

From: Kalicia Pivirotto [REDACTED]
Sent: Monday, July 17, 2023 2:27 PM
To: Distrib- City Clerk <city.clerk@cityofsanrafael.org>
Subject: Public comment: Military Equipment & Police Oversight

Hello,

I write in extreme opposition to the purchase and use of military-grade equipment by SRPD. Police brutality is a nation-wide epidemic and increasing the arsenal is NOT the answer to changing or addressing the issues of violence and bias in police culture. With 2 former SRPD officers recently being criminally charged for excessive use of force by the DA, this send the wrong message to the community and only reinforces the fear and mistrust of the police. Instead of investing in weapons, these funds should be redirected to community services that actually keep people safe, like mental health services, housing, and education. I urge you to withdraw your approval of the use and purchase of military equipment, and to focus your efforts on sharing alternatives to policing that our community needs, like the attached flier from MV Free, which could be easily adopted in San Rafael if the city really is committed to living up to it's mission.

I also strongly urge you to adopt the People's Plan for police oversight instead of the PAAC it has approved to ensure real, actionable accountability (and advises against increasing SRPD's budget to pay for the needed measures). It's not enough to tell the community that changes can be made to the plan once it's adopted if you truly want to rebuild trust - those are just empty words until you back them up with actions and a commitment to changing the current culture of policing in the SRPD. The plan and side-by-side comparison are attached for reference here.

Please include my email in the public comments of tonight's meeting.

Sincerely,

Kalicia Pivirotto

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Not everything that is faced can be changed, but nothing can be changed until it is faced. - James Baldwin

Research shows...

Mill Valley community members call the police about Black people at nearly 20 times the rate they do about White people.

Based on MVPD call data June – May 2022

In most of these calls, police find no unlawful conduct.

Three things to consider before calling the police:



Consider the Behavior:

Do I see behavior that makes me think somebody is committing a crime or endangering someone?



Consider Your Assumptions:

If a friend or neighbor were behaving in that way, would I think someone should call the police?



Consider Your Reaction:

Are police the most appropriate service providers for the situation?

If the answer to any of these questions is "No," consider other Emergency & Community Service Providers
(listed on reverse)

A person's race or appearance is NEVER a good reason to call the police.

A joint message from the MVPD and MVFREE



Mill Valley/Marin County Emergency and Community Service Contact Numbers

POLICE & FIRE

Emergencies Dial 911

Non-Emergency Services

Mill Valley Police Department
415-389-4100

Marin County Sheriff's Office
415-473-7250

Mill Valley/Southern Marin
Fire Protection District
415-388-8182

MENTAL & BEHAVIORAL HEALTH

Emergency Services

Mobile Crisis Response Team
8AM-9PM Monday – Friday
1PM-9PM Saturdays
415-473-6392

Psychiatric Emergency Services
After MCRT hours
415-473-6666

Suicide Prevention Lifeline
24 hours
800-273-8255

Linea de Prevención del Suicidio
24 horas
1-888-628-9454

Non-Emergency Services

Mental Health Access and Assessment
1-888-818-1115

Helen Vine Recovery Center
Alcohol and drug withdrawal management
and substance treatment
415-492-0818

National Alliance on Mental Illness (NAMI)
of Marin County
1PM-3PM Monday – Friday
415-444-0480

Warmline – Peer Support
9AM – Midnight, 7 days
415-459-6330

Warmline – Español
1PM-6PM Lunes – Sábado
415-457-4026

DOMESTIC ABUSE & SEXUAL ASSAULT

Emergencies

Center for Domestic Peace
24 hours English y Español
415-924-6616

Community Violence Solutions
24 hours, 7 days
1-800-670-7273

ANIMAL EMERGENCIES & ABUSE

Domestic Animals

Marin Humane
24 hours
415-883-4621 (press 1 for emergency help)
(lost and found: dogs press 377; cats press 378;
other animals press 379)

Wild Animals

WildCare
Sick, injured or abandoned wildlife
9AM-5PM 7 Days
415-456-7283
Emergencies after 5PM
415-300-6359

Marine Mammals

Marine Mammal Center
Sick, injured or abandoned marine mammals
24 hours
415-289-7325

