

# Recommendations of the Santa Monica Public Safety Reform Advisory Committee

September 1, 2020

## Background

The Interim City Manager opened our first Advisory Committee meeting with the City's commitment to join, honor, and stand in solidarity with everyone who has come together to acknowledge the systemic racism that persists in city governments, police departments, and other government institutions throughout our country. We were encouraged by those remarks and by the City's express commitment to take a hard look at its practices and policies, and work towards real and meaningful change.

We agree with the sentiments of the City Council and Interim City Manager. Santa Monicans are demanding a deep soul-searching about public safety and systemic racism in the wake of the tragic events this year involving police in Minneapolis, Louisville, Atlanta, Kenosha and elsewhere. These incidents are piled on top of too many others. And they shocked the conscience of our nation and our City. We Santa Monicans look at these events and the massive ensuing protests in support of the Black Lives Matter movement and ask:

- How might the City of Santa Monica become a true leader in sound, equitable, and fair public safety and wellbeing, not just “good” or “good enough”?
- Do we want our public safety providers and police officers to have a culture where they see themselves as our guardians rather than as warriors against those perceived as criminal?
- Do we treat *all* people—residents and millions of visitors alike—with respect, support and equity?
- Do our policing, public safety, and wellbeing budgeting practices and expenditures reflect our values and principles as a community?

Answering these questions is that much tougher—and urgent—in a year of three overlapping catastrophes: the COVID-19 pandemic, the ensuing financial struggles for the city

and its residents, and the national reckoning on systemic racism, including the explosive episodes in our downtown. We the members of the Public Safety Reform Advisory Committee, fifteen neighbors and colleagues with diverse backgrounds and experiences, are honored to take on this timely challenge.

At our first meeting on July 22, 2020, the Interim City Manager advised us to lead a community input process, evaluate reform proposals, and ultimately make recommendations on reform, including how to best allocate resources for public safety and wellbeing. In the short six weeks since, we have talked extensively with residents, community groups, experts, and the SMPD. We have reviewed best practices from around the country and scoured dozens of reports, articles, and studies. Mostly, we have tried our best to listen.

To expedite our complex task, we created subgroups for six areas of key concern. Most committee members served on multiple subgroups:

- Civilian Oversight
- Use of Force
- Alternate Responses
- Culture and Training
- Community Engagement
- Budget Allocations

## **Principles**

Several fundamental Principles have emerged from our discussions, outreach and research, and have guided our recommendations.

### **Community Wellbeing**

The overall wellbeing of the Santa Monica community should be a guiding benchmark for reforming public safety. As previously developed under the city's groundbreaking Wellbeing Project, the term "wellbeing" refers to how a city invests and operates to give each person within it the opportunity to thrive and live a complete and healthy life.

Under this benchmark, traditional anti-crime metrics such as stops, calls, citations, arrests and the like are less helpful for understanding whether our people are safe and achieving wellbeing. These should be downplayed. Other metrics, such as crimes avoided, violence de-escalated, juvenile offenders diverted, homeless and mental health referrals made, etc. may have more meaningful implications for wellbeing and safety. These types of metrics should be encouraged and emphasized. The actual metrics to be applied still need to be discussed and honed at length.

### **Accountability and Transparency**

The police operate on behalf of the community of people who live, work and visit our City, and should be accountable to us. Community members should play an active, sustained role in review and oversight, as they are now doing in cities across the country. Civilian oversight of SMPD is critical. It provides the essential formal structural basis for ongoing substantive and meaningful community involvement in co-producing public safety and wellbeing. Community oversight creates the conditions to enable more effective 21<sup>st</sup> Century community-oriented policing. To accomplish this, the City Council should create an oversight body. In addition, new types of data and outcomes-based metrics should be developed and utmost transparency

should be applied to sharing information on public safety procedures, activities, and complaints.

### **Innovation**

The community should be as creative as possible in reimagining public safety. This means taking long hard looks at how public safety currently operates and how we may change our approach to optimize overall wellbeing. In particular, we should expand partnerships among police, social service providers (both inside and outside the city government), community groups and individuals. We should also explore what roles should be played by the people best trained, equipped and oriented to handle them, as well as how to allocate community investment based on the wellbeing criteria that we establish. This will take time and effort.

### **Best Practices**

We believe that Santa Monica should strive to identify and use the latest best practices from leading cities, law enforcement policy organizations and other leading policy oriented organizations, and cities comparable to ours. We should strive to make Santa Monica a national leader in public safety and wellbeing. In keeping with our history of leadership in sustainability, governance, and civic wellbeing, we seek to be a progressive model for others to follow. As a leading destination city for millions of visitors from around the country and the globe, we can help demonstrate that it is possible to achieve meaningful improvements from the status quo. We do not just want to be “good enough;” we want to be on the leading edge of reform by adhering to the best-in-class policing policies and practices for a city of our size and environment.

### **De-escalation and Minimal Use of Force:**

In pursuit of wellbeing, force should be used only when necessary to resolve conflict and protect the public and officers. Public safety officers should continue to deploy de-escalation tactics first and exhaust all alternatives. Our overarching policy should reflect more than the

minimum U.S. constitutional standards and adopt the best practices. This means that when force must be used, it should be necessary and proportional, and limited to tools, techniques and practices that minimize risk to all persons involved. These standards should be applied to routine policing encounters and stops as well as extreme situations. In addition, militarization through vehicles, equipment and tactics should be minimized since it unduly projects and encourages force and may escalate situations. De-escalation and minimal use of force must also be pursued by encouraging a guardian mindset, instead of a warrior mentality. We want the relationship with the SMPD and the community to be us and us, not us versus them.

### **Equity:**

To support wellbeing for everyone, all public safety activities should be conducted in a manner that is just, fair and equitable. To achieve equity in practice, work needs to be done to understand the history, culture and policies that have created current conditions. Achieving equity in practice requires learning about racism-- explicit, implicit and systemic. It requires recognizing that segregated housing patterns and disadvantages in education, income levels, and wealth did not just happen randomly. We will need to train ourselves along with our officers to help bring together our shared history and help reflect on how it should inform all of our future policies. Our entire community must be involved in the effort to understand, heal and move forward. In addition to policies, explicit and implicit biases among police personnel should be recognized and mitigated through training, supervision, and when needed, disciplinary procedures. The community itself also needs to examine its own potential implicit and explicit bias, since 70% of local police calls come from the public.

### **Trust**

We recognize that the ambitious task at hand cannot be accomplished without building trust among all the parties involved: police, community members, administrators and elected officials. All of us need to commit to working together to build trust between and among the City, the police who serve us, and the community.

## **Recommendations**

These principles provided a lens for subgroup deliberations and ultimately informed the Public Safety Advisory Committee recommendations that follow.

### **Civilian Oversight**

The Committee has developed recommendations to form a civilian oversight and reform commission based on input from the community, Committee members, experts, and literature on best practices for 21<sup>st</sup> Century community-oriented policing. Our full proposal is included as Appendix I. We recognize that the City Council and City Manager may have additional ideas to help shape these proposals.

21<sup>st</sup> Century community-oriented policing envisions an environment where law enforcement co-produces public safety with the community. It views police as guardians of public safety, and not warriors. Community-oriented policing relies on development of trust and legitimacy between the police and the community. Part of this trust building involves being transparent, promoting procedural justice and involving the community in policy setting, and civilian oversight of police activities.

Accordingly, we propose that a Civilian Public Safety Oversight and Reform Commission be established as a vehicle to:

- A. Promote, in partnership with SMPD, the best practices in community policing in our City for the fair treatment and safety of all.
- B. Work with SMPD and experts to develop, recommend and help implement proposed reforms for handling complaints, including proposed reforms for the intake, review, investigation, and oversight of disciplinary decisions and policies.

We propose that the scope of activities includes:

- Review SMPD policies and practices and make recommendations for the improvement of public safety and wellbeing.

- Collaborate with SMPD to sponsor and/or promote ongoing interaction between SMPD and community members, including restorative justice, mediation, and trust building.
- Review and provide input on the biannual proposed budget for the SMPD.
- Promote transparency of SMPD data and publication of vital data and records to the public.
- Evaluate ideas for reimagining public safety and wellbeing and make recommendations to the City Manager.
- Review disciplinary proceedings and final actions taken by SMPD for violations of policies.

The Civilian Oversight and Reform Commission shall also have an objective and goal of promoting positive engagements among the SMPD, individuals and community organizations.

We request that the City provide funding for appropriate staff support to carry out the Commission's required activities and reallocate funds from the SPMD fiscal 2021 budget for that purpose.

We propose that the Civilian Oversight and Reform Commission have nine commission members, appointed by the City Council, serving staggered three-year terms. To include representation by young people of color, we further propose one position be designated for a young adult, 18 years of age or older, for a one-year term, and two additional non-voting positions for participating members under 18 years of age. We further suggest criteria for selection and training of commission members.

**Further**, The Committee has concluded that transparency, accountability, and the appropriate handling of complaints of misconduct by Sworn Officers are of vital importance to the building of trust and legitimacy between the community and the police.

Accordingly, the Committee recommends that within ninety days of the Commission's first official meeting, the Commission shall report to the City Manager and/or the City Council its recommendations for implementation of updated procedures and policies for the review, investigation and oversight of complaints.

