



**MEMORANDUM**

City Manager's Department

**DATE:** November 19, 2020

**TO:** Council Ad-Hoc Subcommittee on Race, Equity, and Inclusion

**FROM:** Melvin E. Gaines, Principal Management Analyst  
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**VIA:** Kimbra McCarthy, City Manager

**SUBJECT:** **Recommended Model of Community Oversight of the Mountain View Police Department**

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**BACKGROUND**

Following the killing of George Floyd in May 2020 by a Minneapolis police officer, calls for racial equity and an examination of police practices were amplified around the world. In Mountain View, hundreds of people have participated in peaceful protests, e-mailed Councilmembers and City staff, and spoken at City Council and other community meetings. Some individuals have expressed interest in the creation of a formal opportunity for members of the public to engage with the Mountain View Police Department (MVPD), review MVPD policies and practices, and participate in policing related decision-making.

At the June 30, 2020 meeting of the Council Ad-Hoc Subcommittee on Race, Equity, and Inclusion (REI Subcommittee), Subcommittee members expressed interest in exploring different models of community-police oversight. Staff examined community-police oversight models by learning about the practices implemented in other cities, speaking with Mountain View stakeholders, researching various models on police oversight, and working with a cohort of Stanford University researchers and regional city leaders.

At the August 24, 2020 REI Subcommittee meeting, staff provided an overview of common police oversight models, including the following four models:

1. **Investigative Oversight Agencies** – Comprised of professional investigators who are independent from police departments—such agencies conduct independent investigations of complaints against police. Some investigative oversight agencies

have full disciplinary power, while others make recommendations to police chiefs. *This model tends to be used in communities where community-police relations are characterized by significant erosion of trust and goodwill, often as a result of officer-involved shootings and/or excessive use-of-force incidents.*

2. **Auditing/Monitoring Agencies**—Comprised of professional auditors who systematically review and examine police operations and internal investigations. Such agencies usually seek to determine any patterns of police misconduct and systemic failures and make recommendations for improvements. *This model is often used in communities where community-police relations have deep erosion of trust and the community and law enforcement do not work collaboratively.*
3. **Review Boards and Commissions**—Comprised of volunteer community members who fulfill various assignments that may include holding public forums to receive public input and discuss public safety, reviewing investigations conducted by professional staff, and making recommendations to improve community-police relations. *This model is often used in communities where community-police relations are strained but not broken and/or where there are meaningful opportunities for community members and police to work in collaboration to improve transparency, trust, and public safety.*
4. **Temporary Task Forces**—Comprised of diverse community stakeholders who represent various perspectives (human services, activist, faith, education, business, etc.) of the community. Task forces are often charged with evaluating police policies and providing recommendations to improve police transparency and accountability for a fixed period of time. *This model is often used in communities where there is eroded trust in community-police relations as a result of significant local events, such as officer-involved shootings and/or excessive use-of-force incidents, where the community wants to explore various approaches to improving community-police relations.*

None of these models is considered to be a best practice that all communities should utilize. Rather, the ideal community-police oversight model for a particular city is whichever model best addresses the community's needs based on the political, social, cultural, and operational realities that demonstrate a need for increased public trust and police accountability. Crime and public safety concerns are also factors that influence the structure of oversight programs as they may provide a venue for community members and police to have dialogue about crime and crime responses.

When considering the need for and structure of an oversight program, communities should assess the current status of community-police relations and the areas where public trust and accountability need to be increased and the extent that public oversight is

necessary to accomplish this. This memorandum assesses areas where public trust and accountability of MVPD could be enhanced through further community collaboration and dialogue, and evaluates how different community-police oversight models may be used to improve the community's trust in and the accountability of MVPD.

## ANALYSIS

To determine whether a particular model of community-police oversight would be appropriate for Mountain View, staff sought to ascertain the current level of community-police relations and areas where public trust and accountability of MVPD may need to improve as well as positive areas to leverage, including MVPD's long-standing community policing philosophy and proactive approach to transparency and enhanced communication. Factors considered included: Mountain View crime statistics; MVPD contact and use of force data; and community input from public meetings and other avenues, including the Human Relations Commission's Listening Forums on Local Policing, one-on-one meetings with community members and interested community groups; and the Mountain View Police Department interactive educational forum called *MVPDx: Partnership for the Future of Policing*.

