



**AGENDA ITEM
CITY COUNCIL MEETING DATE – AUGUST 25, 2020
BUSINESS ITEMS**

TO : City Council

FROM : City Manager

SUBJECT: **RECOGNITION OF BENICIA BLACK LIVES MATTER AND
CONSIDERATION OF RESOLUTION TO TAKE ACTIONS TO
ADDRESS UNCONSCIOUS BIAS**

EXECUTIVE SUMMARY:

With the death of George Floyd in Minneapolis on May 25, 2020, residents in many cities across the country protested the police officers' actions that led to his death. In Benicia, residents throughout the community attended protests on May 10 and June 13, 2020, to share their experiences and voice their concerns. Benicia Black Lives Matter formed an action committee and its leaders met individually with City leaders to voice their requests for changes in the Police Department and City operations. This report and the attached resolution provide information about actions already taken and new actions for the City Council to consider approving.

RECOMMENDATION:

Move to adopt the attached resolution (Attachment 1) that provides specific actions to address unconscious bias in City operations and recommends a budget allocation of \$216,000 from the General Fund unassigned fund balance.

BUDGET INFORMATION:

Some of the actions included in the resolution have financial impacts that require Council action and budget adjustments, and they follow:

- Create a part-time Equity and Diversity Manager position (30 hours/week) at an estimated cost of \$133,000 per year;
- Conduct an “Equity Indicators in Benicia” report with consultant costs estimated at \$75,000;
- Mandate anti-bias training for all City employees and elected and appointed officials at an estimated cost of \$8,000.

Other actions will have nominal financial impacts that can be addressed under current budget authority. The total budget allocation requested is \$216,000 to be transferred from the General Fund unassigned fund balance into the General Fund for specific expenditures.

BACKGROUND:

With the death of George Floyd in Minneapolis on May 25, 2020, residents in many cities across the country protested the police officers' actions that led to his death. In Benicia, residents throughout the community attended protests on May 10 and June 13, 2020, to share their experiences. Benicia Black Lives Matter (BBLM) formed an action committee and its leaders met individually with City leaders to voice their issues and concerns, and request changes in the Police Department and City operations. The attached resolution provides specific actions based on those conversations for the City Council to discuss and consider approving.

Benicia Police Department

While elsewhere, Black Lives Matter (BLM) groups have called for defunding the local law enforcement agencies, this is not so in Benicia. In conversations, BBLM leaders learned that Police Chief Erik Upson had already begun making changes two years ago in the Benicia Police Department to address bias that included staff education, de-escalation training, etc., and embraced other needed changes. He acknowledges that, even so, more progress is needed and offered his commitment to the Benicia community that the Benicia Police Department does or will do the following:

- Continues to reinforce our humanity-focused community policing culture. At the core of this culture is treating all people with dignity and respect. Our vision is to be the greatest police department in the world, as measured by the trust and respect of our community. We will dedicate ourselves to ensuring this vision resonates with our entire community.
- Is committed to reducing our responses to bias-based calls for service. “Bias-by-proxy” often referred to as “race-out-of-place” calls are absolutely poison for the law enforcement profession. We must do everything we can to insure we do not respond to these calls, mitigate them whenever possible, and provide leadership to our community with regard to this issue. All staff, including dispatchers, have been empowered to not dispatch or respond to these calls when they are identified. Any call that appears to be race-based and to have no criminal nexus will not be dispatched and will be referred to a supervisor for follow-up and possible cancellation.
- Believes that understanding implicit bias is critical for all people, and given the powers that law enforcement has been honored with by our community, we have a special duty to understand and try to continuously grow as individuals in fighting the implicit bias that exists in all people. To that end, all supervisors and above had already been issued the book “Producing Bias-Free Policing, A Science-Based Approach”. We have purchased the book for all sworn staff now and will be issuing those books and holding discussions based on the reading.
- Will not investigate our own officer-involved fatal incidents. We have an agreement with the Sheriff’s Office to take over those investigations. We would not have any investigators assigned to these investigations.

- Has purchased and will be issuing body-worn cameras to all sworn officers and our community service officers. These cameras have an additional feature of automatically activating all body-worn cameras within a 30-foot range when a sidearm or Taser is drawn from its holster.
- Has already made de-escalation training a part of our training cycle. Moving forward, we will begin every use-of-force training with de-escalation training. So, for instance, if we conducted firearms training, it would always start with a block of training on de-escalation.
- Understands that by law, under AB 953, the Racial and Identity Profiling Act, all agencies are required to report stop (vehicle and pedestrian) data by a certain date. Benicia Police are required to begin reporting April of 2023. We have agreed to speed up this timeline and will begin collecting January of 2021 and will report out January of 2022.
- Currently partners with the District Attorney's Office for "Neighborhood Court". We were the first agency in the county to implement this. This court takes certain lower level misdemeanors and moves them from the formal court system to a community panel empowered to apply restorative justice principles. While we have had some success with the program, we have asked, and the District Attorney has agreed, that we will expand the types of cases and backgrounds that will be directed to Community Court.
- Has a fantastic partnership with the School District and the community, and has been fortunate to have two amazing School Resource Officers working in partnership with our schools and our youth. The City of Benicia pays for one and the School District pays for the other. In discussions with the School District, the City has agreed to cut \$50,000 from the amount the district pays for their officer and redirect that money toward anti-prejudice and anti-bias training and programs.