The recommendations shall be consistent with the best practices for accountability in 21<sup>st</sup> Century community-oriented policing.

### **Use of Force**

The Committee is recommending a process for updating the SMPD Use of Force policies that has a goal of implementing the latest best practices in 21<sup>st</sup> Century community-oriented policing. The full recommendation is included as Appendix II. We request that the City Council adopt the underlying principles for the updated policy, and then allow experts, staff, and the SMPD to engage in the actual drafting, with appropriate oversight from the community.

The principles we are urging the City Council to adopt were drawn primarily from a widely circulated and respected publication, *New Era in Public Safety*, by the Leadership Conference for Civil Rights as a key source of information on the best practices. The *New Era* publication was based on extensive research, grounded in widely accepted law enforcement policy organizations' research and proposals, and was supervised by one of the leading former law enforcement officials in the United States, Vanita Gupta.

Importantly, our recommendation includes a reduction in the level of force allowed as an overarching principle. SMPD policy currently reflects the minimum standard under the U.S. constitution. Best practices suggest that force shall be used proportionately, and only when necessary. This is a higher standard than is currently reflected in SMPD's written policy. Our recommendation also encourages that the least amount of force be used whenever possible.



The existing SMPD Use of Force policy is grounded principally in a ten-page document, policy No. 300, titled “Use of Force.” There are additional policies in the 300 series, which sometimes cross-reference to policy 300.

We learned from SMPD that they believe the department already follows many aspects of the best-in-class Use of Force practices. The NAACP Santa Monica Venice Branch, under the leadership of Darrell Goode, has worked over the past several years to review use of force practices and has had some success in achieving changes in various aspects of the SMPD policies. The Committee anticipates that during the detailed drafting process there will likely be significant areas where existing practices match with the best practices.

The Committee’s recommendation asks the updated policy to explicitly affirm that all public safety officers must hold the highest regard for the sanctity of human life and the dignity and liberty of all persons and place minimal reliance on the use of force.

In support of this affirmation, the Committee’s recommendations, included the following, as examples which are expanded upon in detail in Appendix II:

**Permit the use of force only when necessary to resolve conflict and protect public and officer safety:**

- The U.S. Constitution is the minimum standard.
- SMPD Policy Shall Require Force to be Necessary and Proportional.
- SMPD Policy Shall continue to require officers to use de-escalation tactics and exhaust reasonable alternatives.

**Prohibit tools, techniques, and practices that are, by their nature, dangerous and usually excessive, for example:**

- Ban Chokeholds. Prohibit maneuvers that restrict blood or oxygen flow to the brain.
- Prohibit techniques and modes of transport that risk suffocation.
- Prohibit officers from shooting at or from moving vehicles.
- Ban tear gas and pepper spray for peaceful crowd-control purposes.

- Decommission military vehicles and equipment, and end militarized police responses.

There are additional important recommendations, including specific policies for each type of force instrument, updating the duty to intervene, requiring medical aid to be provided until medical assistance arrives, and a requirement to consider the personal characteristics of individuals before using force.

The Committee also identifies policy updates regarding establishing a more robust and transparent process for intake and public reporting on complaints and uses of force, including public disclosure of final disciplinary actions.

### **Alternate Responses**

As we redefine public safety as community wellbeing, we cannot expect to accomplish the Principles stated here without reforming how we do things day-to-day and importantly, who does them. As a community, we must seek out and expand, as advisable, alternative means and personnel to carry out public safety functions. We should also look at how reorienting public safety operations might reduce perceived and actual incidents of racial bias and positively engage the entire community.

### **Dispatch and Response**

70% of daily policing assignments arise from inbound telephone calls, both to 911 and non-emergency line calls received at a central dispatch. On an average day, the Santa Monica Police Department responds to 200-300 total reported incidents. The Committee was unable to obtain detailed aggregated police call reports to examine trends; however, a Committee Member compiled call reports for the ten-day period of August 10-20, 2020. Several notable trends emerged:

- Of 2,871 calls over the period, only 1% resulted in an arrest and only 4% resulted in a citation or other enforcement measure. We were not able to determine how many resulted in a direct use of force such as drawing a weapon
- 35% of the calls were minor enough to result in “advisals” or “checks OK.” In another 18% of calls, the caller or suspect was gone upon arrival

In short, most calls were for minor non-emergency circumstances or did not justify significant action, yet the vast majority were responded to by sworn officers. One officer told us “We don’t know what we’re going to get, so we dispatch for the worst case scenario.”

By law, only sworn officers can carry arms, make arrests and respond to situations involving the highest levels of risk. Due to their training, skill, pension provisions, and necessary organizational support, they are also the most costly of personnel. So how to do we best deploy this valuable resource to enable community wellbeing?

- Focus them on the cutting edge of wellbeing as defined by metrics
- Reduce their time spent on minor, low-risk calls
- Increase support and protection for potentially dangerous interventions by social service personnel
- Find ways to bring them closer to the community

***Recommendations:***

- Triage calls before they arrive at dispatch by directing the public to use 311 for minor, non-emergency incidents. Launch a community educational campaign on when to call 911 for emergencies and when to call 311 for non-emergencies. 311 response standards would need to be clarified and improved (based on our limited survey of closed 311 cases routed to police). Neighborhood associations and other community groups should be partners in this educational effort.
- Expand joint response and dispatch with the Downtown Santa Monica Command Center, as proposed by DTSM. The implementation of this proposal needs to be explored in detail with DTSM.

- Add dispatch systems interoperability to include non-profits and other City and County departments, enabling them to respond to calls when appropriate
- Reduce the number of minor calls serviced by sworn officers by referring them immediately to alternative response personnel. These could include:
  - Public Safety (non-sworn) officers
  - City Code Enforcement officers
  - DTSM Ambassadors dispatched via shared IMS, particularly in high-incident areas
  - Neighborhood Association and their members trained for response (detail below)

The mechanisms and standards to accomplish these referrals must be carefully researched and developed.

### **Community Public Safety**

Neighborhood Resource Officers, when well deployed, provide the essence of community public safety: building relationships with neighborhood residents and merchants through regular face-to-face contact. At their best, NRO's offer a familiar, reassuring presence on neighborhood streets. Their zone deployment often also allows for faster and more targeted response to incidents. Their deep web of relationships helps them operate more effectively.

In recent years, the number of NRO's has been substantially reduced, to a current level of four. Due to the reduction, NRO's cover larger territories and as a result conduct much of their work from the police station or their vehicles.

#### ***Recommendation:***

- Double the number of NRO's to eight (restoring the previous level and corresponding to the number of Neighborhood Associations), reduce the size of their territories, and expand the amount of time on foot patrol.

### **Social Service Interventions and Programs**

#### **Interventions**

SMPD officers get involved in hundreds of social service-related situations every year, including homeless, mental health, substance abuse, domestic abuse, and juvenile. Such assignments help the neediest among us and thus contribute directly to our stated goal of

community wellbeing. Partnering with a network of providers, they assist social workers and other clinicians by providing protection in potentially hazardous situations and using their statutory power to restrain, set holds and arrest.

The Alternate Response subgroup encourages this type of social service support. However, this is a critical and highly-complex area that demands more in-depth study by the Committee. In the interim, we propose the following:

***Recommendations:***

- Increase the number and hours of interdisciplinary response teams, and the number of LPS-certified clinicians who can write 5150 holds.
- Expand DMH coverage to nights and weekends; Explore methods to deploy clinicians more efficiently with officers, including adding more LPS-certified clinicians
- Reexamine the protocols for assigning SMPD officers to assist teams, to increase efficiency, flexibility and effectiveness.
- Investigate replicating Eugene, Oregon’s CAHOOTS model program, which sends out a team of a trained crisis worker and medic (nurse or EMT) for crisis calls received through the police and fire dispatch center and saved millions of dollars. (See Appendix for more information)
- Explore roles for NROs in appropriate situations

**Programs**

With the overall goal of wellbeing, the Committee supports increasing community programs within the police department, and with other city agencies and outside public and private partners. With a patchwork of providers, it is difficult to recommend at this time which programs might be expanded or added. This exercise is complicated and informed by current budget cuts forced by pandemic-driven financial stress.

***Recommendations:***

- Map the network of current social programs and providers, including mission overlaps.
- Continue gathering input and gathering outcomes metrics before making specific recommendations on social programs

- Prioritize programs that focus on prevention and intervention, such as Juvenile Diversion, Santa Monica Boys and Girls Clubs, and PAL.
- Reexamine current youth programs, such as DARE for appropriate expansion to middle school and other age groups

### **Role for Community Organizations**

Throughout this document, we have asserted that the community must play a significant role in the pursuit of public safety, as defined as wellbeing. We cannot expect to be successful in building community wellbeing, however, if the community itself offloads the process to others, most notably city police.

In our public listening session, a participant mentioned that we expect “concierge policing,” that is, we want police to handle many issues large and small for us. This extends well beyond dangerous or criminal situations and into routine neighborhood disputes such as noise complaints and minor infractions or nuisances such as recyclables theft or smoking. Practically, these calls can divert personnel from more critical duties and warp deployment of limited and costly resources. Communally, they can shirk responsibility for contributing to the wellbeing of one’s own neighborhood.

