

REPORT & RECOMMENDATIONS 2020



“A foundation to activate a seismic shift toward an equitable and inclusive future for Mill Valley.”

# INDIGENOUS LAND ACKNOWLEDGEMENT COAST MIWOK

WE WOULD LIKE TO ACKNOWLEDGE THE REMOVAL OF INDIGENOUS PEOPLES FROM THE LAND THEY CULTIVATED AND RESIDED UPON.

THE COAST MIWOK AND SOUTHERN POMO, RECOGNIZED TODAY AS THE GRATON RANCHERIA TRIBE, ARE THE ORIGINAL OCCUPANTS OF THE AREA WE NOW KNOW AS MARIN COUNTY.

WE WISH TO STATE OUR APPRECIATION AND RESPECT FOR THE CONTRIBUTIONS OF THE INDIGENOUS PEOPLES WHO WERE HERE FOR GENERATIONS AND REGENERATIONS, LIFETIMES BEFORE ANY OF US. WE HONOR YOUR LAND.

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# Why We Are Here

What is the measure of sorrow and rage that will finally tip us toward change?

Another mother's child erased for the singular audacity of his birth as Black.

George Floyd speaks to every one of us of a casual brutality, cultivated on plantation soil and nourished and normalized through generations of subjugation, vilification and exclusion: from neighborhoods, from homes, from schools, from jobs, from all aspects of full civic participation.

Black people have struggled against these barricades and—by force of talent and unbreakable determination—have made extraordinary contributions across the spectrum of American life.

Still, so much potential has been thwarted.

Imagine the possibilities in a future without racial barriers, where all Americans are supported and celebrated in the pursuit of their unique dreams and abilities.

Let this be the moment when Mill Valley rises to the challenge and the promise of that vision.

**BLACK  
LIVES  
MATTER**

## Black Lives Matter

With the Black Lives Matter movement as its catalyst, much of this report centers on the Black experience. However, the Task Force objectives and recommendations apply equally to all groups and individuals that are, or have been, societally disadvantaged due to race, ethnicity, national origin, immigration status, age, sex, gender identity, sexual orientation, disability, health, socioeconomic status or other factors.

The Task Force on Diversity, Equity and Inclusion proudly proclaims its solidarity with the Black Lives Matter movement. We are committed, through collective action, to ending structural, institutional and systemic racism in our City, our County, and throughout the world.

# from the Task Force on Diversity, Equity & Inclusion

To honor and celebrate  
diversity in all its forms as a  
catalyst for creativity, innovation  
and community enrichment

## Our Message

The Task Force is grateful to the Mill Valley City Council for this opportunity to gather, investigate and express our community's concerns and hopes in the realm of racial justice.

This moment of overdue racial awakening presents a rare and exciting opportunity to reshape our future in profound and meaningful ways. We look forward to traveling this path of learning and healing with the City of Mill Valley and all of its residents.

This report provides a roadmap for our common journey:

- To transform our small community into a model of universal welcome and inclusion;
- To encourage and support the individual and collective potential of all our residents; and
- To honor and celebrate diversity in all its forms as a catalyst for creativity, innovation and community enrichment.

This is among the most challenging and important efforts that our community is likely ever to undertake. Our shared commitment is a giant first step in a transformative journey that we must dare to believe is possible.

Sincerely,

***Naima S. Dean, Task Force Chair***

***Elsbeth Mathau, Task Force Co-Chair***

***and All of Us on the DEI Task Force***



# TASK FORCE PARTICIPANTS & WORKING GROUPS

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- Full Task Force

## **City Government**

- Full Task Force

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# Task Force Process

The magnitude of the atrocity of Black deaths at the hands of police came sharply into focus with the widely shared video of George Floyd's murder on May 25, 2020. The nation erupted in protests spawned by the conviction that the time for change had come.

At a June 2 meeting of the Mill Valley City Council, a commenter asked what Mill Valley was doing "to show Black lives matter in our community." The Mayor responded, citing Council policy, that "we don't take action on matters not of immediate local concern." This comment prompted immediate and widespread public outcry, including numerous marches and rallies in Mill Valley that brought hundreds of community members out of their homes to attest to the daily lived reality of racial injustice in our local community.

The City Council was quick to respond for the comment (and silence in the face of the comment), and to schedule a Special Meeting of the Council, "Regarding Black Lives Matter and Development of a City Action Plan to Address Racial Injustice and Inequities in Mill Valley."

On June 15, 2020, the City Council listened for nearly five and a half hours as community members took two minutes each to express their experiences in Mill Valley with racial bias and to offer recommendations to correct and repair the resulting injustices.

The Council also received 164 letters and emails urging action on racial equity, and the outpouring of community input has continued ever since.

The City Council responded with a resolution stating that Black lives matter, acknowledging the City's historic failure to foster "a diverse and welcoming community for people of all racial and socioeconomic backgrounds," and committing to the long-term effort necessary to "eliminat[e] racial disparities, both inside government and in the community." In August, the City announced the appointment of a facilitator to oversee the creation and operation of a Mill Valley Task Force on Diversity Equity and Inclusion [DEI] empowered to collect and analyze public input, investigate best practices, and issue recommendations to the City for advancing equity and racial justice. The facilitator selected a diverse group of 22 community members from an applicant pool of 53 based on commitment, representation, history and expertise.

The DEI Task Force met eight times over as many weeks, including at a two-hour public engagement meeting on November 5, where it gathered further public input. Working group members reviewed all public input, conducted extensive independent outreach and research, and met with their groups to develop and agree upon recommendations in their respective subject areas.

A Writing and Editing group consolidated the working group recommendations into a single report for presentation at the December 7, 2020 City Council meeting.

# Executive Summary

## To activate a seismic shift toward an equitable and inclusive future for Mill Valley

### INTRODUCTION

The Black experience in Mill Valley is so different from the White experience that it can be difficult for White community members to acknowledge and accept. That White denial itself lands a dehumanizing blow to Black people who battle the headwinds of racism on a daily basis.

A Black parent from Marin City who plans to attend a Tam High open house, a Black teen going to school or meeting up with classmates in town, and a Black resident going for a run: all know when they set out that they will see few if any others who look like them. They know what it is like to be watched and followed in Mill Valley stores and have seen the Nextdoor postings warning neighbors when a Black person “suspiciously” appears on Mill Valley streets. They have experienced “the corridor” on Miller Avenue where driving while Black is a magnet for police detention. They are wary of the danger and humiliation that accompany a too-likely police encounter, when theirs will become the public face of “the criminal suspect.” And always front

of mind is an awareness that this perception could trigger a police officer to deploy the heavy arsenal at his or her disposal.

The perception and reality of racial bias in our community is a powerful deterrent to Black people and other people of color who might otherwise choose to live, work in, or visit Mill Valley. The resulting lack of diversity harms the entire community, narrowing perspectives, fueling intolerance, and stifling innovation, artistry and entrepreneurship.

As this report demonstrates, racial inequity and injustice have been firmly woven into the fabric of Mill Valley’s community and civic life. The Task Force has identified evidence-based best practices for advancing racial equity in six essential areas: DEI Leadership & City Government (Part I); Law Enforcement (Part II); Affordable Housing (Part III); Culture & Recreation (Part IV); Economic Opportunity (Part V); and Education (Part VI).

**All of us on the Task Force firmly agree:** there can be no enduring progress on these issues in Mill Valley without the sustained and focused leadership of a permanent DEI Commission. Establishing a dedicated DEI Commission is the first of two immediate, top priorities in this report. The second is for the City to undertake a facilitated racial equity planning process to center equity in all government actions and decisions. These two critical initiatives discussed in Part I, will provide the necessary human resources, tools, training and infrastructure, that will enable the City to activate a seismic shift toward an equitable and inclusive future for Mill Valley.



We have tentatively designated the remaining recommendations as Short, Medium or Long Term—with one exception for an Urgent, time-specific initiative. We urge the City to move as quickly as possible on the Short-Term recommendations, and to work with the DEI Commission and racial equity planning facilitator to develop a strategic timeline for a comprehensive Racial Equity Plan encompassing all of the Task Force recommendations. The Task Force has identified several central tenets that should guide us in this work.

- **Data and Accountability**—Our efforts must remain data driven and community informed so that we can monitor our progress and hold ourselves accountable to goals. We therefore urge the City to begin collecting and publicizing relevant data in areas where it is not currently available.
- **Transparency and Communication**—In order for diversity to thrive in Mill Valley, it is not enough to lift racial barriers; we must commit to the transparency, outreach and two-way communication necessary to build community trust. Many of the recommendations center on these issues.
- **Meaningful Partnerships**—Mill Valley is not alone in this effort. Cities, school districts, nonprofits and businesses throughout the County—and the County itself—are rolling out a wide array of racial equity plans and initiatives. Affected communities—BIPOC [Black Indigenous People of Color] individuals and racially-segregated communities like Marin City and San Rafael’s Canal District—have much to teach us about what is needed and how success should be measured. Partnerships with these and other allies should inform our strategies and priorities and will allow for collaborative approaches that will amplify our efforts.
- **Shared Learning**—We must commit, both in and out of government, to listen and learn about racial justice, implicit bias and anti-racist practices. And we must be prepared to share and to support one another throughout this learning journey.

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## SUMMARY OF RECOMMENDATIONS

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### I. DEI LEADERSHIP & TESTED GOVERNMENT STRATEGIES

The City of Mill Valley does not have, and apparently has never had, a single department, commission, staff member, plan, policy or program, dedicated to supporting diversity, equity and inclusion. The challenge of entrenched racism will not be overcome without dedicated, sustained and strategic leadership. The Task Force has therefore identified the first two recommendations as immediate top priorities.

#### 1. CREATE A PERMANENT DEI COMMISSION (IMMEDIATE/TOP PRIORITY)

A dedicated DEI Commission will leverage community knowledge, skills and expertise, and provide the ongoing oversight and leadership necessary to meaningfully advance racial equity.

#### 2. DEVELOP A COMPREHENSIVE RACIAL EQUITY PLAN FOR CITY GOVERNMENT (IMMEDIATE/TOP PRIORITY)

Overcoming deeply rooted racial bias and inequities in government requires a system-wide transformation that centers racial equity in all City actions and decision-making. The City must engage a knowledgeable and experienced facilitator to lead its development of a strategic Racial Equity Plan to bring about this transformation.

## II. SAFE & EQUITABLE LAW ENFORCEMENT

From slave patrols to stop and frisk, the history and evolution of American policing has been shaped by racial bias. Whether due to intentional or unconscious bias, the Mill Valley Police Department has not escaped this legacy. Long experience has led local people of color to describe Mill Valley Police as “custodians of segregation” whom they see as focused on making sure Black and Latinx people are not in the “wrong neighborhood.” For Black people in Mill Valley, the fear of police violence is a very real and immediate concern.

In order to ensure safe, equitable, and trusted law enforcement in Mill Valley, the Task Force is recommending a variety of measures aimed at eliminating police bias and excessive use of force, and at increasing transparency and accountability.

### BIAS-FREE POLICING

#### 1. BEGIN RACIAL & IDENTITY PROFILING ACT [RIPA] DATA COLLECTION BY JANUARY 1, 2021 (URGENT)

Data collection prescribed by the California Racial and Identity Profiling Act is essential to enable MVPD to identify and address racial profiling by its officers, and to monitor the effectiveness of anti-bias policies and other remedial measures.

#### 2. ADOPT RIPA MODEL POLICIES FOR BIAS-FREE POLICING (SHORT TERM) (MVPD Policy Revisions Detailed at Appendix A)

The evidence-based RIPA Model reflects the best available policies for achieving bias-free policing. Adopting the RIPA Model Policies will position the Department as a leader in the County in anti-racist best practices.

#### 3. ALIGN MVPD TRAINING WITH RIPA BEST PRACTICES (MEDIUM TERM) (RIPA Best Practice Recommendations Set Forth at Appendix B)

Adhering to RIPA Best Practices for Anti-Bias Training will bring MVPD into statutory compliance and empower MVPD officers to recognize and effectively combat explicit and implicit racial bias.

#### 4. ADOPT RIPA BEST PRACTICES TO PREVENT BIAS BY PROXY (MEDIUM/LONG TERM) (RIPA Best Practice Recommendations Set Forth at Appendix C)

MVPD currently has no policies, training or practices aimed at addressing bias by proxy (bias-based calls for service from community members). MVPD should adopt RIPA recommendations to empower its officers, dispatchers and other staff to respond appropriately to bias-based calls for service and to protect the dignity and security of any person who is the subject of a bias-based call.

#### 5. ALIGN MVPD POLICY MANUAL WITH PROCEDURAL JUSTICE BEST PRACTICES (MEDIUM/LONG TERM)

The MVPD Policy Manual is a one-size-fits-all model produced by the Lexipol software company. The Manual is designed to meet minimum legal and constitutional standards but reflects neither Mill Valley community values nor current best practices for bias-free policing. The City, the MVPD and the DEI Commission should conduct a comprehensive review and revision of the Manual with this in mind.

## PREVENTING UNNECESSARY & EXCESSIVE FORCE

### 1. ALIGN MVPD USE OF FORCE POLICIES & PRACTICES WITH 21ST CENTURY POLICING (SHORT TERM) (Policy Revisions Detailed in Appendix D)

Mill Valley's use of force policies, derived from the Lexipol standard form, are out of step with 21st Century Policing best practices (standards established by President Obama's 2015 Task Force on 21st Century Policing) that center on procedural justice and the sanctity of life. The policies should be amended, among other things, to: forbid the use of force that is disproportionate to the harm sought to be avoided; require—rather than merely suggest—utilization of de-escalation techniques whenever possible; and ban the use of chokeholds and other restraints that pose a risk of asphyxiation.

## BUILDING TRUST & LEGITIMACY

### 1. COLLECT & PUBLICIZE COMPREHENSIVE DATA ON MVPD WEBSITE (SHORT TERM)

Data collection and transparency are central to building trust and legitimacy, the first pillar of 21st Century Policing.

### 2. IMPROVE COMMUNITY ACCESS TO CIVILIAN COMPLAINT PROCESS (SHORT TERM)

A transparent and credible system of police accountability builds community trust, but it must be understood by, and readily available to, members of the community. RIPA recommendations—that officers carry complaint forms in their patrol vehicle and hand out business cards to pedestrians and motorists they stop—help to achieve these objectives.

### 3. DEVELOP CIVILIAN OVERSIGHT OF MVPD (MEDIUM TERM)

Civilian oversight helps ensure objectivity in the investigation of civilian complaints and provides a safe avenue for BIPOC individuals who have been harassed or intimidated by police to raise their grievances.

### 4. INVESTIGATE & CONSIDER PRIOR MISCONDUCT IN MVPD HIRING DECISIONS (SHORT TERM)

Past allegations of misconduct against a police officer are highly predictive of future misconduct and should be investigated and considered in MVPD hiring decisions.

## TAILORING POLICE FUNCTIONS & FUNDING TO COMMUNITY NEEDS

### 1. REPLACE SCHOOL POLICE WITH SERVICE WORKERS (SHORT/MEDIUM TERM)

Police officers are poorly suited to the needs and objectives of students in an educational setting. Their presence on school campuses contributes to disparate treatment and needless criminalization of Black students and other students of color.

### 2. ASSESS MVPD FUNCTIONS & FUNDING AGAINST COMMUNITY NEEDS (SHORT/MEDIUM TERM)

The cost of unchecked police expansion—in Black lives, in BIPOC intimidation, and in sheer economic terms—has led many communities to reevaluate the size and scope of work of their police departments. Cities are discovering that a great number of the functions currently assigned to police can be performed more safely, more effectively, and at a lower cost by well-trained service personnel. A responsible allocation of functions and resources to the MVPD must begin with an analysis of the needs and duties in our community for which armed law enforcement personnel are uniquely trained and well-suited.

### 3. DEVELOP & IMPLEMENT A NEED-BASED COMMUNITY SERVICE MODEL AND BUDGET (MEDIUM/LONG TERM)

Based on the data assessment called for above, the City, MVPD and DEI Commission should develop a model and budget for a City Service Team to respond to service calls that do not require an armed police response (from leaf-blower complaints to mental health emergencies). The model should endeavor to be cost saving or cost neutral once in operation and should be monitored on an ongoing basis against goals and objectives.

## III. AMPLE AFFORDABLE, EQUITABLE HOUSING OPPORTUNITIES

Whites-only subdivisions, redlining, and other discriminatory practices have effectively discouraged and prevented many people of color from settling in Mill Valley. As in communities across the nation, housing segregation in Mill Valley has operated to establish and deepen racial disparities in wealth, education and other basic rights and opportunities. Mill Valley's soaring housing prices operate—by means of the racial wealth gap—to reinforce the exclusion of Black people and other people of color. Workers in Mill Valley's service sector, many of them people of color, are forced to commute great distances due to the lack of affordable housing.

The Task Force is recommending a number of approaches to build upon the City's current plans and progress to expand affordable, equitable housing opportunities. We must proceed on multiple fronts if we are to accomplish our goal.

### 1. PURSUE REGULATORY OPTIONS TO EXPAND AFFORDABLE, EQUITABLE HOUSING OPPORTUNITIES (SHORT/MEDIUM TERM)

This Report offers a variety of recommendations including, among others: permissive zoning and incentives to encourage the conversion of single-family homes into two homes; disincentives for housing size expansion; further encouragement of Accessory Dwelling Units (ADUs); and development of, or partnership with, a Community Land Trust.

### 2. REGULATE RENTAL INSPECTION, MAINTENANCE, INCREASES & SHORT-TERM RENTALS (SHORT/MEDIUM TERM)

A variety of measures can be undertaken to protect renters and insulate them from rent increases and eviction. Short Term Rentals can be regulated to encourage cost-sharing residential use rather than profit-making heavy turnover use.

### 3. INVESTIGATE & REDRESS HISTORICAL INEQUITIES (MEDIUM/LONG TERM)

The City should investigate, acknowledge and provide redress for the historic exclusion of people of color and plunder of Native Lands. Restitution and conservation easements benefitting descendants of those affected are among the appropriate remedies.

### 4. SUPPORT THE INTEGRATION OF AFFORDABLE HOUSING IN COMMERCIAL AND PUBLIC PROPERTIES (SHORT TERM)

The City should ease height restrictions and encourage second story residential uses in commercial buildings. Creative use of public land and transfer of development rights can allow for new affordable housing.

### 5. PURSUE FUNDING OPPORTUNITIES FOR AFFORDABLE, EQUITABLE HOUSING (SHORT TERM)

Recognizing that providing affordable housing can be costly, this report suggests a variety of options to generate revenue and reduce the costs of affordable housing development.

## IV. EQUITABLE CULTURAL & RECREATIONAL ENGAGEMENT

Shared cultural and recreational engagement that reflects and serves the full diversity within our community can bridge racial divides and model our City's commitment to diversity, equity and inclusion.

### 1. IMPLEMENT THE ARTS & CULTURE GOALS OF THE GENERAL PLAN FOCUSING ON CULTURAL DIVERSITY (SHORT TERM)

The Arts & Culture Section of the Mill Valley General Plan acknowledges the crucial role of cultural diversity in building community and sustaining a vibrant creative environment; the Section includes numerous goals for fulfillment of those objectives. The City should prioritize these goals and implement specific cultural programs (including those identified in this report) to ensure that they are achieved.

### 2. PROVIDE FREE ACCESS FOR MARIN CITY RESIDENTS TO ACTIVITIES AT MILL VALLEY FACILITIES (MEDIUM TERM)

Mill Valley's path to becoming an inviting and accessible place for Black people and other people of color can and should begin with our Marin City neighbors. Providing free access to Park & Recreation facilities and classes for residents of the Marin City Community Services District is a meaningful step toward repairing past discrimination and exclusion. The benefit should also apply to any recreational activities, public or private, that utilize City facilities.

### 3. SUPPORT INDIGENOUS GROUPS IN THE DEVELOPMENT OF CULTURAL OPPORTUNITIES (MEDIUM TERM)

Local Indigenous groups deserve meaningful opportunities to design and advance cultural spaces and programs that reflect and honor their history. The City should designate an official liaison to the Graton Rancheria, and work with that community to develop and support such programs and should develop an Indigenous Land Acknowledgement for use in its proceedings.

## V. EQUITABLE ECONOMIC OPPORTUNITY

Mill Valley will never be a diverse and welcoming community until we bridge the racial barriers to economic opportunity.

### 1. DEVELOP EQUITABLE CONTRACTING & PROCUREMENT POLICIES TO SUPPORT BIPOC BUSINESSES (SHORT TERM)

Mill Valley spends well over \$20 million annually on non-employee supplies, services and equipment. The City should adopt equitable contracting and procurement policies to alleviate the advantages of large, White-owned businesses and provide opportunities for minority owned businesses and workers to supply these needs.

### 2. EXPLORE DEVELOPMENT OF A FINANCIAL EMPOWERMENT CENTER UTILIZING COMMUNITY VOLUNTEERS (MEDIUM TERM)

Financial empowerment centers provide free, professional, one-on-one financial counseling to assist underserved residents to build wealth and financial security. Mill Valley should explore development of a pilot program in which local financial professionals volunteer to provide such services.

### 3. EXPLORE COOPERATIVES, GRANTS & OTHER ASSISTANCE TO SUPPORT NEW & STRUGGLING BIPOC ENTREPRENEURS (MEDIUM TERM)

The City, through the DEI Commission, should explore available options to attract, promote and support BIPOC businesses in our community.

## VI. EQUITABLE EDUCATION THROUGH COMMUNITY PARTNERSHIPS

### 1. PARTNER WITH SCHOOL DISTRICT LEADERSHIP TO SUPPORT & AMPLIFY DEI INITIATIVES THROUGHOUT THE COMMUNITY (SHORT/MEDIUM TERM)

For young children the world outside of school is key in supporting their learning and development. The Mill Valley City Council, through its DEI Commission, can coordinate with the Mill Valley School District (MVSD) to develop and implement a cohesive equity and inclusion plan for Kindergarten through eighth grade students both in and out of school.

