



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/15/2020

ITEM NO: 6

DATE: September 10, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss the Police Department Budget and Provide Direction for Potential Reforms to Practices, Service Delivery, Oversight, and Related Matters

RECOMMENDATION:

Discuss the Police Department budget and provide direction for potential reforms to practices, service delivery, oversight, and related matters.

BACKGROUND:

After the killing of George Floyd by Minneapolis Police in May 2020, the Town received over 150 emails and phone calls from concerned Los Gatos residents regarding police practices, the diversion of funds from the Department to other Town services, potential reforms, hiring practices, and other related matters. The Town Manager's Office responded to each email and phone call.

Beginning in early June, students led peaceful protests and marches in Town to highlight systemic racism, Blacks lives matter, and the need for meaningful change. On June 5, 2020, the Mayor signed a proclamation affirming the Town's commitment to stand in solidarity with the Black community. In addition, she signed the Obama Foundation's Mayor Pledge, committing to the following actions:

- Review Police Department Use of Force Policies.
- Engage the community by including a diverse range of input, experiences, and stories in the review.
- Report the findings of the review to the community and seek feedback.
- Reform the community's Police Department Use of Force Policies.

Reviewed by: Assistant Town Manager, Police Chief, Town Attorney, and Finance Director

SUBJECT: Consider the Police Department Budget and Provide Direction on Potential Reforms and Related Matters

DATE: September 10, 2020

BACKGROUND (continued):

These actions complement the action taken by the full Council in May 2017 when it adopted a resolution affirming a commitment to Los Gatos being a diverse, supportive, equitable, and inclusive community and to protecting the constitutional and human rights of its residents, workers, and visitors. All of these materials can be found on the Becoming an Inclusive Community webpage on the Town's website: <https://www.losgatosca.gov/2604/Becoming-an-Inclusive-Community>

At the June 16 Council meeting, Council Member Rennie requested two future agenda items: (1) a high level overview of the Los Gatos/Monte Sereno Police Department budget and (2) an item to address racism in the community. Council Member Sayoc seconded the request. This Council item is in response to these requests and as described below, the Council will have additional opportunities to address racism in the community.

In preparation for the requested agenda items, the Town Manager convened a focus group during the summer to assist with determining the appropriate approach to community engagement on racism in the community and police issues. The focus group consisted of Town officials (Mayor, Council Member Sayoc, Chief Decena, and Captain D'Antonio), school partners (Superintendent Johnson and Superintendent Grove), business leaders (Chamber Executive Director Somers, Netflix Executive Jon Hicks, and business owner Nancy Chin), faith leaders (Rabbi Aron and Kareem Syed), Los Gatos Anti-Racism Coalition (Jeffrey Suzuki, Kinsey Lee, and others), and student leaders of local protests (Nika Sabouri, Donya Behroozi, and others).

The focus group met twice and identified several topics in which racism could be discussed in a series of community conversations. These topics included police practices and potential reforms, affordable housing, school curricula, business community, and overall community culture. Each conversation is intended to provide opportunities to listen, learn, share experiences, identify potential action items, and provide other comments. Based on the focus group input, the Town is holding three workshops over the Zoom platform:

- September 8: Police Practices and Potential Reforms
- September 29: Affordable Housing
- October TBD: Community Culture (inclusive of the business and school communities)

After each community workshop, the Mayor is placing the respective topic on the Council agenda for the Council to listen to additional public testimony and determine appropriate next steps. This Council agenda report addresses the June Council request and provides the Town Council an opportunity to direct specific next steps regarding potential police reforms.

SUBJECT: Consider the Police Department Budget and Provide Direction on Potential Reforms and Related Matters

