

AGENDA ITEM
12B

Date: July 10, 2020

Council Action Date: July 13, 2020

TO: Honorable Mayor and City Council

FROM: City Councilmember Lorrie Brown and Deputy Mayor Sofia Rubalcava

SUBJECT: That the City Council, by Resolution, declare that Ventura stands for racial justice and acknowledge that Black lives do matter

RECOMMENDATION

Adopt the Resolution, title as follows:

“A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN BUENAVENTURA, CALIFORNIA,
DECLARING RACISM AS A PUBLIC HEALTH
CRISIS AND CONDEMNING POLICE BRUTALITY”

DISCUSSION/ANALYSIS

The death of George Floyd in Minneapolis, Minnesota, on May 25, 2020, sparked a heightened sense of national awareness regarding police brutality and excessive use of force. The City of Ventura joins so many in condemning Floyd's death while in police custody.

A national, nonviolent movement has been demonstrated locally to address the racial, social and policy issues impacting Black Americans. As a city of approximately 110,000 people we are diverse, and we stand with those who advocate for freedom, equality and justice while addressing historic and ongoing challenges of racism.

Accordingly, Lorrie Brown, Ventura's first city councilmember of Black heritage with Deputy Mayor Sofia Rubalcava, a Latinx of Mexican heritage, agenzized this matter for the City Council to stand in solidarity and ask that more attention be paid to the injustices highlighted by the Black Lives Matter movement, and to declare that Ventura stands against implicit bias, racial inequality and supports equal justice for all.

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In August 2019, a year before the tragedy of George Floyd, Councilmember Brown, Deputy Mayor Rubalcava and Police Chief Schindler began a conversation with concerned residents to discuss and ask questions about the Ventura Police Department's policies on profiling, hiring practices and use of force.

On June 1, 2020, following Floyd's tragic death, Police Chief Schindler responded to community concerns and publicly addressed the hiring, training, and use of force policies and practices of the Ventura Police Department.

On June 2, 2020 Mayor Matt LaVere posted a statement expressing his disgust at the actions of the police officer that killed George Floyd, while calling out the tragic actions and inactions of the police officers involved in the murder of George Floyd in Minneapolis, Minnesota.

On June 4, 2020 Mayor Matt LaVere posted the Ventura Police Department's response to "8CantWait," with comprehensive policy recommendations.

On June 5, 2020 Police Chief Schindler and Mayor Matt LaVere released a video expressing their solidarity against police brutality.

On June 12, 2020 Councilmember Brown expressed her sadness at the death of Mr. Floyd in the Mayor's weekly address.

At the City Council meeting of June 29, 2020, Councilmember Brown shared her experience with bias in policing and made the motion to have counsel draft a resolution to acknowledge that Black lives do matter, honor the victims of racism such as George Floyd and Breonna Taylor, condemn police brutality, reinforce our commitment to combating implicit bias towards blacks, people of color, women, immigrants and LGBTQ and formally adopt the policy recommendations the Mayor suggested in his posted response to the "8CantWait" demands regarding unnecessary and potentially fatal uses of force,. This motion was seconded by Deputy Mayor Rubalcava and carried unanimously by the City Council.

In drafting this resolution, Councilmember Brown collaborated with her colleagues, including, Mayor Matt LaVere, Deputy Mayor Rubalcava, and city staff, including Police Chief Darin Schindler and City Attorney Gregory Diaz.

We request that this Resolution be adopted by the City Council as the first step of many against the institution of racism.

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Prepared by: Lorrie Brown, City Councilmember, Mayor Matt LaVere & City Attorney Gregory Diaz

IMPACT ON BUDGET:

There is not budgetary impact

ATTACHMENT(S):

- | | | |
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| A | Resolution Declaring Racism a Public Health Crisis and Condemning Police Brutality | |
| | Exhibit 1 to Resolution | Mayor's Policy consideration and response to "8CantWait" |

ATTACHMENT A

RESOLUTION NO. 2020-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, DECLARING RACISM AS A PUBLIC HEALTH CRISIS AND CONDEMNING POLICE BRUTALITY

WHEREAS, the City Council of the City of San Buenaventura extends its condolences to the families and friends of victims of police brutality and to all who grieve the tragic loss of their friends and loved ones; and,

WHEREAS, the killing of Black men and women, including queer and transgender persons of color, is an unacceptable violation of the human rights due to all people; and,

WHEREAS, the Black Lives Matter movement, like the civil rights and other movements before it, has effectively articulated the injustices that exist at the intersections of race, class, and gender; including mass incarceration, police brutality, poverty, unaffordable housing, income disparity, homophobia, gender inequality, poor access to healthcare, and educational outcomes, demanding that action be taken to end this violence; and,