### 2. PARTNER WITH TAM HIGH SCHOOL & TAMALPAIS UNION HIGH SCHOOL DISTRICT [TUHSD] TO BUILD MECHANISMS FOR COMMUNICATION & COLLABORATION ON DEI INITIATIVES (SHORT/MEDIUM TERM)

Tam High School is working to address racial equity issues on a variety of fronts. But the school needs community support for its anti-racist work both within and outside the school setting. Mill Valley, through its DEI Commission, can develop a supportive partnership with the High School to develop and implement collaborative DEI solutions.

### 3. PARTNER WITH THE SCHOOLS TO PROVIDE OPPORTUNITIES FOR SHARED LEARNING ON RACIAL JUSTICE FOR THE WHOLE COMMUNITY (SHORT/MEDIUM TERM)

This report offers a number of recommendations for shared community learning that can begin to unite us around a common understanding, vision and plan for an equitable Mill Valley.

### 4. ENCOURAGE A COLLABORATIVE PARTNERSHIP BETWEEN MILL VALLEY & MARIN CITY SCHOOL (MEDIUM/LONG TERM)

Racial inequities in Mill Valley schools must be addressed in the larger context of the educational inequities across Marin County, and specifically between Mill Valley and Marin City whose residents attend Tam High. We must encourage and support collaborative approaches that engage our Marin City neighbors and affected communities of color.

## WHO WILL ADVANCE THESE RECOMMENDATIONS?

The City Council is the public face of our community with the power to set the tone and priorities for our civic life. The Council's July 6, 2020 Black Lives Matter Resolution marked an important shift in Mill Valley toward acknowledging and addressing racial equity as a top priority for our City and our community. But the Council cannot do this alone. A permanent DEI Commission is essential to provide focused leadership and practical assistance in carrying out meaningful DEI initiatives. That Commission should work with the City and an equity planning facilitator to review the recommendations in this report (among others) and develop a strategic timeline for their accomplishment. Building an equitable and inclusive future in Mill Valley will also require the ongoing participation, collaboration and support of our whole community. City Departments, educational institutions, business leaders, nonprofit stakeholders, philanthropists, local residents and neighboring communities all have important roles to play.

We look forward to joining all of you in this historic effort!

## MILL VALLEY TASK FORCE ON DIVERSITY EQUITY AND INCLUSION

# MILL VALLEY RACIAL EQUITY SNAPSHOT

Historic and persistent segregation throughout Marin has produced a racially divided community with deep racial disparities in health, economic opportunity, education, housing, crime, and justice. In Mill Valley, Whites-only subdivisions, racially restrictive covenants, and racial hostility—both subtle and overt—have produced a heavily White and largely affluent majority population. The City’s current Black population is negligible (0.7%) and the Latinx population, at 6.5%, greatly underrepresents the group’s population in the County (16.1%) and in the State (39.4%). See Table A.

As in communities across the nation, housing segregation in Mill Valley and Marin has operated to establish and expand racial disparities in wealth, education, and other areas. See Tables B and C. This sets in motion a pernicious and self-perpetuating cycle in which the inequities caused by segregation become the proxy for race and a justification for further discrimination.

## TABLE A

Residential Demographic Percentages by Area						
	California	Marin County	Mill Valley	San Rafael	Canal District <sup>a</sup>	Marin City <sup>b</sup>
White	71.9%	85.5%	87.4%	67.1%	40.6%	31.6%
Latinx	39.4%	16.1%	6.5%	31.4%	48.1%	13.7%
Asian	15.5%	6.5%	4.3%	6%	4.6%	10.7%
Black	6.5%	2.8%	0.7%	2.1%	1.7%	37.3%

## TABLE B

Median Household Income/Percentage of Households in Poverty						
	California	Marin County	Mill Valley	San Rafael	Canal District	Marin City
Median Household Income	\$71,228	\$110,217	\$158,839	\$87,262	\$43,448	\$42,737
% Households in Poverty	13%	7%	5%	13%	25%	22%

Except as noted, data in Tables A and B reflects US Census estimates for 2019. Census.gov.

<sup>a</sup> <http://www.city-data.com/neighborhood/Canal-San-Rafael-CA.html>

<sup>b</sup> <https://worldpopulationview.com/us-cities/marin-city-ca-population/>

<sup>c</sup> Canal: An Immigrant Gateway ... At Risk, UC Berkeley Center for Community Innovation (Jun 2015)

<sup>d</sup> Data USA, [datausa.io/profile/geo/marin-city-ca/](https://datausa.io/profile/geo/marin-city-ca/)

## TABLE C

Public School Demographic Percentages by District					
	California	Marin County	Mill Valley K-8	San Rafael K-8	Bayside MLK K-8
White	22.9%	54.7%	75.1%	24.7%	N/A
Latinx	54.6%	30.8%	8.3%	69.3%	28.5%
Asian	9.3%	4.8%	4.9%	2.9%	N/A
Black	5.4%	1.8%	0.5%	8.5%	50.3%

Data in Table C reflects 2018-2019 enrollment from Ed Data. <https://www.ed-data.org/county/Marin>

Green = Highest in County Comparison

Red = Lowest in County Comparison

# RACIAL EQUITY NEEDS ASSESSMENT & RECOMMENDATIONS

## I. DEI LEADERSHIP & TESTED CITY EQUITY STRATEGIES

### Centering equity in government decision-making

#### A. DEI LEADERSHIP & CITY EQUITY STRATEGIES

Mill Valley does not have, and apparently has never had, a department, commission, staff member or policy dedicated to supporting diversity, equity and inclusion in our community. Currently, the City has six standing commissions organized around community priorities including Bicycles and Pedestrians, Arts, and Emergency Preparedness, but none that focuses on issues relating to racial equity.

Prior to the local protests following George Floyd's murder, our predominantly White residents and City government paid little attention to the question of racial equity, shielded by segregation from the human costs of Marin's deep racial disparities in health, economic opportunity, education, housing, crime, and justice.

When our community gathered in 2012 to develop Mill Valley's long-term General Plan, none of the countless committees and discussions that purported to reflect our common goals and values was dedicated to the issues of equity, diversity and inclusion. Although teens from Marin City attend Tamalpais High School located in Mill Valley, the City's outreach to and engagement with the Marin City community has been minimal.

Mill Valley's workforce and leadership are also predominantly White, though the City apparently does not track or publicize relevant demographic data. Nor does the City appear to have any standards or objectives for diversity in recruitment, hiring, training, retention and advancement, with the single exception of the Mill Valley Police Department's Policy 1000.3. But this policy is part of a standard form policy manual to which the MVPD subscribes and does not reflect any specific focus by the City of Mill Valley or its police department on these issues.

On July 6, 2020, the City Council adopted a resolution acknowledging the City's historic failure to address these crucial issues and committing to "develop both immediate and longer-term action plans" to "address racism and injustice in Mill Valley." The Resolution pledged to establish a Task Force on Diversity Equity and Inclusion, "to review and develop additional actions, investigate best practices, and make specific recommendations to Council for next steps." This Task Force and report reflect the fulfillment of that pledge.

Meanwhile, the Task Force is pleased to note that, at the City Council's direction, many City Departments have begun to look at their own practices in an effort to identify opportunities to advance racial equity, and the City is sending five representatives to a course on Advancing Racial Equity. These are worthwhile efforts. But City Departments whose primary focus and expertise is elsewhere (Library, Planning and Building, Parks, Police, Recreation, etc.) cannot be expected to provide the sustained and dedicated focus and leadership necessary to accomplish meaningful change.

This DEI Task Force was appointed for a limited term (October 7 through December 7, 2020), and has done its collective best in a few short weeks to shine a light through this momentary crack in the status quo. But much more work remains to identify, address and overcome the pervasive racial barriers in our community,



## B. BEST PRACTICES IN DEI LEADERSHIP & CITY GOVERNMENT

Breaking out of entrenched patterns of individual, institutional and systemic bias requires a concerted, long-term commitment. Increasingly cities are appointing permanent DEI Commissions to reflect, shepherd and sustain that commitment.<sup>11</sup> Commissions leverage community knowledge, talent and expertise to inform a city's practices and decision-making. They provide a free or low-cost workforce that can advance a city's priorities more effectively than the city's resources would otherwise allow. And they can alleviate tensions within a city by providing avenues for community communication and engagement.

Experts agree, eradicating racial bias in city government also requires a systemic transformation that centers racial equity in all government actions and decision-making.<sup>12</sup> Cities across the country have embraced well-tested, system-wide strategies to counteract ubiquitous and longstanding individual, institutional and systemic bias, both explicit and implicit.<sup>13</sup>

Mill Valley has recently subscribed to the Government Alliance on Race and Equity [GARE] and has announced it will send five City representatives to a GARE training on "Advancing Racial Equity." This is an important first step. GARE is a leader in government planning and practices for racial equity and has been working with a cohort of northern California jurisdictions—including Marin County—to facilitate systematic change.<sup>14</sup> The GARE methodology, which employs "six critical strategies" reflects best practices in the field:<sup>15</sup>

1. Use a racial equity framework (develop a common historical understanding and definitions for key concepts such as equity, explicit and implicit bias, and individual, institutional and structural racism);
2. Build organizational capacity (commit to the institutional transformation necessary to achieve sustainable impacts; e.g., City government wide training on equity implementation skills and strategies; organizational capacity-building that integrates equity policies and processes throughout the City);
3. Implement racial equity tools (tools ensure that all decisions are aligned with organizational equity goals and desired outcomes, thereby alleviating the impacts of implicit bias and other practices that are perpetuating inequities);
4. Be data-driven (to measure the impact of policies, strategies and initiatives, identify and address problem areas, and ensure accountability);
5. Partner with other institutions and communities (to ensure that social change efforts are informed by the lived experience of impacted communities; to magnify efforts through collective action and community engagement; to leverage expertise beyond that available within the City; to acknowledge and integrate the concerns of dissatisfied community members); and
6. Operate with urgency and accountability (when change is a priority and urgency is felt, change is embraced and can take place quickly; building in institutional accountability mechanisms via a clear plan of action will allow accountability.)

This approach builds the government-wide understanding, capacity and commitment necessary to effectively center equity in all City actions and decision-making.

## C. RECOMMENDATIONS FOR DEI LEADERSHIP & CITY EQUITY STRATEGIES

### 1. CREATE A PERMANENT DEI COMMISSION (IMMEDIATE/TOP PRIORITY)

Mill Valley should create a permanent DEI Commission empowered, among other things: to recommend, promote and oversee Mill Valley DEI Initiatives; to monitor, investigate and assess relevant City data; and to report to the City Council and to the public on progress toward goals.

**DEI Commission Mission**—The mission of a Mill Valley DEI Commission should be as broad as the challenges it will be confronting: to eliminate racial and identity bias, increase diversity and inclusion, and promote cultural understanding.

**DEI Commission Membership**—Commissioners should include Black people and other people of color whose lived experience with racism will be invaluable to the Commission's work. In light of Mill Valley's proximity to Marin City (home to Marin's largest concentration of Black people), and our shared high school, the Commission should include Marin City residents, perhaps including Tamalpais High School students. Representation of the County's growing Latinx population, and of local Indigenous people, will also be important. Commissioners should have a demonstrated commitment to DEI issues. At the outset, at least two seats should be reserved for people who participated in the DEI Task Force to ensure continuity. Knowledge and experience in law, policy and/or local government will be valuable additions. Commissioners should be offered an optional stipend to encourage individuals with limited financial means to participate.

The Task Force is aware of the Mill Valley Municipal Code provision requiring that commissioners reside within the boundaries of the elementary school district, which would not include Marin City or other majority-minority areas of Marin.

It is, however, within the power of the City Council to enact an amendment or exception to this provision and it should do so in this instance to achieve the diversity objectives of a DEI Commission. In the alternative, out-of-district representatives could serve in an advisory capacity rather than as full commissioners.

**DEI Commission Staff**—The DEI Commission will require the support of City staff, particularly in the early stages as the Commission gets up and running. The City and DEI Commission will also benefit from the occasional services of an expert DEI consultant.

**DEI Commission and Task Force Initiatives**—The DEI Commission can greatly lighten the City's load in carrying out the initiatives recommended by the Task Force. It should, for example, help to lead the Racial Equity planning process, monitor and report on data collected pursuant to Task Force recommendations, develop and maintain DEI partnerships with neighboring cities, school districts and other allies, and oversee the civilian complaint recommendations in the police section.

### 2. DEVELOP A RACIAL EQUITY PLAN FOR CITY GOVERNMENT (IMMEDIATE/TOP PRIORITY)

Mill Valley should engage an experienced professional facilitator (e.g., from GARE) to lead its development of a comprehensive Racial Equity Plan. The Plan should include an express acknowledgement of past wrongs and a commitment to advancing racial justice in all aspects of Mill Valley community life. That commitment should also be reflected in revised vision statements for the City and its General Plan.

**Racial Equity Plan Participants**—The DEI Commission can and should assist the City in leading the development of the plan. The planning process should actively engage the County’s affected BIPOC communities and other stakeholders, as well as potential community partners such as school districts, government leaders from nearby cities and from the County, and nonprofit organizations. The City Council is in a unique position to play an important leadership role in the community by actively joining and amplifying the efforts across our County to advance inclusion, equity and diversity.

**Racial Equity Plan Topics**—Planning areas should include, among other things,

- DEI training for City Council and staff
- Implementation of racial equity tools to center equity in decision making
- Development of diversity hiring policies and practices for all City Departments
- Transparent data collection, monitoring and reporting on all strategies and initiatives
- Integration of DEI Task Force recommended strategies and initiatives
- Strategy for aligning 2040 General Plan with Racial Equity Plan
- Coalition-building across the County to achieve DEI goals
- Consideration of a “sister city” relationship with Marin City

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## II. SAFE & EQUITABLE LAW ENFORCEMENT

### **Procedural justice for the protection of the dignity and human rights of all** **Bias in Law Enforcement**

#### **A. BACKGROUND & CONDITIONS**

##### **1. EVOLUTION OF RACIAL BIAS IN POLICING**

The origins of American law enforcement date back to the armed slave patrols of the 1700’s that were created to enforce the submission of enslaved people.<sup>18</sup> When slave patrols formally dissolved after the Civil War, municipal police were empowered to enforce Black Codes which specified whether, where, when and how Black people could travel, work, vote, reside and more. Black codes were outlawed by the passage of the 14th Amendment (providing equal protection of the laws), but Jim Crow laws promptly took their place. Up to and through the civil rights movement of the 1960’s, police aggressively—and often brutally—enforced Jim Crow mandates for separate public spaces for Blacks and Whites (e.g., in schools, libraries, restaurants, water fountains, etc.). At the same time, Whites who lynched Black people went unpunished and courts declined to hold police accountable for their failure to intervene in such murders.<sup>19</sup>

The notion of police as armed enforcers against “undesirable” individuals and groups has continued into the 20th and 21st Centuries with BIPOC, and specifically Black people, bearing the heaviest burden. The 1960s “war on crime” launched the era of mass incarceration that focused heavily on Black communities and fueled a racist narrative that equated Blackness with criminal propensity.<sup>20</sup>

Generations of criminalizing Black existence have produced a modern criminal justice system steeped in racial bias, both conscious and unconscious.<sup>21</sup> An avalanche of social science research has documented the profound racial disparities in U.S. criminal law enforcement.<sup>22</sup> Throughout the State and across the nation, Black people are stopped, detained, searched, and arrested by police at substantially higher rates than Whites.<sup>23</sup> Police in the U.S are four times more likely to use force against Black people than they are against Whites. Statistical data chillingly confirms the role of racial bias in determining who will live or die at the hands of police: Black people are 3 times more likely to be killed by police than White people; Black people account for 28% of all 861 people killed by police so far in 2020, but only 13% of the population; and of all the people killed by police in 2020, Black people were more often unarmed than Whites.<sup>25</sup>

The movement of police into schools<sup>26</sup> has led to the undue criminalization of school discipline and related conduct.<sup>27</sup> These misplaced interventions are also disproportionately applied against students of color contributing to the flow of Black students into what has come to be known as the “school to prison pipeline.”<sup>28</sup>

The profound racial disparities in law enforcement have repeatedly been shown to result from systemic and individual racial bias (often unconscious and implicit) which begins with policing and occurs at every stage of the criminal justice system.

## 2. BIAS IN MILL VALLEY & MARIN COUNTY POLICING

The MVPD does not currently track data on police interactions that would enable it to quantify the incidence of racial profiling in our community in accordance with the directives of the Racial and Identity Profiling Act.<sup>30</sup> Despite the absence of numerical data, however, there is ample evidence of racial profiling and bias by proxy in Mill Valley.

The City Council has received countless reports of longstanding and ongoing racial profiling and discrimination against Black people and other people of color in Mill Valley including: unwarranted traffic stops; surveillance and detention by Mill Valley police officers; race-based calls from residents to police (bias by proxy); racially insensitive comments; and overt racial hostility.<sup>31</sup>

Through community outreach and interviews with BIPOC community members, and personal accounts of Black Task Force members, the Task Force has confirmed the disturbing frequency of these occurrences,<sup>32</sup> and the deep distrust and fear of the Mill Valley police that exists among communities of color. Mill Valley Police are perceived by local people of color as “custodians of segregation,” focused on making sure Black and Latinx people are not in the “wrong neighborhood.” Disparate law enforcement is also reflected in County statistics that demonstrate, for example, that Blacks are 14.3 times more likely than Whites in the County to be incarcerated.<sup>33</sup>

Local Black children and youth are also deeply affected by racial profiling which does not stop at the schoolhouse door. Black students at Mill Valley’s Tamalpais High School complain of being disproportionately targeted by Mill Valley police officers assigned to the school. School statistics for Tam High reflect that Black students face substantially higher rates of discipline than White students.<sup>34</sup> At the County level, Black youth are 3.5 times more likely than White youth to be arrested for status offenses (conduct prohibited only to a certain class of people, such as truancy and underage possession of tobacco or alcohol).<sup>35</sup>

### 3. COMMUNITY HARMS FROM BIASED POLICING

For Black people, the specter and experience of racial profiling has devastating and lifelong consequences. A recent, extensive study of the Ontario Human Rights Commission documents these serious mental, emotional, psychological, economic and physical human costs.

Black children and youth have their self-confidence shattered by low academic expectations, excess suspensions and expulsions, and a presumption of criminality. Many Black Americans are “living in a perpetual state of crisis” and suffering under “a lasting sense of personal powerlessness, fear, humiliation and loss of social status” that result from widespread racial profiling, disparate rates of detention, arrest, conviction and incarceration, and an epidemic of police killings of Black people. Often, Black people feel compelled to alter their behavior in an effort to avoid or minimize being subjected to racial profiling (e.g., by observing self-imposed curfews, avoiding certain neighborhoods or streets, dressing and behaving so as to appear inconspicuous, etc.).<sup>37</sup>

A justified sense of alienation and distrust of civic institutions among Black people contributes to an unwillingness to report crime or otherwise seek law enforcement assistance and undermines Black civic engagement and democratic participation. The economic fallout from racial profiling can include, among other things: legal fees incurred to defend criminal charges and/or to pursue a civil suit against the profiling agency; temporary or permanent loss of employment income; and difficulty obtaining employment and employment-related security clearances. Those who are subjected to racially biased law enforcement face a heightened incidence of hypertension, missed days at work, anxiety, depression and other health challenges<sup>38</sup>. Beyond all of this, there are the horrific direct consequences—including death—of excessive force and needlessly aggressive tactics by police against Black people.<sup>39</sup>

The perception and reality of racial bias in our community is a powerful deterrent to Black people and other people of color who might otherwise choose to live, work in, or visit Mill Valley. The resulting lack of diversity harms the entire community, narrowing perspectives, fueling intolerance,<sup>40</sup> and stifling innovation, artistry and entrepreneurship.

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## B. BEST PRACTICES FOR SAFE & BIAS-FREE POLICING

In recent years, a deluge of horrific video evidence has brought the reality of racially biased policing to the forefront of the American consciousness and has spurred communities and lawmakers to act. In 2015, President Obama’s Task Force on 21st Century Policing [21st Century Task Force], and California’s Racial and Identity Profiling Board [RIPA Board] each brought together preeminent experts in the fields of law enforcement, civil and human rights, law and policy.<sup>42</sup> The well-researched reports and recommendations of these two bodies represent the best and most up-to-date models for alleviating law enforcement bias in all of its forms.

The 21st Century Task Force took a deep and comprehensive view of bias in American policing and developed numerous concrete proposals under each of six topics or “pillars”: (1) Building Trust and Legitimacy; (2) Policy and Oversight; (3) Technology and Social Media; (4) Community Policing and Crime Reduction; (5) Officer Training and Education; (6) Officer Safety and Wellness.<sup>43</sup>

The RIPA Board is charged with analyzing demographic data reported by police departments under the Racial and Identity Profiling Act [RIPA], and issuing annual reports and recommendations for alleviating bias in policing. For the past three years, the RIPA Board Reports have recommended detailed model policies and best practices on a wide range of issues including bias-free policing, anti-bias police training standards and content, civilian complaint forms and procedures, and eliminating bias by proxy, among other things.

In the arena of police use of force, the modern 21st Century Policing approach calls for a change in the culture of policing, from the mindset of a warrior to that of a guardian. This approach calls on police agencies to embrace procedural justice from top to bottom “for the protection of the dignity and human rights of all;” this includes developing “clear and comprehensive policies” to minimize use of force that emphasize de-escalation.