### Mountain View Crime Statistics

The predominant crime problems in Mountain View are property crimes, including burglary and larceny, which include thefts from vehicles. Burglary and larceny accounted for 85 percent of the 2,274 reported Mountain View Part 1 crimes in 2018 and 89 percent of the 2,647 reported Mountain View Part 1 crimes in 2019. Part 1 crimes are those that the Uniform Crime Reporting (UCR) Program classifies as serious (homicide, rape, robbery, motor vehicle theft, etc.).

Overall, Mountain View is a safe community. Mountain View community members may communicate with MVPD about general crime concerns by attending Council Neighborhoods Committee (CNC) meetings, participating in Coffee with a Cop events, using *AskMV*, and calling to speak directly with a Department representative. A community-police oversight board such as a Community Advisory Panel (Review Boards and Commissions model) could enhance the ability for the public to dialogue with MVPD about crime concerns.

### MVPD Contact Data

As reported at the August 24, 2020 REI Subcommittee meeting, the [MVPD contact data](#) shows that Blacks (1.8 percent of Mountain View's 2019 population) and Hispanics (17.8

percent of Mountain View’s 2019 population) represent larger proportions of MVPD contacts than their proportions of Mountain View’s population; including when controlling for residency of the person contacted. This is true for every contact category: bookings, citations, field interviews, and vehicle/pedestrian stops.

Contact data alone does not convey the full picture of MVPD contacts. Various factors may contribute to the overrepresentation of Blacks and Hispanics in MVPD contacts. The City has worked with an academic cohort at Stanford University and the University of Michigan who have expertise in data analysis and access to successful practices in other locales to further explore MVPD contact data; determine whether overrepresentation of Blacks and Hispanics is due to racial bias or other factors; and to help design any necessary remedies. Building upon this work, MVPD has hired a Research Fellow through a program with Stanford University to work on the aforementioned efforts.

Implementing a community-police oversight board may help the City gain greater clarity on community member perspectives regarding racial bias and the overrepresentation of Blacks and Hispanics in MVPD contacts and foster mutual insight and understanding of the dynamics of race in law enforcement. An oversight board based on the Review Boards and Commissions model where community members could share their concerns about policing and make recommendations to the Police Chief or City Council would be most appropriate.

Use of Force

MVPD documents use of force during a contact whenever an officer reports an application of force or an individual either reports being subjected to excessive force or being injured by an officer during a contact. Uses of force are categorized by type of force used and the level of injury that results from the force used.

**Table 1: MVPD Use-of-Force Statistics, 2015 to 2019**

Type of Force	Level of Injury					Total
	None	Minor	Moderate	Major	Fatality	
Control Hold	14	7	0	0	0	21
Personal Weapon	15	14	1	0	0	30
Uncontrolled Takedown	32	22	0	0	0	54

Type of Force	Level of Injury					Total
	None	Minor	Moderate	Major	Fatality	
Pepper Spray	0	0	0	0	0	0
Baton/Bean Bag Round	2	4	0	0	0	6
CED (Taser)	13	20	0	0	0	33
K-9	0	0	0	0	0	0
Ramming with Vehicle	0	0	1	0	0	1
Carotid Restraint	0	0	0	0	0	0
Firearm	0	0	0	0	0	0
Total	76	67	2	0	0	145

From 2015 through 2019, MVPD made 8,408 arrests and had 49,644 total contacts. During that same five-year period, MVPD documented 145 use-of-force incidents, an average of 29 incidents a year. Uncontrolled takedowns were the most frequent type of force used from 2015 through 2019, with 54 incidents over the five-year period. In 2019, there were 36,621 calls for service, and 26 of those calls resulted in the use of force, which is less than a fraction of 1 percent of calls.

None of these uses of force over the five-year period involved an officer using their firearm, or resulted in major injuries or fatalities.