San Rafael Resident Participation in Oversight and Accountability

<p>Community Advisory & Accountability Committee (CAAC): advisory only, no power or authority by the residents to make changes only suggestions by a contracted Independent Auditor reporting (IA) ONLY to Police Chief. Cannot carry out oversight mandate. City Council is not involved.</p>	<p>Community Oversight Commission (COC): has power and authority by the residents to build trust and make changes through recommendations directly to City Council</p>
<p>CAAC started and ended by City Council *Future elected members may choose to end CCAC*</p>	<p>City responsible to ensure COC permanent</p>
<p>CAAC somewhat improves public transparency but does not improve accountability of SRPD.</p>	<p>COC improves public transparency and accountability of SRPD.</p>
<p>CAAC has no power to review or investigate complaints from the public or police misconduct, other than those prepared by a contracted IA after the SRPD investigation has been concluded.</p>	<p>COC has power to review or investigate complaints from the public or police misconduct and brings in community input.</p>
<p>CAAC membership: Doesn’t prioritize people from the community most impacted because membership is chosen through city council member interviews. The balance is incorrectly weighted between white neighborhoods (more representatives) and the Canal (less representatives).</p>	<p>COC membership: Prioritizes people from the most-impacted communities through non bias recommendation, self-selection, and chosen by City Council</p>

Independent Police Auditor (IPA) VS. Independent Police Monitor Hybrid (IPM-H)

<p>IPA can only review police investigations and complaints made by the public.</p>	<p>IPM-H investigates complaints made by the public</p>
<p>No complaints are reviewed unless IPA submits a report to the City Council after complaints to SRPD are concluded to determine patterns of misconduct. Committee has no access, including Chair.</p>	<p>IPM-H report includes complaints received directly from the public</p>
<p>IPA has no independent power to audit SRPD</p>	<p>IPM-H has independent power to audit the police department to address system wide culture, policies, and procedures.</p>
<p>IPA only audits the police department when asked by City staff.</p>	<p>IPM-H audits the police department when asked by the Community Oversight Commission or City staff.</p>
<p>IPA has no power to initiate independent investigations.</p>	<p>IPM-H has the power to initiate independent investigations. Can also do so at the request of the Community Oversight Commission or City staff.</p>
<p>Funding for oversight staff comes from City of San Rafael’s budget, providing even more money for SRPD.</p>	<p>Funding for oversight staff comes from the existing San Rafael Police Dept. budget, and does not increase the SRPD budget.</p>

Recommendations for Community Oversight of the San Rafael Police Department (SRPD)

Introduction and Rationale

Civilian oversight of law enforcement agencies is not new, it has existed across the United States of America since the 1950s and was the focus of many discussions through the Civil Rights movement of the 1960s. The death of Trayvon Martin in 2012 and shooting death of Michael Brown in 2014 followed by publicly released videos of other high-profile police rough-ups, beatings, shootings, and deaths of US residents of color pushed civilian oversight and police accountability into the national spotlight. The videos of police mistreatment, injury and deaths of so many residents of color in the last decade fueled local momentum across California to examine existing relationships between communities of color and the departments that police them, and led the California state legislature to develop laws, for example AB1506, AB846, AB1185, and SB2 that hold police accountable for their behavior and treatment of the people they serve.

While civilian oversight exposes the lack of trust communities of color and allies have for the police, it is also a main component of ensuring positive change and increased public safety for every member of the community. A community oversight Commission can transform organizational culture within police departments through their partnerships and collaborative nature with impacted communities as well as create mechanisms for local accountability of police departments. Civilian oversight also helps police departments ensure that the quality of their services aligns on paper and in the daily lives of every community member they serve.

The City of San Rafael and the Chief of San Rafael Police Department (SRPD) have stated their commitment to establishing a permanent independent community oversight structure for the city and its residents, with the goal of cultivating trust, transparency, and accountability that in turn provides a level of legitimacy that internal accountability and existing review mechanisms cannot. To carry this out, a community engagement process was initiated to gather community input on the need for a framework, structure, and authority for such an oversight mechanism.