## C. RECOMMENDATIONS FOR SAFE & BIAS FREE POLICING

### Anti-Bias Policies, Training & Practices

#### 1. INITIATE RIPA DATA COLLECTION BY JANUARY 1, 2021 (URGENT)

RIPA directs California law enforcement agencies to collect, maintain and analyze demographic data on all detentions and searches, along with citizen complaint and use of force information. This data collection is essential to enable police departments to identify and address racial profiling by their officers, and to monitor the effectiveness of anti-bias policies and other remedial measures.

Based on the size of the Department, RIPA requires MVPD to begin its data collection on or before January 1, 2022. However, in response to community and City Council requests, the MVPD has announced its intention to begin RIPA data collection in 2021. RIPA calls for a full report of 2021 data by April 1, 2022. That report is expected to encompass data for all of calendar 2021. Therefore, the City should ensure that the MVPD has all the necessary technology and training in place and operational in time to begin RIPA data collection by January 1, 2021. In addition, MVPD Policy 404.4.2 should be amended to reflect the accelerated start date.

All collected data should be published on the City’s website on a monthly basis and should be reported to the Attorney General by April 1, 2022, in accordance with RIPA guidelines. In the event that the MVPD is unable to begin data collection on January 1, 2021, the Department should begin data collection as soon as possible thereafter and should report any data it compiles to the Attorney General by the April 1, 2022 deadline, along with a notation identifying dates in 2021 for which data is unavailable.

#### 2. ADOPT RIPA MODEL POLICIES FOR BIAS-FREE POLICING (SHORT TERM)

(MVPD Policy Revisions Detailed in Appendix A)

The MVPD relies on the Lexipol software company for its policies. These policies are designed to meet minimum legal and constitutional requirements to which police departments must adhere; literally the very least a community can expect of its police department. The Lexipol one-size-fits-all Policy Manual may provide a worthwhile risk management tool and a starting point for developing policies tailored to the needs and interests of our community; but it falls significantly short of the law enforcement best practices recommended by the experts on the 21st Century Policing Task Force and the RIPA Board.

The MVPD manual contains these laudable, if generalized, anti-bias provisions:

- “Guidance” to officers, affirming the “Department’s commitment to policing that is fair and objective” (MVPD Policy 402.1);
- A commitment to provide law enforcement services without regard to identified characteristics, including race, and “to enforce the law fairly, objectively and without discrimination toward any individual or group” (MVPD Policy 402.2);
- A definition of bias-based policing as “[a]n inappropriate reliance on [identified characteristics including race] as the basis for providing differing law enforcement services or enforcement” (MVPD Policy 401.1.1);
- A direction that “Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual” (MVPD Policy 402.4.1); and
- A directive that “bias-based policing is strictly prohibited” (MVPD Policy 402.3).

But racial profiling is often the result of unconscious, implicit and/or institutional bias. This is why experts recognize that it is not enough to say—as the current MVPD Policy does—“bias-based policing is strictly prohibited.” Such broadly stated prohibitions offer no meaningful tools, standards or practices for overcoming deeply ingrained biases.

By contrast, the RIPA Model Policies provide clear, specific and detailed guidance to assist officers in recognizing and eliminating bias. For example, the RIPA policies: clearly define concepts such as implicit bias and bias by proxy; describe the rationale and benefits of anti-bias policing; articulate the distinct standards and evidence required to justify a lawful detention, search, seizure or arrest; and prescribe a code of conduct to ensure that police encounters with the community are respectful, courteous and minimally disruptive. These policies and the necessary related amendments to existing MVPD policies are set forth in full at Appendix A.

As Mill Valley undertakes the data collection and reporting required under RIPA, it must empower the MVPD with the best available tools to achieve bias-free policing. Adopting the RIPA Model Policies will position the Department as a leader in the County in anti-racist best practices, an important first step toward eradicating the cancerous legacy and lived reality of racial profiling in our community.

The City will undoubtedly want to review this recommendation with its legal counsel. Inasmuch as the policies are already fully developed and directly aligned with the MVPD’s statutory obligations, this should be a fairly straightforward process that can be completed in the short term. The MVPD will need to ensure that all of its officers understand and abide by the new policies.

### **3. ALIGN MVPD TRAINING WITH RIPA BEST PRACTICES (MEDIUM TERM)** (RIPA Best Practice Recommendations Set Forth in Appendix B)

Well-designed anti-bias training has been shown to be an effective tool for alleviating racially disparate law enforcement practices.<sup>51</sup> This is why MVPD needs to look carefully at the quantity, quality and content of its anti-bias training.

Minimum police training requirements in California are set by statute (Penal Code Secs. 13500-13553). The Commission on Peace Officer Standards and Training [POST] develops training programs intended to align with those requirements. While participation in POST is voluntary, a majority of California police departments including the MVPD<sup>52</sup> participate in this program. Training designated by POST as mandatory is meant to meet minimum statutory training requirements. In the case of the POST anti-bias training, however, the RIPA Board has determined that the training falls short of statutory mandates.<sup>53</sup> Although POST has been working to bring its programs into compliance, the work apparently is not yet complete.<sup>54</sup> MVPD should not be relying on the POST program to fulfill its minimum statutory training requirements, much less to satisfy the needs and values of our community.

The RIPA Board has developed Best Practice Recommendations for Anti-Bias Training to which MVPD should adhere. These are set forth in full in Appendix B. The RIPA Best Practices would require substantially more, and more frequent, training than POST (or the MVPD) require. They identify specific training methodologies that have been shown to be effective, and set forth in detail the principles, tenets, tactics and skills that should be, but are not currently covered in MVPD training.

The DEI Task Force appreciates that a number of MVPD officers have participated in additional optional anti-bias training in the past month. But the nature and quantity of police officer training on such important issues should be fixed in accordance with evidence-based best practices and not left to depend on the political winds or the good graces of individual officers.

Aligning MVPD anti-bias training requirements and content with the RIPA Best Practice Recommendations will require a careful review and comparison of the RIPA training recommendations with available compliant offerings, perhaps including those under development by POST. MVPD should work collaboratively with the DEI Commission in this effort. MVPD policies relating to anti-bias training should be revised to reflect the new, RIPA-aligned training requirements, standards and content. This process should be undertaken without delay but will necessarily require some time to implement. For this reason, we have designated it a medium-term recommendation.

#### **4. ADOPT RIPA BEST PRACTICES TO PREVENT BIAS BY PROXY (MEDIUM/LONG TERM)** (RIPA Best Practice Recommendations Set Forth in Appendix C)

Bias by proxy—when a community member calls the police based on a racially biased fear or suspicion—can contribute significantly to racial disparities in law enforcement.

Because calls for service are the most common way in which law enforcement officers make contact with the public, it is critical that law enforcement agencies have policies and training in place about how to prevent bias by proxy when responding to a call for service. 2020 RIPA Report, p. 54 (emphasis added)

For this reason, the RIPA Board has developed detailed “Best Practices for Responding to Biased-Based Calls for Service.” Mill Valley has no policies or guidelines that address this issue. The RIPA recommendations address, among other things: policy development; how to identify and respond appropriately to bias-based calls for service; how sworn personnel and dispatchers should interact with such callers; how to protect the dignity and security of the person who is the subject of the bias-based call; the responsibility of supervisors; and elements of appropriate training. See Appendix C.

MVPD—in collaboration with the DEI Commission—should develop policies, practices and training aimed at preventing bias by proxy that conform to the RIPA Best Practice recommendations. Appendix C.



## 5. ALIGN MVPD POLICY MANUAL WITH PROCEDURAL JUSTICE BEST PRACTICES (MEDIUM/LONG TERM)

As the 21st Century Task Force explains, Police interventions must be implemented with strong policies and training in place, rooted in an understanding of procedural justice. Indeed, without that, police interventions can easily devolve into racial profiling, excessive use of force, and other practices that disregard civil rights, causing negative reactions from people living in already challenged communities.

### **21st Century Policing Final Report, supra, p. 41**

It was not possible, in the brief time frame of the DEI Task Force, to conduct a comprehensive review of all MVPD policies through the lens of anti-bias best practices. We therefore recommend that the City initiate such a review, in collaboration with the DEI Commission.

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## Use of Force Policies & Practices

### 1. ALIGN MVPD USE OF FORCE POLICIES & PRACTICES WITH 21ST CENTURY POLICING (SHORT TERM)

(Policy Revisions Detailed in Appendix D)

MVPD's use of force policies, derived from the Lexipol standard form, are in many ways out of step with 21st Century Policing best practices.

Many police agencies are adopting the procedural justice model prescribed by 21st Century Policing. This can take the form of "sanctity of life" policies that place the health and safety of all human beings above the prompt resolution of conflict in police encounters. Increasingly, police policies mandate proportionality ("the risk of harm [from an officer's use of force must] ... correspond in degree to the seriousness of the public interest that is being served"). Current Mill Valley policy, by contrast, allows any amount of force "that reasonably appears necessary... to accomplish a legitimate law enforcement purpose." MVPD Policy 300.3 (emphasis added). This would enable an officer to bludgeon or maim a person suspected of petty theft, if it "appeared necessary" to accomplish the "legitimate" aim of a prompt arrest.

Procedural justice demands the use of de-escalation techniques such as verbalization or warnings, creating distance in time and space, and tactical repositioning wherever possible instead of force.

Although MVPD policy recommends the use of de-escalation techniques in crisis intervention situations (Policy 466.6), these techniques are offered as suggestions (what an officer "should generally" do or "generally should not" do) and are not required.

In addition, some uses of force are deemed so dangerous (e.g., chokeholds, neck restraints, and other restraints that pose a heightened danger of asphyxiation), that their use should be entirely banned. These bans were fairly common before George Floyd's murder and have been adopted by dozens of jurisdictions in its wake. Mill Valley continues to allow chokeholds "where deadly force would be reasonable." MVPD Policy 300.3.4.

Other growing policy trends establish a duty to intervene to stop a fellow officer's unwarranted or excessive use of force, a duty of comprehensive use of force reporting, and implementation of a use of force continuum. Again, Mill Valley policies on these issues are either weak or nonexistent. See Appendix D

Research reviewed by the RIPA Board in its 2019 Report shows that modern, restrictive use of force policies such as these “correspond with a decrease in deadly and less lethal force incidents.”<sup>66</sup> Where these policies are in place, not only are there fewer officer-involved deaths, but police officers themselves are less likely to die or be assaulted in the line of duty.<sup>67</sup>

For the safety of everyone in our community—including our MVPD officers—we recommend that MVPD Policy Manual be amended to fully incorporate the use of force policies detailed above. Specific proposed amendments are set forth in full in Appendix D. These recommendations are based on a partial review of the MVPD use of force policies and are not intended as an exhaustive list of the policy changes and additions that should be undertaken in furtherance of safe and bias-free policing. We recommend that a comprehensive review of MVPD Policies be undertaken as described in Recommendation 5 for Anti-Bias Policing.



# FAIR AND IMPARTIAL CRIMINAL JUSTICE BEGINS WITH POLICE TRANSPARENCY AND ACCOUNTABILITY

## Trust and Legitimacy in Law Enforcement

### A. BACKGROUND & CONDITIONS

MVPD's history of racial profiling and reputation in the BIPOC community as "custodians of segregation" will not be easily overcome. The lessons of past experience have created deep distrust of the MVPD that is compounded by the MVPD's lack of data transparency, lack of independent oversight of civilian complaints, and inadequate safeguards in the hiring process to screen out officers with a history of misconduct.

The MVPD Policy Manual asserts its core values as: "accountability, honesty, integrity, professionalism, transparency and trust." MVPD Values, p. 3. But the Department's actions have failed to realize these values in relationship to the community.

**Data Transparency**—MVPD offers very little information on its website compared with detailed data offered by other police agencies concerning, for example, police activities and statistics, civilian complaints, anti-bias measures, and demographic data. **Civilian Complaint Process**—Civilian complaints against officers in the MVPD are handled internally, with no independent oversight or review. Data on the complaints is not available on the MVPD website. However, according to information provided by Chief Haynes at the request of the Task Force, MVPD logged nine civilian complaints between October 2016 and October 2020. Of those complaints, the MVPD sustained only one. Community members are understandably reluctant to raise complaints through the existing MVPD process. BIPOC who have been harassed or intimidated by a Mill Valley police officer want to avoid the re-traumatization of another encounter with MVPD; and the obvious, inherent conflict of interest of having the police department investigate itself leads people to assume that their complaints will not be taken seriously. That assumption is arguably borne out by the frequency with which MVPD determines complaints to be "unfounded."

Justice Department statistics regarding use of force complaints confirm that police agencies without civilian oversight receive substantially fewer complaints than do comparable agencies with civilian oversight and are more likely to exonerate officers or find the complaints were unfounded.

**Hiring Practices**—The MVPD purports to conduct "a comprehensive screening and background investigation" of police officer candidates. However, these policies do not appear to require disclosure of prior misconduct complaints or civil lawsuits. Studies show that past civilian allegations of misconduct against an officer are highly predictive of serious future misconduct. As the fight against police violence and racism in law enforcement continues across the country, evidence has emerged that several of the officers involved in the killing of Breonna Taylor and George Floyd had a history of civilian complaints for brutality and misconduct. The consequences of failing to weed out such officers in the hiring process are obviously dire.

The problem was highlighted in a recent local incident in the town of Tiburon. A local Black businessman was harassed in his own store by three officers, including a supervisor who had previously been involved in the death of an arrestee in Novato that resulted in a wrongful

death settlement. The officer had been allowed to resign from the Novato Police Department and was subsequently hired by the Tiburon Police Department. The belated discovery of the officer's past misconduct caused an uproar in the community that resulted in the officer resigning (again), likely to be rehired (again) by another police department.

## B. TRUST & LEGITIMACY BEST PRACTICES

Building Trust and Legitimacy is the first pillar of 21st Century Policing. Fair and impartial criminal justice begins with police transparency and accountability to ensure that policies are uniformly understood and implemented.

1. **Data Transparency Best Practices**—21<sup>st</sup> Century Policing and RIPA both focus heavily on the importance of collecting, analyzing and publicizing comprehensive data on all aspects of policing.<sup>1</sup> The website for the Fairfax Police Department provides a good model with easy-to-access information including: a press log; monthly activity reports; yearly crime statistics; use of force and restraints statistics; racial and identity profiling data; and information on civilian and internal complaints.<sup>2</sup>
2. **Civilian Complaint Best Practices**—In addition to making data accessible, 21<sup>st</sup> Century Policing holds that “law enforcement agencies must maintain public trust by having a transparent, credible system of accountability.”<sup>3</sup> The RIPA Board emphasizes that “policies on civilian complaints should be easily accessible and well communicated to the community.” RIPA Recommendations, Appendix D. To achieve that objective, officers “should have complaint forms in their patrol vehicles.” The RIPA Board also recommends “distributing business cards with each officer’s name, rank and contact information to assist the public in lodging complaints.”

While not required by law, experts agree that “[s]ome form of civilian oversight of law enforcement is important in order to strengthen trust with the community.”<sup>4</sup> Civilian oversight of law enforcement has become a central element of well-designed police complaint processes throughout the country,<sup>5</sup> and throughout the world.<sup>6</sup> Civilian oversight can take a variety of forms depending upon a community’s needs and objectives.<sup>7</sup> The National Association for Civilian Oversight of Law Enforcement [NACOL] provides an excellent guidebook and other resources for communities seeking to develop and implement civilian oversight.<sup>8</sup>

3. **Hiring Best Practices**—The 21<sup>st</sup> Century Task Force called for an expansion of the National Decertification Index to enable hiring agencies at least to identify officers who have had their license or certification revoked for misconduct.<sup>9</sup> Unfortunately, the effort has been undermined by a lack of funding. This should not inhibit MVPD from carrying out the necessary inquiry and investigation to weed out candidates with a history of serious misconduct.

## C. RECOMMENDATIONS TO BUILD TRUST & LEGITIMACY IN LAW ENFORCEMENT

In order to begin building trust and legitimacy in the eyes of the community, the MVPD must: (1) collect, report and regularly publicize comprehensive data on all aspects of its operations; (2) ensure that civilian complaint forms and process are widely communicated and accessible to the public; (3) submit civilian complaints to an effective and transparent civilian oversight mechanism.

### 1. COLLECT AND PUBLICIZE COMPREHENSIVE DATA ON MVPD WEBSITE (SHORT TERM)

The following data should be included on the MVPD website and updated at least monthly—

- RIPA Data and Related Information—including: demographic data on vehicle and pedestrian stops, searches and arrests; use of force data, including instances in which officers display a firearm, taser or other control device (cease the practice of excluding such displays from statistical reports of “physical force”); and information on injuries, hospital treatment, or hospital clearance on subjects or officers;
- Citizen and Internal Complaint Data—including date, substance, status and outcome of each complaint and demographic data on complainant(s);
- MVPD Anti-Bias Efforts—including policies, training and other efforts MVPD undertakes to ensure bias-free policing;
- Demographic Data on MVPD—and other information concerning MVPD efforts to promote diversity, equity and inclusion at all levels of the MVPD;
- A Press Log—reflecting recent activity by Mill Valley police officers and calls for service in our community;
- A Monthly Activity Report—detailing daily activities performed by officers and a monthly activity summary archive;
- Yearly Crime Statistics—including details on police functions and funding as described in Recommendation 2 for Needs-Based Police Functions and Funding, below;
- Any MVPD Participation in Special Response Team [SRT] Activities (specialized tactical training, team or elements designed to respond forcefully to extreme high-risk situations)—including SRT exercises, operations, weapons acquisition or training; and
- Community Survey Data—The MVPD should conduct periodic community surveys to assess its performance.

## **2. IMPROVE COMMUNITY ACCESS TO CIVILIAN COMPLAINT PROCESS (SHORT TERM)**

Consistent with RIPA Board recommendations, MVPD should provide all of its officers with business cards that include each officer’s name, badge number, rank and contact information. The card, which officers should give to every person whom they subject to a pedestrian or vehicle stop, should advise, “You have a right to make a civilian complaint if you are concerned about the conduct of any member of the Mill Valley Police Department,” and should indicate where a complaint form can be obtained. In addition, MVPD officers should carry complaint forms in their patrol vehicles to facilitate the filing of complaints.

## **3. DEVELOP CIVILIAN OVERSIGHT OF MVPD (MEDIUM TERM)**

The City, the DEI Commission and the MVPD should work together to develop an entity and mechanism for civilian oversight of the MVPD that is outside and independent of the Police Department. The appropriate mechanism and relevant policies should be determined with community input. Consideration should be given to the possibility of the DEI Commission acting as the City’s Citizen Review Board (CRB).

The CRB should be empowered, among other things, to:

- Review any and all civilian complaints filed against Mill Valley police officers;
- Participate in the prompt, fair and impartial investigation of such complaints;
- Make recommendations to the Chief of Police for the disposition of complaints and any appropriate disciplinary action;
- Make recommendations regarding police policies, training and practices;
- Participate through a representative in police union negotiations with the City; and
- Conduct periodic audits of the MVPD.

In order to ensure the independence and impartiality of the CRB, current and former MVPD officers and their families should be disqualified from serving on the CRB.

#### 4. INVESTIGATE & CONSIDER PRIOR MISCONDUCT IN MVPD HIRING DECISIONS (SHORT TERM)

In view of the highly predictive correlation between past and future police misconduct, MVPD should use all reasonable means at its disposal to discover and review any civilian complaints and/or civil lawsuits arising out of a prospective officer's prior employment. Candidate interviews should include questions designed to uncover the existence and details of any such complaint(s) and lawsuit(s). The frequency, recency and severity of complaints and litigation should be considered in determining the weight they should be given in the hiring decision. Mill Valley should develop a policy that forbids the hiring of a police officer with a proven record of prior serious misconduct.

## An Accountable Police Department

Creating an accountable police force starts by implementing policies that make them directly responsible to the people they serve. There are a variety of practices that can increase the collaboration between police and the community. Civilian oversight, both on a policy level and for specific review of complaints and disciplinary measures, creates direct accountability that also provides the opportunity for police to learn from and build a relationship with those they serve...Creating clear procedures by which police officers provide information to and are transparent about their practices with the community creates the basis for mutual respect. This can include policies that require police officers to provide their name, badge number, and an informative card on how to report complaints to people with which they interact.

Thusi & Carter

Opportunity Agenda Report (2016)

<http://transformingthesystem.org/pdfs/Transforming-The-System-CJReport.pdf>

# MANY FUNCTIONS CAN BE PERFORMED MORE SAFELY, MORE EFFECTIVELY, AND AT A LOWER COST BY UNARMED SERVICE PERSONNEL

## Law Enforcement Functions & Funding

### A. MVPD FUNCTIONS AND FUNDING

Mill Valley is a small city with just 14,151 residents, and MVPD statistics reflect the bucolic small-town nature of the community: Mill Valley reported just 1,884 police interventions in 2019, the vast majority of which were for traffic citations (880), traffic accidents (110), and alarm responses (562). Table D, below. (Notably, the alarm responses appear to have resulted in just 32 burglary allegations, suggesting an overwhelming incidence of false alarms.) Of the remaining 332 police interventions, only 33 involved allegations of violent crime (10 felony assaults and 23 misdemeanor assaults).

Some might be inclined to attribute Mill Valley's low crime rate to a strong and effective police presence. However, a wealth of social science research has found either no relationship, or a positive relationship, between police presence and levels of crime;<sup>10</sup> that is to say, an increased police presence tends to elevate rather than reduce crime statistics.

MVPD does not publish a breakdown of interventions that involve: (a) non-criminal conduct; (b) school settings; (c) people suffering from mental illness; or (d) domestic disputes that call for behavioral health interventions. There is reason to believe, however, that a significant portion of MVPD work falls in each of these categories.