Eight of Santa Monica’s neighborhoods have city-constituted Neighborhood Associations that address community concerns and advocate for their residents. PTA, church and civic organizations also serve neighborhood needs and interests. We propose that all these organizations become active advocates for community wellbeing and partners in reforming public safety by:

#### ***Recommendations:***

- Serving as a fundamental relationship builders and resources for their NRO
- Engaging and educating community members to modify their concept of public safety, relationship with public safety providers, and use of police services

- Facilitating a process to define specific wellbeing outcomes for each neighborhood
- Encouraging active, ongoing participation in achieving those outcomes, including training for neighborhood dispute mediation teams, or other possible roles

### **Community Response to Bias**

Inherent in any examination of dispatch and response to incidents is the critical question of racial bias. The Committee's community outreach efforts confirmed strong sense of inequitable, even dangerous treatment of people of color by police officers. These sentiments have become more inflamed and urgent through recent national and local events. Beyond press and anecdotal reports, we sought to find current data to document the extent of perceived and actual bias.

In June 2020, the SMPD provided such data in response to a request from the Santa Monica Coalition for Police Reform. The provided material included SMPD arrests, citations and field contacts by race in 2018, 2019 and Jan 1-June 15, 2020. In summary, the data estimated:

- Black individuals are arrested 547% more, cited 229% more, and experience 470% more field contacts with police, than their percentage of the SM census population
- Latinx individuals are arrested 57% more, cited 50% more, and experience 16% more field contacts with police, than their percentage of the SM census population
- Non-Hispanic White individuals are arrested 39% less, cited 30% less, and experience field contacts 25% less than their percentage of the SM census population

Not all of the racial disparities in the data are due to bias or profiling or racism; police particularly cite a disproportionate number of Black homeless individuals and large numbers of visiting Black and Latinx individuals as skewing the data. But community members continue to point to response rates so inconsistent with population figures, and how different racial groups currently experience policing in Santa Monica.

Using 2018 data from the California Department of Justice and its monthly arrest and citation register, Campaign Zero ranked the SMPD among the worst 6 of the 100 largest law enforcement agencies statewide, with respect to racial disparities in arrests and police use of

deadly force. SMPD is ranked by Campaign Zero at the 22nd percentile overall. This comprehensive rating is due to a combination of SMPD's 1) large racial disparities in arrests for drug possession, 2) police use of deadly force against Latinx individuals, and 3) the low percentage of community complaints ruled in favor of civilians.

Addressing these findings requires deep cultural change, which will take time and effort for a department that many residents say needs to rebuild trust with its community. We believe that positive change can be hastened by working closely with partners who actively embrace anti-bias, equity-building, and good intent. Diversifying the public safety response participants can uplift and improve the practices and values of the entire team.

Community members themselves share more responsibility than they might readily acknowledge for the racial failings of our public safety system, and thus our collective wellbeing. 70% of all calls handled by the police arise from the public. They stand at the beginning of a pipeline that may end in undesirable outcomes. We have been unable to find any data on cases of racial bias instigated through community calls. Subjective reports from community members and officers alike, however, support the notion of suspicious person, trespassing, disturbance of the peace, and homeless calls all over-indexing in accusations against people of color.

We believe all members of the Santa Monica community need to proactively reexamine their own explicit and implicit racial biases and strive to adjust their mindset and behavior to truly contribute to the overall wellbeing of our city.

***Recommendations:***

- Create more duty time for sworn officer training on de-escalation and anti-bias by referring appropriate calls to qualified alternate people and organizations
- Model desired public safety by partnering with organizations and entities that embrace proven anti-bias and equity-building philosophies and practices.
- Implement a community anti-bias program, in partnership with neighborhood associations and other organizations, to raise awareness about biased reporting of



perceived criminal behavior and reduce the community calls that disproportionately and unfairly single out individuals of color.

### *Culture and Training*

Police culture impacts each encounter with a community member, including how officers conduct a stop, subdue a suspect or make an arrest, and how they respond to a juvenile offender or an uncooperative homeless person. Though violent crime in Santa Monica falls far short of big-city levels, traditional police culture here is still seen by many as defined by: danger and risk, authority and the use of force, and solidarity. Many perceive a military stance and mindset reflected in the department's vehicles (particularly with limited walking-the-beat patrols), weaponry and tactics. The Committee's input indicates that the community, particularly people of color, see a warrior/enforcement culture overpowering a guardian/protective one.

The Committee encourages the SMPD to build a culture that promotes trust, equity and accountability with our community, all of which improve overall wellbeing. Changing culture takes time and determination; it cannot be magically mandated by superior officers or a committee like ours. Ongoing, extensive training is one proven way to jumpstart and sustain the process.

According to a Pew Research Center survey, approximately 70% of police officers nationally will resign or retire without ever shooting a firearm in the field, though we suspect even fewer officers do so in Santa Monica. But the city continues to place considerably more time and emphasis on firearms training than on de-escalation tactics, anti-bias, and problem-solving skills. Traditionally, weapons training has been considered "perishable" and therefore more frequent. We believe that in a fast-changing city with demonstrable community concerns about use of force as well as actual and perceived bias, virtually all training should be considered perishable, and scheduled accordingly. Our initial work found that training in general can be improved in frequency, quality, and ubiquity to better reflect the Principles in this document and help create community wellbeing.

Community members have expressed a keen interest in enhanced public safety training that is open and transparent. The recommendations below are intended to provide the community with insight into the training our officers receive and promote accountability from the department in ensuring the training is effective in terms of outcomes. The committee also prioritizes the wellbeing of our police officers, including supporting an affirmative culture towards mental health, and believes in formalizing processes that ensure the safety of officers and community members alike.

***Recommendations:***

- All police training must be posted on the SMPD website. The date, subject, and duration of the training must be posted for all training in the last six years. A schedule of upcoming training must be posted as well.
- The police must tie each training to a specific and measurable outcome. The police and Civilian Oversight Board will work together to determine the outcomes and the timeframe to achieve those outcomes.
- Scenario training is preferred to classroom training which is preferred to video-based, self-paced training. Officer duties can include high-adrenaline scenarios and their training should match those scenarios. Adults retain a small amount of information in classroom settings and when you add a high-adrenaline workplace, classroom training proves to be even less effective.
- Police must partake in each of the following training sessions twice a year.
  - Implicit Bias/Critical Race Theory
  - Participation in Restorative Justice
  - Adolescent Development
  - Violence and De-escalation
  - Mental Health Awareness
  - Trauma Response
  - Transgender Awareness
  - Santa Monica History - Police & the Community
- For the above training, during one of the two sessions in a given year, the training will have a restorative justice component where members of the community come into the police station and participate in restorative conversations. If training with

community members has to be cut short, it must be made up within a 3 month period. If necessary, the training can take place during roll call.

- In addition to the current support offered to officers (Chaplain, Peer, Therapist), it will be mandatory that officers attend a one-hour session with a police department approved therapist every six months. Furthermore, after an officer is present at the scene of a death, violent crime, or the officer discharges his/her weapon, the officer must attend an additional mandatory one-hour session with a police department approved therapist. Each officer should meet with the same therapist if available.
- Include in the officer evaluation process, positive contacts, and pre-arrest diversions.
- Officers should submit to a random drug test once per year.

### Community Engagement

Years of accumulated resentment over systemic racial bias in culture and practice have eroded the basic trust between our public safety personnel and the people they serve. To achieve our goal of community wellbeing, we need to create a lasting, substantive dialogue that replaces the current us vs. them dynamic.

Some community members view SMPD community engagement to date as fragmented and sporadic--an afterthought for an admittedly busy police department. Others have found it shallow in focusing too much on feel-good events and not enough on deep conversation about troubling core issues. In our conversations with police officers, many of them say they feel misunderstood and undervalued, particularly given the risks they face every day.

To bring the community into the public safety reform process, address complex long-term issues and heal decades of community hurt, we suggest a sustained program of community engagement that includes the following proposals.

#### ***Recommendations:***

#### **Restorative Justice**

- Restorative Justice and Healing Restoration: Conduct conversations and forums to address tensions between the community and police.

- Bring back the African American Community Academy on Policing (ACAP), which is specifically geared towards the historical relationship between the black community and Police. The purpose of its Cultural Competency training is to strengthen community and police relations by building a mutual trust and respect between SMPD sworn officers and members of the local African American and other ethnic communities.