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Recommendations

- Structured, civilian oversight will assist the City of San Rafael with duties such as: reviewing completed misconduct and use of force investigations,
- objectively analyzing ways to improve the operations of the SRPD,
- auditing and addressing systemic issues within the police department,
- providing an accessible entry point for resident complaints, and
- serving as a locus of public information gathering and sharing through community hearings

all with the goal of upholding constitutional policing; improving law enforcement practices, procedures, and training; reducing legal liability and the possibility of state or federal intervention; removing existing bias within SRPD police culture, and improving transparency, accountability and trust between residents and SRPD.

In an effort to implement an oversight mechanism that addresses the current issues community members experience with SRPD, while proactively striving to reduce harmful existing systemic issues, we recommend a hybrid oversight mechanism that would incorporate the auditor-monitor focused model with the review-focused model. We further recommend that the proposed community oversight Commission collaborate with the City and Chief of Police in selecting the independent auditor (IA).

Once implemented, the recommendations for a community-based oversight model will ensure the establishment of timely, effective, and accessible oversight of SRPD; and maintain a collaborative relationship between the SRPD and the community of color, poor, unsheltered and most impacted by inequitable policing practices, thereby increasing public safety for all; increase trust, improve transparency and accountability; ensure a public, transparent forum for voicing community concerns about the SRPD; a platform for the SRPD to respond to allegations of misconduct; and reduction in liability lawsuits resulting in settlements paid by the community's tax dollars.

Community Oversight Commission (COC)

A Community Oversight Commission (COC) is uniquely positioned to build trust between law enforcement and the people they serve because of its ability to provide San Rafael community residents outside of and unaffiliated with SRPD, input into the process.

In addition to having the opportunity to review completed internal investigations of an auditor/monitor, the COC will receive and review civilian complaints from the community and share them with SRPD for investigation. Review-focused models make up approximately 62% of civilian oversight agencies in the United States, and include a mechanism for the

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department to share community complaints with their oversight body; remand cases back to the department's internal affairs unit for further investigation; recommend case dispositions, discipline or revision of departmental policies and procedures with the police chief and city officials; hear appeals from complainants or subject officers; host public forums; and conduct extensive and purposeful community outreach.

The hybrid approach of implementing the review-focused model described above with the auditor/monitor-focused model, responds to the need for building the relationship between SRPD and the community they serve by deepening the one-layered approach of reviewing the police department's policy and trend analysis traditionally centered in review-focused oversight bodies.

B. Composition and Qualifications for Membership

Four (4) Commission members will be San Rafael residents appointed by the San Rafael City Council to represent each of the four districts they represent. One member will be selected by the Mayor. One (1) at-large member and one (1) alternate will be recommended to the city council by community-based organizations that specifically advocate on behalf of San Rafael residents most impacted by inequitable policing practices, such as: Legal Aid of Marin, Marin Interfaith Council, Congregation Rodef Shalom, Immigrant Rights Team, Immigration Institute of Bay Area, Showing Up for Racial Justice (SURJ) Marin, and the Family Law and Children's Center. Nonprofit organization service centers providing county/city funded services are excluded from recommending members to the SRPD COC.

At no time, shall more than one (1) member be someone who has previous law enforcement experience and must meet the following criteria:

1. The member has not worked as a sworn law enforcement officer within the last five years;
2. The member has never been employed as sworn law enforcement in Marin County or any Bay Area counties, defined by the Association of Bay Area Governments to include the following nine counties: Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, Sonoma, and San Francisco.

C. Training

The COC shall establish a training curriculum annually and as needed, in collaboration with the Independent Auditor, the SRPD, and the City of San Rafael. This ensures that the Commission possess necessary expertise to carry out the Commission's mandates, and that it is not expected for members of the appointed Commission come with any particular skills other than their lived experience ensuring inclusivity for all members.

Training may include, but need not be limited to the following:

1. Public Meeting Laws and the California Public Records Act;

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2. Ethics;
3. Implicit and Explicit Bias;
4. Sexual Harassment;
5. Cultural Competency;
6. Confidentiality;
7. Rehabilitative and Restorative Justice Principles;
8. Behavioral Health Diversion Implementation Plan;
9. De-escalation/Non-Escalation Techniques and Philosophy;
10. Investigative techniques, data analyst and policy writing;
11. All SRPD operations, policies, practices and procedures, case management;
12. Public Safety Officers' Bill of Rights Act (POBRA), and other relevant state and local laws including those related to law enforcement personnel actions;
13. Meet and Confer Policy and Process;
14. Ride-a-longs and other equivalent immersive experiences;
15. The criminal justice process (bookings and arrest, interaction with Immigration and Customs Enforcement officials, etc.).
16. Trauma-informed and healing practices for community complaint intake process
17. Law enforcement oversight, community policing, and constitutional principles of policing;

D. Stipends

It is recommended that the City of San Rafael provide stipends for Commission members' duties, training, and work.