- The MVPD Frequently Asked Questions webpage underscores the abundance of non-criminal community concerns that the MVPD is tasked with managing including: off leash dog walking, leaf blowers, wild animal issues, construction crew guidelines, permissible signage, parking meter holidays, prescription medicine drop off, abandoned cars, and door-to-door solicitors.<sup>11</sup>
- It appears that at least one MVPD officer is assigned to Tamalpais High School on a regular basis.
- Marin County has a specialized STAR Court (Support and Treatment After Release) to deal with individuals who make their way to the criminal justice system due to mental illness.<sup>12</sup> This is suggestive of the prevalence of mental health issues in our community.
- To the extent that the assault numbers in Mill Valley reflect reports of domestic violence—the number one violent crime in the County—these are also more likely to implicate behavioral health needs and issues than they are to warrant armed police intervention.<sup>13</sup>

**TABLE D**  
**MILL VALLEY POLICE DEPARTMENT STATISTICS**

CATEGORY	2019	2018	2017	2016	2015
Case Reports	987	970	898	1,297	2,041
Calls for Service	22,421	17,908	18,622	16,459	17,793
Homicide	0	0	0	0	0
Rape	0	1	0	1	0
Felony Assault	10	4	6	6	2
Misdemeanor Assault	23	18	23	27	23
Residential Burglary	24	21	27	31	33
Burglary, Other	12	23	9	14	15
Theft, All	177	137	163	166	160
Auto Theft	10	15	12	12	15
Traffic Accidents	110	109	121	149	112
Moving Violation Citations	880	1,615	1,815	1,404	1,229
Alarm Responses	562	407	898	925	966
Drunk Driving Arrests	43	43	43	43	37
Vandalism	33	32	39	27	27
<b>CRIME/RESPONSE TOTALS</b>	<b>1,884</b>	<b>2,425</b>	<b>3,156</b>	<b>2,805</b>	<b>2,619</b>

<https://www.cityofmillvalley.org/police/comminfo/statistics.htm>

The MVPD budget for the 2020-2021 fiscal year totals \$7.1 million,<sup>86</sup> over 18% of the City's \$38 million in total operating expenditures.<sup>87</sup> The annual Police Department budget is larger than that of any other City Department— large enough to fund the entire budgets for Planning and Building and the Library Departments combined, and still have \$2.4 million left over.<sup>88</sup>

With just 33 incidents of violent crime reported last year in Mill Valley, the City's \$7.1 million expenditure on a weaponized police force amounts to over \$215,000 per violent crime. This raises the question whether a less expensive, less weaponized alternative might be better suited to meet our community's needs.

## B. BEST PRACTICES FOR NEED-BASED POLICE FUNCTIONS & FUNDING

Over the decades, as police departments across the country have grown in size and resources,<sup>89</sup> cities have charged their police officers with responding to a vastly expanded range of community service needs.<sup>90</sup> The expanded police responsibilities are often used, in turn, to justify further police department growth.<sup>91</sup> This cycle of expansion has been fueled by the unexamined assumption that police forces should continue to operate as first responders for a growing list of non-violent and non-criminal community needs.

The cost of unchecked police expansion—in Black lives, in BIPOC intimidation, and in sheer economic terms—has led many communities to reevaluate the size and scope of work of their police departments. Jurisdictions throughout the Bay Area and across the country are reducing police budgets and shifting services away from armed, force-based law enforcement toward service delivery.<sup>92</sup> These jurisdictions recognize that a responsible allocation of functions and resources to their police department must begin with the threshold question: **what are the specific needs and duties in our community for which armed law enforcement personnel are uniquely trained and well-suited?**



- The principal justification for force-based policing is the asserted need for armed and tactically trained responders to intervene and to stop violent crime. Yet in many jurisdictions including Mill Valley, this is a tiny fraction of the work police are called upon to do. 80% of the work performed by a typical police officer involves service-related tasks (e.g., mediation, crisis intervention, support and referrals) rather than law enforcement; yet, the great majority of law enforcement academy training focuses on serious crime functions.<sup>93</sup>
- Police officers assigned to school settings (commonly referred to as School Resource Officers or SROs) must devote an even greater percentage of their time to non-law enforcement functions. According to the California School Resource Officers' Association (CSROA), an SRO must act: first, as a counselor; second as a teacher; third, as a social worker; and "lastly as a law enforcement professional when all other options are exhausted."<sup>94</sup>
- Individuals suffering with serious mental health issues account for 10% of police responses nation-wide,<sup>95</sup> calls that consume significantly more time to resolve.<sup>96</sup> Although the majority of these encounters involve nuisance behavior or suspicion of low-level crimes,<sup>97</sup> the seriously mentally ill are 16 times more likely to be killed by police than other civilians.<sup>98</sup> Experts in law enforcement and mental health agree: mental health workers and not police are best suited to help people with mental illness to "avoid inappropriate contact with the criminal justice system" which can lead to tragic results.<sup>99</sup>

Cities are discovering that a great number of the functions currently assigned to police can be performed more safely, more effectively, and at a lower cost by well-trained, unarmed service personnel. The City of Eugene Oregon provides a highly successful and longstanding model; Denver employs a similar approach.

Eugene has been successfully dispatching social service workers and medics for 30 years in place of police intervention for non-violent 911 calls. Service workers for Eugene's CAHOOTS Program respond to roughly 24,000 service calls annually that would otherwise be fielded by police. The cost of the program (\$2.1 million for a community of 171,245) is about 2% of the Eugene Police Department budget; yet CAHOOTS handles 17% of the Department's overall call volume. The cost savings for the City each year are sufficient to pay for the entire CAHOOTS program four times over.

A proportionate per capita investment in Mill Valley would amount to \$175,000 and could be expected to relieve the MVPD of substantially more than 17% of its service calls because of the very low percentage of calls in Mill Valley that require police intervention. (MVPD reported 33 violent crimes in 2019, or .03 per every 1,000 residents. By comparison, Eugene reported 387 violent crimes per 1,000 residents in 2018, the most recent year available). Even if a Mill Valley Service Team handled only 17% of the MVPD calls, a 17% reduction in MVPD services could allow for a reduction in the MVPD budget of more than \$1.2 million annually.

### **C. RECOMMENDATIONS FOR NEED-BASED FUNCTIONS AND FUNDING**

We have seen that Mill Valley has an extremely low incidence of crime, and particularly of violent crime. To the extent that armed MVPD officers are responding to non-violent community needs, such as school supervision, mental health calls, off-leash dog walkers, and leaf-blower complaints, the City should reassign these responsibilities to an unarmed City Services Team.

Such a Team would be trained to address the specific community needs assigned to it based on a City Service Assessment (likely including skills such as first aid, mediation, and crisis intervention). These service workers will be better equipped, less costly and, importantly, less lethal than police officers who are trained and armed to maintain order by overcoming resistance by force.

### 1. REPLACE SCHOOL POLICE WITH SERVICE WORKERS (SHORT/MEDIUM TERM)

Data shows that armed police officers are poorly tailored to the needs and objectives of students in an educational setting.<sup>106</sup> Their presence contributes to disparate treatment and needless criminalization of Black students and other students of color. Black students who come to Tam High from Marin City already bear a heavy enough burden of “othering”. Mill Valley should coordinate with the High School District and its DEI Task Force to develop alternatives to the deployment of Mill Valley police officers as soon as possible.

### 2. EVALUATE MVPD FUNCTIONS AND FUNDING AND COMMUNITY NEEDS (SHORT/MEDIUM TERM)

The City and DEI Commission should analyze and publicize available data on the nature, quantity, duration and cost of services currently assigned to and performed by the MVPD. This assessment should include, among other things, whether the intervention or call for service involved: an allegation of violence or threat of violence; an allegation of domestic violence; a family dispute; an individual who appeared to be suffering from mental, psychological or behavioral challenges; an individual who appeared to be struggling with substance abuse and/or addiction; an individual engaged in conduct attributable to his/her unhoused status or lack of resources; etc. To the extent that an intervention or call involved an allegation of violence, the data should indicate whether the alleged violence was reportedly in progress at the time of the intervention or call. Finally, the outcome of any intervention should be indicated (e.g., arrest, warning, first aid, mental health referral, advice, etc.)

The analysis should include a review of interventions by MVPD officers at Mill Valley schools, whether as a regular assignment or in response to a call for service. Details of any school assignments should be reported and analyzed including: the frequency, duration and stated purpose of the assignment; the nature, outcome and demographic data relating to any student contacts; and the nature of the relationship between the MVPD and the school (e.g., is there a contract for services or other agreement governing officers’ responsibilities, conduct at the school, payment for services, etc.).

If the necessary data is not currently being collected in a way that allows for this analysis, the City should require the MVPD to begin collecting and reporting the necessary data immediately. Data collection and documentation methodologies might include a mental health evaluation checklist for officers who respond to calls. MVPD might consider employing a mental health professional during the evaluation period to accompany officers on calls and help evaluate the volume and significance of mental health concerns involved.

### 3. DEVELOP A NEED-BASED MODEL AND BUDGET FOR CITY SERVICE TEAM (MEDIUM TERM)

The City and DEI Commission should develop a model and budget, based on the review and analysis prescribed in Recommendation 2, for a City Service Team to respond to calls for service that do not require an armed police response. The Model should be developed in col-

laboration with County and local mental health, education, and other service professionals to ensure an effective, holistic approach to community needs. Consideration should be given to a 911 Crisis Call Diversion program similar to that employed in Eugene and Denver with dispatchers trained to appropriately identify and divert non-violent, non-emergency calls away from police or fire emergency teams.

The division of responsibilities between the City Services Team and the MVPD must be clearly delineated. The transfer of MVPD responsibilities to the City Services Team should be reflected in reductions in MVPD personnel and expenses. The City should strive to ensure that the budget for the City Service Team does not exceed its savings from the MVPD reductions.

Planning should include a comprehensive review and revision of existing police policies, procedures and training to incorporate the Community Service Team model, goals and objectives. The MVPD and the DEI Commission should continue to collect and monitor data described above to ensure that the program is meeting its goals and objectives.



### III. AMPLE AFFORDABLE, EQUITABLE HOUSING OPPORTUNITIES

## We must be as powerful in creating non-segregation as we were in creating segregation

#### A. CHALLENGES & OBJECTIVES

Richard Rothstein, the author of *The Color of Law: The Forgotten History of How our Government Segregated America*, Liveright Publishing, 2017, has stated:

We are obligated, as Americans, to remedy the civil rights violations that occurred across our country in the 20th century. It's not something that can un-happen by accident. It's going to require changes in policies at every level of government, as well as private actions. We must be as powerful in creating non-segregation as we were in creating segregation.

##### 1. AFFORDABILITY

Mill Valley homes and rentals are unaffordable for the vast majority of California residents, including a majority of Mill Valley workers. A 2018 Mill Valley report noted that 91% of the 4,600 people who have jobs in Mill Valley live outside the City. One third commute more than 25 miles each way.

The City Council and Housing Advisory Committee have been working to increase affordable housing, including considering a plan to build 30 to 40 affordable units. Mill Valley has an Affordable Housing Trust Fund that is funded by a 1% fee on the cost of the building permit assessed on all residential redevelopment projects over \$115K. In Mill Valley, all residential development projects proposing four or more units must provide 25% of all units as affordable. Of these, one half must be low income and one half must be moderate income. The City is currently developing a Home Match program, and it maintains a website dedicated to housing resources, including information on Fair Housing of Marin.

Despite these efforts, the median price for a home in Mill Valley is about \$1.6 million or \$861 per square foot. Apartment rents start at about \$1,750 for a 325 square foot studio while the average annual salary in Mill Valley is \$76,000. There are deed-restricted affordable units in Mill Valley but no specifically designed workforce housing or homeowner programs beyond what Marin County offers. Marin's Below Market Rate lottery program for first-time home buyers includes some condominiums in Mill Valley. The total number of homes in this program each year throughout Marin is between 10 and 20.

**Tina Taylor, a theater director, teacher and artist, lived in Mill Valley for 7 years. Tina has taught 7th graders Shakespeare for the last 11 years at the Mill Valley Middle School and has taught and directed in theaters all over the Bay Area. Her rent increased 62% over this time frame and forced her to move out last year.**

## 2. EQUITY

In addition to socio-economic homogeneity, systemic and persistent racist policies prohibited people of color from purchasing homes in Mill Valley, which has resulted in a lack of diversity in Mill Valley: 87.4% of residents are White (Table A, supra).

Whites-only deeds, red-lining (racial zoning) threats from gun-toting neighbors, and attitudes ranging from hostile to indifferent, effectively kept most people of color from settling in Mill Valley. Added to that is the incredible increase in land and home values that threaten to make our community almost entirely homogeneous.

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**Rita Abrams wrote the song “Mill Valley” which influenced people all over the country and described a small, wonderful and inviting town. After living and working here for many, many years, she could not afford to continue living here and ended up moving to Novato.**

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## 3. GOAL

The Task Force recommendations aim to increase rental housing but, more importantly, increase opportunities for home ownership for low- and moderate- income households. Building upon the City’s current plans and progress, we hope to create the foundation for results not just now, but long into the future. These recommendations will help the City:

- Create pathways to ownership for low- and moderate-income households
- Increase overall diversity in Mill Valley
- Build new affordable housing to balance expensive housing stock
- Integrate affordable housing into the fabric of our existing neighborhoods
- Preserve our current housing stock
- Better meet the rental housing needs in Mill Valley with dignity and respect for tenants

## B. AFFORDABLE HOUSING BEST PRACTICES & SUCCESS STORIES

### 1. SHARED EQUITY PROGRAMS & COMMUNITY LAND TRUSTS

Community Land Trusts (CLTs) have a long history of developing affordable home ownership by sharing the equity in a home with the homeowner. The nonprofit Trust owns the land and the homeowner owns the buildings and improvements on the land. Generally, the homeowner has a 99-year ground lease, which can be inherited. The homes are resale restricted and designed to remain affordable for low- and moderate-income buyers, resale after resale, ideally in perpetuity.



An extensive case study examined two decades of data during which the Burlington Community Land Trust (BCLT) developed 259 moderately-priced homes and condominiums. Responding to the question posed in its title, “Does the Community Land Trust Deliver on Its Promises?” the study demonstrated that BCLT met or exceeded expectations by all six criterion: preserving affordability, retaining community wealth, creating individual wealth, enhancing residential stability, expanding homeownership, and enabling residential mobility. In addition to Community Land Trusts, other Shared Equity Homeownership initiatives are successful at meeting these same goals. In 2010 The Urban Institute published a report by Kenneth Temkin, Brett Theodos, and David Price that evaluated seven programs in six states: Vermont, Minnesota, Colorado, California (in

Davis and San Francisco), Georgia, and Washington. Their research shows:

These shared equity programs are successful at creating homeownership opportunities for lower income families that allow purchasers to accumulate assets, while at the same time creating a stock of affordable housing that remains within the financial reach of subsequent lower income homebuyers. Moreover, homeownership among shared equity programs is sustainable: only a very small number of shared equity homeowners lose their home because of foreclosure; and a very high percentage of these low-income, first-time homeowners (over 90% percent in the three programs for which data were available) remain homeowners five years after purchasing a shared equity home. Finally, shared equity homeowners are not trapped: they resell their homes with the same frequency and for the same reasons as other homeowners. In the three programs for which we were able to obtain information about the subsequent housing situations of these movers, we found that over two-thirds of them moved into owner-occupied, market-rate housing after reselling their shared equity homes.

The median rate of return for homeowners was at least 6.5% and as high as 60%. The foreclosure rate was low, 0 to 1.1 percent as of the end of 2009. Over 90% remained homeowners five years after purchasing a shared equity home. Public funding was rarely lost because of the durable affordability controls over the sales of housing built on the land.

Bay Area Community Land Trust (BACLТ) was founded in Berkeley 2006. It owns the land underneath its affordable housing units, organize housing co-ops, ensure permanent affordability, and partner with social justice movements.

## 2. AFFORDABLE HOUSING NON-PROFITS

Affordable Housing Nonprofits help secure Federal, State, and private funding for affordable housing, develop the housing, and then manage affordable housing communities. According to Rachel G. Bratt in a 2007 study for the Joint Center for Housing Studies at Harvard University, the advantages of nonprofits include long-term affordability, neighborhood revitalization, and an emphasis on quality resident services.

Hello Housing, an affiliate of MidPen Housing, has partnerships with nine Bay Area cities, including Novato. It offers an array of innovative programs including: AC Boost, a down payment assistance loan program; Hello R&D, developing infill housing with the goal of creating permanently-affordable homes integrated into current neighborhoods using tools such as creative financing, deed restrictions, and public-private partnerships; and Workforce Housing, a pilot program serving “community-serving” professions.

## 3. PROACTIVE COMMUNITY INVOLVEMENT: BUILDING SUPPORT FOR AFFORDABLE, EQUITABLE HOUSING OPPORTUNITIES

In addition to forging relationships with good partners, a city that wants to be successful in adding affordable housing must share its vision with the whole community. It must dispel negative myths about affordable housing and show the benefits to the whole community that adding housing at below-market rates brings in community cohesion, reduction in traffic, and a diverse population in age, occupation, abilities, creativity, and culture. The City can share its dream by:

- Having a beautiful concept first, one that improves the commons while housing people;
- Communicating visually with drawings and diagrams to fully engage all;
- Bringing in neighbors during the initial planning stages, so that it becomes their plan too;
- Encouraging participation through thoughtful scheduling of charrettes and other meetings to accommodate work schedules, offering childcare;
- Publishing the plans in the local newspaper;

**Naima S. Dean**, raised in affordable housing in Mill Valley by a single Black father, spoke about her experience:

“The opportunity allowed my siblings and me to become first generation college students, to become teachers and librarians and community contributors and builders. Many of us who grew up in this housing tend to seek careers that help others. The residents in our complex are nurses, special ed teachers, College of Marin staff, hair salon staff, pet store owners, therapists, single parents.”

- Using display boards in an open City Hall where the public can easily comment, question, and make suggestions;
- Educating the community about who the future residents of this housing would be, namely workers and families and important, contributing members of the community; and
- Adding public amenities such as parks and centers.

## C. RECOMMENDATIONS SUPPORTING AFFORDABLE, EQUITABLE HOUSING OPPORTUNITIES

### 1. PURSUE REGULATORY OPTIONS TO EXPAND AFFORDABLE, EQUITABLE HOUSING OPPORTUNITIES (SHORT/MEDIUM TERM)

Change the residential zoning regulations to allow all single-family houses in Mill Valley to be divided into two homes. Streamline the ability to convert a single-family home into two condominiums, which could then be sold or rented separately. Forge relationships with affordable housing nonprofits and Community Land Trusts and consider establishing our own CLT.

- Offer owners of homes valued at the median value or below an opportunity to apply for an affordable housing easement that would preserve the home as affordable in perpetuity in exchange for property tax abatement. There may be Federal income tax benefits to owners (as there are with conservation easements) at the time the easement is put in place. This helps current residents remain in Mill Valley and creates integrated affordable housing in Mill Valley. Leveraging the property taxes in this way is a cost-effective way to fund affordable housing.
- Consider regulations that would make it harder to increase the size of homes that are already in the affordable range in Mill Valley. Instead, encourage and allow Accessory Dwelling Units [ADUs] and Junior Dwelling Units [JDUs] on these properties to increase affordable housing.
- ADUs and JDUs are a great way to increase housing stock and many residents are pursuing these but are facing long waits from the Planning Department. Consider having special hours during the week available only for these kinds of applications.
- Require all substantially remodeled affordable housing meet ADA requirements. In partially renovated housing, encourage some universal access components such as one bedroom and an ADA bathroom on the first floor and 3-ft doors and hallways.

### 2. REGULATE RENTAL INSPECTION, MAINTENANCE, INCREASES & SHORT-TERM RENTALS [STRS] (SHORT/MEDIUM TERM)

- Institute a proactive rental inspection program. This removes the burden on renters to report violations, exposing them to retaliation, and makes it impossible for landlords to know if a renter has reported violations.
- Encourage landlords to maintain their rental units and penalize them if they do not. If rental units persistently fail to meet basic living standards, consider receivership or condemnation options. Put in place lien waivers and other supportive measures so that homes are rehabilitated and become permanently affordable.



- (c) Rent control is worth a thorough investigation and consideration by the City Council. Though research is mixed on rent control measures, according to Policy Link: “Market controls affect a lot of housing at once, at relatively low cost to the government. In places where very little land is available for development or where existing housing is too expensive to acquire, regulating the existing housing market may be the most practical way to take housing affordability to scale.”
- (d) Regulate Short-Term Rentals in ways that encourage STRs for cost-sharing rather than profit-making. Consider regulations recommended by the Sustainable Economies Law Center to:
  - Restrict STRs to primary residences only
  - Require that a resident occupy the unit for a minimum amount of time before hosting STRs
  - Prohibit remodeling or structurally altering units that would prevent the residence from being used as a residence in the future
  - Prohibit short-term rental of single-family structures that were constructed less than five years prior to the date of application for an STR permit
  - Set a cap of 30 nights per year

We also recommend that the City provide all current STR owners (with properties that meet the criteria) with a rental license for long-term rental at the same time as these regulations are put in place so that there is a minimal loss of income for these homeowners.

### 3. INVESTIGATE AND REDRESS HISTORICAL INEQUITIES (MEDIUM/LONG TERM)

According to Harvard historian Philip Deloria “. . . the United States confronts not a singular “original sin” of slavery, threaded through centuries of systemic racism and extending to George Floyd’s death in Minneapolis, but two foundational sins, intimately entangled across geographies stretching from the Great Lakes to the Mississippi Delta. . . the United States acquisition of new territory, a process characterized by the violent plunder of Native land and its conversion into vast American wealth.” The following should be undertaken to redress these injuries:

- (a) Provide restitutions for descendants of those who were restricted by law from purchasing a home in Mill Valley. Marin County is the most racially segregated county in California, a deliberate result of “purposeful segregationist policies and practices” during a period of major population growth between 1940 and 1970. In Mill Valley, it was not uncommon for deeds to restrict home sales to Whites only, and today the City is 87% White. In contrast, Marin City is 32% White and 68% Black and people of color.
- (b) Work with Marin County and the appropriate Tribal government to create conservation easements to preserve Indigenous lands and land trusts for Indigenous management.
- (c) Increase the transaction tax on the sale of homes and commercial buildings to be designated to direct payments to descendants of the Indigenous peoples of this area and projects that foster and support the tribal histories and cultures of this area.