DATE: September 10, 2020

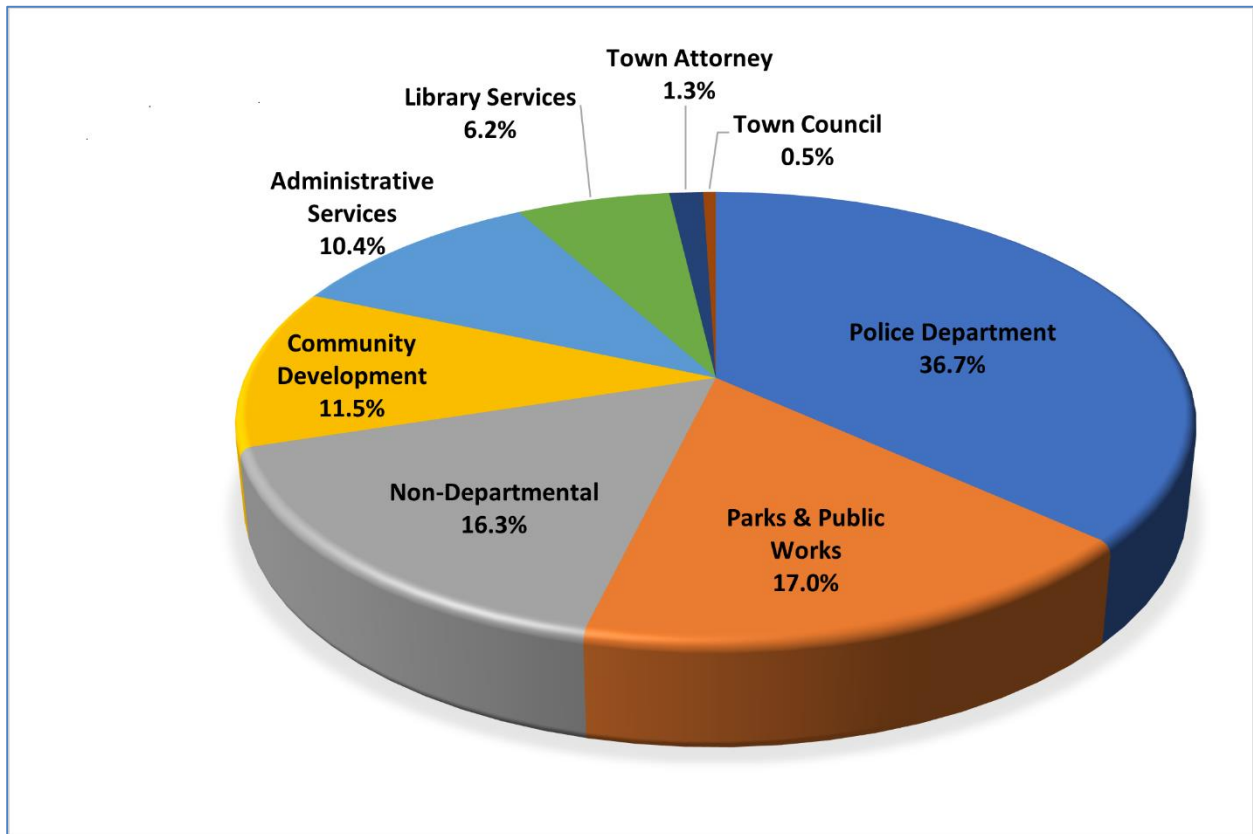
DISCUSSION:

High Level Police Budget Overview

Every year, the Council identifies its Strategic Priorities that become incorporated in the work plans for Town Departments in addition to the ongoing municipal services provided to the community. These Priorities are incorporated into the annual Operating Budget. In addition, the Council has consistently affirmed the Core Goals of the Town to be:

- Community Character
- Good Governance
- Fiscal Stability
- Quality Public Infrastructure
- Civic Enrichment
- Public Safety

The Town's Adopted Budget for Fiscal Year 2020/21 reflects and aligns to these Core Goals:



