

City of Alameda
Policing Policy and Procedures Subcommittee
Final Progress Report - February 2021

RECOMMENDATIONS

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.

What follows are the principles and values of this subcommittee that guided the above recommendations and a detailed description of each recommendation.

Principles and Values

1. We Believe That All Community Voices Must Be Heard In The Evaluation and Reform of Police Policies and Procedures.
2. We Believe That Police Policies and Practices Must Support The Goals of Our Community, and Be Based On Core Values.
3. We Believe That Police Policies and Procedures Must Be Embodied in Robust, Regular Training, Reporting, and Accountability.

Recommendations

1. We Recommend that APD Require Mental Health and De-Escalation Training on an Annual or Semi-Annual Basis

The training that officers receive should reflect the majority of the type of calls that they receive. The reality is that the vast majority of APD calls are not violent in nature, but instead reflect mental health, homelessness, and other distress. To the extent that these calls continue to be handled by police officers, rather than by social workers or mental health professionals, police officers must have training to equip them to handle these calls without resorting to the use of force or to arrests. ¹

Currently, APD officers are mandated to receive fire-arms training on an annual basis. Conversely, officers are only trained in so called “soft skills,” such as de-escalation, cultural diversity training and crisis intervention training one time, often at the police academy before actually beginning their careers.[1]

In recent years, police forces have found themselves moved toward militarization by the threat of terrorism and the fear of mass shooting events combined with the ready availability of cheap or free military surplus vehicles. It is increasingly common to see police officers donning olive drab or camouflage uniforms rather than the traditional black or blue. This turn toward

¹ We intend to collaborate with the committee on unbundling services to evaluate whether the structure of the police force reflects the types of calls received.

militarization has resulted in increased time spent training for violent and sustained confrontation and a corresponding reduction in time spent training on everyday issues such as de-escalation to avoid use of force and interacting with people with mental health issues. [²][³]

We will be recommending that APD conduct de-escalation and crisis intervention training on a at least a semi-annual basis, with the goal of creating a culture of non-violent dispute resolution within APD and ensuring that patrol officers have the skills they need to avoid resorting to the use of force.

² Alexander M (2010) *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (The New Press, New York).

³https://cops.usdoj.gov/html/dispatch/12-2013/will_the_growing_militarization_of_our_police_doom_community_policing.asp

2. We recommend the Adoption of an Alameda Police Department Code of Conduct

Proposal

1. The Policies and Procedures Subcommittee (“PPS”) proposes that the Alameda Police Reform Committee (“Committee”) consider developing and recommending to the City of Alameda City Council a Police Code of Conduct. The Code of Conduct is proposed as a permanent part of the Alameda Police Department Policy Manual, to which all City of Alameda police officers and police managers would agree to follow as a condition of continued employment in the City of Alameda. We note that the City currently has codes of conduct and a Code of Ethics in its existing policies and procedures, and we expect that this work would build on those existing documents.
2. The PPS further proposes that the Committee consider developing and recommending to the City of Alameda City Council an Alameda Police Department internal accountability and oversight process for enforcing the Police Code of Conduct.
3. The PPS proposes that the Committee consider developing and recommending to the City of Alameda City Council a City Council and Community Oversight process that includes enforcement of the Police Code of Conduct. The recommendation should include, as a minimum, a preferred model of a Community Oversight structure, conditions under which there is a mandatory review of incidences of potential police officer misconduct as defined under the Code, a legal review of the legal authority structure necessary for potential oversight actions and a recommended timeline for all required City Council action on any necessary revisions to the City Charter.

What Would Be Included in a Code of Conduct?

There would be codes dedicated to general conduct and specific conduct. *Examples could include:*

- General Conduct Affirmative Code
 - Racist, sexist, anti-semitic, islamaphobic, or anti-LGBTQ+ group affiliation*
 - Racist, sexist, anti-semitic, islamaphobic, or anti-LGBTQ+ actions*
 - Use or affirmation of racist, sexist, anti-semitic, islamaphobic, or anti-LGBTQ+ language*
 - Conduct unbecoming of an officer
 - Dereliction of duty
- Specific conduct (see #8CANTWAIT.org)
 - Duty to Intervene
 - Require De-escalation

- No Choke/Strangle/Sleeper Holds
- Require Warning before Shooting
- A an on Shooting at Moving Vehicles
- Requirement to Exhaust Alternatives Before Shooting
- Require Use of Force Continuum
- Require Comprehensive Force Reporting

Why a “Code” Versus Better Policies and Procedures

Policies and procedures are guidelines for behavior that rely on a police officer’s skills, knowledge, and judgement to prioritize, use or ignore depending on each unique tactical situation faced in policing the Community.

A Code of Conduct is not a set of behaviors that can be prioritized or ignored nor are dependent on a tactical situation.