#### 4. SUPPORT THE INTEGRATION OF AFFORDABLE HOUSING IN COMMERCIAL & PUBLIC PROPERTIES. (SHORT TERM)

- (a) Reimagine Mill Valley’s commercial buildings to allow local businesses to build affordable housing above their commercial establishments. Consider changing city planning to allow three or four stories on Miller and other commercial areas.
- (b) Consider building affordable housing on city owned lands such as over the community center parking lot. Use “transfer of development rights,” e.g. save Kite Hill as a park by instead building over Alto Shopping Center. Use surplus school or church lands for new affordable housing.

#### 5. PURSUE FUNDING OPPORTUNITIES FOR AFFORDABLE, EQUITABLE HOUSING (SHORT TERM)

- (a) Maintain or increase Section 8 rental subsidies.
- (b) Consider a sales or parcel tax for an affordable housing fund.
- (c) Encourage a program of estate giving.
- (d) Waive fees for affordable housing additions.
- (e) Secure commitments from local banks and credit unions and the State of California to work with the City of Mill Valley and its non-profit partners (that may secure private capital) to purchase current and future distressed mortgage notes to prevent foreclosures and develop new affordable ownership.
- (f) Raise the 1% building permit fee that funds the Affordable Housing Trust Fund.
- (g) Provide grants or low/no interest home repair loans to homeowners that meet gross household income requirements so that homes are healthy and safe for the current occupants and are preserved rather than replaced.

Additional Notes & Resources for Affordable, Equitable Housing Section.



## IV. EQUITABLE CULTURAL & RECREATIONAL ENGAGEMENT

### Attract, reflect and serve the Bay Area's vibrant cultural diversity

The arts and culture history and experience that Mill Valley offers is part of its fabric, and we are passionate about preserving this history. Studies show that arts and culture initiatives lead to economic development ... amplify a sense of place and abundance ... build community and connections... and bring new visions. ...*As urbanist and activist Jane Jacobs wrote in 1961, "Cities have the capability of providing something for everybody, only because, and only when, they are created by everybody."* It is incumbent on us to recognize the indispensable role that racial equity and diversity play in community conversations and in activating Mill Valley as a place of belonging that serves the collective good.

**Bonnie Powers**, *Co-Founder and Co-Curator at Poet and the Bench*

### A. SEGREGATION & CULTURAL EXCLUSION IN MILL VALLEY

Mill Valley's segregationist history and resulting homogeneity make it impossible to provide rich multicultural experiences and education in the City without outreach to surrounding communities. Historically, that outreach has been largely absent. The longstanding exclusion and hostility experienced in Mill Valley by Black people and other people of color from neighboring communities fuels a natural reticence to participate in Mill Valley community life even when those opportunities do present themselves. Our whole community suffers from the resulting lack of cultural and social vibrancy.

Providing welcoming, equitable and inclusive cultural and recreational opportunities in Mill Valley can help begin to bridge racial divides and demonstrate our City's sincere commitment to overcoming our racist past.

### B. PROGRESS & OPPORTUNITIES

We appreciate the efforts currently underway to make the City's cultural and recreational opportunities more equitable and reflective of diversity.

- Mill Valley Library is undertaking a serious, multi-year effort to magnify BIPOC voices including live events, book groups, podcasts, blogs, virtual events, comedy, book lists, lectures, documentary screenings, picture book packs, teen book packs, book discussions, adult book bundles, and partnerships with artists. In addition, the Library has a plan to document the history, as well as the present experiences, of local Black/ Indigenous/ People of Color.
- Parks and Recreation is currently working with the Marin City Community Center to supply transportation between the Mill Valley Community Center and the Marin City Community Center so that all the children in Southern Marin can play together.
- The City of Mill Valley's website history section features a short but prominent history of the Huimen Community of the Coast Miwok, who now call themselves

the Federated Indians of the Graton Rancheria. In the Arts and Culture section of its website, the City includes information on groups such as the Queer Writers of Color Relief Fund and Pillars Rapid Response Fund, which offers grants for Muslim artists and activists whose livelihoods are negatively impacted by COVID-19.

- Diversity in the arts is an important component of the Arts and Culture section of the Mill Valley General Plan.

We applaud these successes, and believe we have much more to do. A community is organized by its shared values. Thinking about all of our common spaces as multicultural, and then making that a reality will take effort, but a multicultural community space will deeply enrich the fabric of the town. The vibrancy of this community space will be an economic attraction, as well as a social one.

## C. RECOMMENDATIONS

In order to become a diverse and welcoming place, Mill Valley must find ways to attract, reflect and serve the diverse elements of our surrounding community. We can begin by developing multicultural common spaces through public art, events and engagement. A vibrant multi-cultural environment promotes creativity, innovation and economic activity. The City Council, Arts Commission, DEI Commission, City Departments and the private sector all have important roles to play in bringing about this transformation.

### 1. IMPLEMENT ARTS & CULTURE GOALS OF GENERAL PLAN FOCUSING ON CULTURAL DIVERSITY (SHORT TERM)

The one area of the MV2040 General Plan we have found that addresses racial and cultural diversity is the Arts & Culture section of the Community Vitality chapter. That section notes the crucial role of diversity in building community and a vibrant creative environment.<sup>14</sup> Goal Art.9, titled “Artistic Diversity and Variety” directs the City to:<sup>14</sup>

**Support and encourage a wide variety of established and emerging art forms and artists that include varied ethnic, cultural, age, gender, and economic populations among the users and providers of the City’s arts, culture, and arts education offerings.**

The plan offers the following programs in support of this goal:<sup>15</sup>

**ART.9-1** When enacting City regulations, ensure support for artistic freedom, variety, and eclecticism.

**ART.9-2** When promoting the arts, also promote the value of artistic diversity to encourage creativity, expand horizons, and accommodate a wide variety of artistic tastes.

**ART.9-3** Provide low-cost opportunities for artists to display and sell their work in public and at events.

**ART.9-4** Host and support multi-cultural arts events, performances, and displays.

**ART.9-5** Encourage local arts community leaders and providers that reflect the diversity of established and emerging art forms and artists.

**ART.9-6** Support and reflect artistic expression that draws upon the cultural diversity found in the community’s workforce

We urge the City, through the Arts and DEI Commissions and all City Departments, to prioritize the realization of these goals with a heightened focus on expanding cultural diversity in public and private artistic offerings and opportunities throughout the City. Mill Valley can invite and support interracial interchange and connections in our community through such multi-cultural artistic engagement. The Task Force recommends consideration of the following proposals, among others.

- Adapt the Perspectives: Past, Present, Future into a rotating public education and art space with a DEI focus.<sup>116</sup> Develop maps and tours to highlight these and other BIPOC (Black, Indigenous, People of Color) installations, landmarks and resources.
- Sponsor a local BIPOC Arts Festival, bringing cultural diversity through dance, cuisine, and traditions.
- Develop an annual cooperative Marin City and Mill Valley Pageant Play that dives into the real history of the area, with local citizens performing. Lenora Lee’s dance performance on Angel Island captures the spirit of what we would like to create.
- Identify a City-owned property that can serve as a Multicultural Community Center. If a space cannot be allocated a small bus could serve as a mobile center (like a book mobile), which would allow the DEI Commission and Multicultural Center to participate in many events throughout Mill Valley and Southern Marin.
- Create a Two-Act Play with the first act being performed in Marin City and the second act in Mill Valley. Provide a shuttle between acts.
- Add a Cross-Cultural element to the Community Gardens program.<sup>117</sup>

## **2. PROVIDE FREE ACCESS FOR MARIN CITY RESIDENTS TO ACTIVITIES AT MILL VALLEY FACILITIES (MEDIUM TERM)**

We must make Mill Valley an inviting and accessible place for Marin’s BIPOC communities. We can begin with our nearby Marin City neighbors. To this end, Mill Valley should provide free access to Park and Recreation facilities and classes for anyone residing in the Marin City Community Services District.<sup>118</sup> Access must be simple and inviting: an ID or other proof of residence at check in or registration, for example. The Parks and Recreation Department could coordinate with Marin City Community Services District to publicize and promote the program as part of a “Sister City” arrangement.

This benefit should be extended to any activities, public or private, that utilize City facilities (e.g., Marin Cyclists Club, MCBC, Tamalpais Outrigger Canoe Club Mill Valley Little League, Mill Valley Soccer, and Mill Valley Lacrosse.) If necessary, the City should investigate funding sources to subsidize the provision of scholarships.

## **3. SUPPORT INDIGENOUS GROUPS IN DEVELOPMENT OF CULTURAL OPPORTUNITIES (MEDIUM TERM)**

Create Co-Management agreement with the Federated Indians of Graton Rancheria to support their vision for the protection of cultural spaces and the inclusion of Indigenous perspectives and history. Designate a City employee to serve as the official liaison with the Graton Rancheria (the Coast Miwok are now a part of the GR) to update them regularly on City matters, to seek

their advice on initiatives and to amplify the voices of the original stewards of this land. Create an official City of Mill Valley Land Acknowledgment Statement in partnership with current Vice-Chair of Federated Indians of Graton Rancheria, Lorelle Ross. Implement its display and use at all meetings and events.<sup>119</sup>  
Additional Resources<sup>120</sup> & Cost Estimates<sup>121</sup> for Culture & Recreation Section.

## V. EQUITABLE ECONOMIC OPPORTUNITY

### A city where communities of color thrive and race is never a barrier to economic opportunity

#### A. BACKGROUND & CONDITIONS

Mill Valley's predominantly White business community appears to reflect the County's deep racial disparities in economic opportunity. According to Race Counts, Whites in Marin substantially outscore Blacks on all economic indicators<sup>122</sup> For example: 61% of White people in Marin are employed, compared with 48% of Black people; 94% of Whites have internet access compared with 87% of Blacks; 28% of Blacks live in poverty, compared with 8% of Whites; and, when it comes to business ownership, 31.4 out of every 1000 White Marin residents owns a business, while the numbers for Black business ownership are insufficient to be included in the tally.

Mill Valley will never be a diverse and welcoming community until we bridge the racial barriers to economic opportunity.

#### B. BEST PRACTICES FOR ECONOMIC EQUITY

Cities employ a wide range of strategies to promote economic opportunity for BIPOC businesses and individuals. In addition to those identified below, many are recommended on Policy Link's All-In Cities website and Toolkit,<sup>123</sup> at Growth & Justice,<sup>124</sup> and by the Association for Neighborhood Housing and Development.<sup>125</sup>

##### 1. EQUITABLE CONTRACTING AND PROCUREMENT

Cities can leverage their public spending to promote equitable economic development. According to the Mill Valley 2016-2018 Budget Workplan, Mill Valley spent over \$22 million on non-employee supplies services and equipment in fiscal 2017-2018, and even more (over \$32 million) in fiscal 2016-2017. These dollars represent a valuable opportunity to bring minority-owned businesses and BIPOC workers into our community and begin to correct past discriminatory practices.

Through equitable contracting and procurement policies, cities can ensure that underrepresented entrepreneurs have access to these business opportunities – those who are underrepresented include minority-owned business enterprises (MBEs; defined as at least 51 percent owned by people of color) and disadvantaged business enterprises (DBEs; owned by people of color, women, and other economically disadvantaged groups).

Policy Link, All-In Cities Toolkit.<sup>126</sup>

Such spending can have exponential benefits for local communities of color, and for our overall local economy.<sup>127</sup>

Equitable public spending is critical to the strength of cities, as businesses owned by people of color are more likely to hire people of color than other firms and generate increased economic activity in communities of color. Local governments often fail to provide fair contracting opportunities for MBEs and DBEs, who compete with larger companies that are politically connected, able to access financing, and more familiar with navigating the bureaucratic processes of working with governments.

## 2. FINANCIAL EMPOWERMENT CENTERS

Financial empowerment centers are city-managed programs that offer free, professional, one-on-one financial counseling to help residents address their financial needs and plan for their financial futures. The need for such services is real – in 2016, the Federal Reserve reported that nearly half of Americans would not be able to come up with \$400 in savings for an emergency expense.<sup>128</sup> Cities seeking to help residents build wealth and financial security can establish financial empowerment centers to offer training and services for money management, budgeting, reducing debt, establishing and improving credit, connecting to safe and affordable banking services, and building savings.<sup>129</sup>

Through financial empowerment centers, residents can access resources and support to build savings to weather financial emergencies, invest in their futures, avoid predatory financial products that can entrap them in cycles of debt, and increase their financial acumen. Implementing a financial empowerment center requires upfront investments determined by its structure, the services it delivers, and the costs of specific programs and incentives (e.g., matched savings accounts). But because these centers can be integrated into other public services – including housing and foreclosure prevention services, workforce development, prisoner reentry, benefits access, and domestic violence prevention – they can actually save cities money. Research shows that financial insecurity can strain city budgets, while people with stable finances need fewer ongoing support services.<sup>130</sup>

## 3. WORKER COOPERATIVE DEVELOPMENT PROGRAMS

The City of Berkeley offers a good example of a Worker Cooperative Development Program. Berkeley's Office of Economic Development launched its program in 2019 to provide succession planning and support for cooperative conversion for businesses at risk of closure. The program advances BIPOC business ownership while providing substantial economic benefits for the City.

A study commissioned by the City's Office of Economic Development and conducted by Project Equity reveals that more than 1,200 Berkeley businesses will be in need of succession planning services over the next 15 years. Those 1,200 businesses account for \$1.6 billion, or 60% of Berkeley's small business revenue, and one in three local jobs. Berkeley, like most US cities, will need to redouble its investments in succession planning in order to preserve even a fraction of its local businesses as primarily Baby Boomer business owners reach retirement.<sup>131</sup>

#### 4. GRANTS

A City can provide direct grants to BIPOC individuals and businesses in need. San Francisco recently launched such a program that aims to address some of the economic devastation felt by its Latinx community due to COVID. Among other things, the program will provide support for small businesses and struggling workers.<sup>132</sup> Special project grants, in the areas of the arts and humanities for example, can promote equitable economic opportunity while advancing identified civic needs.<sup>133</sup>

### C. RECOMMENDATIONS

#### 1. DEVELOP EQUITABLE CONTRACTING & PROCUREMENT POLICIES TO SUPPORT BIPOC BUSINESSES (SHORT TERM)

The City should adopt equitable contracting and procurement policies to alleviate the advantages of large, White-owned businesses and provide opportunities for minority-owned businesses and workers to supply the City's contracting and procurement needs.

#### 2. EXPLORE DEVELOPMENT OF A FINANCIAL EMPOWERMENT CENTER UTILIZING COMMUNITY VOLUNTEERS (MEDIUM TERM)

Financial empowerment centers provide free, professional, one-on-one financial counseling to assist underserved residents to build wealth and financial security. Mill Valley should explore a pilot program in which local financial professionals volunteer to provide such services.

#### 3. EXPLORE COOPERATIVES, GRANTS & OTHER ASSISTANCE TO SUPPORT NEW & STRUGGLING BIPOC ENTREPRENEURS (MEDIUM TERM)

The City, through the DEI Commission, should explore available options to attract, promote and support BIPOC businesses in our community.





## VI. EQUITABLE EDUCATION THROUGH COMMUNITY PARTNERSHIPS

### **Our schools need support for their anti-racist work both within and outside the school setting**

Our recommendations offer a pathway for the Mill Valley community, including its leadership, to move toward an inclusive, racially just, and anti-racist Mill Valley.

- (1) They offer a pathway for the Mill Valley Council and City Government to exercise leadership in demonstrating a commitment to racial justice and the practice of anti-racism in the community and hold ourselves and each other accountable for meaningful change.
- (2) They are based on the concept of shared learning: At all levels of our community -- from kindergarten through high school, young adults, families, retirees and senior residents - we engage in the learning about racial justice, implicit biases and anti-racism together and alongside each other, supporting and informing one another's growth and learning.
- (3) They focus on three spheres of influence of the City Council relevant to education:
  - a. Areas under the direct jurisdiction of the City Council;
  - b. Partnerships with the schools, which are integral to the Mill Valley community; and
  - c. Collaborations and coordination with Marin City and its schools.

## A. RACIAL JUSTICE IN MILL VALLEY SCHOOLS & THE ROLE OF CITY GOVERNMENT

The City Council does not have direct jurisdiction over the Mill Valley educational system. However, the City has a crucial leadership role to play in promoting racial justice in Mill Valley schools by demonstrating a commitment to the practice of anti-racism in the community and in partnership with the schools.

We are guided in our discussion by the following premises:

- (1) Our children must experience inclusive education and anti-racist curriculum from the earliest grades on, starting in Kindergarten and continuing all the way through High School;
- (2) BIPOC students, families, faculty and staff must have equal opportunities and access to all the necessary resources to thrive in the Mill Valley school system;
- (3) BIPOC students, families, faculty and staff must experience a sense of belonging, and feel that their contributions are valued and compensated in the Mill Valley school system;
- (4) Our schools must foster a school community and school culture that is explicitly anti-racist and that is intentionally and transparently inclusive; and
- (5) Our Mill Valley community, at all levels, including families, neighborhoods, after school organizations, and businesses, must provide a racially just environment to support and amplify the work that the schools are doing to establish inclusion, equity and diversity in the educational setting.

The racial inequities in the Mill Valley public schools are well-documented. There are two areas of major concern: the achievement gap and disparities in discipline. We present these data to anchor our discussion in the reality of racial inequities in our schools. The leadership at the high school, middle and elementary schools is acutely aware of these problems and have committed themselves to making systemic changes to address them. While a great deal of the responsibility to address these problems lies with the School Districts'

leadership, they can't do it alone. Addressing longstanding and pervasive inequities in our schools requires a comprehensive and consistent commitment from our community and City leadership.

## 1. TAMALPAIS HIGH SCHOOL

Tables E (Tam High) and Table F (Tamalpais Union High School District (TUHSD)) present the 2019 outcome data on academic achievement and suspension rates at Tam High specifically and at the TUHSD overall (five campuses combined). These data document the serious inequities by race and socioeconomic disadvantage in our education system.

<b>TABLE E: TAMALPAIS HIGH SCHOOL - 2019</b>							
<b>Academic Performance &amp; Suspension Rates by Race &amp; Socioeconomic Disadvantage</b>							
<small>(Source: California Schools Dashboard)</small>							
<b>ACADEMIC PERFORMANCE</b>	<b>AFRICAN AMERICAN</b>	<b>LATINX</b>	<b>ASIAN AMERICAN</b>	<b>CAUCASIAN</b>	<b>MORE THAN ONE RACE</b>	<b>FILIPINO</b>	<b>SOCIO-ECON DISADVANTAGE</b>
ENGLISH LANGUAGE ARTS	---*	25 pts > standard	42 pts > standard	55 pts > standard			8 pts < standard
MATHEMATICS	---*	28 pts < standard	14 pts > standard	15 pts > standard			56 pts < standard
GRADUATION RATE	100%	95%	93%	98%			93%
COLLEGE/CAREER PREPARED	47%	51%	62%	76%			39%
DISCIPLINE							
SUSPENSIONS	14%	3%	2%	4%	4%	17%	7%
* fewer than 11 students reported; data not displayed for privacy							

<b>TABLE F: TUHSD - 2019</b>							
<b>Academic Performance &amp; Suspension Rates by Race &amp; Socioeconomic Disadvantage</b>							
<small>(Source: California Schools Dashboard)</small>							
<b>ACADEMIC PERFORMANCE</b>	<b>AFRICAN AMERICAN</b>	<b>LATINX</b>	<b>ASIAN AMERICAN</b>	<b>CAUCASIAN</b>	<b>MORE THAN ONE RACE</b>	<b>FILIPINO</b>	<b>SOCIO-ECON DISADVANTAGE</b>
ENGLISH LANGUAGE ARTS	43 pts < standard	12 pts > standard	55 pts > standard	64 pts > standard			7 pts < standard
MATHEMATICS	113 pts < standard	36 pts < standard	33 pts > standard	26 pts > standard			52 pts < standard
GRADUATION RATE	94%	95%	95%	96%			89%
COLLEGE/CAREER PREPARED	28%	47%	73%	73%			37%
DISCIPLINE							
SUSPENSIONS	13%	2%	2%	2%	2%	5%	6%

**(a) Achievement Gap**

African American students experienced a substantial gap in both the English and Language Arts and in Math. Using the TUHSD data as a proxy in these two areas (see \* in Table E), the achievement gaps were 85-98 points in English and Language Arts, and 127 points in Math. While 100% of African American students at Tam High graduated in 2019, less than one-half were college or career prepared, compared to two-thirds of the Asian American students and three-fourths of the White students.

Latinx students performed above standards in English and Language Arts, yet still 17-30 points below Asian American and White students. In Math, this group experienced a gap of 43 points compared to Asian American and White students. While 95% of Latinx students at Tam High graduated in 2019, only one-half were college or career prepared, compared to two-thirds of the Asian American students and three-fourths of the White students.

The data show an equally concerning gap for students from socially disadvantaged backgrounds. Their performance was below standards in both English and Language Arts and in Math. In Math there was an especially large gap of 71 points compared with Asian American and White students. Their graduation rate was somewhat lower than their peers, but most concerning was that less than 40% were college or career prepared.

**(b) Suspension Rates**

African American students were 4 to 7 times more likely to be suspended compared to White, Latinx, or Asian American students. A concerning data point in 2019 was the high rate of suspensions among Filipino students, almost 4 to 9 times higher than White, Asian American and Latinx students. Students from economically disadvantaged backgrounds were 2 to 3 times more likely to be suspended compared to the rates of White, Asian American and Latinx students. These racial disparities in suspension rates should be of great concern, especially because of the serious educational and life altering consequences that are associated with these experiences. We know that disciplinary actions such as suspensions and expulsions often set in motion a downward spiral for the student and lead to more punitive disciplining including juvenile detention.