WHEREAS, acts of racism, are an undeniable part of this nation's history, continue to plague our country despite many pleas for change and has resulted in centuries of brutalization and dehumanization of Black people and people of color from slavery to Jim Crow to the criminal justice system; and,

WHEREAS, these are not isolated events and the list of names and number of similar tragedies is unconscionably long, we denounce racism, condemn police brutality, acknowledge implicit bias and believe that Black lives do matter; and,

WHEREAS, on February 23, 2020, America witnessed the shooting and killing of 25-year-old Ahmaud Arbery, an unarmed black man going for a jog, by two white men in Glynn County, Georgia; and,

WHEREAS, on March 13, 2020, 26-year-old emergency medical worker Breonna Taylor was shot and killed by police inside her home after a “no-knock” raid; and,

WHEREAS, on May 25, 2020, George Floyd, a 46-year-old Black man, was killed by police in Minneapolis, Minnesota during an arrest; and,

WHEREAS, other marginalized communities, including indigenous people, women, Latinx people, LGBTQ+ individuals, immigrants, and those with disabilities, are also more likely to be subjected to unjust treatment by law enforcement, especially where training is inadequate and supervisors are not committed to equal treatment of all persons and thus create the need for additional pathways where all are comfortable and feel secure in making reports of misconduct and/or criminal activity; and,

WHEREAS, as public officials, it is the City Council’s duty to use its legal and moral authority to protect all members of the Ventura community, no matter their race or color, to foster a community free of fear, intimidation and violence — a community in which people are not targeted or hurt unnecessarily by law enforcement or vigilantes and to provide equal protection under the law; and,

WHEREAS, the demands of people of good will and multiple protests have been independently led by students and adults, showing the powerful nature of an activated community that wants to do better and confront all bias and anti-blackness; and,

WHEREAS, in alignment with the goal of creating a safe and welcoming community, the City values human rights, peace, respect, inclusivity, and equity, and recognizes that the City derives its strength from a rich diversity of thoughts, ideas and contributions.

NOW, THEREFORE, the City Council of the City of San Buenaventura does hereby resolve, find, determine, and order as follows:

Section 1: The City Council denounces in the strongest possible terms the actions and inactions by those police officers that resulted in Mr. Floyd’s death and resolves to do its part to ensure that this does not happen in the City of San Buenaventura.

Section 2: The City Council hereby:

1. Declares that racism is a public health crisis;
2. Declares that Black lives do matter;
3. Condemns any and all forms of police brutality—whenever and wherever it occurs;
4. Adopts the Mayor’s statement regarding the “#8CANTWAIT,” attached hereto and incorporated herein by this reference as Exhibit “A;”
5. Commits to combatting both explicit and implicit bias, with an emphasis on evaluating hiring practices throughout the organization to ensure diversity amongst all levels of City staff and acknowledges that psychological profiles of white and black men and women will affect their testing scores on psychological hiring exams;
6. Pledges to use City funds, where and whenever possible, to encourage and expand existing partnerships and to form new partnerships with the county, public health and non-profits involving rehabilitation programs, social workers, mental health professionals, psychologists and school district specialists to serve in occupation-appropriate roles;
7. Recognizes the existence in many communities of the school-to-prison pipeline and continues to reinforce its policy to not use law enforcement personnel for student disciplinary purposes;
8. Recognizes that a criminal justice system that does not examine and account for racial bias poses a real threat to racial equality in our community;
9. Commits to formalizing a ban on the use of excessive force and reiterating the City Police Department’s existing policy that imposes a duty on all police officers to intervene and stop the excessive use of force and to keeping that policy current;
10. Pledges to invest in economic development initiatives that support housing, business, and education, all of which are proven factors to equalize and fight against racial disparity;
11. Recognizes the need for continual improvement and evaluation of the hiring practices at the Police Department in order to

increase diversity by using a variety of recruiting methods and tools to ensure diversity in race and gender in every officer classification and other recruitment efforts; and,

12. Celebrates the diversity of its workforce and encourage efforts to expand such diversity for the good of the residents and businesses we serve.

PASSED AND ADOPTED this ____ day of July, 2020.

Matt LaVere, Mayor

ATTEST:

Antoinette M. Mann, MMC, CRM
City Clerk

APPROVED AS TO FORM
GREGORY G. DIAZ, City Attorney

BY: *Gregory G. Diaz* 7/8/2020
Gregory G. Diaz Date
City Attorney

EXHIBIT 1

Mayor Matt LaVere's Facebook Post

8 Cant Wait

June 4th

Response TO "#8CANTWAIT" Policy Recommendations

I received numerous emails and phone calls from concerned citizens about the police use of force policies in our community. I appreciate hearing from so many of you. To follow-up on my statement earlier this week, I want to reiterate how important it is that we do better as a community and as a nation to combat racism and racial injustices.

