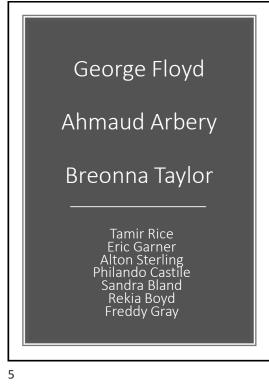


How Cities Are Addressing Police Reform

Jonathan V. Holtzman, Jamal H. Anderson and Farimah F. Brown League of California Cities: City Attorney's Spring Conference May 14, 2021

RPLG	Topics	
Renne Public Law Group*	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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Nationwide Protests



Law Enforcement Response

Police chiefs across U.S. condemn officers in Floyd death

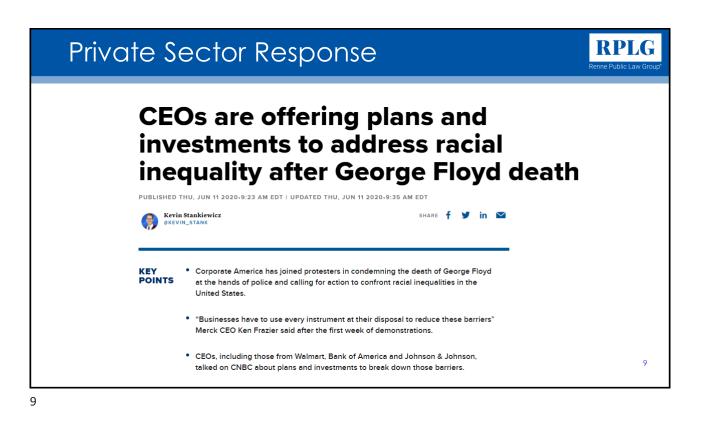
"Absolutely reprehensible and tarnishes the badge nationwide." "Unacceptable." "Deeply disturbing."



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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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



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 ever law enforcement agency to maintain an internal policy and make its use-of-force policy accessible to the public

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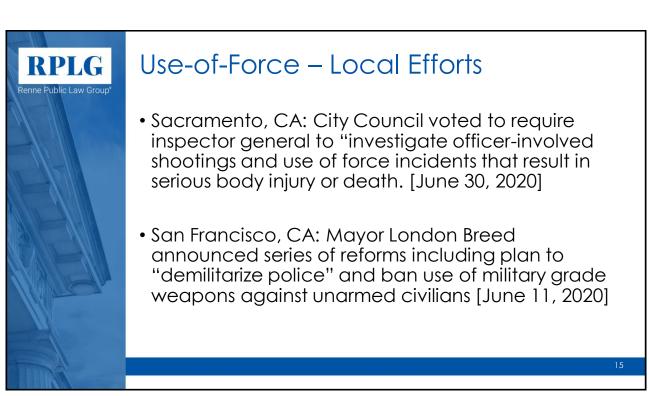
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Use-of-Force Policies • However, ban on cartoid techniques, like the one used on George Floyd, was not outlawed until October 2020 with the passage of AB 1196. • Some cities across the state (San Francisco, Los Angeles, San Diego) had previously banned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

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Local Reform Efforts and **Use-of-Force** Policies