**2. MILL VALLEY SCHOOLS - 3RD THROUGH 8TH GRADES**

Table G presents the 2019 outcome data on academic achievement at the Mill Valley School District, 3rd through 8th grades.

<b>TABLE G: MVSD - 2019</b> <b>Academic Performance by Race and Socioeconomic Disadvantage</b> % of students meeting state standards						
ACADEMIC PERFORMANCE	AFRICAN AMERICAN	LATINX	ASIAN AMERICAN	CAUCASIAN	MORE THAN ONE RACE	SOCIO-ECON DISADVANTAGE
ENGLISH LANGUAGE ARTS	82%	69%	66%	86%	87%	57%
MATHEMATICS	45%	65%	71%	81%	85%	54%

In Mathematics, far fewer African American and Latinx students met the state standards compared to White students. This was especially pronounced for African American students. In English and Language Arts, fewer Latinx and Asian American students met the state standards compared to White and African American students. Of great concern should be that children from socioeconomically disadvantaged backgrounds performed substantially behind their peers. In both English and Math, just over half of this group of students met state standards.

The metric presented here is % of students meeting the California state standard. This particular metric is useful in showing in what areas and between what groups there is an achievement gap. This particular metric is not able to tell us how far below standard each group is performing, or how wide the achievement gap is between the various racial groups.

## B. EVIDENCE & EXPERT OPINIONS

The Task Force collected data and expert recommendations from the following sources:

### • INTERVIEWS WITH:

- Tara Taupier, Superintendent, TUHSD
- Kimberlee Armstrong, Assistant Superintendent, TUHSD
- J.C. Farr, Principal Tamalpais High School
- Kimberly Berman, Superintendent, MVSD
- Rod Septka, Global Studies Coordinator, MVSD
- Julie Harris, Director Student Services, MVSD

### • COMMENTS BY STUDENTS, PARENTS, AND COMMUNITY MEMBERS DURING THE TWO RACIAL JUSTICE FORUMS CONDUCTED BY THE TUHSD (8/5/20; 9/2/20)

- Comments made by community members during the DEI Public Engagement meeting (11/5/20)
- Comments/suggestions received by the MVCC from the community over the past 4 months
- Review of the California Schools Dashboard for the TUHSD

The common theme in all of the conversations we had and comments we received is that Mill Valley has a terrible reputation regarding racial justice and racial tolerance. At the two Racial Justice Forums held by the THUSD this past fall, the students were especially courageous in conveying their experiences of racism and intolerance in the school culture. Parents were equally articulate about their experiences and observations of the work that still needs to be done, both in the schools and in the community.

## 1. WHAT WE HEAR FROM STUDENTS, PARENTS, AND THE COMMUNITY

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### • FROM STUDENTS (selection):

- The White community continues to blame BIPOC students for not doing enough. We are told: you have to report; you have to speak up; you have to just trust us. But we don't have a reason to trust. We have been reporting and speaking out for a long time, but we are not listened to. We are not taken seriously. Speaking up again and again is a retraumatizing experience.
- White students have to get on board without expecting BIPOC students to endure re-traumatization. The White people have to organize. They are the ones that have and continue to do harm.
- How do we get White students and White families to care?
- From a student who attended both High School 1327 and Tam High: High School 1327 and Tam High have very similar racist cultures. While Tam High has done a lot of work on addressing the problem in the culture and in the curriculum (Tam High is the only school that has Black staff members, a Black principal, and has worked extensively on anti-racist curriculum, anti-racism training of teachers and staff, etc.), the level of racism experienced at both schools is similar. All the things that Tam High is doing are not working. What is the district going to do about it?
- BIPOC students more often have to take buses to school. Due to the unpredictable bus system students sometimes are late and miss class. This is dealt with by the school in a punitive way which leads to more punitive experiences by BIPOC kids. Why are we punishing students for things that are outside their control?
- Inequities in disciplinary actions; a much higher percentage of BIPOC students are referred for disciplinary action, and are referred to "continuation" schools (San Andreas, Madrone)
- The school-to-prison pipeline is a major systemic problem; the stats in Marin County for suspensions and expulsions of Black and brown students are horrific and are worse than the country's averages; these disciplinary actions set in motion a pathway to juvenile detention and prison
- Restorative justice programs are underutilized. We need restorative justice approaches in the elementary and middle schools as well as in our high schools.
- "Dress your next step" is a complete display of elitism and wealth disparity.
- When listening to stories of people who are incarcerated, their history of interactions with teachers often played a significant part in their ending up in prison. Teachers need much more training in recognizing signs of trauma, and how to handle these.
- Counselors and coaches have a huge impact on a person of color's future, affecting students' mindsets about their future education in negative and limiting ways
- School police or "School Resource Officers" in full uniform with tasers, guns, and police cars are intimidating with a disparate effect on BIPOC students. This creates a hostile and scary environment that reinforces differential treatment.

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- **FROM PARENTS** (selection):

- Biracial students have figured out that there are major benefits to “passing”, but this completely erases part of who they are.
  - What % of the budget will be spent on these anti-racism projects?
  - Will there be a staff member devoted to DEI?
  - We need training on upstanding for everyone. Parent education topics need to include antiracism and how to be an upstander.
  - Lack of diversity in elementary and middle schools is deep concern. Antiracism education/training/practices have to start in preschool, and the elementary and middle schools.
  - There is a great need for the district to hire more faculty of color. They also need to address retention of faculty of color and create an inclusive environment. But in addition to hiring BIPOC individuals the schools have to work on making the environment less hostile to BIPOC individuals.
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- **FROM THE COMMUNITY** (selection):

- Effect of law enforcement on school grounds? We should be reallocating funds to other services that support students’ mental and emotional needs; create a different model.
- We should enlist neighbors and residents to hold the school district accountable.
- We need to get the teenagers involved in the schools’ efforts to address racial justice.
- Achievement gap in the MVSD is one of the highest in the nation; it is ruining children’s lives.
- Diversify the school system.
- Support integrating K-8 schools with Sausalito-Marín City and Mill Valley.
- Require professional development for teachers, staff, and administration.
- Curriculum overhaul: Make anti-racist textbooks mandatory in social studies classes (K-12); encourage elementary and middle school courses to teach anti-racism principles, such as how to respond to and interrupt racist interactions; required readings for teachers and students - such as “Culturally Responsive Teaching and the Brain.”
- Address institutionalized racism and segregation at Tam High.
- Review how the City can partner better with the School District and High School District.
- Set up a scholarship fund for African-American students; scholarships for science, technology, engineering, math, arts, music, and recreation programming; THUSD food bag and school supplies programs.
- Increase schoolteacher pay and pour more funding into education system.

## **2. PROGRESS & CHALLENGES ACCORDING TO SCHOOL ADMINISTRATORS & STAFF**

### **(a) Racial Justice Initiatives**

For the past 3-5 years both Tam High and MVSD have been engaged in well-informed, concerted and in-depth efforts to address the overt and implicit racial biases and discrimination in the school systems. At both school districts, the leadership for racial justice work comes from the top with clear commitments, goals, and plans for implementation and assessment against outcome measures. Notwithstanding the serious disruptions due to the pandemic, the past work on racial justice has put the schools in a better position to respond to the current national crisis of systemic racism.

At Tam High, starting five years ago, under the direction of Mr. J.C. Farr, the school has been involved in a wide-ranging effort to develop and implement anti-racist curriculum, offer anti-racism resources for teachers, require DEI professional development of all teachers and staff, support student engagement and activism, hold courageous conversations about race and racial justice across the school, and institute hiring practices to increase the number of BIPOC teachers. At the TUHSD, under the direction of Dr. Kimberlee Armstrong, the TUHSD has formed a Racial Justice Task Force of 106 students, parents, community members and staff to study nine areas of racial justice and anti-racism at the high schools. The TUHSD has partnered with outside education groups, such as the Pacific Education Group (with Deborah Knight, Lori Watson) and with Beyond Diversity to implement training across all levels of staff at the school. They have instituted districtwide Equity Leadership Training and Racial Consciousness and anti-racism education for their leadership team and their teaching and administrative staff, including the school board.

At the middle and elementary schools, starting about three years ago, similar efforts have been underway to review curriculum for racial bias and inclusivity, require teacher training of all teaching staff, offer teacher support networks, introduce a program of culturally responsive teaching across all the schools, and develop special projects between Mill Valley and Marin City schools. Racial Justice Task Forces have been formed at Strawberry Point, Edna McGuire and Tam Valley Schools. The MVSD has partnered with the Pacific Education Group and with Courageous Conversation training resources.

## (b) Continuing Challenges

Apart from the additional layers of complexity brought on by COVID, both school districts identify a number of common challenges.

**Inability to attract and retain BIPOC faculty.** At both Tam High and MVSD a major concern is the difficulty of attracting BIPOC individuals to even apply for teaching positions. In spite of consistent outreach and extensive work with services like Nemnet, the schools receive virtually no applications from individuals of color. Moreover, it has been difficult to retain the few teaching staff of color that have ventured to work in our school system. All school leadership we talked to report that the reputation of Mill Valley as an elitist, intolerant community where overt and covert acts of microaggression and racism go unchecked and unaddressed is a great disincentive for BIPOC individuals to seek teaching employment in the Mill Valley schools.

**Divide between what happens in the classroom and what happens outside of the school.** Both school districts emphasized that the lack of intention and awareness around racial justice, equity and inclusion in the broader community works against the schools' efforts

of making systemic changes and addressing school culture. There is a wide divide between what is happening at school in the classroom and what is happening outside of the school. The ability of the school to have an impact on the school culture and to interrupt and prevent acts of racism will remain limited without the students experiencing a more consistent anti-racist message coming not only from within the school, but also the families and from the larger Mill Valley community outside the school.

Lack of consistency in implementation of anti-racist curriculum and pedagogy across classrooms. At the end of the day a school is students and teachers. Teachers need to be well grounded in anti-racist pedagogy and curriculum. There is an ongoing need for professional development to ensure all teachers continue to be solid in this work.

Extensive Task Force outreach confirms a community consensus—among students, parents, teachers, administrators and residents—that our community must do more to learn about, embrace, and reflect social and racial justice values. We must extend the concept of shared learning across all the levels of our community that impact the education of our children: from kindergarten teachers all the way through our Mill Valley residents and leadership.

## C. RECOMMENDATIONS

Racial justice and healing in our educational system must begin with a true understanding and acknowledgement of past and ongoing harms. We must take time to listen, apologize, own, and begin to repair painful patterns and practices that have existed and persisted in our community. The City should publish a clear, outward facing statement acknowledging past wrongs and stating its clear and unequivocal commitment to advancing racial justice in all areas of City government, including in relation to the Mill Valley educational system.

### 1. PARTNER WITH DISTRICT LEADERSHIP TO COORDINATE DEI INITIATIVES ACROSS THE MVSD (SHORT/MEDIUM TERM)

Mill Valley, through its DEI Commission, should work in partnership with MVSD leadership to offer and coordinate the DEI initiatives across the five Mill Valley elementary schools and Mill Valley Middle School.

### 2. PARTNER WITH TAM HIGH SCHOOL & TUHD TO BUILD MECHANISMS FOR COMMUNICATION & COLLABORATION ON DEI INITIATIVES (SHORT/MEDIUM TERM)

Tam High School is working to address racial equity issues on a variety of fronts. But the school needs community support for its anti-racist work both within and outside the school setting. Mill Valley, through its DEI Commission, can establish a supportive partnership with the High School to develop and implement collaborative DEI solutions. Consider, for example, a “World Café”, that brings together students, community members, DEI Commission, Mill Valley leadership to communicate and offer feedback across town and across areas of jurisdiction on topics and issues that are related to racial justice in the schools.



### 3. PARTNER WITH THE SCHOOLS TO PROVIDE OPPORTUNITIES FOR SHARED LEARNING ON RACIAL JUSTICE FOR THE WHOLE COMMUNITY (SHORT/MEDIUM TERM)

These efforts should include—

- In partnership with Tam High School and the TUHSD offer and extend the Community racial justice workshops (“Call to Action”) that are offered within the school districts to the larger Mill Valley community;
- Present series of films on racial justice through the City website for streaming. Screenings could be held at the community center when COVID restrictions permit this. Offer Q&A sessions with film producers.
- Hold Speaker events that include community conversations with panels of representatives from Marin City.
- Other opportunities for education might include the Eddie Moore 21-Day Racial Equity Habit Building Challenge<sup>134</sup> and stickers for people who complete particular courses as a way to encourage conversation.

### 4. ENCOURAGE A COLLABORATIVE PARTNERSHIP BETWEEN MILL VALLEY AND MARIN CITY SCHOOLS (MEDIUM/LONG TERM)

Racial inequities in Mill Valley schools must be addressed in the larger context of the educational inequities across Marin County, and specifically between Mill Valley and Marin City whose residents attend Tam High. We must encourage and support collaborative approaches that engage our Marin City neighbors and affected communities of color.<sup>135</sup>



<b>TABLE OF DEI TASK FORCE RECOMMENDATIONS</b>		
<b>SUBJECT</b>	<b>RECOMMENDATIONS</b>	<b>TERM</b>
<b>I. DEI Leadership &amp; City Government</b>		
	1. Create a Permanent DEI Commission	<b>IMMEDIATE TOP PRIORITY</b>
	2. Develop a Comprehensive Racial Equity Plan	<b>IMMEDIATE TOP PRIORITY</b>
<b>II. Safe &amp; Equitable Law Enforcement</b>		
<b><i>Bias Free Policing</i></b>		
	1. Initiate RIPA Data Collection by January 1, 2021	<b>URGENT</b>
	2. Adopt RIPA Model Policies for Bias-Free Policing (Appendix A)	Short
	3. Align MVPD Training with RIPA Best Practices (Appendix B)	Medium
	4. Adopt RIPA Best Practices to Prevent Bias by Proxy (Appendix C)	Med/Long
	5. Align MVPD Policy Manual with Procedural Justice Best Practices	Med/Long
<b><i>Preventing Unnecessary &amp; Excessive Force</i></b>		
	1. Align Use of Force Policies & Practices with 21st Century Policing (Appendix D)	Short
<b><i>Building Trust &amp; Legitimacy</i></b>		
	1. Collect & Publicize Comprehensive Data on MVPD Website	Short
	2. Improve Community Access to Civilian Complaint Process	Short
	3. Develop Civilian Oversight of MVPD	Medium
	4. Investigate & Consider Prior Misconduct in MVPD Hiring Decisions	Short
<b><i>Tailoring Police Functions &amp; Funding to Community Needs</i></b>		
	1. Replace School Police with Service Worker(s)	Short/Med
	2. Review MVPD Functions & Funding	Short/Med
	3. Develop Need-Based Model & Budget for a City Services Team	Med/Long

<b>TABLE OF DEI TASK FORCE RECOMMENDATIONS</b>		
<b>SUBJECT</b>	<b>RECOMMENDATIONS</b>	<b>TERM</b>
<b>III. Ample Affordable Housing</b>		
	1. Explore Regulatory Options to Expand Affordable, Equitable Housing Opportunities	Short/Med
	2. Regulate Rental Inspection, Maintenance, Increases & Short-Term Rentals	Short/Med
	3. Investigate & Redress Historical Inequities	Med/Long
	4. Support Integration of Affordable Housing in Commercial & Public Properties	Short
	5. Explore Funding Opportunities for Affordable, Equitable Housing	Short
<b>IV. Equitable Cultural &amp; Recreational Opportunity</b>		
	1. Implement Arts & Culture Goals of General Plan Focusing on Cultural Diversity	Short
	2. Provide Free Access for Marin City Residents to Mill Valley Facilities	Medium
	3. Support Indigenous Groups in Development of Cultural Opportunities	Medium
<b>V. Equitable Economic Opportunity</b>		
	1. Develop Equitable Contracting Policies to Support BIPOC Businesses	Short
	2. Explore Development of a Financial Empowerment Center	Medium
	3. Explore Cooperatives, Grants & Other Assistance to BIPOC Entrepreneurs	Medium
<b>VI. Equitable Education Through Community Partnerships</b>		
	<i>Coordinating DEI Strategies in Schools and Community</i>	
	1. Partner with District Leadership on DEI Initiatives Throughout the Community	Short/Med
	2. Build Mechanisms for Collaboration with High School on DEI Initiatives	Short/Med
	3. Partner with the Schools on Community Racial Justice Learning Opportunities	Short/Med
	4. Encourage a Partnership Between Mill Valley & Marin City Schools	Med/Long

## Endnotes

<sup>1</sup> Mill Valley City Council, Resolution No. 20-37 (July 6, 2020).

<sup>2</sup> See *Race Counts*, <https://www.racecounts.org/county/marin/>.

<sup>3</sup> The vast majority of population growth in Mill Valley occurred between 1940 and 1970 under the influence of purposeful segregationist policies and practices. In the 1940's housing boom, Whites-only subdivisions sprang up across Mill Valley—as they did throughout the country—enforced by racially restrictive covenants that remain on those Mill Valley home titles today. These covenants were enforced by banks, realtors and community members in Marin through the 1960s despite having been ruled unconstitutional by the Supreme Court in 1948. Othring & Belonging Institute, *Roots Race and Place* <https://belonging.berkeley.edu/rootsraceplace/raciallyrestrictivecovenants/>; see also L. Dillon, *Marin County Segregation Persist[s]*, Los Angeles Times (Jan 7, 2018).

<sup>4</sup> “Racial residential segregation ... means that African Americans are more likely to be steered toward high-poverty neighborhoods, further contributing to the opportunity gap. Typically, families with higher levels of income have access to more-affluent neighborhoods, which tend to have more amenities, and, in particular, higher-performing public schools. Yet persistent racial residential segregation (and the wealth gap it creates) means even *middle-class* Black families are more likely to live in concentrated poverty, and thus are more likely to send their children to high-poverty schools *than are low-income Whites*.” Quick, *Attacking the Black-White Opportunity Gap That Comes from Residential Segregation*, The Century Foundation (Jun 25, 2019) <https://tcf.org/content/report/attacking-Black-White-opportunity-gap-comes-residential-segregation/?session=1> ; see Rothstein, *Housing Segregation Undergirds the Nation's Racial Inequities*, Economic Policy Institute (May 9, 2016), <https://www.epi.org/blog/housing-segregation-undergirds-the-nations-racial-inequities/>.

<sup>5</sup> “[Black-White residential segregation] creates its own justification. As communities of color suffer under the deprivations that come with segregation—economic disinvestment, political disenfranchisement, educational inequity, and unfair policing practices—those who build and install resilient and enduring racist systems that sustain segregation explain their decisions in terms of protecting and promoting safety, strong schools, and stable housing markets—the very attributes that the conditions of segregation disrupted for Blacks.” Kahlenberg & Quick, *supra*.

<sup>6</sup> Mill Valley's current standing Commissions operate in the areas of the Arts, Bicycles and Pedestrians, Emergency Preparedness, Library, Parks and Recreation, and Planning.

<sup>7</sup> See *Race Counts*, <https://www.racecounts.org/county/marin/>. The one area in which the City has focused on equity issues is in the realm of affordable housing, which is subject to State mandates and oversight. Until recently, however, progress on this issue was negligible. There has not been a new affordable housing development in Mill Valley for roughly 30 years.

<sup>8</sup> . See *MV2040 Plan*. The word “diversity” appears in the goals and values of the General Plan, but only in the context of preserving diverse housing styles in our neighborhoods. *MV2040 Plan, Introduction*, p. 5.

<sup>9</sup> Apparently in response to the June 2020 community protests, the Mill Valley Parks and Recreation Department has recently begun working with Marin City representatives to identify collaborative opportunities. See Parks and Recreation Commission, Meeting Minutes (Aug 5, 2020), item 6.

<sup>10</sup> City Council Resolution No. 20-37 (July 6, 2020).

<sup>11</sup> See e.g., Oakland (<https://www.oaklandca.gov/departments/race-and-equity/>); City of Elk Grove ([https://www.elkgrovecity.org/city\\_hall/city\\_government/commission\\_and\\_committees/multicultural\\_committee/](https://www.elkgrovecity.org/city_hall/city_government/commission_and_committees/multicultural_committee/)); Toledo OH (<https://toledo.oh.gov/services/diversity-inclusion/>); Ogden UT (<https://www.ogdencity.com/1406/Commissioners>); Lynwood WA (<https://www.lynnwoodwa.gov/Government/Boards-and-Commissions/>); Temecula (<https://myvalleynews.com/temecula-city-council-gives-go-ahead-on-potential-diversity-commission-other-steps-to-address-race-equity/>); El Segundo (<https://www.elsegundo.org/government/departments/committees-commissions-boards/>); Mountlake Terrace (<https://www.cityofmlt.com/2084/Diversity-Equity-Inclusion-Commission/>); Jackson MI (<https://www.cityofjackson.org/CivicAlerts.aspx?AID=598>).

<sup>12</sup> See e.g., Government Alliance on Race and Equity [GARE] <https://www.racialequityalliance.org/>; All-In Cities (a project of Policy Link) <https://allincities.org/toolkit/>; Living Cities, *Working to Embed a Racial Equity and Inclusion Lens at Living Cities* (Jan 23, 2014) <https://www.livingcities.org/blog/422-working-to-embed-a-racial-equity-and-inclusion-lens-at-living-cities-early-exploration>; Race Forward (united with Center for Social Inclusion in 2017) <https://www.raceforward.org/about>.

<sup>13</sup> See e.g., Office of Equity and Human Rights, City of Portland, *Promising Practices for Advancing Racial Equity* (2016) (providing a survey of government racial equity plans) <https://www.portlandoregon.gov/oehr/article/564991>; Center for the Study of Social Policy *One Fairfax: A Brief History of a County-Wide Plan to Advance Equity and Opportunity* (December 2018) [One Fairfax] <https://cssp.org/wp-content/uploads/2019/01/One-Fairfax-FINAL.pdf>.