Elected leaders and law enforcement leaders need to step up and create environments in their communities which ensure that everyone is treated equally and fairly under the law. There can be no room for racism, racial injustice, discrimination or inequality of any kind. That's not who we are as Venturans.

I want the public to know that the men and women of the Ventura Police Department maintain core values of integrity, courage, fairness, compassion, and respect for all persons. That is why VPD invests so heavily in recruiting and hiring the right people, building a strong ethical culture and performing regular evaluations. Ventura police officers receive extensive training (both in the Academy and in over 100 hours of annual training) in a number of important issues, including Professionalism and Ethics, Policing in the Community, Use of Force and De-Escalation Techniques, Working with People with Disabilities or Mental Health Concerns, Cultural Diversity, Anti-Discrimination, Implicit Biases, Ethical Decision Making, and Crisis Intervention Techniques. My experiences with Ventura police officers have shown me that our officers remain deeply committed to equality and to serving all members of the public with dignity and honor.

I have spoken with our Police Chief Darin Schindler regarding the 8 policy recommendations contained on the website <https://8cantwait.org>. For some reason, this website says that Ventura police policies contain only 3 of the recommended policies (#'s 3, 5 and 8). This is incorrect. I want to briefly discuss each of these policies, and specifically, how they relate to the Ventura Police Department. As you'll see, VPD policies contain 6 of the recommended policies. And even though there are 2 policies not explicitly followed, VPD has policies in place which largely track these 2 policies but contain minor distinctions which I explain below.

Recommendation #1: Ban Chokeholds and Strangleholds

Response: Venture police officers are NOT permitted to use a "chokehold", "stranglehold" or any other technique that is intended to stop the flow of air into a person's lungs. For example, the action of kneeling on an individual's neck (which resulted in the killing of George Floyd) is not permitted within the Ventura Police Department and our officers receive training to ensure such actions are not taken.

Recommendation #2: Require De-Escalation

Response: VPD currently requires de-escalation in several areas of VPD's policy manual and our officers receive extensive training in de-escalation. For example, VPD's use of force policy dictates that police officers may use only that amount of force that reasonably appears necessary and if an individual becomes compliant or situational circumstances change, officers are required to de-escalate.

Recommendation #3: Require Warning Before Shooting

Response: VPD policy requires an officer to give a verbal warning preceding the use of deadly force whenever feasible.

Recommendation #4: Exhaust All Other Means Before Shooting

Response: VPD policy requires officers to use only that amount of force that reasonably appears necessary in any given situation. Sometimes exhausting all other means is not possible. For example, if an officer is responding to an active shooter at a school, it would not be feasible to first exhaust the use of verbal commands, a Taser, a baton, or any other level of force. Our officers are trained to go immediately to the most appropriate level of force and receive extensive training on only using the level of force necessary in any given situation.

Recommendation #5: Duty to Intervene

Response: VPD policy explicitly requires officers to intervene when they observe another officer using force beyond what is objectively reasonable.

Recommendation #6: Ban Shooting At Moving Vehicles

Response: VPD policy addresses shooting at or from moving vehicles. The policy specifically discourages shooting at or from moving vehicles and requires officers to move out of the path of an approaching vehicle instead of shooting at it, wherever feasible. The policy does allow officers to discharge a firearm at a moving vehicle, but ONLY when the officer believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (i.e. someone is shooting at officers from the vehicle). In speaking with our Police Chief, he remembers shots being fired at a moving vehicle only twice in his nearly 30 years of service. One incident was decades ago and the second incident was 6 years ago when a driver at the Ventura County Fair was shot in his vehicle after causing an accident and running over one of our police officers.

Recommendation #7: Require a Use of Force Continuum

Response: VPD's arrest control tactics program utilizes a use of force "paradigm" rather than a "continuum". But the principles are similar. VPD police officers follow the Koga Method which trains officers to think and act properly, responsibly and without undue force. Our officers are trained to choose the appropriate level of force, based on the situation, while following policy which dictates they use "only that amount of force that reasonably appears necessary".

Recommendation #8: Require Comprehensive Reporting

Response: VPD policy requires that officers document all uses of force promptly, completely, and accurately. Those reports are approved by a supervisor and then all use of force incident reports are evaluated by a Tactical Review Committee. The Ventura Police Department takes its reporting requirements very seriously.

In sum, the Ventura Police Department has wide-ranging training and policies in place meant to guarantee that all individuals are treated with dignity and respect. However, there is always room to continue learning and to improve policing. Chief Schindler, City Management and the entire City Council remain fully committed to ensuring that everyone in Ventura continues to be treated equally and fairly under the law. I look forward to continuing this discussion and appreciate everyone who has reached out to me with their ideas and comments.