



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 11/03/2020

ITEM NO: 10

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DATE: October 27, 2020

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Implement the Following Police Reforms:

- a. Authorize the Town Manager to establish an Independent Police Auditor function;
- b. Work with the County of Santa Clara Regarding Responses to Mental Health and Homeless Calls for Service;
- c. Add a Limit Dated (Two Years) Community Service Officer Position to the Police Department to Respond to Non-Emergency Calls at an Annual Cost of Approximately \$148,000 and Authorize a FY 2020/21 Expenditure Budget Adjustment in the Amount of \$68,461 from Available General Fund Capital/Special Projects Reserve; and
- d. Acknowledge the Timeline for Police Stop Data Availability and Transparency

**RECOMMENDATION:**

Implement the following Police reforms:

- a. Authorize the Town Manager to establish an Independent Police Auditor function;
- b. Work with the County of Santa Clara regarding responses to mental health and homeless calls for service;
- c. Add a limit dated (two years) Community Service Officer to the Police Department to Respond to non-emergency calls at an annual cost of approximately \$148,000 and authorize a FY 2020/21 expenditure budget adjustment in the amount of \$68,461 from available General Fund Capital/Special Projects Reserve; and
- d. Acknowledge the timeline for Police stop data availability and transparency.

**BACKGROUND:**

Since late May after the murder of George Floyd by Minneapolis Police, the Town has received considerable public input regarding the Town's Police budget and ideas for potential Police

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

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BACKGROUND (continued):

reforms. Input has been provided via email, and public comment at the General Plan Update Advisory Committee and Council meetings. In addition, the Town held a community workshop on September 8 facilitated by retired Judge LaDoris Cordell to discuss potential reforms. All of this input and additional public testimony were considered by the Town Council on September 15 for an agenda item regarding potential Police reforms. After discussion, the Council unanimously approved four motions to direct staff to:

- Pursue a model of police oversight and authorize the Town Manager to work with Judge Cordell to develop ideas to be reported to Council;
- Explore mental health and social services options and to report findings to Council;
- Investigate the use of non-sworn personnel including ramifications for staffing and budgeting and to report findings to Council; and
- Pursue increased transparency and data accessibility by the public, including reporting stop statistics and apples-to-apples data comparisons with other jurisdictions, and to report findings to Council.

This report responds to the Council direction and requests Council action to proceed with implementation in all four areas.

DISCUSSION:

**Independent Police Auditor Function**

As directed by the Town Council, the Town Attorney and I have been working with Judge LaDoris Cordell to determine an appropriate approach for a jurisdiction of our size to establish an independent, objective, fair, and transparent review process of citizen and internal complaints regarding the conduct of sworn Police Department personnel. If it is the preference of the Council, the process could apply to all Police personnel. Attachment 1 details the proposed Independent Police Auditor approach which consists of selecting approximately five qualified investigators who would serve on a rotating basis to independently investigate complaints submitted by the public or Town employees.

The Town would promote the IPA function and the Town's commitment to independent, thorough, and fair review of all complaints via social and print media. The complaint form would be available at the Town Clerk's website and in the Clerk's Office, instead of our current practice of it being available solely on the Police Department website.

Attachment 1 describes the review process for each complaint and the role of the Town Attorney in overseeing the work of the independent investigator. Once the investigation is complete to the satisfaction of the Town Attorney, the Police Chief would determine the appropriate discipline of the Officer.

DISCUSSION (continued):

Every year, the Town Attorney would compile the summaries of the complaints and findings (without names or confidential information) prepared by the rotating investigators into an Annual IPA Report. This would be submitted to the Town Council, posted on the Town's website, and made available to anyone who requests it. The Mayor may choose to agendize the report for discussion by the entire Council. Judge Cordell will be participating in the Council meeting on this item.

**Coordination of Mental Health Response with the County**

The Santa Clara County Police Chiefs Association is fully aware of the scope and impact of responding to community members in mental health crisis, including many of the homeless population. It is widely agreed that Police Officers, even those who have undergone Crisis Intervention Training are not the best option for offering appropriate assistance in these situations.