<sup>14</sup> GARE has launched the second of two year-long cohorts of local California jurisdictions to achieve racial equity. Participating jurisdictions include: Alameda County, City of Oakland, City of Berkeley, City of Richmond, California Department of Public Health, City and County of Sacramento, Contra Costa County, City of San Francisco, Marin County, San Francisco Public Utilities Commission, Merced County, Santa Clara County, Napa County, Solano County. <https://www.centerforsocialinclusion.org/press/national-group-brings-together-local-government-jurisdictions-in-california-to-achieve-racial-equity/>

<sup>15</sup> GARE, *Approach*, <https://www.racialequityalliance.org/about/our-approach/>; see also GARE, *Racial Equity: Getting to Results* (July 2017) [Getting to Results] [https://www.racialequityalliance.org/wp-content/uploads/2017/09/GARE\\_GettingtoEquity\\_July2017\\_PUBLISH.pdf](https://www.racialequityalliance.org/wp-content/uploads/2017/09/GARE_GettingtoEquity_July2017_PUBLISH.pdf).

<sup>16</sup> See GARE, *Racial Equity Toolkit: an Opportunity to Operationalize Equity* (2016) (tools “ensure that all decisions are aligned with organizational racial equity goals and desired outcomes”) [https://racialequityalliance.org/wp-content/uploads/2015/10/GARE-Racial\\_Equity\\_Toolkit.pdf](https://racialequityalliance.org/wp-content/uploads/2015/10/GARE-Racial_Equity_Toolkit.pdf); see also (re: centering equity): Race Forward <https://www.raceforward.org/practice/tools/principles-racially-equitable-policy-platforms>; Living Cities (Mar 2020) <https://www.livingcities.org/resources/364-achieving-results-by-centering-race-internally-and-externally>; Actionable Intelligence for Social Policy [AISP], *Centering Racial Equity Through Data Integration Toolkit* (2020) [https://www.aisp.upenn.edu/wp-content/uploads/2020/08/AISP-Toolkit\\_5.27.20.pdf](https://www.aisp.upenn.edu/wp-content/uploads/2020/08/AISP-Toolkit_5.27.20.pdf).

<sup>17</sup> Mill Valley Municipal Code Chapter 2.08, section 2.08.020.

<sup>18</sup> J. Lepore, *The Invention of the Police*, *The New Yorker* (July 13, 2020) [Invention of Police], (“in eighteenth-century New York, a person held as a slave could not gather in a group of more than three; could not ride a horse; could not hold a funeral at night, could not be out an hour after sunset without a lantern; and could not sell ‘Indian corn, peaches, or any other fruit in any street or market in the city. Stop and frisk, stop and whip, shoot to kill.” When centralized municipal police departments began showing up in cities like New York, Philadelphia and Chicago, they were overwhelmingly White and were similarly focused more on perceived “disorder” than on crime; officers were expected to control a “dangerous underclass” that included Blacks, immigrants and the poor.) <https://www.newyorker.com/magazine/2020/07/20/the-invention-of-the-police>; see also, C, Hassett-Walker, *The Racist Roots of American Policing*, *The Conversation* (June 2, 2020) [Racist Roots] <https://theconversation.com/the-racist-roots-of-american-policing-from-slave-patrols-to-traffic-stops-112816>)

<sup>19</sup> *Invention of Police*, *supra*.

<sup>20</sup> “Police patrolled Black neighborhoods and arrested Black people disproportionately; prosecutors indicted Black people disproportionately; juries found Black people guilty disproportionately; judges gave Black people disproportionately long sentences; and, then, after all this, social scientists, observing the number of Black people in jail, decided that, as a matter of biology, Black people were disproportionately inclined to criminality.” *Id.* (citing K.G. Muhammed, *The Condemnation of Blackness* (2010).)

<sup>21</sup> “The greatest race-based disparities in California exist in the realm of criminal justice, a reflection of the fact that the justice system is built on discretionary decision-making—i.e., picking who to stop, who to arrest, who to charge, and what sentence to hand down. This has turned individual bias into systemic racial injustice.” *Race Counts*, <https://www.racecounts.org/issue/crime-and-justice/>.

<sup>22</sup> See e.g., National Institute of Justice, *Racial Profiling and Traffic Stops* (2013), <https://nij.ojp.gov/topics/articles/racial-profiling-and-traffic-stops>; Black Drivers in America Face Discrimination by the Police, *The Economist* (Mar 15, 2019). See also D. Harris, *Racial Profiling: Past, Present, and Future?*, ABA Feature (Jan 21, 2020) (outlining the history, causes and manifestations of racial profiling in the U.S.),

[https://www.americanbar.org/groups/criminal\\_justice/publications/criminal-justice-magazine/2020/winter/racial-profiling-past-present-and-future/](https://www.americanbar.org/groups/criminal_justice/publications/criminal-justice-magazine/2020/winter/racial-profiling-past-present-and-future/); Amnesty International, *Threat and Humiliation: Racial Profiling, Domestic Security and Human Rights in the United States* (2004), [https://www.amnestyusa.org/pdfs/rp\\_report.pdf](https://www.amnestyusa.org/pdfs/rp_report.pdf).

<sup>23</sup> The Stanford Open Policing Project, which is collecting and standardizing data on vehicle and pedestrian stops from law enforcement departments across the nation (over 200 million records to date), confirms these racial disparities. For example, comparing stop rates for Whites and Blacks, the data shows: (1) SFPD stops 35 of every 100 Black drivers compared with 9 of every 100 White drivers; (2) LA stops 32 of every 100 Black drivers compared with 11 of every 100 White drivers; and (3) Oakland PD stops 14 of every 100 Black drivers compared with 3 of every 100 White drivers. Once a driver is stopped, there is a substantially higher likelihood in these same cities that s/he will be searched. <https://openpolicing.stanford.edu/findings/>.

<sup>24</sup> Picheta, *CNN* (June 8, 2020) <https://www.cnn.com/2020/06/08/us/us-police-floyd-protests-country-comparisons-intl/index.html>; see also, *Bureau of Justice Statistics* (data on police use of excessive force from 1972-2020) <https://www.bjs.gov/index.cfm?ty=tp&tid=84>.

<sup>25</sup> See *Mapping Police Violence* (October 14, 2020) <https://mappingpoliceviolence.org/>.

<sup>26</sup> State and federal governments have invested nearly \$2 billion deploying police to schools since 1999. *Strategies for Youth, Two Billion Dollars Later* (Oct 2019), p. 4 [Two Billion Dollars Later], <https://strategiesforyouth.org/sitefiles/wp-content/uploads/2019/10/SFY-Two-Billion-Dollars-Later-Report-Oct2019.pdf>.

<sup>27</sup> “Police officers are primarily trained to interact with young people as victims (e.g. of child abuse) or as perpetrators (e.g. status offenders and juvenile offenders). Schools, on the other hand, are highly regulated arenas mandated to focus on achieving successful student outcomes.” *Two Billion Dollars Later*, *supra*, p. 7. Studies show that this application of a law enforcement mindset in an educational setting results in “undue reliance on arrest, use of restraints, unreasonable and excessive use of force, and the unnecessary and traumatizing use of police powers to handle school discipline and related conduct” *Id.* at 5.

<sup>28</sup> *Id.* at 7.

<sup>29</sup> For example: A. Bias in Policing—(disproportionate levels of police contact with Black people; “broken windows” and “stop and frisk” policies implemented in minority neighborhoods; official disregard for officers’ racially biased enforcement; racially biased vehicle stops); B. Bias in Pretrial Proceedings—(disproportionate denial of bail to Black and Latinx defendants, and the role of pretrial detention in increasing the odds of conviction); C. Bias in Sentencing—(prosecutors disproportionately charge Black people with crimes that carry higher sentences than similarly situated Whites; sentencing enhancement laws that disadvantage those in high density urban areas such as “drug-free school zones”; insufficient attorneys and attorney resources to represent indigent defendants who are, disproportionately BIPOC); D. Bias in Parole—(racial bias among correctional officers resulting in divergent disciplinary records for BIPOC inmates; racial bias among parole boards; underinvestment in community supervision and disproportionate parole revocation BIPOC compared with Whites for comparable behavior). *UN Report*, *supra*, pp. 2-9.

<sup>30</sup> Cal. Gov. Code Sec. 12525.5.

<sup>31</sup> For example, Minority actors employed by the Marin Theatre Company routinely report being followed and stopped by Mill Valley police when traveling to and from the theatre. Jasson Minadakis, *Open Comment, Mill Valley City Council Meeting* (June 15, 2020); Benson Kaukonen, *Email Comment*, (noting “disproportionate traffic stops of Hispanic service providers”); Jack Gallagher, *Email Comment*, (noting complaints from African American Marin City residents about police harassment on “Miller Avenue anywhere past the high school.”); *Community Comments, City Council Meeting on Equity and Justice* (June 15, 2020); Rebecca Law Stone, *Email Comment* (Neighbors called police to report a “suspicious Black man”—Stone’s husband—walking near his Shelter Ridge home at lunch time. Stone’s daughter, the only Black child in her Mill Valley First Grade class, has been frequently made fun of and commented on by other children because of her skin color. A Guatemalan friend has been told to “go back to Mexico” and to “learn to speak English” at various stores and parks in Mill Valley.); Mimi Fretes, *Email Comment* (Growing up in the “White town” of Mill Valley, Fretes learned to be ashamed of her brown skin.); Brian Tada, *Email Comment* (An American of Japanese ancestry “definitely notices a lingering attitude of discrimination.” While walking in Mill Valley, for example, Tada was pressed repeatedly by a White man: “Where are you from?”; “What

country?"; Where are you from ethnically?"); Joselita Quinto, *Email Comment* (Quinto lives in Marin, has worked in Mill Valley for 20 years, and feels " a lot of discrimination [in Mill Valley] for being a foreigner.")

<sup>32</sup> For example, Elspeth Mathau, whose family has lived in Mill Valley for 35 years, reports that her brother and father—both Black—have been repeatedly stopped in their cars by police with no justification: "This is blatant racial profiling and an intimidation tactic meant to make BIPOC feel 'other' and unwelcome in their home town."

<sup>33</sup> *Race Counts*, <https://www.racecounts.org/county/marin/>

<sup>34</sup> 13.8% of all Black students at Tam High have been suspended at least once, compared with just 3.5% of White Students. California School Dashboard (2019)  
<https://www.caschooldashboard.org/reports/21654822133692/2019/conditions-and-climate#suspension-rate>.

<sup>35</sup> *Id.*

<sup>36</sup> "Those who experience [racial] profiling pay the price emotionally, psychologically, mentally and in some cases even financially and physically... The American Psychological Association ... research psychologists have ... found that "victim effects" of racial profiling include post-traumatic stress disorder and other forms of stress-related disorders, perceptions of race-related threats and failure to use available community resources.... Research psychologists have also examined the effects of racial profiling on broader society and have learned that societal effects include confirmation of feelings of racism, fear and financial costs." Ontario Human rights Commission, *The Effects of Racial Profiling (2020)* [hereafter *Effects of Racial Profiling*], <http://www.ohrc.on.ca/en/paying-price-human-cost-racial-profiling/effects-racial-profiling>.

<sup>37</sup> *Id.*

<sup>38</sup> S. Karlsen & J. Nazroo, *Relation between racial discrimination, social class, and health among ethnic minority groups* (2002) 92 *Am J Public Health* 624; N. Krieger, *Discrimination and Health*, Social Epidemiology, Oxford University Press (2000), p. 36.

<sup>39</sup> *Effects of Racial Profiling*, *supra*.

<sup>40</sup> Turner & Rawlings, *Promoting Neighborhood Diversity*, Urban Institute (2009), p. 4,  
<https://www.urban.org/sites/default/files/publication/30631/411955-Promoting-Neighborhood-Diversity-Benefits-Barriers-and-Strategies.PDF>.

<sup>41</sup> "It is important to encourage the growth of diversity among cities. Although we often recognize cultural aspects of diversity, it's also important to appreciate the value of this diversity in the talent pool: without cultural diversity, important economic aspects such as innovation, entrepreneurship or technological advancement and urban agglomerations would not have been possible. This exact growth in diversity in people and places is what makes a great city." Urban Times, *Promoting Diversity in a Globalized World*,  
<https://www.smartcitiesdive.com/ex/sustainablecitiescollective/promoting-diversity-globalized-world/129576/>

<sup>42</sup> See 21<sup>st</sup> Century Policing Final Report, p. v (identifying Task Force members);  
<https://oag.ca.gov/ab953/board#members> (membership criteria and biographies of current RIPA Board members).

<sup>43</sup> See Task Force on 21<sup>st</sup> Century Policing, *Final Report* (2015) [21<sup>st</sup> Century Policing Final Report],  
[https://www.nacole.org/president\\_s\\_task\\_force\\_on\\_21st\\_century\\_policing](https://www.nacole.org/president_s_task_force_on_21st_century_policing); and Task Force of 21<sup>st</sup> Century, *Policing Implementation Guide* (2015) [21<sup>st</sup> Century Policing Implementation],  
[https://www.nacole.org/president\\_s\\_task\\_force\\_on\\_21st\\_century\\_policing](https://www.nacole.org/president_s_task_force_on_21st_century_policing)

<sup>44</sup> AB 953; Gov Code Sec 12525.5 (and amending Penal Code Secs 13012 and 13519.4)

<sup>45</sup> See, e.g., 2019 RIPA Board Report, <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2019.pdf> ; and 2020 RIPA Board Report, <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2020.pdf>.

<sup>46</sup> *21<sup>st</sup> Century Policing Final Report*, *supra*, p. 11.

<sup>47</sup> *21<sup>st</sup> Century Implementation Guide*, *supra*, p. 2

<sup>48</sup> Cal. Gov. Code Sec. 12525.5; 11 Cal. Code of Regs., Secs. 999.226 and 999.227 (detailing general reporting requirements and specific items of information that must be collected.)

<sup>49</sup> At its October 5, 2020 meeting, the MVPD pledged to accelerate its efforts in order to begin collecting RIPA data in 2021, one year in advance of the statutory mandate for a department its size.

<sup>50</sup> See, *21st Century Policing Final Report*, *supra*, p. 27-28; *Model Policies for Bias Free Policing*, 2020 RIPA Report, *supra*, pp. 44-48 [set forth at Appendix A of this report].

<sup>51</sup> “While it is difficult to eliminate completely racial bias at the individual level, studies have repeatedly shown that it is possible to control for the effects of implicit racial bias on individual decision-making. In other words, while it may be impossible in the current culture of the United States to ensure that individuals are cognitively colorblind, it is possible to train individuals to be behaviorally colorblind.” *UN Report*, *supra*, p. 12; see also Ashby Plant & Michelle Peruche, *The Consequences of Race for Police Officers’ Response to Criminal Suspects*, 16 *Psy. Sci.* 180, 183 (2005).

<sup>52</sup> According to MVPD Interim Chief Haynes, MVPD utilizes the training prescribed and provided by the Commission on Peace Officer Standards and Training [POST]. That training, as described by Chief Haynes, includes content related to race or bias in just two areas: (1) coursework “in cultural diversity and discrimination” (nature and duration unspecified) is included in the 664 hours of Basic Police Academy Training; and (2) two hours of training on “Racial and Cultural Diversity” is required every five years thereafter as part of an officer’s Continuing Professional Training. Haynes, *MVPD Use of Force Training and Policy Report* (August 3, 2020) [MVPD Report].

<sup>53</sup> “In its 2018 report, the [RIPA] Board analyzed ... the POST courses, Racial and Cultural Differences, Bias-Based Policing: Remaining Fair and Impartial, and Principled Policing: Implicit Bias and Procedural Justice. The Board found that several of the trainings did not meet all of the curriculum requirements under Penal Code section 13519.4. [governing racial and cultural differences training]. The Bias-Based Policing training has since been removed for this reason and POST is in the process of being replaced with a training that does meet the requirements. The Board will work closely with POST on the creation and implementation of this new training.” RIPA Board, 2019 Report, p. 45. [2019 RIPA Report] <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2019.pdf>.

<sup>54</sup> For an update on the status of the POST compliance efforts, see 2020 RIPA Report, p. 91-94. Among the improvements to the POST trainings under considerations are: “1) an 8-hour principled policing basic course to be piloted in January 2019; 2) an update and review of the existing 8-hour Principled Policing Course; 3) exploring the potential of including in trainings the Curriculum Augmentation Videos (CAV) created by nationally recognized experts; 4) exploring the potential to use virtual reality or augmented reality as a training tool; 5) the potential of auditing courses to ensure curriculum and facilitation continuity statewide; and 6) researching online learning platforms to deliver the principled policing training in a cost-effective manner.” 2019 RIPA Report, p. 45.

<sup>55</sup> 2019 RIPA Report, pp. 46-50.

<sup>56</sup> RIPA recommends frequent short trainings “for example... a series of two-hour trainings several times a year rather than an eight-hour training every four or five years. 2019 RIPA Report, p. 47. By comparison, Mill Valley requires two hours of “racial and cultural diversity training” every five years. *MVPD Report*.

<sup>57</sup> RIPA recommended methodologies include “scenario-based training to provide officers with opportunities to develop skills in realistic settings.” 2019 RIPA Report, p. 47.

<sup>58</sup> See Appendix B (setting forth the recommendations from 2019 RIPA Report, pp. 46-50).

<sup>59</sup> The City reported in a recent email that some officers completed the following training in the past month: Bias Based Policing – (4) MVPD Officers; Bias & Racial Profiling – (8) MVPD Officers; Principled Policing, Train the Trainer – (1) MVPD Officer.

<sup>60</sup> Abdollah, *Sanctity of Life Policy*, *Seattle Times* (Feb. 1, 2016) (citing Dallas and Camden examples) (<https://www.seattletimes.com/nation-world/law-enforcement-leaders-examine-new-use-of-force-principles/>)

<sup>61</sup> Friedman et al, *Proportional Use of Force*, the Ali Adviser (March 23, 2017), <http://thealiadviser.org/policing/proportional-use-force/>.



<sup>62</sup> See Campaign Zero.org/force (with examples from Seattle, Tennessee, Philadelphia and Las Vegas. “Police should have the skills and cultural competence to protect and serve our communities without killing people - just as police do in England, Germany, Japan and other developed countries. In 2014, [U.S.] police killed at least **253** unarmed people and **91** people who were stopped for mere traffic violations.”); see also, Speri, *The Intercept, ...Eight Polices that Can Prevent Police Killings* (Sep 21, 2016) (Recommending: require officers to de-escalate situations before resorting to force; limit the kinds of force that can be used to respond to specific forms of resistance; restrict chokeholds; require officers to give verbal warning before using force; prohibit officers from shooting at moving vehicles; require officers to exhaust all alternatives to deadly force; require officers to stop colleagues from exercising excessive force; require comprehensive reporting on use of force), <https://theintercept.com/2016/09/21/here-are-eight-policies-that-can-prevent-police-killings/>.

<sup>63</sup> See Campaign Zero, *Police Use of Force Policy Analysis* (Sept. 20, 2016) pp. 11-13 (21 examples of jurisdictions that ban chokeholds) <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/57e1b5cc2994ca4ac1d97700/1474409936835/Police+Use+of+Force+Report.pdf>

<sup>64</sup> <http://useofforceproject.org/#review> (identifying 44 cities that have banned chokeholds since June 2020).

<sup>65</sup> Id.

<sup>66</sup> 2019 RIPA Report, pp. 61-62 (citing Sam Sinyangwe 2018 presentation to RIPA Board, <https://oag.ca.gov/ab953/> Board); see also Fyfe, *Administrative Interventions on Police Shooting Discretion: An Empirical Examination* (1979) 7 J. Brim. Just. 309, reprinted in *Readings on Police Use of Deadly Force*, p. 277-279.

<sup>67</sup> Id.

<sup>68</sup> MVPD reports generalized crime statistics (<https://www.cityofmillvalley.org/police/comminfo/statistics.htm>), but none of the detailed information offered, for example, on the website of Fairfax Police Department: a press log; monthly activity reports; yearly crime statistics; use of force and restraints statistics; racial and identity profiling data; and information on civilian and internal complaints. <https://www.townoffairfax.org/statistics-police/>

<sup>69</sup> Seven complaints were deemed “unfounded” and one was “not sustained”. MVPD Internal Affairs Public Log, Oct. 21, 2016 – Oct. 21, 2020.

<sup>70</sup> Police agencies with civilian review boards receive a substantially higher rate of complaints, both in the aggregate and on a per officer basis, than do comparable agencies with wholly internal review (158 per agency versus 18 per agency; 11.9 per 100 officers versus 6.6 per 100 officers). Jurisdictions with citizen review were also less likely to find complaints to be unfounded (23% versus 31%) or exonerate officers (18% versus 26%). DOJ Office of Justice Programs, *Citizen Complaints About Police Use of Force* (June 2006) p. 4, <https://www.bjs.gov/content/pub/pdf/ccpuf.pdf>

<sup>71</sup> MVPD Policies 1000.4 and 1000.5.

<sup>72</sup> Rozema & Schanzenbach, *Good Cop, Bad Cop: Using Civilian Allegations to Predict Police Misconduct*, *American Economic Journal* (2019), <https://pubs.aeaweb.org/doi/pdfplus/10.1257/pol.20160573>; Grunwald & Rappaport, *The Wandering Officer* (April 2020) 129 *Yale Law Journal* 6, <https://www.yalelawjournal.org/article/the-wandering-officer>.

