



STAFF REPORT – CITY COUNCIL MEETING

July 15, 2020

TO: Honorable Mayor and City Council Members

FROM: Brian Ahearn, Chief of Police

PREPARER: Eileen Verbeck, Police Business Manager

DATE: July 09, 2020

TITLE: Arcata Police Department's Update on Police Reforms.

RECOMMENDATION:

It is recommended that the Council receive and discuss Arcata Police Department's update on police reforms.

INTRODUCTION:

In response to the June 17, 2020, Arcata Police Department discussion of Campaign Zero and police reform after the killing of George Floyd in Minneapolis, Minnesota, the Council requested a monthly update on the progress to institute reforms within the Arcata Police Department.

DISCUSSION:

During the June 17, 2020 Arcata City Council meeting the City Council directed Chief of Police Brian Ahearn to do the following:

1. Immediate
 - Remove the carotid control hold from the Arcata Police Department's use of force policy;
 - Expand the use of portable audio/video recorders to include body worn cameras;
 - Return 14 rifles originally procured through the military surplus program for Patrol purposes to the Department of Defense's Law Enforcement Support Office program;
 - Finalize a POST approved de-escalation training program for APD personnel to commence in 2020;
 - Insure supervisory review of use of force;
 - Insure utilization of use of force reporting tool;
 - Review the Department's use of force policy.
2. Re-define policing in Arcata by developing a plan in which as the Department re-builds as revenues increase to re-imagine policing in Arcata to include other social service and non-sworn positions in which to provide services that do not necessarily have to be provided by a uniformed and armed peace officer.

3. Develop a strategic plan framework in which civilian oversight of the Arcata Police Department can be implemented.

In addition, the City Council directed Chief Ahearn to inquire with the City of Arcata's Public Safety Committee to determine if they would consider being the hub for information collection, analysis and recommendations for other tasks to include:

- Reviewing and providing the City Council feedback on APD's body worn camera and use of force policies;
- Review Campaign Zero and advise the City Council on recommendations for implementation;
- Use community surveys to gauge satisfaction levels with public safety service delivery;
- Develop strategies to gather community sentiment, especially for those who don't feel comfortable going to the police;
- Determine how to re-invest dollars in the APD budget to include to APD directly, partnerships, social services, juvenile diversion, other programs;
- Develop a plan to re-direct funds or increase funds to have social worker component (police/service personnel) available in Arcata;
- Examine civilian oversight models and make recommendations to the City Council;
- Determine if the PSC can serve as the community hub; a conduit for community participation.

On June 24, 2020 the Public Safety Committee had their first meeting since February 2020. The committee met via Zoom. Upwards of 33 community members participated in the meeting, many of whom shared public comment either in writing, verbally or through the Zoom call chat function. Discussion occurred regarding what the City Council's request was of the committee. The Public Safety Committee members enthusiastically agreed to accept the responsibilities requested of them by the Arcata City Council.

Immediately after receiving direction from the Arcata City Council on June 17, 2020 on initial reform measures to implement the Police Department went right to work on initiating those changes.

Regarding the removal of the carotid control hold from the Arcata Police Department's use of force policy:

A draft policy revision has been written and is pending review by the Public Safety Committee.

The draft revised policy:

- Removed all references to the carotid control hold;
- Added all members of the Department as having a duty to intercede when they see unreasonable force being applied;
- Requires supervisors to perform specific tasks when reported force is applied instead of when they are able to;
- Added use of force reporting and review to supervisor responsibilities.

Regarding expanding the use of portable audio/video recorders to include body worn cameras:

A draft policy revision has been written and is pending review by the Public Safety Committee.

The draft revised policy changes from should to shall:

- The wearing of a BWC in a conspicuous manner;
- Document the reason(s) why a BWC was deactivated;
- Activate the BWC during all enforcement and investigative contacts and when a contact is becoming adversarial;
- BWC's remain activated continuously until the criteria for activation is no longer met.