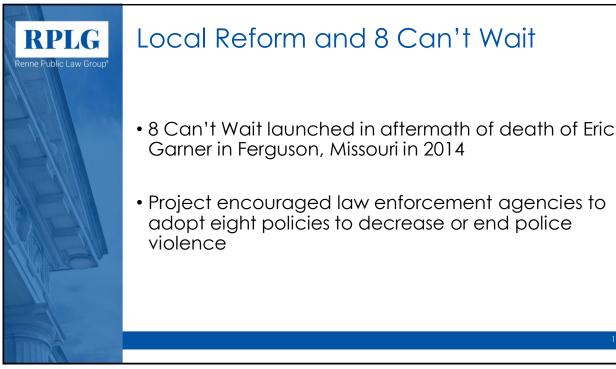


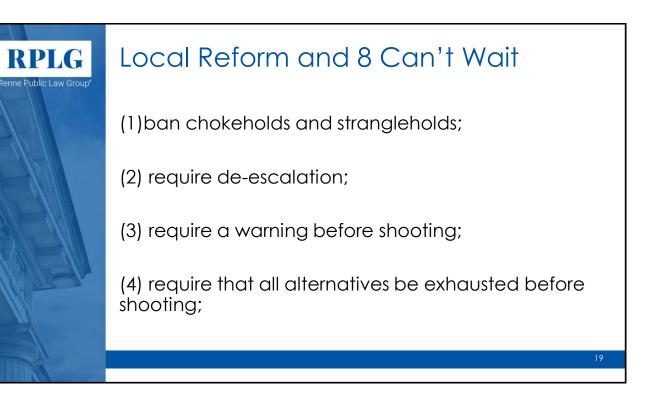


Use-of-Force – Local Efforts

- 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





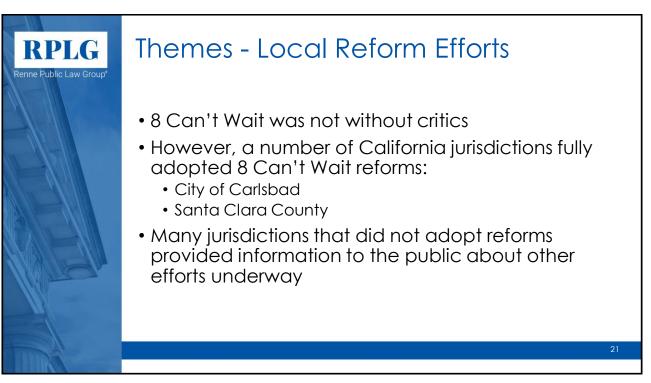




Local Reform and 8 Can't Wait

(5) require officers to intervene when excessive force is being used;

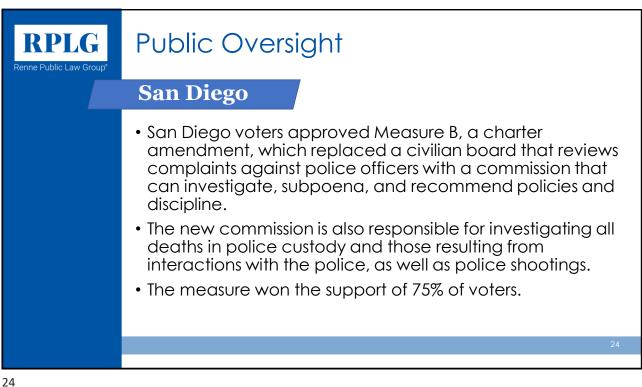
- (6) ban shooting at moving vehicles;
- (7) establish a force continuum; and
- (8) require comprehensive reporting.

