by a supermajority vote of  $\frac{3}{4}$  of all other members). In order to prevent lengthy attempts at removal for political reasons, the board should establish a cooldown period between failed removal actions.

As in all other charter-established boards, the chair should be chosen by a vote of the board on the charter-designated date.

Clearly stated rules around membership on the board and chairship will give clarity when conflict about the rules arises, so the board's time is not taken up with having to determine how to act around things like a change in circumstances for a member, or non-performance. To the greatest extent possible, the board should set rules for its operation that address these potential areas of conflict in advance.

Prompt filling of openings means the board will always have enough members to reach quorum, and more importantly enough members to provide fair investigation and hearings around complaints. Shorter terms and term limits ensure a wider range of voices can be heard, giving more communities the opportunity to have a say in how policing is done in the city. Lapping terms over each other allows for transfer of knowledge between outgoing members and newer members. In addition, staff will have the role of carrying institutional knowledge for members.

- **Clearly defined complaint procedure**

The board should create a clear process for filing a complaint, including deciding who can file a complaint, and who they can file a complaint against. There should be special accommodations for complaints in litigation or where criminal charges are being pressed. Standards for when an investigation starts, how long the investigation may take, and how soon a hearing should be scheduled should be established. Information on this process in plain, easy-to-understand language should be published by the board for the public.

The board should establish who can file a complaint, including making allowances for complaints that may at least initially be anonymous. They should establish protections for complainants and witnesses, including whistleblower protections for officers or employees of the police department who make complaints about others, and anti-retaliation protections for all. Because the existence of criminal charges pending may affect the ability of a person to make a complaint, there should be special provisions for such a complaint allowing the investigation and hearing to be conducted after criminal proceedings are complete.

Where the complaint is about an agency outside of the Alameda Police Department (Alameda County Sheriff, East Bay Regional Park Police, etc.), the board should make a referral policy, and also a follow-up policy to confirm that complaints to those agencies are being addressed.

- **Broad investigative powers**

The board should have a broad set of powers to investigate where appropriate. These powers include:

1. *Power to receive complaints against the police*

Ideally, complaints directed to the police should automatically be sent to the board without being reviewed by the police first. Minimally, the board should be empowered to receive complaints directly from the



public rather than having to wait to have them referred or assigned by another body.

2. *Power to receive complaints against non-sworn personnel of the police department*  
Not all employees of the police department are sworn officers, but the public perception is that they are all "the police." In addition to providing accountability for sworn officers, the board should be empowered to receive and handle complaints against all employees of the police department.
3. *Authority to investigate complaints*  
The board should have the authority to investigate complaints, and additional powers that will enable that investigation to be thorough and fair. The authority to conduct an investigation allows the board to obtain information and evidence beyond what the original complainant can provide. A complainant may not be able to prove an incident happened without body camera or vehicle camera footage, or without testimony from eyewitnesses.
4. *Ability to monitor police internal investigation*  
Where a parallel Internal Affairs investigation is being carried out, the board should have the responsibility to monitor that investigation and its findings in order to ensure that it is being conducted fairly, and that evidence both in favor of and against the officer involved is being reviewed.
5. *Power to review internal affairs file*  
The Internal Affairs file may contain information not specifically requested by the board which sheds light on the incident in a complaint. The board should have the right to review that file, but not to make it public.
6. *Power to re-open closed investigations*  
The board should have a limited power to reopen some investigations and pursue resolution and justice in cases of fraud, or other exceptional circumstances.
7. *Complaints about the police filed with any department must be forwarded to the board*  
When complaints against the police are filed with any department or agency in the city, those complaints must be forwarded to the board whether the receiving department has reviewed and responded to the complaint or not.
8. *Subpoena power with advice from the city attorney*

In order to properly conduct an investigation, the board may need to obtain documents such as security camera footage from private businesses or residences, cameraphone video from individuals, or other evidence. The ability to subpoena those documents will substantially improve the power of the board to hold a fair hearing. Further advice from the city attorney's office is recommended here.

9. *Rules for obtaining police evidence*

The board should have broad powers to get evidence from the police department. This includes clear, fast access to complete video evidence (such as from body cameras and vehicle cameras), as well as provisions for interviewing officers. The board should make clear policy about confidentiality of evidence. In addition, there should be penalties for failing to turn over evidence, failing to appear for hearings, or ignoring the proceedings of the board.