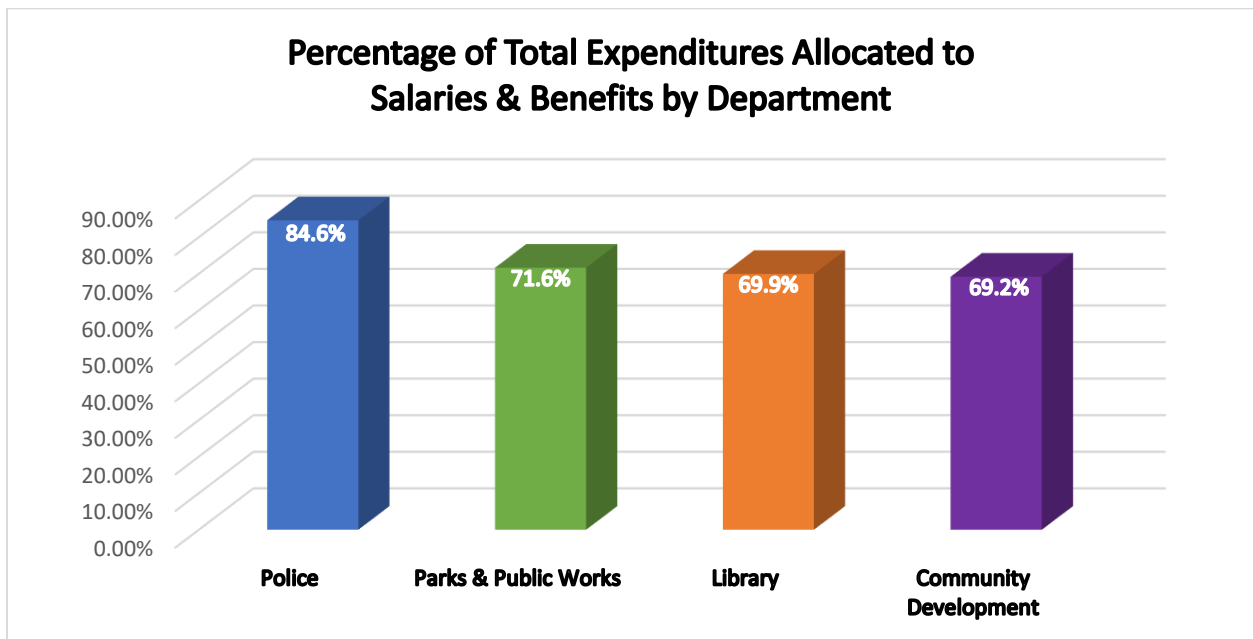
SUBJECT: Consider the Police Department Budget and Provide Direction on Potential Reforms and Related Matters

DATE: September 10, 2020

DISCUSSION (continued):

For FY 2020/21, the Police Department budget is \$17.6 M. By way of comparison, approximately \$18.7 M of the Town’s property tax went directly to the County Fire District in FY 2019/20 (the Town’s 2019/20 adopted budget for the Police Department was \$16.9 M). We do not yet know what the County Fire District share will be in 2020/21.

Of the \$17.6 M budget, the majority is for salaries and benefits. This is typical for a municipality as service organization, relying on the high quality talent of employees to deliver high quality, high touch services to the Los Gatos community. In comparison with other Town Departments, the Police Department has a higher percentage of its budget allocated to personnel costs:



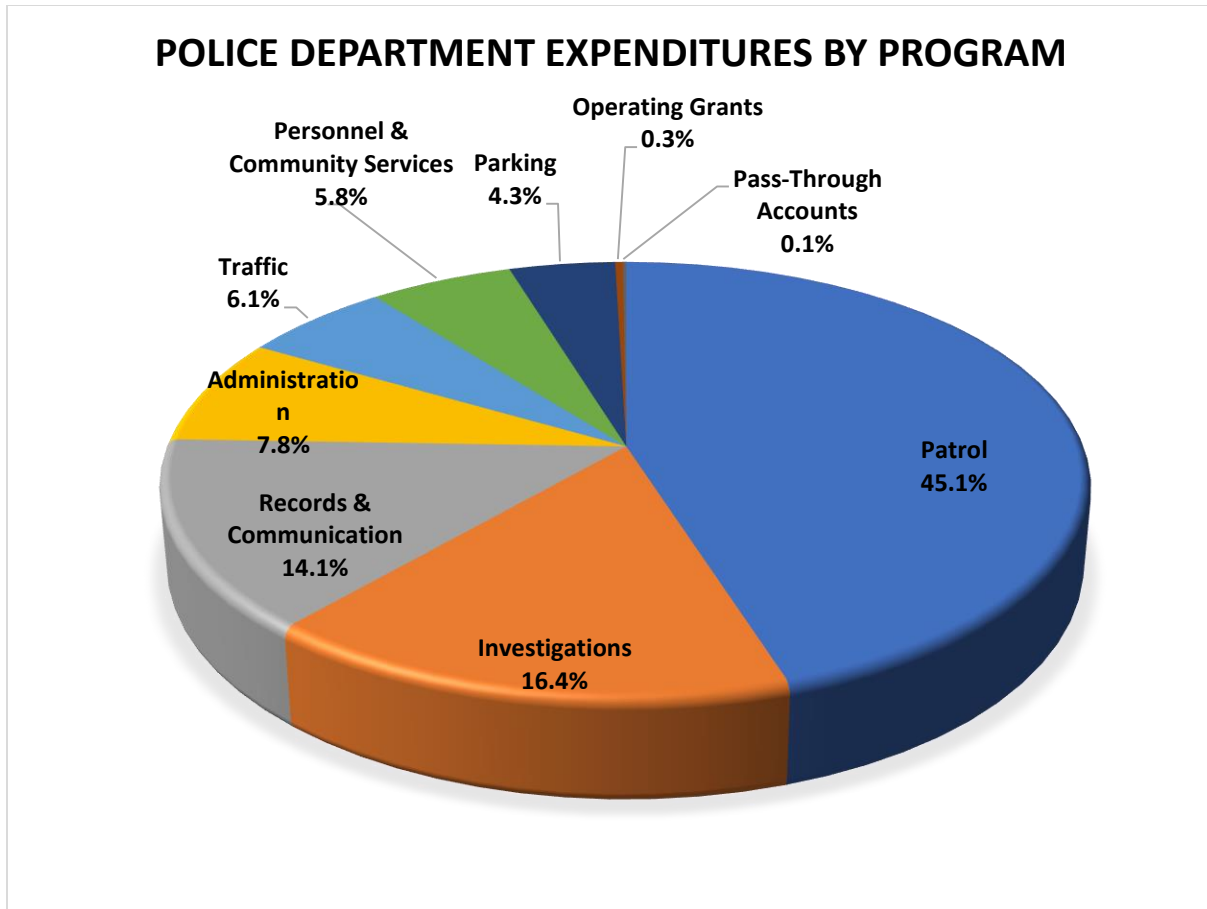
The Police Department budget supports 39 sworn positions and 22 civilian positions. Civilians are in the administration, records, outreach, and dispatch operations. In addition, 206 volunteers assist the Department. The majority are Community Emergency Response Team (CERT) members, followed by Disaster Aid Response Team (DART), and Volunteers in Policing (VIP). The Department is redesigning the Victim Services Unit which is another volunteer opportunity. In addition to servicing the needs of the Los Gatos community, the Police Department has a contractual relationship with the City of Monte Sereno to provide Police services to that community.

SUBJECT: Consider the Police Department Budget and Provide Direction on Potential Reforms and Related Matters

DATE: September 10, 2020

DISCUSSION (continued):

The Department offers a variety of programs which all work together to support public safety:



September 8 Community Workshop

On September 8, the Town hosted its first community conversation, focused on Police Practices and Potential Reforms. Judge LaDoris Cordell facilitated the meeting and used her expertise to guide a respectful and constructive workshop. Chief Decena presented a brief overview with statistics on use of force, crimes, and the racial composition of those arrested or who received citations (see Attachment 1). Town Attorney Schultz identified the low number of settlements due to Police misconduct in Los Gatos. Judge Cordell provided an overview of bills pending the Governor’s signature that could reform some aspects of policing throughout California. Town Manager Prevetti identified three potential areas of reform that had been raised at Town Council meetings, General Plan Update Advisory Committee meetings, or in correspondence:

SUBJECT: Consider the Police Department Budget and Provide Direction on Potential Reforms and Related Matters

DATE: September 10, 2020

DISCUSSION (continued):

- Divert funding from the Police Department to hire Social Workers to respond to mental health and/or homeless calls for service
- Disarm or cancel the School Resource Officer partnership with the school districts
- Consider some form of Police oversight to improve accountability

Judge Cordell welcomed community comments on these and other potential reforms, community experiences with the Police Department, and other items. Community questions were answered in real time by the Police Chief with support from the Town Attorney and Town Manager in limited instances. Attachment 2 contains a workshop summary of all community comments, questions, and answers.