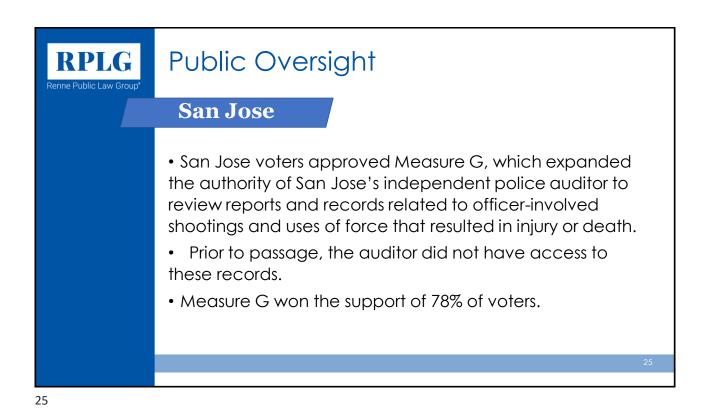


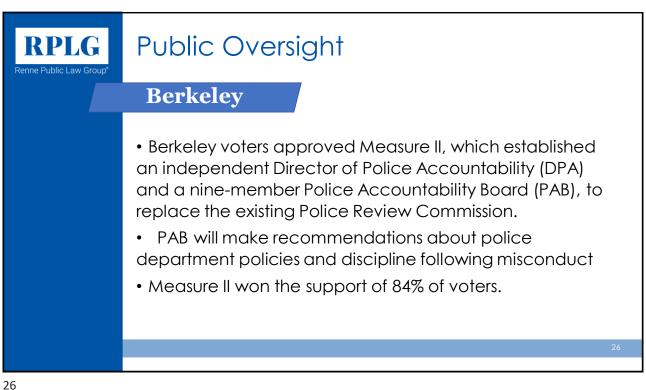




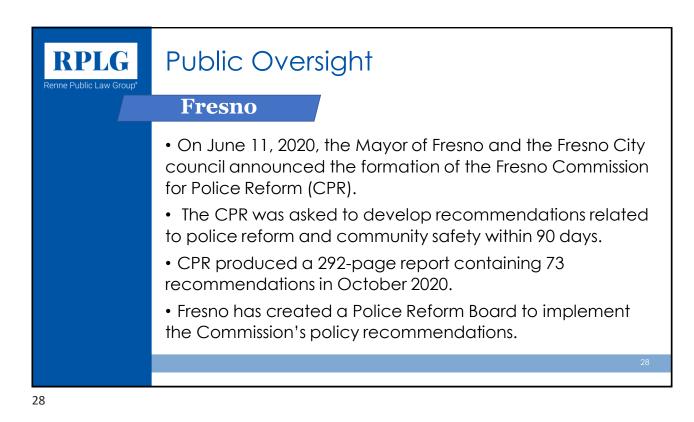




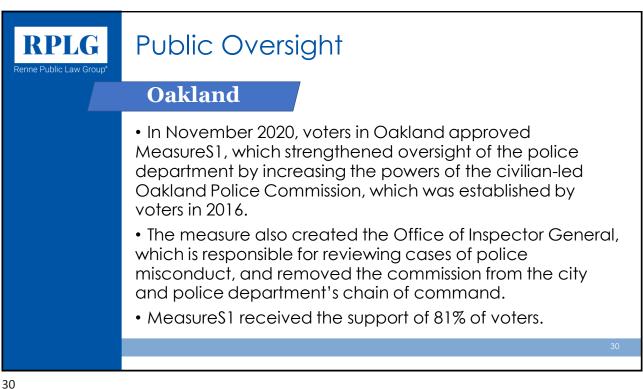


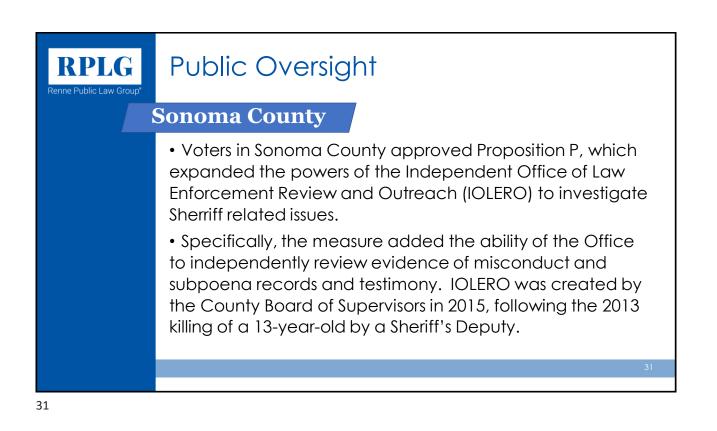


RPLG Renne Public Law Group	Public Oversight	
San Francisco		
	 San Francisco voters approved Proposition D, which established a new oversight board and created an Inspector General's Office for the San Francisco County Sheriff's Department. San Francisco voters also approved Proposition E, which called for amonding the city's charter to remove minimum 	
	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. 	
	27	
27		



RPLG Renne Public Law Group*	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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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 civilianled 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, communitycentered 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.

Oakland

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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.

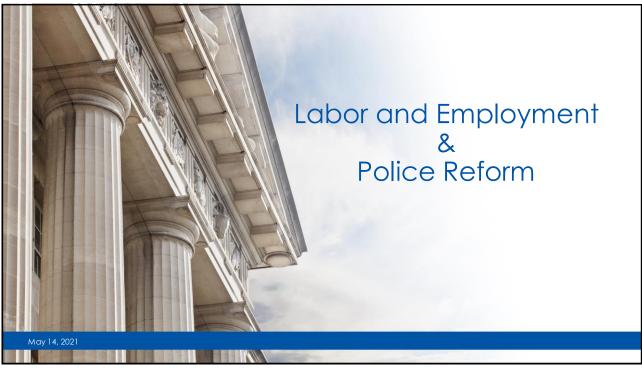
The Task Force held its first meeting in September 2020 and produced a report with 147 recommendations in February 2021. The recommendations are currently being considered by the Oakland City Council and other community stakeholders.





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 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



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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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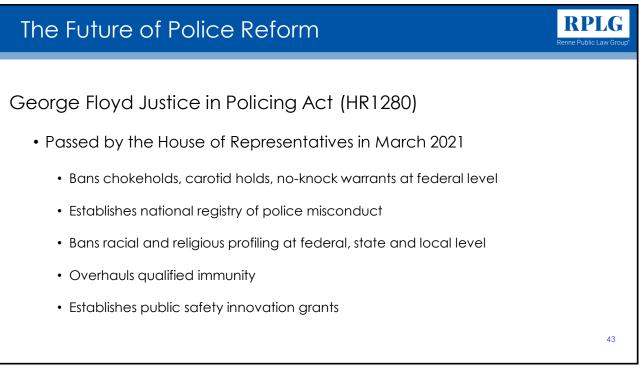
The Future of Police Reform

- 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

- 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