10. *Timeliness*

Justice delayed is justice denied, so we recommend the general requirement that an investigation into the matters of the complaint be substantially complete within 90 days of commencement. But also because some cases are more complex and require more work, we make the provision that the board may vote to extend the deadline for completion.

● **Hearing procedures focused on fairness and restorative justice**

Hearings should be held promptly. We recommend that a hearing be scheduled within 14 days of the completion of the investigation. Provisions should be clearly established for postponement requests.

Board operating procedures should:

- Address rules of evidence
- Address right to cross examine
- Provision for continuances
- Require witness testimony to be under oath
- Set a standard for the burden of proof
- Provide for designating documents as public or confidential

In order to maintain fairness, the board should set a recusal policy that errs on the side of removing those with the possibility of a conflict of interest from a position to judge. In addition to self-recusal, the policy should allow the complainant to request the recusal of a member of the board, providing reasons for that recusal.

## 2. Create processes that support justice for all

In order to make a more equitable society, the board should provide for models of investigation and hearing that are not modeled directly from criminal or civil legal proceedings. Recent innovations in police oversight through restorative justice and mediation find ways to hear community voices and make positive change in policing, rather than models of punishment and uneven power.

With community input, the board should create a strong, broad non-discrimination policy including race, nationality, religion, veteran status, sexual orientation, gender identity, HIV status, economic status, or housing status.

We recommend continued exploration of impacted communities including continued dialogue with a broad coalition of anti-discrimination organizations such as the Commission on Persons with Disabilities, the Alameda County Veterans Affairs Commission, the Alameda County, Alameda County Advisory Committee on Aging, Alameda County Community Corrections Partnership Community Advisory Board, Commission on the Status of Women, and the Human Relations Commission. We also recommend that the board review the city's Sanctuary City policy to determine how best to support immigrants' ability to come forward regardless of the status of their documentation.

Below are some suggestions that we believe would assist with this recommendation:

- **Actively encourage public participation**

One of the responsibilities of the board should be educating the public on their rights and the complaints process. Materials should include information on how to file a complaint and what the process will be like, and know-your-rights information for adults and youth.

The board should make and carry out a plan for outreach to the most-affected communities, such as Black residents and the homeless.

Above all else, the board should promote transparency. Board materials must be available in multiple languages, including both languages spoken by residents of Alameda and languages spoken by those who work, visit, or worship here, and written in plain language rather than legalese.

- **Provide complainant support**

The board should provide for support for complainants during the investigation and hearing stages of this process. These supports should include:

- Right to have an attorney
- Right to have a non-attorney advocate
- Right to request mental health support at hearing/investigation
- Right to accessible access to hearing room and evidentiary materials
- Interpretation provided when needed at hearings
- Protections against retaliation for complainants and witnesses
- Whistleblower protections for police department employees

### 3. Look at data collected with the goal of equity

The overall goal of the Board should be to create equity within the Alamedan community. By collecting data and analyzing the statistics, the Board will be able to assess and see where changes may be needed. Below are some qualities that will support the goal of equity:

- **Track and share data on Police Performance**

Alameda will need to track (RIPA) Racial Identity Profiling Advisory data to be reviewed by the California Advisory Board and the Department of Justice. The legal mandate is for Alameda to begin collecting data beginning January 1, 2022 with a requirement to legally report it to the Department of Justice by April 1, 2023. Some of this data is already being collected by Alameda Police Department and more of it soon will be. The California RIPA annual report and the Center for Policing Equity both provide models of how that data can be analysed and made public. Alameda should not wait for the legal mandate but should calculate and provide this data to the public as early as possible.

In addition, Alameda needs better, transparent tracking of use of restraints by type -- especially when follow-up medical attention is required -- as this data is separate from use-of-force statistics. In addition to quantitative data, the department should also be collecting qualitative data which can help to illuminate the experiences of marginalized communities such as persons with disabilities, religious minorities, or members of the LGBT community.

- **Power to make recommendations in response to data analysis or changing social environment**

Newer models of civilian oversight encourage proactive data-driven approaches to policing. In recent years, the many other cities have seen

good results from putting police activity data into an Early Warning System. With these programs problematic patterns of police behavior can be spotted early and addressed proactively. Alameda does not currently use such software. This would be a valuable way to catch weaknesses in training or understanding of the role of police before they turn into major incidents.