### **Sports and Cultural Connection**

- Create broader opportunities for Police and Community to engage via sports, music, and other cultural events. For example, sworn officers can organize sporting events with youth outside of PAL - to reach a broader youth base.
- Sports and recreation interactions for all City residents (not just PAL)

### **Tours etc.**

- Police Station tours and walk throughs
- Police substations in multiple areas of the City. (Virginia Park, 3rd Street)
- SWAT Show-and-Tells

### **More Frequent Communication**

- Make community outreach periodic checks part of the Police Culture (an example of this is requiring Officers during their shift to engage with the community such as places of worship, businesses, schools, parks, etc.)
- Post on Nextdoor regarding major incidents
- PD newsletters at least once a month to promote transparency regarding arrest, use of force, critical incidents
- More community meetings to answer more calls and community concerns
- Articles from the PD on Santa Monica locals who also work in the City.
- Community Courageous Conversations covering wide range of topics - held monthly / quarterly
- City-sponsored advertising of alternatives to calling 911 for situations like DV, sexual assault, mental health, school-related problems, traffic issues

## **Pico Neighborhood**

- As part of onboarding training for new officers and leadership, ensure there is intentional training on the history of community police relations, specifically in the Pico Neighborhood. Having community members share the history, and how community / police relationships have evolved , can reinforce the department’s effort to build community.
- Host National Night Out in the Pico Neighborhood versus at the Public Safety building. This event makes it accessible and inclusive to many families that would not otherwise attend.
- Schedule a meet-and-greet specifically for Beat 3, Pico Neighborhood, introducing the new officers to PCG, PAL, FLU, and youth to help foster connection, dialogue, and begin to build relationships.
- When assigning a Beat Officer(s) to Beat 3, that he/ she have share the vision and have skills to engage community, be bilingual, be a person of color to reflect the community, and to reach out to the community. The Beat officer should be seen often in checking-in with the local parent groups, the respective schools in the area, and take part of community programs, events, and/or meetings.
- Ensure Beat Officers assigned to Beat 3, participate in the Virginia Avenue Park Board meetings, should they resume back in-person. In the past, attendance has not always been consistent and their presence is truly is helpful and informative.

## **Budgetary Allocations**

The previous Principles and Recommendations directly drive our approach to funding Santa Monica’s public safety activities. We should allocate public safety’s portion of the revenue collected from businesses, residents, and visitors towards the primary goal of maximizing community wellbeing. This will be measured through outcomes-based metrics to be developed and agreed.

We recognize that many cities around the country, including Los Angeles, have significantly reduced policing budgets in response to public demand for rebalancing civic priorities and righting historical abuses. Indeed, our citizens tell us loudly and clearly that the city’s public

safety expenditures should take into account past wrongs and biases. We also wish to incentivize a new philosophy and practice of protecting the public wellness going forward, not just thwarting crime.

Our approach eschews the much misused and misunderstood term “defunding.” As outlined in the original instructions from the Interim City Manager, we consider our financial responsibility to be investing and divesting funds intelligently. Our budgetary recommendations thus follow a path of re-examining, re-prioritizing and reallocating resources. This is not a simple job, especially given the limited time so far to delve inside the city’s budgets for the Police Department and Housing and Human Services Division. In particular, the current public safety annual budget of almost \$100 million (more than 90% of which is allocated to personnel) demands considerably more scrutiny. What follows largely provides general, estimated proposals to accomplish key initiatives based upon our Principles and Recommendations. Over time, our financial proposals will need to be honed and fit into the city’s overall budget process.

***Recommendations:***

- Proportionately reallocate the General Fund within the FY 20-21 City of Santa Monica budget to invest in public safety as defined as community wellbeing
- \$8M would be reallocated from the current police department budget, based on the following rationale and calculations:
  - The General Fund was cut by 24% for the FY 20-21 adopted budget, a decrease of \$112M from FY 19-20.
  - The Community Services budget was cut by \$6.3M (21%) from \$30.7M to \$24.4M.
  - The Library budget was cut by \$4.6M (35%) from \$13M to \$8.4M
  - Meanwhile, the Police Department budget was increased by 1% (\$600k) from \$98.3M to \$98.9M.
  - If the three city departments most directly attributable to and responsible for community wellbeing were all treated equally in this pandemic-related reduction, each would be reduced proportionately by 7.5% versus the FY19-20 budget.

- This would bring the Police budget to \$91M which is close to their budget of just two years ago, FY 18-19. It would free up \$8M for other entities, within the city government and through outside public or NGO partners to provide public safety/wellbeing services.
- These funds should be reallocated based on our stated Principles to the Recommendation areas as outlined in this document:
  - Civilian Oversight: Additional non-SMPD staff to help organize and support Commission activities
  - Use of Force:
    - Expertise to analyze and draft policy and practice reforms
    - NOTE: In this analysis, we have not included any potential operational savings from decommissioning vehicles (Bearcat) or weapons systems (Plastic Projectiles, Tear Gas, etc.).
  - Alternate Response
    - Dispatch:
      - Enhancements to 311
      - Joint dispatch with DTSM
      - Community education programs about dispatch changes
    - Response Partnerships:
      - Code enforcement
      - DTSM ambassadors
      - Library program staff and social workers
    - Social Service Interventions:
      - Increase the number and hours of interdisciplinary response teams
      - Expand DMH coverage to nights and weekends
    - Social Service Programs:
      - Continue gathering input and outcomes metrics before making specific recommendations on social programs
    - NOTE: Additional Neighborhood Resources Officers would come from internal reassignments, not new FTEs
  - Training: Recommended training programs and curriculums
  - Community Engagement: Recommended engagement programs
  - Community Associations:

- Training for neighborhood dispute mediation teams, or other possible roles
  - Anti-Bias and other educational programs
- At this early stage of the Committee’s process, we cannot specify the amounts and recipients of these reallocations with precision. More research and discussion are required to understand costs and staffing needs inside and outside city government. Timing is also an issue, given the ongoing pandemic.

### **Additional Considerations**

Several additional, important matters will demand ongoing attention from the Committee.

#### **Police Union Negotiations**

Scheduled 2021 contract negotiations with police officers unions will certainly impact the short and long-term implementation of our recommendations. In our discovery process, we found intense community interest in conducting negotiations with the most public and transparent process allowed by law.

#### **Legislative and Legal Developments**

As we move forward with implementation, we should assure that SMPD policy complies in a complete fashion with all new state laws, particularly AB 392 on use of deadly force. The department should also implement AB953 sooner than state law requires.



## **Acknowledgements**

The Committee would like to thank:

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- Downtown Santa Monica
- The NAACP Santa Monica-Venice Branch
- Michele Wittig and the Santa Monica Coalition for Police Reform

...and all the people of Santa Monica who expressed their thoughts, concerns and hopes

## APPENDICES

### Appendix 1: Civilian Oversight

#### **Santa Monica Public Safety Reform Advisory Committee**

##### Reform Recommendations

##### [Proposed] Civilian Public Safety Oversight and Reform Commission

#### **Preamble:**

The Public Safety Reform Advisory Committee (Committee) has developed recommendations based on input from the community, Committee members, experts, and literature on best practices for 21<sup>st</sup> Century community-oriented policing. We recognize that the City Council and City Manager may have additional ideas to help shape these proposals.

Community-oriented policing envisions an environment where law enforcement co-produces public safety with the community. It views police as guardians of public safety, and not warriors. Community-oriented policing relies on development of trust and legitimacy between the police and the community. Part of this trust building involves being transparent, promoting procedural justice and involving the community in policy setting, and oversight of police activities.

Accordingly, the Committee recommends that the City Council establish a Civilian Public Safety Oversight and Reform Commission (“CPSORC”) as a vehicle to:

- A. Promote, in partnership with SMPD, the best practices in community policing in our City for the fair treatment and safety of all.
- B. Work with SMPD and experts to develop, recommend and help implement proposed reforms for handling complaints, including proposed reforms for the intake, review, investigation, and oversight of disciplinary decisions and policies.

#### **Mission and Scope:**

Promote the safety and wellbeing of people in Santa Monica in collaboration with SMPD and help provide oversight of the SMPD. Co-produce public safety by implementing the best practices in community policing for the fair treatment, safety, and wellbeing of all.

Scope of activities includes:

- Review SMPD policies and practices and make recommendations for the improvement of public safety and wellbeing.
- Collaborate with SMPD to sponsor and/or promote ongoing interaction between SMPD

- and community members, including restorative justice, mediation, and trust building.
- Review and provide input on the biannual proposed budget for the SMPD.
- Promote transparency of SMPD data and publication of vital data and records to the public.
- Evaluate ideas for reimagining public safety and wellbeing and make recommendations to the City Manager.
- Review disciplinary proceedings and final actions taken by SMPD for violations of policies.

### **Community Engagement:**

The CPSORC shall also have an objective and goal of promoting positive engagements between the SMPD and individuals and/or community organizations.

The CPSORC should work collaboratively with SMPD and develop programs that:

- Promote restorative justice and healing;
- Provide channels and opportunities for ongoing dialogue, including in both organized and informal settings;

The CPSORC should review and consider proposals for a voluntary mediation program for the handling of some types of complaints that may otherwise not rise to traditional thresholds for review. For example, providing for an opportunity to mediate selected complaints of discourtesy and bias with the purpose of building understanding and transforming the relationship between SMPD officers and the communities they serve.

### **Meetings:**

The SMPD Chief or delegate shall meet at least monthly with the CPSORC.

The CPSORC shall meet as often as it deems necessary to carry out its duties.

### **Staffing and Budget:**

The City shall provide funding for appropriate staff support to carry out the CPSORC's required activities.

The CPSORC shall be responsible for hiring a director to support the CPSORC's activity. Such person will become a city employee and be entitled to access all information within the scope of the CPSORC's activities.

The budget for the balance of fiscal 2021 shall be \$\_\_\_\_\_, which shall be reallocated from the Public Safety budget.