The social worker reform received the most positive feedback followed by the Police oversight concept. These ideas would need to be developed further as described in the next section.

Other themes from the public comments included but are not limited to:

- Increasing transparency by publishing police statistics annually and fully explaining why people of color are arrested, cited, and/or stopped at a higher rate than Caucasians;
- Improving accountability of Police Officers;
- Having unarmed personnel (e.g., Community Services Officer) respond to non-emergency calls, such as barking dogs;
- Determining what it would take to have Officers walk their beats; and
- Explaining why Officers have military style vests, rifles and other weapons.

The workshop was recorded by KCAT and is available on YouTube. Links to the YouTube video and the Chief's slides are posted on the Becoming a More Inclusive Community webpage on the Town's website.

Council Direction on Potential Reforms

Based on the community discussion, staff is seeking the Town Council's direction on next steps. Given the strength of the existing Department, the potential reforms are offered in the spirit of how the Department could be even better. To guide the Council's discussion, below are some options for consideration.

- Determine an appropriate Police Oversight model for Los Gatos: Judge Cordell is available to provide consultant services to the Town to identify potential oversight and accountability models. This consultant engagement could occur quickly, within the Town's Adopted Budget, and Town Manager authority.

SUBJECT: Consider the Police Department Budget and Provide Direction on Potential Reforms and Related Matters

DATE: September 10, 2020

DISCUSSION (continued):

- Examine Different Options for Providing Social Services for Mental Health and/or Homeless Needs: While the Town is currently working with County Behavioral Health on some homeless and mental health situations, the County's resources are stretched thin and cannot meet all of the needs of each city within Santa Clara County. If directed, staff could explore expanding partnerships with existing non-profit partners, hiring Social Workers directly, or pursuing other approaches. The costs associated with these options would be identified.

This work should also include an analysis of calls for service over the last two to five years pertaining to mental health and/or homeless issues to understand the magnitude of the Town's needs in these areas. The analysis should also identify the number of times a crime or potentially dangerous situation was part of the incident such that a sworn Officer would have needed to participate in specific situations. (In other words, there may not always be Police cost savings if other partners respond first.)

- Utilize Non-Sworn Personnel for Non-Emergency Calls and Determine Any Potential Cost Savings in Sworn Personnel: The Police Department is budgeted for one non-sworn Community Services Officer (CSO) and this position is currently vacant. If directed, staff could analyze calls for service over the past two to five years to determine the number of non-emergency calls for which a CSO could have been dispatched and calculate the potential cost savings of not deploying a sworn Officer to such calls. Some non-emergency calls escalate to require an Officer and the calculation would need to consider these scenarios.
- Identify Options for Increasing Foot Patrols: To implement the current Department mission and values, how could Officers spend part of their shifts on foot getting to know community members? To what extent does the removal of non-emergency, mental health, and homeless calls from their workload create this capacity?
- Identify Other Pioneering Ideas to Maintain LGMSPD as a Premier Law Enforcement Agency: The Department reimagined itself under the leadership of former Chief Seaman to embrace community policing, and under Chief Decena, the Department has expanded its work with de-escalation, inherent bias, and compassion training consistent with the updated mission statement. What are the next set of best practices/partnerships in pursuit of excellence in policing?

The Council may offer other ideas and/or request other data as it considers future potential reforms.

PAGE 8 OF 8

SUBJECT: Consider the Police Department Budget and Provide Direction on Potential Reforms and Related Matters

DATE: September 10, 2020

CONCLUSION:

Staff looks forward to the additional public testimony and Council direction on appropriate next steps. Depending upon the direction provided, staff anticipates being able to return to Council within a month or two with the additional requested information and options.

COORDINATION:

The preparation of this report was coordinated with the Police and Finance Departments, and the Town Manager and Town Attorney Offices.

FISCAL IMPACT:

Discussion of this item by itself does not have a fiscal impact; however, the direction provided by the Town Council may have budgetary implications as discussed in the body of this report. Should the Council direct the hiring of consultant(s) to assist in this work, the Adopted Budget contains sufficient funds to allow the Manager to engage a consultant within the Manager's contract authority of \$50,000 or less.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Workshop Slides
2. Workshop Summary