

TO : Merced City Council, City Manager, and City Attorney

November 5, 2018

FROM : Michael Belluomini

Reference : IMPROVING POLICE AND COMMUNITY RELATIONS

BACKGROUND : Over the last few years the city has experienced unrest over allegations of misconduct by police officers. Accusations of excessive force, abusive language, discrimination, neglect of duty , and abuse of authority, have been made regarding police officers handling of enforcement actions, especially with people of color and the homeless. These allegations and unsubstantiated information regarding police behavior have increased mistrust of the police and a sense of an adversarial relationship between some of the citizens of Merced and the police. Lack of trust and lack of cooperation between the police and citizens benefits criminal activity thus reducing the safety of everyone in Merced.

The current citizens complaint procedure regarding police misconduct is for a detailed statement to be written by the citizen with the help of an investigating police officer. An investigation within the police department is conducted by police personnel. When completed it is reviewed by the Police Chief who makes a determination that 1) acts complained of did not occur; 2) acts complained of did occur but were justified; 3) there is insufficient evidence to prove the allegation; or 4) the acts complained of occurred and are sustained. The complaint form indicates that if a complaint is sustained the Chief of Police **may** take disciplinary action against the employee involved (emphasis added). Which of the four determinations above was made will be communicated to the citizen complaining, no other information will be released. The internal investigation release of determination can take up to 18 months from the time of incident causing the complaint. This long delay in acting on a complaint and the basis that disciplinary action may/might occur is frustrating to citizens who believe they have been wronged. It does not build trust between the police and citizens. State law protecting police officer records supports this procedure.

CHANGES IN STATE LAW : Senate Bill 1421 of 2018 changes the Penal Code effective January 1, 2019 to make police officer personnel records available to the public when the records relate to the report, investigation, or findings of 1) the discharge of a firearm at a person by a police officer; 2) the use of force by a police officer resulting in death or great bodily injury; 3) sexual assault by a police officer which is verified by a sustained finding by a law enforcement agency; and 4) dishonesty by police officer relating to the reporting, investigation or prosecution of a crime, or to the reporting of, or investigation of misconduct by another police officer, which is verified by a sustained finding by a law enforcement agency.

Assembly Bill 748 of 2018 changes the Government Code effective July 1, 2019 to require a video or audio recording relating to 1) discharge of a firearm at a person by a police officer; or 2) use of force by a police officer resulting in death or great bodily injury to be available to the public within 45 days of the incident. Exceptions are when such release substantially

interferes with the investigation by the police, or the privacy of persons depicted in the video/audio which privacy issues cannot be addressed by redaction technology. This law states that a police agency may provide greater public access to video or audio recordings than the minimum standards set in AB 748.

IMPROVING POLICE COMMUNITY RELATIONS : To reduce crime we must gain community trust of the police. Trust makes police work safer, and crime is reduced. People obey the law partly because they believe the law has legitimacy owing to how they are treated by the police. People want to believe the actions of the police are done for good reason, are fair, show respect and include listening. A national program to improve police community relations and reduce crime is ongoing in six cities in the USA, Stockton is one such city.

Attached is the Stockton Police Department Strategic Plan for 2017-2019. It sets as its second goal "Increased Trust Between Community and Police". Briefly the strategy includes four components: 1) Procedural Justice or Fairness, that is, that all citizens are treated in the same fair way regardless of ethnicity, age, neighborhood, or socio-economic status. Training of police officers plus wording of standards of procedure, and criteria of performance evaluation improve procedural justice; 2) Implicit Bias Training for police examines subconscious psychological processes that shape police actions and lead to disparate actions based on race or socio-economic status; 3) Community Outreach in the form of Neighborhood Impact Teams and an Advisory Board to the Chief of Police including leaders of local churches, NAACP, Lao Family, public schools, youth sports organizations, local colleges, and business owners. The Board meets with the Chief monthly and organizes town hall meetings for him. The Neighborhood Impact Teams are police staff who are assigned to spend much time in high crime areas to share information, resources, and demonstrate their concern for the neighborhood; and 4) Principled Policing Philosophy is training and a daily emphasis on values for police which are important to improving trust such as transparency, accountability, high standards of professional behavior, two way communication, and joint problem solving. The Merced City Attorney and City Manager worked for the City of Stockton and are somewhat familiar with the police department strategies.

PROPOSAL : Direct staff to prepare a report regarding 1) Revisions to the Police Department procedures to conform with changes in state law in SB 1421 and AB 748 regarding release of police records; 2) Revisions to the Police Department Citizen's Complaint Procedure and form to improve responsiveness within the limits of state law; and 3) How additional training and an advisory board modeled on Stockton Police Department can be used to improve police community relations, to be presented to the city council on January 21, 2019.