



How Cities Are Addressing Police Reform

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League of California Cities: City Attorney's Spring Conference
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Topics

- The Moment – How Did We Get Here?
- A Swift Response: Public and Private Sector
- California and Use-of-Force Policies
- Local Reform Efforts
- Public Safety Oversight
- Reimagining Public Safety
- Labor and Employment & Police Reform
- What Comes Next?



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George Floyd

- Killed in Minneapolis Police Department custody on May 25, 2020
- Video recorded by teenager – seen around the world – 9 min. 29 sec.
- Murder of George Floyd occurred as the recent deaths of other unarmed Black Americans gained national prominence:
 - Ahmaud Arbery (Age 25) – February 23, 2020
 - Breonna Taylor (Age 26) – March 13, 2020
- Murder of George Floyd sparked weeks of national and worldwide protests, many of which occurred in cities across California

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George Floyd

Ahmaud Arbery

Breonna Taylor

Tamir Rice
Eric Garner
Alton Sterling
Philando Castile
Sandra Bland
Rekia Boyd
Freddy Gray



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Nationwide Protests

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Law Enforcement Response **RPLG**
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Police chiefs across U.S. condemn officers in Floyd death
 "Absolutely reprehensible and tarnishes the badge nationwide." "Unacceptable." "Deeply disturbing."



— Chicago Police Superintendent David O. Brown, Philadelphia's police commissioner, Danielle M. Outlaw, and New York City Police Commissioner Dermot Shea. AP; Getty Images

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Private Sector Response



CEOs are offering plans and investments to address racial inequality after George Floyd death

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KEY POINTS

- Corporate America has joined protesters in condemning the death of George Floyd at the hands of police and calling for action to confront racial inequalities in the United States.
- "Businesses have to use every instrument at their disposal to reduce these barriers" Merck CEO Ken Frazier said after the first week of demonstrations.
- CEOs, including those from Walmart, Bank of America and Johnson & Johnson, talked on CNBC about plans and investments to break down those barriers.

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Ban on Neck Restraints



- Immediately after George Floyd's killing, many agencies across the country considered anew bans on certain neck restrains, including the cartoid restraint
- Use of neck restraints discussed extensively in 2014 when Eric Garner died in police custody – "I can't breathe."
- Example: On June 12, 2020, Governor Andrew Cuomo signed the Eric Garner Anti-Chokehold Act, which was first introduced in 2013-2014
- Speed of response in New York mirrored in California

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Use-of-Force Policies



- In some ways, California was ahead of the curve:
 - AB 392 – modernized deadly force standards to provide that deadly force may only be used when necessary
 - Required that officers use other techniques to address threats instead of deadly force when safe to do so
 - Encourages law enforcement to train on and use de-escalation techniques and other crisis intervention
 - SB 230 – establishes guidelines for use-of-force training by every California law enforcement agency to standardize training throughout the state
 - Requires every law enforcement agency to maintain an internal policy and make its use-of-force policy accessible to the public

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Use-of-Force Policies

- However, ban on carotid techniques, like the one used on George Floyd, was not outlawed until October 2020 with the passage of AB 1196.
 - Some cities across the state (San Francisco, Los Angeles, San Diego) had previously banned these techniques

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Local Reform Efforts and Use-of-Force Policies

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Use-of-Force – Local Efforts

- Sacramento, CA: City Council voted to require inspector general to “investigate officer-involved shootings and use of force incidents that result in serious body injury or death. [June 30, 2020]
- San Francisco, CA: Mayor London Breed announced series of reforms including plan to “demilitarize police” and ban use of military grade weapons against unarmed civilians [June 11, 2020]

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Use-of-Force – Local Efforts

- San Diego, CA: Police Chief David Nisleit announced that officers were banned from using chokeholds [June 1, 2020]
- San Jose, CA: Mayor Sam Liccardo released plan to change policy to include expansion of authority for Independent Police Auditor to include use of force allegations

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Themes - Local Reform Efforts

- Local officials, including police chiefs, acted swiftly and decisively, announcing immediate changes or plans for change
- Cities with established police reform or accountability infrastructure were in a better position to enact reform
- Public advocacy played a role

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Local Reform and 8 Can't Wait

- 8 Can't Wait launched in aftermath of death of Eric Garner in Ferguson, Missouri in 2014
- Project encouraged law enforcement agencies to adopt eight policies to decrease or end police violence

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Local Reform and 8 Can't Wait

- (1) ban chokeholds and strangleholds;
- (2) require de-escalation;
- (3) require a warning before shooting;
- (4) require that all alternatives be exhausted before shooting;

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Local Reform and 8 Can't Wait

- (5) require officers to intervene when excessive force is being used;
- (6) ban shooting at moving vehicles;
- (7) establish a force continuum; and
- (8) require comprehensive reporting.