Chief Upson has held thirteen community outreach meetings to share these activities and is committed to continue listening, and to remaining tightly connected and 100% accountable to our community.

City-wide Operational Changes

While the Police Department is already incorporating changes to address bias, the broader City organization has more that could be done around education, training and communication. Given the possible scope of activities and new area of expertise that would be needed, staff recommends starting with creating a new part-time position in the City Manager's Office to support this initiative. The full list of possible actions for the City Council to consider is shown below and included in the attached resolution.

- Consider creating an "Equity & Diversity Manager" position to coordinate the City's efforts to identify training, bring in other needed resources, and assist with organizational development. A copy of the draft job description is attached to the resolution (Attachment 1).

- Join the Government Alliance on Race and Equity (GARE) and explore National League of Cities' Race, Equity And Leadership (REAL) Initiative. We have contacted GARE to learn more and ask about membership; the cost to join is \$1,000.
- Mandate annual anti-bias training for City employees and elected and appointed officials similar to the training requirements already in place for ethics and harassment prevention. We are looking for resources to provide this training now.
- Recognize Juneteenth (June 19th) as a City holiday with appropriate recognition and programming to share the history with the community and coordinated activities through the Benicia Public Library.
- Establish a Benicia Public Library program related to BLM. The program will include a current and continuously updated inventory of books and other materials on the topic of racial equity and the history of racism in America, along with relevant programming consistent with the mission of the Library. The Library is open to suggestions for forums, displays, and exhibits to further educate the community and provide a voice for marginalized members of the community.
- Consider commissioning a report on the Equity Indicators in Benicia similar to one prepared for the City of Oakland. (<https://cao-94612.s3.amazonaws.com/documents/2018-Equity-Indicators-Full-Report.pdf>)
According to Oakland's website, "Such a report can be used to develop a baseline quantitative framework that can be used by City staff and community members alike to better understand the impacts of race, measure inequities, and track changes in the disparities for different groups over time. This framework can then be used to guide and inform policies that address these disparities." A budget allocation to cover costs associated with hiring consulting assistance is included in the resolution.
- Create a City Council subcommittee and establish a relationship with the Benicia Black Lives Matter committee structured similar to the City/Benicia Unified School District (BUSD) liaison committee. Representatives would include two Council members, the City Manager, the Police Chief and any other relevant City staff. BBLM would designate its representatives. Agendas would be jointly determined and an annual report made to the City Council on progress. Meeting schedule and other details would be co-created.
- Evaluate ways to improve the City's civic engagement efforts and remove barriers to allow broader community inclusion in City business. More tools similar to Benicia Town Hall are needed.
- Explore ways to support business opportunities for Black residents—seek opportunities for BBLM to work with the Chamber of Commerce and Benicia Industrial Park Association and other business organizations and consider holding City workshops to assist. Consider re-evaluating use of the Commanding Officers Quarters as a business incubator to support this effort.

- Create a webpage with resources for those interested in learning about the City's actions related to BLM and with appropriate resources provided.

This new program includes a long list of activities that would likely need prioritization depending on Council's direction tonight.

NEXT STEPS:

Following tonight's Council discussion and final direction, staff will prepare a work plan for implementation.

ALTERNATIVE ACTIONS:

The list of activities reflects discussions with BBLM however Council can discuss alternative ways to address the BBLM's requests and provide direction.

General Plan	Goal 3.3: Increase public awareness of cultural resources and activities. Goal 4.1: Make community health and safety a high priority for Benicia.
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Priority Based Budgeting	<p>Strategic City Result Impacted by this Agenda Item</p> <p>The City Council and community identified six (6) key "Results" that establish the key goals for which the City of Benicia aspires to achieve with our programs and services. Agenda Items often influence multiple Results, the primary Result impacted by this Agenda Item is (please check one):</p> <p> <input checked="" type="checkbox"/> Protect Community Health & Safety <input checked="" type="checkbox"/> Maintain & Enhance A High Quality of Life <input type="checkbox"/> Preserve & Enhance Infrastructure <input checked="" type="checkbox"/> Strengthen Economic & Fiscal Conditions <input type="checkbox"/> Protect & Enhance the Environment <input type="checkbox"/> High Performing Government </p>
	<p>City Programs Impacted by This Agenda Item (Top 3):</p> <ol style="list-style-type: none"> 1. Community Engagement and Public Relations 2. Business Ombudsperson 3. Public Events
	<p>Priority Based Budgeting (PBB) Website:</p> <p>Coming soon in November 2020 will be a link to the City of Benicia's PBB website to learn more about these programs and their costs.</p>

**CEQA
Analysis**

This activity does not meet the definition of a project as described in Title 14 of the California Code of Regulations Section 15378(a).

ATTACHMENTS:

1. Attachment 1 – Resolution - Recognition of Benicia Black Lives Matter and Consideration of Actions to Address Unconscious Bias

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