For the last two years, Chief Decena has represented the County Chiefs in a working group that meets on a monthly basis with the Director and other representatives from Santa Clara County Behavioral Health Services as well as Santa Clara Valley Medical Center Emergency Psychiatric Services. The focus of the meetings is to facilitate the deployment of mental health professionals in field response to individuals in crisis and promote a multi-disciplinary approach to ensuring these individuals get ongoing assistance to prevent recurrence.

Behavioral Health Services has struggled to hire the necessary number of clinicians to staff the two primary programs: Mobile Crisis Response Teams (MCRT-Mental health workers on-call to respond to field situations with law enforcement or resulting from calls from the public) and Psychiatric Emergency Response Teams (PERT-Pairing a clinician with a specially trained Police Officer to work in the field as a team and respond to all mental health calls for service). MCRT is finally fully staffed with eleven clinicians who are available Monday through Friday, 8:00 a.m. to 8:00 p.m. PERT is still in development, hiring the necessary clinicians and training the partner Police Officers.

The Town has recently been using the MCRT program and has found the partnership effective. Given the recent strides with the County, staff recommends that we continue the partnership and support the County's efforts to strengthen the programs.

**Use of Non-Sworn Personnel for Response to Non-Emergency Calls for Service**

Use of non-sworn personnel to respond to non-critical calls for service is already in place with the Community Service Officer (CSO) Intern program. CSO Interns are part-time employees,

DISCUSSION (continued):

typically college students, who perform a variety of field assignments and administrative duties that do not require the legal authority of a sworn police officer.

The Department is proposing to expand the program by creating an additional full-time CSO position that would absorb additional duties and serve as a lead position for the part time CSO's. Principal duties of the full time CSO may include: response to non-hazardous calls for service; report writing and follow up of specified low-level property crimes and other non-criminal related incidents; parking and vehicle abatement program oversight and enforcement; traffic control duties; crime prevention activities; and other law enforcement services and duties as required. The estimated cost for salary and benefits for the full time CSO is \$148,000 annually.

**Transparency and Data Access**

Implementation of the newly purchased RIMS Computer Aided Dispatch/Records Management System (CAD/RMS) over the last month will allow the Department to comply with the requirements of Assembly Bill 953: Racial and Identity Profile Act of 2015 (RIPA) by the specified deadline of 2023. RIPA mandates that each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year. The data include time, date, and location of the stop; reason and resulting action of the stop; perceived race or ethnicity, gender and approximate age of the person stopped (based solely on observation as officers are disallowed from requesting the information); etc.

Since all California law enforcement agencies are required to adhere to the same parameters for data collection, creating apple-to-apple comparisons with other jurisdictions throughout the County will be greatly simplified.

The Department has already begun to collect stop data in an abbreviated form (perceived race; gender and approximate age) and this will be collated for presentation to the Town Council and the public by July 2021. The information will then be posted to the Department's website and augmented with future annual reporting periods.

CONCLUSION:

Implementation of the four reforms would continue to demonstrate the Town's commitment to transparency as well as investing in a highly skilled and compassionate Police Department that provides exceptional services to the Los Gatos and Monte Sereno communities.

COORDINATION:

Preparation of this report was coordinated with the Town Attorney, Police Chief, Finance Director, and Human Resources Director.

FISCAL IMPACT:

The Independent Police Auditor function has fiscal implications. Based on past experience with independent investigations, each investigation may cost from \$5,000 to \$30,000 depending on the nature of the complaint. At the time of the approval of the contracts with the independent investigators, the Council will be asked to take appropriate budget actions to augment the Town Attorney's budget to cover potential expenses.

The Community Service Officer position also has fiscal implications of approximately \$148,000 per year. As a limited dated position for two years, the Town will have the flexibility to assess our budget capacity in future years. To create this position now, the Council is being asked to take a budget action to utilize \$68,461 available in the Town's Capital/Special Projects Reserve to cover the anticipated fiscal impact for the remainder of FY 2020/21. Funding to support the second year of the limited dated position will be incorporated into the proposed FY 2021/22 Operating Budget for Council consideration.

ENVIRONMENTAL ASSESSMENT:

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

Attachment:

1. Independent Police Auditor Function