### **Members:**

The CPSORC shall have nine commission members. The nine members of the CPSORC shall be appointed by the City Council. To include representation by young people of color, we further propose one position be designated for a young adult, 18 years of age or older, for a one-

year term, and two additional non-voting positions for participating members under 18 years of age.

Each member shall serve for a three-year term, after which they may be reappointed, at the discretion of the City Council.

The CPSORC members shall be classified into three staggered group so that each year three of the nine members' terms shall expire. For the initial appointments three Class I members shall be appointed for a one-year term, three Class II members shall be appointed for a two-year term, and three Class III members shall be appointed for a three-year term. At the expiration of these initial terms, the City Council shall appoint replacements (including reappointment) for full three-year terms.

***Qualifications for CPSORC members.***

Each person seeking appointment should have the following qualifications:

- A resident, student, employee, or property owner in the City, or a person who otherwise has a significant commitment to the wellbeing of the City and its inhabitants.
- Experience with issues of wellbeing of the City's inhabitants, including work in the areas of social services or public safety.
- Knowledge or experience with law enforcement, policing and/or public safety policies, practices or issues.

Employees and sworn officers of SMPD, and anyone with a direct or indirect conflict of interest, shall not be eligible to serve on this civilian body.

***Training for CPSORC members.***

Each CPSORC member shall participate in training that covers a range of topics relevant to providing oversight of law enforcement issues. Such training could include programs offered by the National Association of Civilian Oversight of Law Enforcement or the Association of Local Government Auditors. The City shall provide funding so that each CPSORC member can receive the appropriate training.

**Information access:**

The CPSORC shall have access to City data and information needed to carry out its duties.

Such access shall include internal SMPD data on use of force, stops, arrests, and such other matters as the CPSORC shall require.

The CPSORC shall work with the SMPD and the City staff to provide transparency and public reporting of data that the CPSORC concludes is in the public interest.

**FURTHERMORE,**

The Committee has concluded that transparency, accountability, and the appropriate handling of complaints of misconduct by Sworn Officers are of vital importance to the building of trust and legitimacy between the community and the police.

Accordingly the Committee recommends that the City Council instruct that within ninety days of the CPSORC's first official meeting, the CPSORC should report to the City Manager and/or the City Council its recommendations for implementation of updated procedures and policies for the review, investigation and oversight of complaints.

The recommendations should be consistent with the best practices for accountability in community-oriented policing and be designed to address the following:

- 1) Transparent, effective processes to receive and respond to external misconduct complaints;
- 2) Transparent, effective processes to receive and respond to internal misconduct complaints;
- 3) Delineate policies about how and by whom misconduct complaints are investigated;
- 4) Develop policies for investigating and disciplining sexual misconduct and intimate partner violence;
- 5) Transparent, effective processes for conducting misconduct investigations;
- 6) Ensure supervisors discipline officers who engage in misconduct;
- 7) Integrate the principles of procedural justice into disciplinary processes;
- 8) Use early intervention systems to track officer behavior and address officer needs and deficiencies at the earliest opportunity;
- 9) Pursue accountability even after formal disciplinary deadlines expire;
- 10) Identify, maintain, and share material evidence relating to officer misconduct or credibility with prosecutors in criminal cases;
- 11) Inform officers of their right to file complaints with outside agencies;
- 12) Establish clear protocols for determining who investigates and prosecutes officer-involved crimes and shootings; and
- 13) Identify provisions in collective bargaining agreements that weaken the accountability systems.

## Appendix 2: Use of Force Policy (best practices)

### **Santa Monica Public Safety Reform Advisory Committee**

#### Reform Recommendations

#### [Proposed] Amendment to Use of Force Policy

The Public Safety Reform Advisory Committee recommends that an updated Use of Force Policy be adopted by the City Council. The Use of Force Policy update should be prepared by City staff in consultation with experts and the Public Safety staff and adhere to the principles set forth below.

#### **General Principles:**

To ensure fair, safe, and effective policing, community members and SMPD leaders should work together periodically to create and review clear and specific guidance and expectations on appropriate uses of force and equip officers to meet these expectations through training on implicit bias, procedural justice, de-escalation and harm-reduction tactics, and other areas.

SMPD should establish clear guidelines and expectations about the use of force and the updated Use of Force Policy's goal should be to reduce the Use of Force. Officers should only use objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a law enforcement objective. The updated Use of Force policy should direct officers to recognize that their actions, such as displaying a firearm, could affect the need to use force and to use de-escalation tactics to lessen or avoid force.

To reduce uses of force in Santa Monica, the updated Policy must equip officers to adhere to them by requiring training. For example, the requirement to use de-escalation techniques before using force must also require an appropriate training program requirement. Without adequate training, force policies exist on paper but not in practice.

The SMPD Policy must include proper review systems to ensure that all officers comply with departmental policies and to intervene when they don't.

The SMPD Policy should require that all use-of-force incidents must be reported and reviewed as a matter of course. This is not because of presumed mismanagement but because the use of force is a serious and potentially harmful event for officers and community members alike. Every review of force should be seen as a learning opportunity that can enrich and inform practice and training and thereby enhance public and officer safety.

### **Specific Guidance:**

To practice fair, safe, and effective policing, the updated SMPD Use of Force Policy shall include the following:

#### **Commit to respecting and protecting human life and ensuring safety for all.**

The updated Use of Force Policy shall reaffirm that Officers shall make respecting and protecting the public and ensuring safety for all their highest priority in all enforcement actions. In addition, the updated policy should include an affirmative statement similar to the following:

“It is the policy of this department that all Officers hold the highest regard for the sanctity of human life and the dignity and liberty of all persons, and place minimal reliance on the use of force. The application of deadly force is a measure to be employed in only the most extreme circumstances and should be deployed only when *all lesser means of force have failed* or could not be reasonably employed.”

The SMPD updated Use of Force policy shall recognize and assert that SMPD officers’ roles are to be *guardians of public safety* and not warriors against chaos and anarchy. This principle lays a foundation for SMDP policies and practices that permit the use of force only when necessary and when reasonable attempts to de-escalate or resolve situations without force fail.

#### **Permit the use of force only when necessary to resolve conflict and protect public and officer safety**

##### **The U.S. Constitution is the minimum standard.**

The updated SMPD Use of Force Policy shall provide protections beyond the minimum standards afforded by the U.S. Constitution. To meet constitutional standards, the Policy must require officers to make “objectively reasonable” decisions when using force. In addition, the updated Policy should go beyond this requirement and require “objectively reasonable” decisions not only during uses of force but also in the moments leading up to them.

Specifically, the updated Use of Force Policy shall require that officers use only as much force as necessary to address threats. The Policy should clearly state that the “objectively reasonable” standard may not secure public or officer safety and that using the *least amount of force necessary* helps build trust and confidence in SMPD and its officers.

## **SMPD Policy Shall Require Force to be Necessary and Proportional.**

To provide protections that go beyond the “objectively reasonable” constitutional standard, SMPD’s updated Use of Force Policy shall require that force be *necessary and proportional*. These concepts are inextricable; when deciding to use force, officers must consider not only whether it is necessary under the circumstances but also whether it is proportional to the threat (i.e., it is the minimal amount, level, and severity needed under the circumstances). The question becomes not whether the force is reasonable but whether it is avoidable.

The updated Policy shall also explain that “proportional force” does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be proportional, objectively reasonable, and necessary to counter it.

Proportionality does not prohibit officers from using deadly force when necessary. If someone threatens to shoot an officer or other people, then deadly force would be proportional. To teach proportionality, instructors must train officers to assess the surrounding circumstances of encounters, including the severity and immediacy of the threat. Not all threats must be met with equal levels of force.

The updated Policy shall clarify that SMPD officers should use only the force necessary to control the situation; they should not automatically ratchet up the level of force.

City staff, while preparing the updated Policy shall understand that the above recommendation departs from use-of-force continua that teach officers to use specific tactics or tools depending on the level of an individual’s resistance. That rigid approach can lead officers to believe that certain forceful responses are required when facing certain threats, even though lesser options may be equally or more effective. For this reason, departments have begun to train officers to evaluate “the totality of the situation” (i.e., all the facts known to officers at the time) when deciding what type and level of force to use. The updated SMPD Use of Force Policy should reflect this totality of the situation approach.

The updated Policy shall recognize that the circumstances of each encounter vary, so officers’ responses should vary too. Force shall not be used because it is more convenient or expedient, to punish or retaliate, or because it has traditionally been perceived as integral to maintaining public safety. It shall only be used when community members or officers are in danger and no reasonable alternatives exist. The Policy shall require that officers will use physical force only when no reasonably effective alternative appears to exist” to achieve a legitimate and lawful objective.



**SMPD Policy shall continue to require officers to use de-escalation tactics and exhaust reasonable alternatives.**

The current SMPD Use of Force Policy requires officers to use techniques to de-escalate encounters when safe and feasible to reduce uses of force and lessen the risk of injury or death. The updated Use of Force Policy shall continue this requirement. The City staff shall also ensure that the updated Policy requires ongoing training in the latest techniques and tactics and follows the best practices that have promulgated for de-escalation.