MVPD’s culture contributes to the Department’s low use of force-to-arrest ratio. MVPD prioritizes safety, deescalation techniques, and securing community trust while reducing crime. This is conveyed in the Department’s [Strategic Policing Plan](#) and other Department materials as well as through MVPD actions.

MVPD piloted the use of officer-worn cameras in 2015 and fully implemented the program for all patrol officers in 2016. Every patrol officer must wear a camera while they are on duty, and the camera must be turned on while responding to every call for service.

The Department is also cognizant of community concerns about its use-of-force policies and desire for the Department’s policies to align with 8 Can’t Wait and the Campaign Zero Framework, which integrates recommendations from President Obama’s Task Force on 21st Century Policing.

At the June 30, 2020 REI Subcommittee meeting, Police Chief Bosel provided an update on the Department's alignment with 8 Can't Wait, Campaign Zero, and the California Attorney General's recommendations for use-of-force policies. Currently, the Department's website also includes analysis of MVPD's use-of-force policies, including a ban on chokeholds and carotid restraints, the requirement to deescalate, and the requirement for officers to intervene, among others. Moreover, in 2015, when the President's Task Force on 21st Century Policing established 151 model practices to promote effective crime reduction and build public trust, MVPD proactively completed a comprehensive and deliberate assessment of its implementation of the model practices. MVPD's assessment showed that the Department has fully or partially implemented 73 of the 85 recommendations and action items that apply to local law enforcement.

Securing community trust requires ongoing efforts, and MVPD has shown a commitment to engaging in further dialogue with community members about its policies. The Review Boards and Commissions model of community-police oversight includes the opportunity to engage in ongoing dialogue between the public and police officers and provide opportunities for the public to make recommendations on policing.

### Community Input on Policing

The City has engaged in various efforts to learn about the public's experience with MVPD and hear community feedback regarding policing in Mountain View. Staff has met with community members and various stakeholder groups, individuals have shared feedback through social media channels, and many community members have provided input on policing at City Council and REI Subcommittee meetings. Additionally, the Human Relations Commission's (HRC) Listening Forums on Local Policing, and the MVPD interactive educational forums, *MVPDx: Partnership for the Future of Policing*, both provided deliberate opportunities for community members to share their experiences with and concerns about MVPD.

Community input on policing in Mountain View includes both criticism and commendation. In light of national events, many have conveyed concerns regarding, and desires to prevent, police interactions that result in death or serious injury at the hands of police officers in Mountain View. Notably, it has been 15 years since a firearm has been used in a MVPD use-of-force contact.

Other feedback has been provided that MVPD needs to further refine certain policies and involve Mountain View residents in doing so. At the same time, MVPD receives an overwhelming amount of positive feedback from the community through its social media

platforms, e-mails, and in-person contacts. This feedback reflects the community's understanding that while the national narrative is highly critical of law enforcement, they believe that MVPD sets a high standard for its officers and should be regarded as an example to the rest of the country.

The HRC hosted four Community Listening Forums on Local Policing, and also received community input from anonymous online submittals and interviews during the months of August, September, and October 2020. The forums were facilitated by the Peninsula Conflict Resolution Center (PCRC); one forum was in English, one in Spanish, one in Mandarin, and another was focused on youth. A total of 87 people participated in the four different sessions, while 51 people submitted anonymous stories online, and 43 stories were collected through interviews. The community report-out session on the themes from these stories is scheduled for November 18, 2020.

Staff will give a verbal update at the Race, Equity, and Inclusion Subcommittee meeting on November 19, 2020, and the HRC will present a written report at the December 1, 2020 City Council meeting as part of the update on the City's Race, Equity, and Inclusion Action Plan. The report will describe the community engagement process, the limitations of the information gathered, and the themes from the stories.

The themes include both expressions of satisfaction with policing in Mountain View and expressions of concern. The most frequent expressions of concern include domineering behavior by the police, race-based/biased treatment, police not being the appropriate personnel for responding to the situation, the request for police training, and a lack of trust in the police from some participants. The most frequent expressions of satisfaction relate to general appreciation for the police, positive community relations, police assistance in resolving problems, and friendly/caring police behavior.