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Themes - Local Reform Efforts

- 8 Can't Wait was not without critics
- However, a number of California jurisdictions fully adopted 8 Can't Wait reforms:
 - City of Carlsbad
 - Santa Clara County
- Many jurisdictions that did not adopt reforms provided information to the public about other efforts underway

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Public Safety Oversight

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Public Oversight

- Citizen participation and advocacy has played a significant role in reform efforts
- In November 2020 voters in several jurisdictions across the state enacted a series of police reform measures
- Many measures focused on the creation or alteration of existing oversight methods
- Several cities also enacted reforms without voter involvement

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Public Oversight

San Diego

- San Diego voters approved Measure B, a charter amendment, which replaced a civilian board that reviews complaints against police officers with a commission that can investigate, subpoena, and recommend policies and discipline.
- The new commission is also responsible for investigating all deaths in police custody and those resulting from interactions with the police, as well as police shootings.
- The measure won the support of 75% of voters.

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Public Oversight

San Jose

- San Jose voters approved Measure G, which expanded the authority of San Jose's independent police auditor to review reports and records related to officer-involved shootings and uses of force that resulted in injury or death.
- Prior to passage, the auditor did not have access to these records.
- Measure G won the support of 78% of voters.

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Public Oversight

Berkeley

- Berkeley voters approved Measure II, which established an independent Director of Police Accountability (DPA) and a nine-member Police Accountability Board (PAB), to replace the existing Police Review Commission.
- PAB will make recommendations about police department policies and discipline following misconduct
- Measure II won the support of 84% of voters.

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Public Oversight

San Francisco

- San Francisco voters approved Proposition D, which established a new oversight board and created an Inspector General's Office for the San Francisco County Sheriff's Department.
- San Francisco voters also approved Proposition E, which called for amending the city's charter to remove minimum staffing requirements for the San Francisco Police Department.
- Proposition D passed with the support of 66% of voters and Proposition E received the support of 71% of voters.

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Public Oversight

Fresno

- On June 11, 2020, the Mayor of Fresno and the Fresno City council announced the formation of the Fresno Commission for Police Reform (CPR).
- The CPR was asked to develop recommendations related to police reform and community safety within 90 days.
- CPR produced a 292-page report containing 73 recommendations in October 2020.
- Fresno has created a Police Reform Board to implement the Commission's policy recommendations.

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Public Oversight

Long Beach

- On June 23, 2020, the Long Beach City Council adopted a Framework for Reconciliation, pursuant to its Racial Equity and Reconciliation Initiative.
- Included in the framework were recommendations involving the city's approach to community safety, which specifically involved exploring non-police alternatives to law enforcement emergency response and the redesign of police oversight and accountability through improved complaint and discipline practices.
- Recently, Long Beach announced efforts to reform the City's Citizen's Police Complaint Commission and the City Council continues to evaluate additional reform efforts.

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Public Oversight

Oakland

- In November 2020, voters in Oakland approved MeasureS1, which strengthened oversight of the police department by increasing the powers of the civilian-led Oakland Police Commission, which was established by voters in 2016.
- The measure also created the Office of Inspector General, which is responsible for reviewing cases of police misconduct, and removed the commission from the city and police department's chain of command.
- MeasureS1 received the support of 81% of voters.

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Public Oversight

Sonoma County

- Voters in Sonoma County approved Proposition P, which expanded the powers of the Independent Office of Law Enforcement Review and Outreach (IOLERO) to investigate Sheriff related issues.
- Specifically, the measure added the ability of the Office to independently review evidence of misconduct and subpoena records and testimony. IOLERO was created by the County Board of Supervisors in 2015, following the 2013 killing of a 13-year-old by a Sheriff's Deputy.

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Public Oversight

Stockton

- In July 2020, Stockton announced the creation of a City Manager's Review Board to provide "insight, guidance, monitoring and recommendations to promote comprehensive public safety strategies through analysis of policies and practices."
- The Board, which is led by the City Manager and Police Chief, consists of 25 community members. The Board does not have subpoena power and can not make hiring or firing decisions.