The updated Policy shall continue to describe affirmative and proactive tactics, strategies, and approaches that can de-escalate incidents and resolve situations with minimal or no force. The Policy shall require officers to reasonably exhaust all available approaches to resolve situations, address threats, and achieve required law enforcement objectives (such as apprehending a suspect) without using force or, if force is necessary, with the least amount of force possible.

The updated Policy shall also require officers to justify why they didn't use alternative or less lethal uses of force and should be prohibited from unnecessarily escalating situations.

The updated Policy shall explain that the SMPD officer's duty to de-escalate applies not only to an officer's specific decision to use force but also to his or her decision-making process and performance leading up to and during an incident.

Officers shall also be trained to recognize when an individual's resistance wanes and to reduce the level of force accordingly.

**Prohibit tools, techniques, and practices that are, by their nature, dangerous and usually excessive**

The updated SMPD Use of Force Policy shall provide specific guidance — or “rules of the road” — about acceptable uses and applications of force. Doing so helps officers understand what is expected and provides community members with a clear sense of how to expect officers to perform.

SMPD's updated Policy and related training shall explicitly prohibit problematic uses of force that, because of their nature, are dangerous and usually constitute excessive or unnecessary force. Clear rules, with clear exceptions, ensure that officers know in advance which force responses, tools, and techniques are prohibited under most or all circumstances.

**The updated Policy shall require that SMPD:**

***BAN CHOKEHOLDS and prohibit maneuvers that restrict blood or oxygen flow to the brain.***

Chokeholds, strangleholds, neck restraints, neck holds, and carotid artery restraints are lethal hands-on maneuvers that cut off the supply of blood and oxygen to the brain. There is widespread support for banning these maneuvers, especially in the wake of the death of Eric Garner. In 2014, a New York City officer was recorded wrapping his arm around Garner's neck and wrestling him to the ground (in violation of department policy) while he pleaded that he could not breathe. The updated Use of Force Policy should ban all such holds.

Recognizing the inherent danger of chokeholds and the threat they pose to human life, departments in New York, Atlanta, and Miami prohibit them. The Virginia Beach Police Department, meanwhile, bans chokeholds "unless the use of deadly force is appropriate." Other states and cities have outlawed them too. Washington, D.C., bans chokeholds (but allows "strangleholds" in some situations) and Illinois prohibits them unless deadly force is justified.

The updated Policy shall contain the following language banning chokeholds:

***"[Chokeholds and breathing impairment prohibited.***

*"Officers shall not use on any individual chokeholds, strangleholds, neck restraints, neck holds, or carotid artery restraints (collectively Chokeholds). Chokeholds are lethal hands-on maneuvers that cut off the supply of blood and oxygen to the brain and are inherently dangerous to human life.*

*"Officers shall not, under any circumstance:*

*"Apply sufficient pressure to an individual's neck, throat, trachea, either side of the windpipe or airway to make breathing difficult or impossible; including any pressure to the neck, throat, or windpipe that may prevent or hinder breathing or to reduce the intake of air.*

*"Apply direct pressure to an individual's neck with the intention to restrict or slow the blood flow within the carotid arteries (carotid compression technique).*

*"If body weight is used in an attempt to control an individual who is resisting, officers shall immediately cease applying body weight to an individual's back, head, or abdomen once the individual is restrained.*

*“As soon as possible after an individual has been handcuffed, and his/her actions no longer place officers at risk of imminent injury, the individual should be turned onto his/her side or allowed to sit up. Officers shall make all reasonable efforts to ensure that the individual is not left in a prone position.*

*“Section 300.4.2 of the SMPD Use of Force Policy is hereby deleted in its entirety.”*

***Prohibit techniques and modes of transport that risk suffocation.***

Positional asphyxia (i.e., suffocation) occurs when people are restrained behind their backs and placed on their stomachs. Restraints include the hobble restraint, or “hog-tie,” which officers tie around the ankles and connect to handcuffs. Positioning people on their stomachs while they are restrained can make it difficult to breathe and can result in death. Officers should be trained to not restrain people who are face-down and lying flat and to get handcuffed or restrained people off of their stomachs as quickly as possible. Instructors should train officers not to apply pressure to people’s backs while restraining them in face-down positions and handcuffing them, because doing so compresses the airway and risks suffocation.

***Prohibit officers from shooting at or from moving vehicles.***

This policy shall apply except when drivers or passengers use or threaten deadly force with weapons other than their vehicles. One example is found in the policies of the Denver Police Department, which prohibits shooting at moving vehicles because doing so does not necessarily stop vehicles and can disable drivers, causing them to lose control and endanger the lives of passengers, bystanders, and officers. The Denver Department also prohibits officers from creating circumstances that might make shooting at a vehicle necessary, such as entering into or obstructing a vehicle’s path.

***Set clear guidelines for vehicle pursuits.***

High-speed police car chases are inherently dangerous, especially in urban areas and on densely populated streets, where they pose serious risk of injury to other drivers, passengers, and bystanders. A report by the International Association of Chiefs of Police (IACP) and the National Institute of Justice found that 91 percent of vehicle pursuits were not initiated based on a violent crime and that 42 percent were in response to minor traffic violations.

SMPD Policy shall provide clear parameters dictating when officers may initiate a vehicle pursuit. For example, the Seattle Police Department prohibits pursuits solely in response to traffic violations, civic infractions, misdemeanor offenses, property crimes, or for the sole reason of eluding an officer (e.g., by increasing speed or refusing to stop). Officers shall also end

pursuits when the risk outweighs the need to stop the driver. Factors to consider include the original reason for the pursuit, location, direction of travel, weather conditions, speed (of the officer and the eluding driver), and traffic conditions, such as the presence of pedestrians and other vehicles. Officers should also be required to notify their supervisors after engaging in vehicle pursuits, and SMPD should not discipline officers who refuse to initiate them.

*Set clear guidelines for foot pursuits.*

SMPD Policy shall provide clear guidance and training about how to safely engage in foot pursuits. Doing so will reduce the incidence of injury and death to the public and officers alike. The Policy shall specify when foot pursuits are warranted and limit them to when officers have probable cause that someone has committed crime; mere flight, in other words, is not enough.

In its model policy, the International Association of Chiefs of Police (IACP) makes a series of recommendations on foot pursuits, including that officers end foot pursuits when they are alone or lose the person; when the person enters a building or other structure; when they lose communication with dispatch; when they know they can apprehend the person at another time; or when they lose their sense of direction or location.

*Prohibit water cannons and acoustic weapons, and ban tear gas and pepper spray for peaceful crowd-control purposes.*

Water cannons shoot pressurized water (sometimes mixed with chemical agents or dyes) through hoses that are connected to in-ground water supplies or to “bladders” mounted on top of vehicles. They can cause internal injuries and hypothermia (when used in colder climates) and can cause other injuries from slipping and falling or exposure to chemicals and dyes.

Tear gas is a chemical that irritates eyes, burns skin, interferes with breathing, and disorients and agitates people. It can be sprayed at people or thrown grenade-like into crowds, where it “explodes” with gas. Like pepper spray, tear gas cannot be targeted when sprayed; as such, it carries a high risk of affecting unintended targets or bystanders. When tear gas canisters explode, the gas disperses widely to surrounding areas. Like water cannons, it induces fear and turns police encounters into war-like scenarios. Water cannons, fire hoses, and tear gas (along with other uses of force, including dogs, whips, and batons) were used during the civil rights movement not only to control crowds but also to scare, intimidate, and injure demonstrators.

Despite their risk of injury and intimidation, these instruments and tactics are still used today, with recent protests throughout our country being only the latest examples.

Tear gas and water cannons fuel outrage when they are used by police. Water cannons shall be banned for crowd-control purposes. SMPD Policy shall be that *tear gas shall never be used during peaceful demonstrations* and shall generally be avoided. *SMPD Policy shall restrict its use to extreme circumstances involving violent acts.* In those instances, the use of tear gas must be approved at the highest level of the department (i.e., by the chief or superintendent), and officers must give people a warning and sufficient time to leave the targeted area. The same is true of pepper spray, as discussed further below.

Acoustic weapons are also used to control crowds, as was the case in Ferguson, Missouri, where officers used them against people who were protesting the fatal police shooting of Michael Brown, an unarmed Black teen, painful blasts of noise that can damage the eardrums and/or cause hearing loss. Like tear gas, they are indiscriminate because they can't be targeted at specific individuals and can harm bystanders or other officers. Furthermore, they have not been proven to be an effective method of crowd control.

*Limit acquisition of military equipment and end militarized police responses.*

Since 1990, the U.S. Department of Defense has transferred some \$6 billion worth of excess military equipment to law enforcement agencies through its 1033 Program, so named for a section of the National Defense Authorization Act. Under the program, local police departments can acquire armored vehicles, including Humvees and Mine Resistant Ambush Protected (MRAP) vehicles, which were designed to withstand explosive ambushes in combat zones. They can also acquire military grade weapons, such as high-caliber assault weapons, grenade launchers, and other equipment.

This program has been in effect for decades but only recently attracted national scrutiny. In 2014, the Ferguson (Missouri) Police Department used this type of equipment in response to widespread protests following the fatal shooting of Michael Brown. Images of officers in MRAPs, body armor, and gas masks confronting protesters and of snipers perched on top of tactical vehicles spread around the world — and recalled images of excessive uses of force against protesters during the civil rights movement.

