

REPORT TO THE CITY COUNCIL

City of Salinas, California

DATE: September 13, 2016

FROM: Kelly J. McMillin, Chief of Police

SUBJECT: **COLLABORATIVE REFORM INITIATIVE SIX MONTH UPDATE**

DISCUSSION:

Between March and July of 2014, Salinas (California) Police Department (SPD) officers were involved in four officer-involved shootings (OIS). The OIS incidents resulted in the deaths of all four suspects, all of whom were Hispanic. These incidents led to protests and concerns that SPD was engaged in biased policing, and highlighted a lack of trust and a need for improved police-community relations with some segments of the community.

As a result of these tensions, Salinas Police Chief Kelly McMillin contacted the U.S. Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS Office), seeking assistance through the Collaborative Reform Initiative for Technical Assistance (CRI-TA). The COPS Office agreed to provide the requested assistance, and the SPD voluntarily entered into a CRI-TA agreement. The following project goal and four objectives were identified and agreed upon by the COPS Office and the SPD as the focus areas of the assessment:

1. Examine the agency's use of force policies, practices, training, investigations, and related processes.
2. Examine community trust and engagement, particularly with communities of color, at all levels of the department.
3. Assess communication among command staff, mid-level supervisors, line officers, and external stakeholders.
4. Analyze the responsiveness and use of resources to maximize their impact on police effectiveness and accountability and police-community relations.

The entire CRI Assessment can be seen and downloaded at <http://ric-zai-inc.com/Publications/cops-w0799-pub.pdf>

As a result of the collaborative reform report, the assessment team detailed 61 separate findings (areas for improvement) and 110 recommendations (suggestions for correcting the deficits as detailed in the findings). The findings range from relatively minor issues such as the quality and utility of a volunteer program to critically important policy changes addressing use of force. There are a total of 311 performance metrics which the assessment team expects to be addressed in order to satisfy the recommendations.

The CRI process lasts for about two years. The first six months is the assessment process, which resulted in the CRI report referenced above. The first reporting period (the six months between March and September 2016) will report on progress made on implementing the recommendations, and is anticipated in the Fall of 2016. A second, final report will be published following the final year of implementation (the year ending September 2017).

The CRI report categorizes the recommendations as follows:

- Use of Force
- Officer Involved Shootings
- Community Collaboration
- Internal and External Communications
- Resource Allocation
- Training

It is important to note that the CRI recommendations are not mandatory, but are merely suggestive. Because many of the recommendations are in-progress, it would be impractical to attempt to review each recommendation. The following provides a brief overview of each recommendation subject area and notes as to progress.

Use of Force:

While progress is being made on many recommendations, other major recommendations have been intentionally left unaddressed. As a result of the pending retirement of Chief McMillin, staff believes it is in the best interest of the Department to allow the incoming chief of police to set some of the major policy decisions that the new chief will be responsible for. Several recommendations are for modifications to the Department's use of force policy and training. These are incredibly complex policies and practices and are based largely in state and federal case law. Tampering with these policies must be done very thoughtfully and with a great deal of legal and technical input so as to ensure the city is compliant with the law and, to the extent possible, limits the city's liability in use of force incidents. Because of the very serious, long-term implications of these potential policy changes, they will be left for the new Chief.

In this section, CRI conducted an in-depth examination of the use of force applications by Salinas Police Officers. This section finds no indications that Salinas Police officers use force excessively or unjustly, and that in the relatively rare instances when Salinas police officers do use force, there is no sign of bias or disparate treatment in how force is used with people of different races. On the contrary, the likelihood that force will be used very closely matches the demographics of our population.

Other recommendations in the Use of Force category are related to ensuring compliance with best practices, auditing and training recommendations, and steps to ensure consistency and accuracy of use of force reporting. These recommendations are under review.

Officer Involved Shootings:

The CRI team evaluated each of the three officer involved shootings (OIS) from 2014 that were investigated by SPD. The assessment team assigned a set of 20 ratings to various aspects of the shooting investigations. Of those 20 rated sections in each shooting investigation, except for one

“Fair,” all are “Good” or “Excellent.” The Officer Involved Shooting investigations conducted by Salinas Police officers are comprehensive, fair and impartial. Nonetheless, in order to ensure greater public trust in the process of investigating OISs, CRI recommended that an outside agency assume responsibility for investigating SPD’s shootings. This recommendation has been completed and the District Attorney’s Office has assumed responsibility for investigating Salinas Police Department officer involved shootings, and is currently in the process of investigating the one OIS that has occurred in Salinas since July of 2014.

Other recommendations in the officer involved shooting category are related to the process and timing of administrative investigations into OISs and some training recommendations. These recommendations are under review.