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Reimagining Public Safety

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Berkeley



Berkeley Reimagining Public Safety Task Force: In July 2020, the Berkeley City Council passed a comprehensive public safety reform measure designed to reshape policing in the city.

Included in the package of reforms was the establishment of a civilian-led Task Force with primary responsibilities being to define a new approach to community safety by reviewing and analyzing emerging community safety models and recommend a new, community-centered safety paradigm.

The Task Force held its first meeting in February 2021 and the City Council has continued to explore other reform efforts, including recent action to ban officers from stopping drivers for low-level offenses to reduce racial disparities in policing.

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Oakland



Oakland Reimagining Public Safety Task Force: In July 2020, the Oakland City Council voted to authorize the civilian-led Reimagining Public Safety Task Force, which was charged with developing recommendations for the Council to consider to increase community safety through alternative response to calls for assistance, and investments in programs that address the root causes of violence.

The Task Force held its first meeting in September 2020 and produced a report with 147 recommendations in February 2021. The recommendations are currently being considered by the Oakland City Council and other community stakeholders.

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Alternatives to Police Response

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Alternatives to Police Response

- In January 2021, the **San Mateo County Board of Supervisors** approved the creation of a two-year pilot project that will pair mental health professionals with law enforcement officers as they respond to individuals in a mental or behavioral health crisis.
- In November 2020, **San Francisco** announced the creation of a Street Crisis Response Team pilot program, a partnership between the city's Public Health and Fire Departments. The pilot program was created as part of the city's broader efforts to develop alternatives to police responses to non-violent calls.
- Other cities that have moved forward with similar programs – permanent or otherwise – include Los Angeles, which launched an Alternative Dispatch program in February 2021, and Sacramento County, which approved a plan to have a mental health crisis team respond to certain 911 calls instead of law enforcement officers in March 2021.

Labor and Employment & Police Reform

Labor and Employment & Police Reform



Bargaining and Police Reform

- Civilianization
- Use-of-Force Policies
- Discipline



Clockwise from top left: Anand Subramanian of PolicyLink; Ronald Yank, former counsel for public safety employee unions; union counsel Will Aitchison; and Jon Holtzman of Renne Public Law Group.

Symposium Experts Call for Furthering Genuine Police Reform and Targeting Labor Agreements

Berkeley Law

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Labor and Employment & Police Reform



Discipline and Police Reform

Fresno police officer who was former Proud Boy fired. Chief details investigation

BY BRIANNA CALIX

APRIL 09, 2021 12:25 PM, UPDATED APRIL 10, 2021 08:48 AM

Fresno Police announced Friday that the Fresno police officer who formerly was a Proud Boy has been fired.



“After discussions with Chief Balderrama regarding the ongoing internal investigation of Officer Rick Fitzgerald, who is accused of participating with the Proud Boys extremist group, it is clear to me that there were egregious violations of department policy,” Mayor Jerry Dyer said in a statement. “I am pleased that Officer Fitzgerald will no longer be serving as a police officer with the city of Fresno.

“As mayor, I want to reiterate to the community that I will not tolerate any form of racism displayed by city of Fresno employees,” he said.

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Discipline and Police Reform

Legal Issues to Consider

- Labor Rights
- Privacy
- Free Speech and/or Free Association
- Political Activity
- Private Social Media
- POBRA

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The Future of Police Reform

- In California, several legislative measures are pending:
 - AB 26 – Excessive Force and Intervening Officers
 - AB 89 – Peace Officer Minimum Age
 - AB 655 – Peace Officers and Hate Groups
 - AB 118 – 911 Response
 - AB 594 – Use of Force Investigations
 - SB 2 – Decertifying Officers
 - SB 387 – Peace Officer Education Requirements

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The Future of Police Reform

George Floyd Justice in Policing Act (HR1280)

- Passed by the House of Representatives in March 2021
 - Bans chokeholds, carotid holds, no-knock warrants at federal level
 - Establishes national registry of police misconduct
 - Bans racial and religious profiling at federal, state and local level
 - Overhauls qualified immunity
 - Establishes public safety innovation grants

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The Future of Police Reform

- During the trial of Derek Chauvin, several officer-involved deaths have occurred or come to light across the country:
 - Adam Toledo (Chicago, IL)
 - Daunte Wright (Brooklyn Center, MN)
 - Roger Allen (Daly City, CA)
- Investigations into each of these incidents are ongoing, but the issues raised or renewed by George Floyd's murder are not going away
- Cities should address the issues transparently, with an open mind, recognizing that meaningful reform will take time

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THANK YOU

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