The U.S. Department of Justice launched an investigation into the Ferguson Department's response to the protests, and President Obama issued an executive order directing a working group to review programs that supply military equipment to police. In 2015, the Justice Department concluded that the heavily armed, militarized response was disproportionate to the threat posed by the protestors and displayed in a manner that intimidated the community.

The working group subsequently released recommendations regarding military equipment that police departments shall be prohibited from acquiring, including tracked armored and weaponized vehicles, bayonets, grenade launchers, and high-caliber firearms and ammunition. The Trump administration revoked the order and disavowed the recommendations, yet they nonetheless serve as a guide and confirm that the significant risk of misusing or overusing military weapons, which undermines community trust, warrant their prohibition. ***SMPD Policy shall adopt the working group recommendations.***

Indeed, evidence shows that militarization influences police behavior. One study found a correlation between military equipment and the number of police-involved killings. Access to military equipment also increases officers' tendency to use military tactics (i.e., force) to resolve conflicts. The massive transfer of such equipment to local departments is tantamount to arming officers for war against communities. That said, while military-grade equipment shall not be used against members of the public, especially when engaging in lawful protests, it may be appropriate in limited, high-risk situations, such as hostage rescues, special operations, terrorist attacks, active shooters, and fugitive apprehension. These situations may require heavy riot gear and powerful weapons to protect public and officer safety.

### **Set clear policies regarding all force instruments;**

The rules and trainings that SMPD Policy adopts regarding the use of force shall be reasonable, necessary, and proportional, regardless of the instrument or technique used. The following outline sets forth recommendation of basic parameters around use of force that apply to all instruments and that shall be covered in policy and training.

#### ***SMPD Policy shall ensure that officers:***

- Use only department-issued or department-approved instruments.
- Complete requisite training and certification in each instrument and are recertified on a regular basis.
- Consider their surroundings before use to avoid unnecessary risk to bystanders, victims, and other officers.
- Identify themselves as officers, consider de-escalation tactics (including verbal de-escalation techniques, and give verbal warnings before use.
- Determine whether targeted people are in behavioral health crisis and, if so, use crisis intervention techniques.
- Consider whether targeted people may not be able to cooperate because of limited English proficiency, developmental or physical disabilities, or behavioral health problems. (See Recommendation 5.6 for more detail.)
- Use instruments only when reasonable, necessary, and proportional to threat posed.
- Render medical aid and request medical assistance if necessary.
- File a report immediately after each use of force and justify each separate use of force (i.e., each firearm discharge, Taser shock, baton strike, etc.). Shooting someone once may be justified; shooting someone more than once may not.

### **Set clear policies regarding specific force instruments;**

Different instruments introduce specific considerations and risks. For example, pepper spray requires different knowledge and precautions than tear gas, and handguns require different approaches than Tasers. SMPD shall have specific policies regarding the use of each instrument. Without such policies, and training to adhere to them, supervisors can't adequately hold officers accountable when officers misuse instruments.

### **Set clear policies regarding firearms.**

Firearms, such as handguns, shotguns, and rifles, are among the most lethal weapons at officers' disposal, and their use impacts not only officers and individuals but entire departments and communities. Firearms merit special attention, and their proper use shall be a major component of SMPD's updated Use of Force Policy. The updated Policy shall clearly address all topics related to firearm use, including training and certification, holstering and discharge, and reports, investigations, and discipline.

#### *The updated SMPD Use of Force Policy shall ensure that officers:*

- 1) Understand that "use of force" includes pointing a firearm at people, which is considered a "seizure" under the Fourth Amendment.
- 2) Unholster, draw, and exhibit firearms only when they reasonably believe the situation may rise to a level where lethal force would be authorized.
- 3) Understand that unsuccessful use of less-lethal weapons does not automatically authorize an officer to use a firearm.
- 4) Determine whether a person is experiencing a behavioral health crisis and, if so, use crisis intervention techniques.
- 5) File a force report whenever a firearm is unholstered and pointed at someone.
- 6) File a report even after unintentional discharge and even if no injury or death results. All discharges shall be immediately investigated.
- 7) Departments shall prohibit officers from:
  - Firing warning shots (so as not to harm others in the area).
  - Shooting through doors, windows, or when targets are not clearly in view.
  - Firing at moving vehicles (except in limited situations).

### **Set clear policies regarding Tasers**

The updated SMPD Use of Force Policy shall develop and implement specific policies to maximize safety and restrict the unnecessary or improper use of Tasers and must train officers to comply with these policies. In general, departments shall consider Tasers a "weapon of need, not a tool of convenience." And supervisors must respond to the scene whenever one is used.

***The Policy shall ensure that officers:***

- 1) Carry Tasers in “weak-side holsters” (i.e., on the side of their non-dominant hand) to reduce accidental discharge.
- 2) Consider the severity of the crime before determining what mode to use them in.
- 3) Stop using them after one standard (five-second) cycle to determine whether more than one cycle is necessary.
- 4)

***The Policy shall prohibit officers from:***

- 1) Using Tasers against high-risk groups, such as pregnant women, older people, young children, or people who are visibly frail, have known heart conditions, are in a medical or behavioral health crisis, are under the influence of drugs (prescription and illegal) or alcohol, or who have slight builds.
- 2) Using them on vulnerable body parts, such as the head, neck, chest, and groin.
- 3) Using more than one Taser against one person at one time.
- 4) Using a Taser on someone more than three standard (five-second) cycles.
- 5) Using “drive-stun” mode, which causes pain but not loss of muscle control and can escalate encounters by causing rage in response to pain.
- 6) Using them for the sole reason of preventing flight.

**Set clear policies regarding batons.**

Batons, including straight batons, espatoons, and expandable batons, are impact weapons that can cause serious injury and sometimes death. Batons are inherently fraught with risk because they are less lethal if used properly but lethal if used improperly. For example, strikes to the head, neck, throat, spine, heart, and kidneys are lethal force; strikes to other body parts aren’t. Thus, the updated SMDP Use of Force Policy must clearly state that batons are a low-risk option but are capable of lethal force depending on how they are used.

***The updated Policy shall ensure that officers:***

Understand that strikes to vulnerable body parts are considered lethal force because of their high risk of serious injury and death.

***The updated Policy shall prohibit officers from:***

- Using flashlights or other hard objects in place of batons (because flashlights are potentially more injurious).
- Striking the head or other vulnerable body parts, such as the neck, chest, spine, groin, or kidneys.
- Using batons against people who are restrained, even if they are noncompliant, unless they pose an imminent threat to officers or others.



### **Set clear policies regarding pepper spray.**

Oleoresin capsicum (OC) spray, commonly known as pepper spray, is an inflammatory agent that burns the skin, eyes, and throat and, in some cases, causes temporary blindness and restricts breathing. Officers often use pepper spray to disperse crowds and force people to comply with orders. While pepper spray is a valuable alternative to lethal force, it still risks serious harm. It is not very accurate, especially in windy conditions, and it can hit people other than intended targets, including other officers. And, because it is flammable, it can't be used in combination with Tasers or other ECWs.

#### *The updated SMPD Use of Force Policy shall prohibit officers from:*

- Using pepper spray on passive resisters or to disperse crowds.
- Using spray on a person who's handcuffed or otherwise restrained unless they pose a threat to public or officer safety.

### **Set clear policies regarding canines.**

Police canine (K-9) teams serve many important purposes: they detect evidence, bombs, and narcotics; find people who are suspected of criminal activity; and search fields and wooded areas for missing people, often with much more precision than people. They are also trained to control crowds and apprehend individuals.

Without proper policies and training, however, police dogs can be traumatizing and physically threatening. One study found that the use of canine force resulted in a higher proportion of hospital visitations than Tasers, batons, and "bean bag" projectiles (fabric bags with lead filled pellets that are fired from a shotgun). The study also concluded that injuries inflicted by canines are more likely to require medical attention than those caused by less-lethal weapons.

To some, the mere presence of dogs is threatening, in part due to misuse of canine force in the past, and particularly during the civil rights movement. To alleviate concerns about the use of canine force, SMPD must implement policies and training to ensure that canine teams, police dog handlers, and police dogs operate safely and effectively.

#### *The updated SMPD Use of Force Policy shall ensure that dog handlers:*

- 1) Complete a certification program with a qualified trainer in obedience, agility, scent work, criminal apprehension, handler protection, record-keeping and other areas.
- 2) Obtain supervisory approval before deploying dogs,[8] especially when off-leash.
- 3) Use dogs primarily to locate people suspected of being armed or committing a violent felony.
- 4) Keep dogs within visual or auditory range.
- 5) Deploy dogs off leash only when people are suspected of being armed or of committing a violent felony (because off-leash dogs are more likely to bite people).

- 6) Determine whether the person has limited proficiency in English. If so, determine whether he or she can understand the phrase “canine warning;” if not, obtain language assistance.
- 7) Call off the dog immediately if it bites someone.
- 8) Consider whether people may not be able to cooperate because of behavioral health problems or developmental or physical disabilities.
- 9) Document the use of dogs, including training, incident reports, and canine health reports.
- 10) Submit a force report when a dog apprehends someone (even if no bite occurs).