Community Collaboration

The CRI report rightly points out that SPD does not have a significant community collaboration effort. Many of the recommendations in support of encouraging community collaboration such as re-instituting and expanding SPD’s place-based policing model, routinize and institutionalize routine community meetings, and increase neighborhood and business watch efforts are all laudable recommendations which SPD supports. SPD has, since the completion of the initial report, held numerous Citizen Academies and re-instituted its Neighborhood Watch program using volunteers. SPD commanders have each held several “Coffee with a Cop” community meetings, and the Chief continues meeting community members and groups through our “Here to Hear/Auqi para Escuchar” program. Other recommendations are staff-dependent, such as assigning community police officers and school resource officers, and will be implemented as staffing increases. Efforts to increase the number of Spanish-speaking officers are also underway.

A major recommendation in this section is for the development of comprehensive community – collaborative policing strategy. A new community – collaborative policing strategy will be very dependent on the personal preferences and professional opinions of the new chief of police and the resources available to him or her, and so should be left to that individual. Another recommendation is to implement a patrol deployment model with an emphasis on geographic assignment of officers to the same location over extended periods of time. SPD has investigated myriad deployment models to achieve this goal, but all require more officers than SPD has.

Internal and External Communication:

The majority of the recommendations in this section of the report such as hosting Department-wide meetings, weekly Executive Staff meetings and regular meetings with civilian staff were implemented before the beginning of the CRI engagement. Some of the recommendations will enhance the effectiveness of communications and are being evaluated for implementation.

Resource Allocation:

A major recommendation in this section was to hire at least one full-time crime analyst. This has been accomplished, and SPD’s crime analyst is very busy generating information and intelligence primarily for use by Detectives. Many of the other recommendations are broadly resource-dependent, such as deploying officers into the most crime-impacted neighborhoods, shifting non-enforcement duties to

civilian staff and increasing the use of volunteers. As the number of sworn and civilian employees increases, SPD anticipates completing all of these recommendations.

Training:

The CRI report recommends a wide variety of new training, modifications to existing training and update training for previously trained topics. In some cases, the report recommends training that is double what the State of California requires. While well-intentioned, the report does not take into account other City- or state-mandated training on service delivery, scheduling or overtime in a 24/7 operation like the Police Department. The Department is currently evaluating which training recommendations are realistic for our agency and which may not be. Some of the training recommendations have been completed or are in progress, including completing training needs assessments, auditing training guidelines, developing a training program that acknowledges the experience of lateral-entry police officers, and ensuring compliance with state-mandated training requirements.

Training and Technical Assistance:

An advantage of having engaged in the CRI process is that the COPS Office provides training and technical assistance (TA) where appropriate. To date, TA from the COPS Office has been in the form of research regarding early warning systems to alert the Department to potential individual performance concerns, a site visit to the Seattle Police Department to view Seattle's progressive work on de-escalation training, and discussions about hosting local de-escalation training. The COPS Office will pay the travel and expenses for sending a SPD Sergeant and a member of the City Council Subcommittee on Committees and Commissions to the annual National Association for Civilian Oversight of Law Enforcement (NACOLE) conference in September. They will be exposed to many different models of civilian advisory/oversight committees in the context of the Police Community Advisory Committee, which SPD believes will be of tremendous benefit as Council examines the roles of its many Committees and Commissions.

Successes and Challenges in Implementation:

According to the assessment team, most jurisdictions who have undertaken the collaborative reform process have assigned personnel full-time to an implementation team responsible for implementing the CRI recommendations. Since SPD does not have the personnel available to assign full-time to these complex tasks, implementation is not occurring rapidly. Many of the recommendations are staff-intensive, and so cannot be considered until staffing levels increase. As noted, training recommendations will further challenge already-strained service provision. Nonetheless, important progress has been made, from the reassigning of OIS investigations to an increase in SPD-community meetings to a seemingly more engaged PCAC. SPD is taking the recommendations very seriously and is working conscientiously toward implementing those recommendations we believe will strengthen the Department.

COMMISSION, COMMITTEE, COUNCIL SUBCOMMITTEE RECOMMENDATIONS:

The Collaborative Reform Initiative: An Assessment of the Salinas Police Department report was presented to the Police Community Advisory Committee as an agenda item on May 25, 2016. The

Chief of Police presented an overview of the report and answered questions from PCAC members. Public comment was offered but there were no public comments or questions.

FISCAL IMPACT:

Fiscal impacts are indeterminate. As described, the COPS Office pays for TA expenses. In terms of the cost of implementing recommendations, some of the relatively minor recommendations regarding modifications to policy are no-cost items; other recommendations such as those recommending additional personnel, equipment and technology could cost many thousands of dollars. As staff determines that such expenditures may be necessary and appropriate, City rules for approval will be adhered to.

TIME CONSIDERATIONS:

The COPS Office/CRI assessment team will issue a progress report sometime after September of 2016, reporting on the first six months of implementation. That report will be followed by a second, final report in September of 2017.

CITY COUNCIL GOALS:

Implementing the recommendations of the CRI assessment furthers the City Council goals of safe, livable communities; effective, sustainable government; and quality of life.

CONCLUSIONS:

The Salinas Police Department is committed to fulfilling the recommendations contained the CRI assessment so long as they are in the best interest of the community.