In addition to the Community Listening Forums, the Police Department launched the first community-police educational program for a cohort of 10 community members, called *MVPDx: Partnership for the Future of Policing*. MVPDx was designed to allow community members and police officers to listen to and learn from each other while discussing policing matters. The program included 10 sessions. Common discussion points from MVPDx included questions about bias in policing, deployment of police officers (how to determine the best use of officers and whether there are alternatives), and desires for Mountain View to not experience the pervasive types of policing incidents that have occurred in other communities.

Additionally, Mountain View police leadership met one-on-one with numerous community stakeholders, both individuals and groups, to discuss the national narrative

around policing, how Mountain View is perceived, how officers are trained, and what improvements may be made. The Police Department created a dedicated section of the website to address many of the questions and concerns regarding national dialogue around issues and themes mentioned above. That portion of the website is continually being updated and will continue to evolve as changes and adaptations are made. Police Department staff also spent a significant amount of time addressing questions and concerns that were received via social media and e-mail.

### Recommended Model

Mountain View crime statistics, MVPD contact and use-of-force data, and community feedback suggest that the primary areas where public trust and accountability of MVPD could increase are related to negative interactions with police officers experienced by some community members, and overrepresentation of Blacks and Hispanics in MVPD contacts. Although not reflecting distrust, there is also a community desire to ensure that MVPD has strong policies that will prevent police interactions in the future that result in death or serious injury at the hands of police officers.

Considering the range of precipitating events and levels of public trust that often warrant different community-police oversight models in other jurisdictions, the assessment prepared for this memo indicates that while there are not significant, widespread breaches in public trust of MVPD, there are still opportunities for improvement. Furthermore, there is shared interest from the community, MVPD, and City leadership for Mountain View to lead by example and engage in continuous improvement to sustain and enhance positive, collaborative community-police relations, and effective/equitable police services.

Accordingly, as described in the sections above, the Review Boards and Commissions model is the most appropriate model for community-police oversight for Mountain View. An Investigative Oversight or Auditing/Monitoring agency model would not be appropriate for Mountain View. MVPD receives a small number of complaints and has not experienced a pervasive community-police relations issue, such as a controversial officer-involved shooting or excessive use-of-force lawsuit, and does not suffer from deeply eroded public trust.

A temporary task force comprised of community members with expertise in various perspectives is also not recommended. Although the task force could address issues such as community members having negative interactions with police officers and overrepresentation of Blacks and Hispanics in MVPD contacts, a sustained community



advisory board can better address these challenges and provide additional opportunities for community input on policing matters.

### **STAFF RECOMMENDATION**

Staff recommends the City form a Public Safety Advisory Board (PSAB) that fits the Review Boards and Commissions model. The PSAB would operate as other Mountain View City Council advisory bodies operate. Suggested characteristics of the PSAB include:

- The body acts solely in an advisory capacity and is tasked with holding public forums and providing input and recommendations to the Police Chief and City Council on public safety matters, including development of community policing concepts, increasing public awareness of public safety matters, furthering MVPD engagement and transparency efforts, and identifying best practices.
- The body has up to seven members who are appointed by the City Council .
- As a guiding principle, the City Council should strive to appoint members who bring diverse community representation to the PSAB (Mountain View residents from different neighborhoods, of varying ages, races, professions, cultures, etc.).
- The body should be staffed by a member of police command staff and a nonsworn employee designated by the City Manager.

### **NEXT STEPS**

Staff will receive input and direction from the Ad-Hoc Subcommittee on Race, Equity, and Inclusion and present the Subcommittee's recommendation to the full Council on December 1, 2020. If the City Council approves establishment of a community-police oversight body, the Police Chief and City Manager will appoint staff liaisons in January 2021 who will prepare a member recruitment plan, including a potential timeline for Council's appointment of members.

### **SUBCOMMITTEE FEEDBACK SOUGHT**

1. Does the Subcommittee agree with staff's recommendation to create a Public Safety Advisory Board (PSAB)?
2. Does the Subcommittee have feedback regarding the characteristics of the PSAB?