***The updated SMPD Use of Force Policy shall prohibit dog-handlers from:***

- 1) Using dogs for crowd control.
- 2) Using dogs for force or intimidation.
- 3) Using dogs when people don’t pose an imminent danger or when a lower level of force can secure them.
- 4) Using dogs to apprehend children and adolescents or people suspected of being under the influence of drugs or alcohol, who are in behavioral health crisis, or have intellectual developmental disabilities.
- 5) Releasing dogs trained to “bite and hold” people without first issuing verbal warnings and offering an opportunity for peaceful resolution with the suspect.

**Ensure officers consider personal characteristics before using force**

The updated Use of Force Policy shall require that officers must be trained to remember that individuals may have specific characteristics affecting how they respond to police. Behavioral health problems (including mental health problems and substance use disorders), intellectual developmental disabilities, autism, physical disabilities, deafness, blindness, language abilities, cultural background, and age influence how people respond and their ability to comply with orders.

The updated Policy shall state that the subject’s mental state or capacity is a factor to determine whether use of force is reasonable.

The updated Policy shall include that the influence of drugs/alcohol or the mental capacity of the subject is a factor for consideration in the use of force reasonableness inquiry.

Officers and individuals sometimes miscommunicate due to language barriers and cultural differences. The updated Policy shall therefore incorporate cultural competency training into the overall training programs required. Cultural competency programs equip officers to respond effectively to different communities’ public safety needs and reduce the use of

unnecessary force. They also help build trust and understanding between officers and the communities they serve.

The science of cognitive psychology increasingly recognizes differences in young people's decision-making capacities, so the updated Policy shall require officers to employ developmentally appropriate responses to youth.

### **Require officers to intervene in improper uses of force**

The SMPD Use of Force Policy shall be modified to require officers to intervene to prevent others from violating any requirement or limitations of the Use of Force Policy. The current version of the SMPD Force policy limits that intervention to instances that exceed the legal standards.

### **Require officers to render aid until medical assistance arrives**

The SMPD Use of Force Policy shall require officers to render necessary aid until appropriate medical assistance arrives. The Policy shall require that all officers receive training in first aid and that appropriate first aid equipment be provided.

### **Provide continual, scenario-based training**

The updated Use of Force Policy shall require officers to receive scenario-based training in uses of force at regular intervals. Officers shall practice, in interactive environments, de-escalation techniques and threat assessment strategies that account for implicit bias in decision-making. In addition to lecture-based review of written policies, training shall be immersive, interactive, and reflect contemporary approaches to adult learning.

SMPD shall also develop training scenarios for officers that replicate real encounters and require supplemental training even for veteran officers with extensive field experience. And supervisors shall receive additional training on investigations into uses of force, strategies to direct officers to minimize uses of force, and managing force incidents.

### **Establish robust processes for reporting and investigating uses of force.**

Developing a comprehensive force policy is the first step toward reducing excessive use of force. The updated SMPD Use of Force Policy shall also provide clear guidance for officers to report uses of force and for supervisors to review and investigate them. Uses of force that go beyond "hand controls" and "escort techniques," which are used to handcuff unresisting individuals and generally do not cause pain or injury, must be reported and investigated.

**The updated Policy shall:**

- 1) Provide clear guidance on reporting, reviewing, and investigating force. After using force, officers and witness officers shall orally notify supervisors of the incident.
- 2) Instead of requiring officers to merely note uses of force on arrest reports, SMPD shall maintain separate files for use-of-force reports so they can track each incident.
- 3) SMPD Officers shall file force reports before the end of the shift during which the incident occurred.
- 4) All involved officers shall provide detailed narratives of the facts leading to the use of force. Without accurate and timely reporting, even the most comprehensive use-of-force policies will fail. Incomplete, vague, and boilerplate language use-of-force reports allow violations to go unchecked and cripple misconduct investigations, so this type of language shall be prohibited.
- 5) Officers who fail to report uses of force, or who falsify reports, shall be disciplined (and up to and including termination).

**The SMPD Use of Force Policy shall require the review and investigation of all reported uses of force, including:**

- 1) Supervisors shall respond to the scene of all incidents involving anything beyond lower-level uses of force, such as pressure point compliance and joint manipulation (which generally do not cause injury or significant pain).
- 2) While non-reportable and lower-level uses of force do not require a supervisor response, supervisors can, upon notification, opt to respond to the scene; they may conclude that the force used was excessive even if minimal.
- 3) If they do not respond to the scene, supervisors must review force reports for lower-level uses of force by the end of the shift during which the force occurred.
- 4) Additionally, supervisors must visit the scene and investigate non-reportable and lower-level uses of force upon complaint of pain or injury. The Policy shall require officers to file use-of-force reports in these cases as well.
- 5) Force investigations shall be fair, thorough, objective, and completed in a timely manner to adhere to the principles of procedural justice.
- 6) In determining the reasonableness of force, department leaders shall require consideration of officers' tactical conduct and decision-making before and during the incident.
- 7) Respond fairly and appropriately to policy violations. When force investigations find that officers have violated policy, supervisors must impose discipline and interventions that comport with policies and procedures.

SMPD must commit to fairly and impartially enforcing its use-of-force policies. Lax accountability, or cultures where written policies aren't respected or followed, render even the best-written policies powerless.

SMPD shall integrate use-of-force expectations into disciplinary measures and establish clear, fair penalties for policy violations. They shall also publish disciplinary rules in conjunction with use-of-force policies.

When policy is violated, SMPD shall publicly disclose final disciplinary actions.

SMPD shall strengthen accountability by maintaining publicly accessible electronic tracking systems for force data. To reevaluate and continuously improve policies and training, SMPD shall track and analyze incidents that identify systemic patterns of harmful or needlessly excessive force (e.g., incidents where no force was necessary but an officer nonetheless used a Taser or other weapon).

SMPD shall also aggregate use-of-force data and integrate it into non-disciplinary early intervention systems to identify problematic trends in other areas (e.g., stop-and-search practices and wellness indicators) to provide professional and personal development and to prevent crises.

**Publicly release information about serious and lethal uses of force as soon as possible.**

SMPD shall release basic or preliminary information soon after officer-involved shootings or other serious use-of-force incidents occur and shall regularly update the public as new information becomes available (to the extent permitted by concurrent criminal investigations). Transparency enhances community trust in police and in its internal investigative processes.

## **Appendix 3: Additional Suggestions from Individual Committee Members**

**From: Angela Scott and Robbie Jones**

**For: Community Engagement**

Every sworn officer must complete a total of 30 volunteer service hours per year. Only 10 of those hours can be completed with PAL, and D.A.R.E. Completed hours must be verified and signed off by a Community Volunteer Supervisor.

In this way, every sworn officer has the opportunity to engage with the community in some capacity. Examples of engagement can range from sports activities, Zoom Chats with Youth (regarding various interests), Tutoring (K-12), Neighborhood Watch Meetings.

**For further discussion:**

1. Additional Training/Orientation regarding how to interact with civilians (some officers need a little more help than others).
2. How can we make these services hours goal-oriented?
3. Consequences; a.) If you complete less than 30 hours, you must pay a fine of \$250, b.) If you complete less than 20 hours, you must pay a fine of \$500, c.) If you complete less than 10 hours, you must pay a fine of \$1000. All fines will go to the We Are Santa Monica Fund, which will then be distributed to the organization most in need.

**From: Shuli Lotan**

**For: Civilian Public Safety Oversight and Reform Commission**

Youth of color should have at least 2 seats on the oversight committee. Members of the oversight committee should be included in officer interviews for SRO's, NRO's and other community-involved positions.

One other big takeaway is that the Civilian Oversight Committee should also survey residents of SM about what they would like to see, as this group cannot possibly speak for the community as a whole.

**For: Alternate Responses-- Programs**

Funding divested from PD should be invested in prevention and intervention programs. We should look at outcomes when determining funding, but we know that at the least, investing in housing/homelessness, mental health services, and other youth programs such as JDP, YRT, MMST, (creation of a child resource team for elementary age), ECWP, and PAL would be putting resources where they belong.

**For: Culture and Training**

It wasn't written clearly how Restorative Justice is connected to the trainings; I would list Restorative Justice as one of the trainings for officers, but it's also addressed in other sections so not sure it even belongs here in terms of the community's participation. Opportunity for participation in a restorative circle should be offered to community members who have negative experiences with, or complaints about, the department.

**For: Community Engagement**

In addition to the African-Am Community Academy, other racial and ethnic groups should also be reflected in community outreach efforts and specifically named, such as Asian, Latinx/Spanish speaking, and Ethiopian communities.

The idea of putting a substation at the park is not fully embraced by all community members. From my understanding, a substation at VAP was in place years ago but was replaced with community support providers; this, in my opinion, is exactly the type of work we are trying to accomplish with this committee, so should stay in place.

**From Ralindah Harvey Smith**

**For: Alternate Responses**

Could we add a line item to propose, "Restoring PAL funding to Pre-Covid 19 levels."

**From: Rebecca Lantry**

**For: General**

"Life's most persistent and urgent question is,

'what are you doing for others?'"

" Dr. Martin Luther King Jr