A Code of Conduct is a social contract between a police officer and the Community that is, in exchange for agreeing to follow the code, granting the officer special policing powers. A code can be used by officers to build a baseline set of behavioral standards they can rely on to guide their engagement with the Community.

A Code of Conduct is legally enforceable and conduct not in conformance with the Code are punishable by law. This is an important distinction from a “policy and procedure”. It is important to have a Code that is enforceable by law and thus specifically designed to make sure those entrusted with special police powers are held accountable when they break their social contract with the Community that granted them those powers.

* This is not an exhaustive list of impacted groups/individuals. This list needs to be further developed by the city in partnership with the community.

3. We Recommend That the City Create a Police Policies and Procedures Review Board

A policies and procedures review board will be formed including members of the public chosen from those who apply*, at least one member of the police commission and a representative of city staff, such as the Assistant city manager or city counsel. The Policies and procedures review board will meet at least quarterly but as often as is necessary for timely review of proposed permanent changes and/or additions to APD policies and procedures. The review board will report and make recommendations to the city counsel before said changes are adopted.

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.

We are aware that the police department of the city of Alameda has made significant efforts to engage with the community and we commend them for these efforts. These efforts tend to be most visible to the segment of the community that most appreciates and benefits from policing rather than that segment of the community that is the subject of policing. It is thus imperative for our community to establish a regular forum for the purpose of allowing historically marginalized voices, including voices of those most often subjected to policing, to share their stories, voice concerns, ask questions, and assert their priorities. Accordingly, our recommendation is the need to incorporate more voices and perspectives into the process of reforming police policies and procedures.

We recommend Alameda establish regular meetings to facilitate the exchange of ideas between the public and APD. Specifically this forum would serve the dual purpose of allowing the public to air grievances and concerns while allowing APD the opportunity to educate the public as to the reasons for its procedures and responses. Meetings should be facilitated by an objective third party chosen by the City Manager.

*All efforts should be made to include a cross section of the city taking into consideration race, sexual orientation, socio-economic status, age, and residence within the 5 districts.

5. We Recommend That APD's Policies and Procedures Include Procedural Justice As A Core Value

A recurring theme of complaints that we are hearing from community members, particularly people of color, is the lack of respect displayed by police officers during interactions with the public.

This is corroborated by a recent study completed by Stanford researchers in which they analyzed the body camera footage from 981 traffic stops conducted by OPD over one-month.* The researchers found

that white residents were 57 percent more likely than black residents to hear a police officer say the most respectful utterances, such as apologies and expressions of gratitude like "thank you." Meanwhile, black community members were 61 percent more likely than white residents to hear an officer say the least respectful utterances, such as informal titles like "dude" and "bro" and commands like "hands on the wheel."

<https://news.stanford.edu/2017/06/05/cops-speak-less-respectfully-black-community-members/>

Encouragingly, "a majority (65%) of officers say that today in policing it is very useful for departments to require officers to show respect, concern and fairness when dealing with the public – an approach referred to as [procedural justice](#)." It seems it would go without saying that an interaction that starts out with a negative or disrespectful tone is more likely to escalate into a violent encounter.

In 2014, the White House convened the President's Task Force on 21st Century Policing, which published its [report](#) (pdf) in 2015. Its first recommendation: build trust and legitimacy, using procedural justice. Since the publishing of the president's report a number of large police departments, including New York City have begun to implement procedural justice policies (though progress was slowed during the Trump administration?)

We recognize that respectful conduct, without substantive reform, is inadequate. However, respectful conduct is a necessary, though not sufficient, component of establishing trust between the policed and the police. We recommend that procedural justice be enshrined in the written policies and procedures of the Alameda Police Department and that an appropriate training program be instituted to support this new policy.

* No similar studies analyzing Alameda Police Department have been conducted.

6. We Recommend that the City of Alameda Engage A Professional To Review and Propose Revisions to Alameda's Police Policies and Procedures

Accordingly, as we dig deeper into the minutiae that is police policy and procedure, our recommendation is that the City of Alameda hire a professional consultant to bring our police department's policies and procedures in line with contemporary best practices, informed by the values of our community as identified above.

We recommend that the professional engagement include the following elements:

- 1) A community engagement process, including public forums, to identify the priorities of the community. This process should be open to all and should explicitly solicit the voices of economically marginalized "Alamedans", BIPOC Alamedans, and others who have been historically the subject of policing.
- 2) A comprehensive set of proposals for the reform of police procedures and policies, based on contemporary best practices, driven by data, and reflecting the priorities of the community as established in the public forums identified above.
- 3) A review and feedback process for the public to reflect on and provide input into the set of proposals before they are finalized.
- 4) Training for Alameda police officers on reformed police policies and practices.