The civilian oversight board is uniquely situated to offer insights into policing which may be missed by those inside the police department. With representatives from impacted communities on the board, they can offer recommendations which come from the very people who are most affected by the inequity.

- **Power to make policy recommendations**

The board should have the power to recommend changes to police policy.

At its heart, this is about not just accountability for the individual officer or officers involved, but a commitment by the department to police better based on evidence.

- **Power to make recommendations even in unsustained complaints**

Oftentimes in an investigation, an officer has not violated existing policy. However, when listening to the complainant an improvement to policy may emerge. Having this power encourages a learning-focused organization as opposed to a punishment-focused organization.

- **Influence on hiring decisions**

The goal of the board is not just accountability, but partnering with the police department to meet the policing needs of the community. To that end, the board should have an active role in oral boards for hiring officers, and input into the hiring process for the police chief.

The police need community trust and confidence to do their jobs. The board should cooperate with the police department to build a force that we can all feel proud of and have confidence in. It is better and easier to hire the best officers available.

Giving the people of Alameda a voice in hiring not only the chief of police but officers and employees at all levels will help build bridges between impacted communities and the department. It will help ensure that all voices in the community are heard. In addition, diversity in hiring gives any

organization greater resiliency and flexibility. Voices from under-represented communities can bring new problem-solving skills to the department and help it do its job more effectively.

- **Power to advise on type of discipline, and to recommend dismissal/reassignment**

Current state laws, court decisions, and union contracts set limits on disciplinary actions against police officers. The board should have the power to advise the police department on appropriate discipline for offenses against which they find that there was improper behavior. In addition, the board should establish a policy for how subsequent complaints against the same personnel will be handled, in particular how they will be handled if the advised discipline was not carried out.

- **Proactive Accountability**

The board should, as part of its regular work, perform an annual review of the police department's Policy Manual and Procedures and determine which policies and procedures need revision or removal/replacement.

- **Ability to recommend trainings and training memos**

The board should have the ability to recommend either specific training or suggest subject areas for ongoing training for the department.

Often extra training chosen by police results in increased militarization. We believe it is important that steps are taken to ensure that police are trained to interact with the public in positive ways.

- **Systems of accountability for management staff**

While officers on the streets are more easily identified by the public when they overstep authority or worse, a system which does not see these problems as systematic will fail. Management staff should also be accountable for their actions and to a degree the actions of those they supervise.

#### 4. Value people for their work and expertise

Participation in a civilian oversight board is hard work and takes a lot of time and dedication. As members of this temporary task force we were able to get a

glimpse of how important, but also demanding of one's time it can be. In order to set up the Board members for success, we suggest the following:

- **Accommodations for member participation**

We don't believe participation in the oversight board should be limited by the ability to afford to take time off work without any compensation. With this in mind we recommend a sliding scale of compensation based on the needs of those involved in the board.

The Alameda City Charter specifically denies compensation to those serving on charter-established boards. This means that many people cannot participate in city boards because of the time commitment; if you are working multiple part-time jobs, you may not be able to afford to give up work to be able to regularly attend meetings and do the work required to prepare for those meetings, and especially the work required for participating in hearings about complaints. A board that pays members a stipend for their time will be a board that can have representation from all parts of the community, and without that representation, no accountability board will win the trust of all members of the community.

While the focus of our work is the oversight board, we encourage City Council to more broadly examine policies that prevent compensating board members on all City boards for their work.

## CONCLUSION

Alameda is in many ways an idyllic place to live. However the social forces that drive racial disparities in other communities are present here, as they are present in every community in America. From discriminatory housing practices to disproportionate policing, Alameda is not unique in its struggle to acknowledge its history and move into the future.

Alameda can be unique in the way in which we choose to approach this issue. By taking advantage of our small size, our connectivity, and our respect and care for each other, we can come together to make changes that allow us to fully realize the phrase “everyone belongs here.” Because we are a small town, we can have conversations that honor everyone’s perspectives. We have made these recommendations with complete faith in this community. We hope that these recommendations can be a positive move toward creating a community in which everyone belongs.