The draft revised policy also:

- Requires uniformed Officers be issued a BWC for each shift instead of may have access to a BWC;
- Requires the BWC be activated anytime an enforcement or investigative contact is imminent;
- Requires the BWC be activated during the search of any structure;
- Requires the BWC be re-activated if the contact escalates after the BWC was inactivated;
- Requires written approval of the Chief of Police to use a personal recording device;
- Provides additional latitude for supervisors to review BWC footage to insure compliance with Department policies;
- Allows for BWC footage to be used for training purposes;
- Places greater emphasis on officer safety being a precedent to activation of the BWC.

Regarding returning 14 rifles originally procured through the military surplus program for Patrol purposes to the Department of Defense's Law Enforcement Support Office program:

- The California Office of Emergency Services (OES), who manages the Law Enforcement Support Office program, notified APD that due to COVID-19 there is a suspension in the return of any equipment under the LESO program until at least August 2020. Cal OES is aware of the City of Arcata's request to return all 14 rifles and will be able to facilitate that request once the suspension is lifted.

Regarding finalizing a POST approved de-escalation training program for APD personnel:

APD is working with POST to identify a de-escalation train the trainer course. APD is also scheduling visits to police agencies who are facilitating de-escalation training. With this additional training and practical application guidance APD will be prepared to complete and deliver our curriculum to Arcata PD members and personnel from agencies in the region.

Regarding supervisory use of force review and the use of force reporting tool:

- A protocol has been developed and was presented to all APD supervisors during a staff meeting on July 1, 2020;
- Included in the revised use of force policy are specific requirements of supervisors and officers regarding reviewing and reporting on use of force.

As these reforms directed by the City Council are implemented the Police Department is also continuing the process of implementing the recommendations of the National Police Foundation in their review of the Arcata Police Department's response to the stabbing of David Josiah Lawson on April 15, 2017. One of those recommendations was to develop internship programs with HSU and the College of the Redwoods. The development of the internship program has undergone several

iterations. A draft final plan was submitted to HSU on June 28, 2020 and contains four job descriptions to include:

- Gauging community sentiment of APD performance through the use of a survey instrument;
- Curriculum development and presentation by students to APD employees on what their expectations are of the Police Department;
- Develop a house party response protocol; and
- An opportunity to work alongside employees in various Police Department units to get insight on what specifically those units are tasked with on a daily basis.

None of these job descriptions provide access to sensitive information that would require a full background check. The previous background process took a significant amount of time to complete and feedback from HSU suggested the manner in which the background was conducted was a barrier for some students who would have otherwise participated in the program. The process to apply for the internship program has been streamlined and is more applicable to the positions the students will be working within. The process includes:

- Completing a City of Arcata internship application;
- Live Scan Fingerprinting;
- Presentation of valid photo identification; and,
- A computer query for any prior contact with local law enforcement agencies.

All of this can be completed within a few days without having to complete a background process that was inconsistent with the goals of the program.

Other tasks completed that are consistent with the direction provided by the City Council is the implementation of an on-line complaint process whereby community members have an additional access point to submit a complaint or suggestions to the APD in a manner that may feel safer for some who would rather not file their complaint at the APD Station.

Also, the Department has made significant progress on writing Standard Operating Procedures for the day to day operational tasks of the Department under Patrol Operations, Investigations and Dispatch. This process enhances training, transparency and accountability as these SOP's will be expected to be trained on and followed. Each SOP will also be posted on the Department's website so that community members can have access to specific directions provided to APD staff.

Lastly, in looking at other police departments in California who were pro-active in including on their websites their response to the call for police reforms, the City of Arcata Communications Specialist, Cati Gallardo, at the direction of City Manager Karen Diemer, wrote a detailed Community Policing summary that describes what the City has and is working on in terms of our response to several areas of community concern including racial equity and bias training, body worn cameras, use of force, de-escalation training, behavioral health training and community engagement. This summary has been posted to the APD's webpage and is available for any community member to read and provide feedback on.