E. Duties and Authorities

It is recommended that the Civilian Oversight Commission (COC) have the following duties and authorities:

1. *Assisting in the hiring, interviewing and ongoing evaluation of the Independent Auditor*
2. *Establishing and maintaining an accessible two-way complaint process*
3. *Receive and review completed investigations*
4. *Review and Generate Policy Recommendations for Chief of Police and City Council*
5. *Request Data Related to SRPD Pattern or Practice*

- a. The COC shall have the ability to direct the IA to collect data and/or information relevant to SRPD practices that fulfills the COC's oversight powers and duties. The data shall be presented and accessible during public meetings of the COC.

6. *Conduct Public Meetings*

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7. *Collaborate with SRPD*
8. *Conduct Ongoing Community Outreach and Engagement Efforts*
9. *Produce Annual Public Reports (multilingual / multicultural in a method for all community members to access)*
 - a. The IA will work with the COC to produce a minimum of one annual report presented publicly to the City and include but not be limited to;
 - Reviews completed
 - Identified patterns and trends
 - Recommendations for changes to policies, procedures, and/or training practices;
 - Status updates on the implementation of any agreed-upon changes to policies, procedures, or training practices;
 - Community engagement activities;
 - Crime reports and statistics related to SRPD jurisdiction, including but not limited to RIPA data;
 - Data related to the complaints received by the COC and SRPD
 - Investigation outcomes, if any;
 - Identified statistics or measures that may be relevant to SRPD oversight but are currently missing, unreported, or underreported;
 - Any additional report deemed necessary by the IA in collaboration with the COC
10. *Budget Proposal Approval*
 - a. The COC shall work collaboratively with the IA to develop and submit an annual budget to the City Manager
11. *Officer-Involved Shootings, Misconduct, and Use of Force Investigations*
 - a. The SRPD will provide the COC updates and access to the body worn camera footage for review, of all officer-involved shootings or other use of force investigations.
 - b. SRPD, the City of San Rafael, and the Civilian Oversight Commission will jointly Inform the public of the status of ongoing investigations as soon as legally permitted.
12. *Issuing Subpoenas*

The IA may be directed by the COC to the extent permitted by law, to issue subpoenas for the purpose of compelling testimony or receiving relevant documents.

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SRPD Office Liaison

A member of the SRPD serves as a liaison to the COC, acting as a resource and receiving its recommendations for changes to policy, procedures, and training. The liaison will attend COC meetings at the joint invitation of the IA and the COC Chair.

Independent Auditor (IA)

A. Purpose Statement

The Independent Auditor (IA) is a paid position whose mission is to provide all members of the public with effective and independent oversight of the San Rafael Police Department through unbiased investigations, reviews, and analysis of SRPD investigations and community complaints. The IA will work collaboratively with the COC to develop and submit recommendations to the police chief and City, and maintain ongoing communication with San Rafael residents and community members.

Community Engagement & Outreach Coordinator (CEOC)

A. Purpose Statement

The Community Engagement and Outreach Coordinator (CEOC) is a full time paid position tasked with collaborating with the COC to develop a program of regular outreach and communication with the San Rafael community for the purpose of listening to and communicating with residents and workers, with an emphasis on listening and actively engaging San Rafael's BIPOC, poor, and unsheltered community members.

The program developed by the CEOC in partnership with the COC will educate the public in San Rafael about the responsibilities and practices of the SRPD.

Additionally, the CEOC will serve as an administrator for the COC, and assist in all related tasks including:

1. Provide staff support to the work of the IA and the COC
2. Assist in the development, implementation, and communication of the COC's policies and procedures
3. Act as a communication liaison with members of the COC

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4. Assist with accessible reporting and other communications to the community of San Rafael/public.