<sup>73</sup> *21<sup>st</sup> Century Policing Final Report*, *supra*, p. 12 (police agencies should regularly post on their websites “information about stops, summonses, arrests, reported crime, and other law enforcement data aggregated by demographics.”); RIPA requires collection and reporting of comprehensive demographic data on pedestrian and vehicle stops, use of force, civilian complaints and other matters. See Cal. Gov. Code Sec. 12525.5; 11 Cal. Code of Regs., Secs. 999.226 and 999.227

<sup>74</sup> <https://www.townoffairfax.org/statistics-police/>

<sup>75</sup> Id. at 12.

<sup>76</sup> 21<sup>st</sup> Century Policing Final Report, *supra*, p. 26; see also RIPA Recommendations, Appendix D ( “Agencies should consider the appropriateness of independent oversight models such as a civilian review board of independent auditor.”)

<sup>77</sup> See National Association for Civilian Oversight of Law Enforcement [NACOLE], (providing links to civilian oversight bodies of dozens of departments across the U.S.)  
[https://www.nacole.org/police\\_oversight\\_by\\_jurisdiction\\_usa](https://www.nacole.org/police_oversight_by_jurisdiction_usa) .

<sup>78</sup> Among the “key elements of an effective police accountability system,” the United Nations Criminal Justice Handbook series identifies “independent bodies” and “external organs” to monitor police actions and operations and to receive and decide complaints. UNODC, Handbook on Police Accountability, Oversight and Integrity (2016), pp. iv-v, [https://www.unodc.org/pdf/criminal\\_justice/Handbook\\_on\\_police\\_Accountability\\_Oversight\\_and\\_Integrity.pdf](https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf).

<sup>79</sup> See <sup>79</sup> [https://www.nacole.org/oversight\\_models](https://www.nacole.org/oversight_models); DOJ, Citizen Review of Police: Approaches and Implementation (March 2001), <https://www.ncjrs.gov/pdffiles1/nij/184430.pdf>; Clarke, Comparative Analysis of How Oversight of Police Should Function and How it Fails, Columbia Journal of Law and Social Problems, <https://static1.squarespace.com/static/55ad38b1e4b0185f0285195f/t/5f7f39332ad7043a7c3e75ff/1602173236105/Arrested+Oversight-A+Comparative+Analysis+and+Case+Study+of+How+Civilian+Oversight+of+the+Police+Should+Function+and+How+it+Fails.pdf>.

<sup>80</sup> NACOLE, Guidebook for the Implementation of New or Revitalized Police Oversight (2016)  
[https://d3n8a8pro7vhm.cloudfront.net/nacole/pages/175/attachments/original/1534263107/Guidebook\\_for\\_the\\_Implementation\\_of\\_New\\_or\\_Revitalized\\_Police\\_Oversight\\_2016\\_FINAL.pdf?1534263107](https://d3n8a8pro7vhm.cloudfront.net/nacole/pages/175/attachments/original/1534263107/Guidebook_for_the_Implementation_of_New_or_Revitalized_Police_Oversight_2016_FINAL.pdf?1534263107).

<sup>81</sup> 21<sup>st</sup> Century Final Report, *supra*, p. 29.

<sup>82</sup> See e.g., Steven Levitt, et al., *Economic Contributions to the Understanding of Crime*, Annual Review of Law and Social Science, (Dec. 2006); John Eck, et al., *Have Changes in Policing Reduced Violent Crime? An Assessment of the Evidence*, in *The Crime Drop in America* (2000); Thomas B. Marvell, et al. *Specification Problems, Police Levels, And Crime Rates* (Mar. 2006); Samuel Cameron, *A Disaggregated Study of Police Clear-up Rates for England and Wales*, Journal of Behavioral Economics (1988);

<sup>83</sup> <https://www.cityofmillvalley.org/police/faq.htm>.

<sup>84</sup> <https://www.marinij.com/2018/03/05/marin-voice-mental-illness-homelessness-and-the-court-system/>.

<sup>85</sup> At the County level, a 2010 Grand Jury Report found that domestic violence was “the number one violent crime.” A “pro-arrest” approach to domestic violence in the County had “unintended negative consequences for the abused and their families” and was contributing “to widespread underreporting.”

<sup>86</sup> Piombo, *Update and Overview of Proposed Budget for Fiscal years 2020-2022* (July 6, 2020) Attachment 1, p. 3 [FY 2020-2022 Budget Overview]; City of Mill Valley, *2020-2022 City Budget Detail*, pp. 39-51 (2016-2018). The lion’s share of this budget goes to personnel (\$3.1 million for salaries and overtime and \$2 million for employee benefits). These amounts are independent of the parking enforcement budget which totals \$778,036 in additional expenses.

<sup>87</sup> See *2020-2022 Budget Overview*, *supra*, p. 2.

<sup>88</sup> The FY 20-21 Planning and Building Department budget is \$2,331,630; the Library budget is \$2,393,489. *Id.*

<sup>89</sup> Today, there are nearly 700,000 armed police officers in the U.S., about one for every 500 people. *UN Report*, *supra*.

<sup>90</sup> “[T]oday’s community policing efforts inevitably provide citizens with services that go well beyond enforcing laws or maintaining public safety and order. Police are first line, around-the-clock, emergency responders, mediators, referral agents, counselors, youth mentors, crime prevention actors, and much more.” Council of State Governments, Criminal Justice/Mental Health Consensus Project (2002), p. 34, [Council of State Governments]

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[https://www.policeforum.org/assets/docs/Free\\_Online\\_Documents/Mental\\_Illness/criminal%20justice-mental%20health%20consensus%20project%202002.pdf](https://www.policeforum.org/assets/docs/Free_Online_Documents/Mental_Illness/criminal%20justice-mental%20health%20consensus%20project%202002.pdf)

<sup>91</sup> Traditionally, communities have used a variety of methods to determine the size of their police departments focusing on local population, historic workload, and other factors. SF Budget and Legislative Analyst's Office, *Best Practices Related to Police Staffing and Funding Levels* (Jan. 26, 2016) <https://sfbos.org/sites/default/files/FileCenter/Documents/54867-012616%20Police%20Staffing%20Methodology.pdf>.

<sup>92</sup> Since June 2020: Oakland cut \$14.3 million from its police budget and vowed to go farther; the Berkeley City Council approved a budget with \$9.2 million of cuts to police, much of it redirected to social programs; San Francisco City leaders, backed by the Chief of Police, announced they are looking to move funding away from police and into other services; and BART diverted \$2 million away from police and fare inspectors toward unarmed ambassadors. Swan, *California Cities Redirect Millions from Police Budgets*, *San Francisco Chronicle* (July 2, 2020); see also J Schuppe, *What Would it Mean to Defund the Police?*, NBC News (June 11, 2020) <https://www.nbcnews.com/news/us-news/what-would-it-mean-defund-police-these-cities-offer-ideas-n1229266>

<sup>93</sup> Patterson, *Police Social Work*, National Association of Social Workers (Jul 2008) <https://www.naswnyc.org/page/77/Police-Social-Work.htm>; see also, *Why Police Officers are Taking on Social Work Responsibilities*, Tulane University School of Social Work (Jan 19, 2019) <https://socialwork.tulane.edu/blog/why-police-officers-are-taking-on-social-worker-responsibilities>; Gould & Williams, *Want to Reform the Police? Look to Social Work for Lessons*, *The Crime Report* (June 17, 2020) <https://thecrimereport.org/2020/06/17/want-to-reform-the-police-look-to-social-work-for-lessons/>; Redmond, *Cops Morphing Into Social Workers Not a Solution*, *Filter* (Apr 23, 2019) <https://filtermag.org/cops-morphing-into-social-workers-is-not-a-solution/>

<sup>94</sup> “The four main duties [of an SRO] are: one of a counselor by talking with students and staff and offering guidance and assistance; one of teacher by providing classroom presentations, support On-Campus Intervention (OCI) or Saturday School through discussions and lessons, staff development and informational sessions for parents; one of social worker by linking students, parents and staff with resources and services; lastly, as a law enforcement professional when all other options are exhausted or the case warrants tier three interventions or arrest. The majority of SRO – student contacts are positive in nature and serve to connect the student with another caring adult on campus or to provide mentoring, guidance and connections to needed services.” <https://csroa.org/>

<sup>95</sup> Treatment Advocacy Center, *Overlooked in the Undercounted* (Dec. 2015) [Overlooked] <https://www.treatmentadvocacycenter.org/storage/documents/overlooked-in-the-undercounted.pdf>

<sup>96</sup> Reuland, et al, *Law Enforcement Responses to People with Mental Illnesses: a Guide to Research Informed Policy and Practice* (2009) p. 7, [Reuland] [https://www.nccpsafety.org/assets/files/library/LE\\_Responses\\_to\\_Mental\\_Illnesses\\_-\\_Policy\\_and\\_Practice.pdf](https://www.nccpsafety.org/assets/files/library/LE_Responses_to_Mental_Illnesses_-_Policy_and_Practice.pdf)

<sup>97</sup> Reuland, *supra*, p. 4.

<sup>98</sup> Overlooked, *supra*.

<sup>99</sup> *Council of State Governments*, *supra*, at 26.

<sup>100</sup> See also The People's Budget, (in depth analysis of Los Angeles Police budget, services and community needs) [https://docs.google.com/presentation/d/1\\_5OVZwYRBwsA0pekaQcOrR7Ms6Z02R8y0U6fSNhDns0/present?slide=id.g81d64d5646\\_0\\_110](https://docs.google.com/presentation/d/1_5OVZwYRBwsA0pekaQcOrR7Ms6Z02R8y0U6fSNhDns0/present?slide=id.g81d64d5646_0_110)

<sup>101</sup> Eugene Oregon, CAHOOTS program, <https://Whitebirdclinic.org/what-is-cahoots/>.

<sup>102</sup> Denver Colorado, STAR Program, <https://www.denverpost.com/2020/09/06/denver-star-program-mental-health-police/>; <https://denverite.com/2020/06/08/a-long-planned-program-to-remove-police-from-some-911-calls-launched-as-denvers-streets-erupted-in-police-brutality-protests/>.

<sup>103</sup> Out of 24,000 annual community responses, CAHOOTS service workers request police backup only about 250 times. each only rarely requesting police backup (150 times per year.) <https://Whitebirdclinic.org/what-is-cahoots/>.

<sup>104</sup> Id.

<sup>105</sup> <https://www.macrotrends.net/cities/us/or/eugene/crime-rate-statistics>.

<sup>106</sup> See notes 25 and 26, and accompanying text, supra.

<sup>107</sup> Potential collaborators and resources in Marin include: Marin County Mental Health Services; Marin Abused Women's Services; Center for Domestic Peace; Lifehouse; Child Abuse Prevention Council; and Family and Children's Law Center.

<sup>108</sup> See note 3, supra, see also Singletary, *Being Black Lowers the Value of My Home: The Legacy of Redlining*, Washington Post (Oct. 23, 2020) <https://www.washingtonpost.com/business/2020/10/23/redlining-Black-wealth/?arc404=true>; Menendian et al., Single-Family Zoning in the San Francisco Bay Area: Characteristics of Exclusionary Communities, Othering & Belonging Institute (Oct.7, 2020) <https://belonging.berkeley.edu/single-family-zoning-san-francisco-bay-area>.

<sup>109</sup> Turner & Rawlings, *Promoting Neighborhood Diversity*, Urban Institute (Aug. 2009) <https://www.urban.org/sites/default/files/publication/30631/411955-Promoting-Neighborhood-Diversity-Benefits-Barriers-and-Strategies.PDF>

<sup>110</sup> The BCLT study findings for each of the criteria were as follows--(1) Affordability—A household earning 62% of Area Median Income (AMI) could afford the average BCLT home when it was initially sold. The affordability increased at the time of resale, becoming affordable for a household earning 57% of AMI. BCLT, like other Community Land Trusts, has certain rights and responsibilities in perpetuity. Its leases and covenants allow it to intervene to make necessary payments, such as utilities and mortgage payments. BCLT has the right not only to cure a default but also to repurchase the property from the mortgagee. Thus, the CLT works to ensure that homes are affordable and remain in the trust.(2) Retain Community Wealth—Public subsidies invested in these homes are not only retained in the properties, they often increase in value. In the case of the BCLT homes, a public investment of \$1,525,148 increased at resale by \$574,442. (3) Create Individual Wealth—Resale restrictions imposed by CLTs mean that the homeowner does not make the same profit that they would selling a market rate home, but the average annualized rate of return across 97 resales was 17%. This is more than if the homeowners had invested their down payments in the stock market during the same period of time. Thus, the CLT helps to build individual wealth. (4) Enhance Residential Stability—Ninety-five percent of the 259 homes in the BCLT portfolio remained in trust, forming stable, affordable neighborhoods. Even in the five percent that were lost as affordable housing, BCLT retained ownership of the underlying land and continued to collect fees for its use. (5) Expand Home Ownership—Community Land Trusts consistently broaden access to homeownership for households earning low to moderate incomes. The majority of BCLT homes were sold to those earning considerably less than 80% of AMI and all earned less than the median income. (6) Enable Residential Mobility—Here, Davis and Demetowitz found surprising results: the majority of homeowners (74%) bought market-rate houses within six months of leaving BCLT. Davis & Demetowitz, *Does the Community Land Trust Deliver on Its Promises* (2002).

<sup>111</sup> Montojo and Barton on Rent Control, Podcast (Oct. 9, 2018) <https://belonging.berkeley.edu/whobelongs/rentcontrol>.

<sup>112</sup> Additional resources concerning affordable housing: EPI, *Reconstruction 2020: Valuing Black Lives & Economic Opportunities*, <https://youtu.be/uqaRiebokZw>; Richard Rothstein, *The Color of Law*; Philip Deloria, *Defiance*, The New Yorker, November 2, 2020, p.76; Bay Area Community Land Trust (BACLt), <https://www.bayareaclt.org/>; Hello Housing [www.hellohousing.org](http://www.hellohousing.org); <http://www.hellohousing.org/777/hamilton/>; Santa Clara Teacher Housing Foundation [www.santaclarahousing.org](http://www.santaclarahousing.org); Foundation House [www.charterforcompassion.org](http://www.charterforcompassion.org); Sustainable Economies Law Center [www.theselc.org](http://www.theselc.org); Lincoln Institute of Land Policy (2008) [www.lincolninstitute.edu](http://www.lincolninstitute.edu); The Urban Institute (2010) [www.urban.org](http://www.urban.org); The Urbanist [www.theurbanist.org](http://www.theurbanist.org); PolicyLink <https://policylink.org>.

<sup>113</sup> "Diverse artists and art forms are essential to a vibrant creative environment. Variety and invention are necessary to reflect and serve our community's wide range of artistic appreciation and to expand artistic horizons. Cultural activities encourage community spirit and a heightened appreciation for diversity, thereby strengthening

community cohesiveness. The provisions of this General Plan promote and encourage artistic diversity and free artistic expression.” 2040 General Plan, Community Vitality, Arts & Culture, p. 87

<sup>114</sup> Id.

<sup>115</sup> See also, ART.3-1 “Develop gateway and informational signs and other media to support and promote the City’s cultural identity and resources;” ARTS.6-3 “Provide supportive services and other incentives to facilitate the delivery and enjoyment of the arts, culture, and arts education, where feasible;” ART.7-1 “Initiate a program for temporary public art, with varied and changing art installations and performances Citywide;” and ART.7-3 “Support performances and events in public spaces and non-traditional settings.” Arts & Culture Section, Community Vitality Chapter, Mill Valley 2040 General Plan.

<sup>116</sup> Consider expanding to other locations (such as the library, parks, schools and the golf course) where *Perspectives* (3-door set) and another 5 to 10 single doors can be placed and used for community education about local DEI issues, Indigenous land acknowledgement, and local history. Develop educational tours incorporating existing sculptures, landmarks, and *Perspectives Project* sites.

<sup>117</sup> Create a variety of different gardens from small sections to larger scale “little farms” in easily accessible areas of Mill Valley and Marin City. Bring people together for a common goal. Use Indigenous plants including vegetables and botanicals. Use City funding to subsidize or waive fees for both personal & communal plots.

<sup>118</sup> The parameters of the Marin City Community Services District are delineated on the Local Agency Formation Commission [LAFCo] website.  
[http://www.marinmap.org/Html5Viewer/index.html?viewer=Lafco2.Lafco\\_H5&runWorkflow=StartUp&MapID=0&Layer=Community%20Service%20District&Query=\(LOWER\(District\)%20LIKE%20LOWER\(%27%25MARIN%20CITY%20COMMUNITY%20SERVICES%20DISTRICT%25%27\)\)](http://www.marinmap.org/Html5Viewer/index.html?viewer=Lafco2.Lafco_H5&runWorkflow=StartUp&MapID=0&Layer=Community%20Service%20District&Query=(LOWER(District)%20LIKE%20LOWER(%27%25MARIN%20CITY%20COMMUNITY%20SERVICES%20DISTRICT%25%27))).

<sup>119</sup> “We can’t reverse time and change what was done to our people or change the systems that were put in place which are still affecting us today. But we can choose how our legacy will continue moving forward. Do whatever you can to participate in the culture, through values, song, dance, kinship, art and language. Support and love one another, our very existence is at stake!” Billy Ills aka Supamanhiphop, from the forthcoming album “Frequency”.  
[https://youtu.be/Dohl\\_aVI7eY](https://youtu.be/Dohl_aVI7eY)  
<https://www.christensenfund.org/2015/02/16/california-native-americans-reclaiming-role-expert-land-managers/>

<sup>120</sup> Additional resources concerning culture and recreation: Marin Miwok Daily Lessons Program - as created by Marin Miwok organization <https://www.marinmiwok.com/marin-miwok/>; Indigenous Peoples Movement and Indigenous perspectives <https://indigenousspeoplesmovement.com/>;  
<https://www.christensenfund.org/2015/02/16/california-native-americans-reclaiming-role-expert-land-managers/>;  
Sports--<https://www.marinbike.org/> <https://marincyclists.com/> <https://www.tamoutrigger.org/>  
<https://playmarin.netlify.app/>; Gardening--<https://www.cityslickerfarms.org/farmpark/>;  
<https://theconversation.com/growing-a-garden-can-also-bloom-eco-resilient-cross-cultural-food-sovereign-communities-121543>; [https://www.millvalleyrecreation.org/facilities/community\\_gardens.htm](https://www.millvalleyrecreation.org/facilities/community_gardens.htm); Performing Arts--  
<https://cornerstonetheater.org/about/history/>; <https://www.sfchronicle.com/performance/article/Immigrants-torment-as-Angel-Island-detainees-12198419.php>. <http://www.weplayers.org/home>; Visual Art--  
<https://www.seattle.gov/arts/programs/racial-equity>, <https://theintrovertscollective.com/perspectives>; Walking Tour--  
<https://sfcityguides.org/>.

<sup>121</sup> Short Term Financials for Perspectives Project: (1) Rotating Public Art in Depot Plaza (6-month to 1-year pilot)-- One-time Door Stand Fabrication \$1,500 (Cost per rotation: Door Insert \$100 (unless donated)Two Artists material/time stipends \$600 (2x \$300)); (2) Single Door Installations in Parks, etc.-- Metal fabrication (dirt/fence post style installation) \$200; Project Manager Consultant \$25 per hour; Door Insert w/hardware \$100 (unless donated); Foam for footing \$35; Vinyl Printing per side \$275\* (\*Graphic Design stipend \$200 (unless donated)); Artist material/time stipend per side (painting) \$300.

<sup>122</sup> <https://www.racecounts.org/county/marin/>

<sup>123</sup> <https://allincities.org/>

<sup>124</sup> <https://www.growthandjustice.org/>

<sup>125</sup> <https://anhd.org/issue/equitable-economic-development>

<sup>126</sup> <https://allincities.org/toolkit/contracting-and-procurement>

<sup>127</sup> “As America undergoes a profound demographic shift amidst rising inequality, equity is both a moral imperative and the path to a prosperous, new economy. Cities – with their economic power, diversity, and policy innovation – can lead the nation forward. The All-In Cities initiative at PolicyLink supports local leaders and community coalitions with the policy ideas, data, and strategy support to build equitable cities for all. By putting equity at the center of municipal policies, American cities can help create a future of shared prosperity in which all can participate and thrive. The All-In Cities Toolkit offers actionable strategies that advocates and policymakers can use to advance racial equity.” <https://allincities.org/toolkit>

<sup>128</sup> Federal Reserve Board, Report on the Economic Well-being of U.S. Households in 2015 (May 2016) <https://www.federalreserve.gov/2015-report-economic-well-being-us-households-201605.pdf>

<sup>129</sup> Cities for Financial Empowerment Fund, <https://cfefund.org/approach/>

<sup>130</sup> All-In Cities Policy Toolkit, *supra*; see also Elliot, Financially Insecure Residents Can Cost Cities Millions, Urban Institute (Jan 21, 2017) <https://www.urban.org/urban-wire/financially-insecure-residents-can-cost-cities-millions>

<sup>131</sup> [https://www.theselc.org/berkeley\\_commits\\_two\\_years\\_of\\_funds\\_to\\_worker\\_coops](https://www.theselc.org/berkeley_commits_two_years_of_funds_to_worker_coops)

<sup>132</sup> <https://sfmayor.org/article/mayor-london-breed-announces-over-28-million-expanded-covid-19-support-san-franciscos-latino>

<sup>133</sup> See e.g., Cal Humanities Grants, <https://calhum.org/about-us/history-mission/>.

<sup>134</sup> <https://www.eddiemoorej.com/21daychallenge>

<sup>135</sup> Consideration might be given to combining the districts and/or providing students a choice of inter-district transfers. We understand that students from Muir Beach, which shares the 94965 zip code with Marin City, are currently assigned to the Mill Valley School District, while Marin City students do not have this option.

# **APPENDICES**

## **Appendix A**

**MVPD Policy Amendments Based on  
RIPA Model Policies for Bias-Free Policing**

## **Appendix B**

**RIPA Training Best Practices for Bias-Free Policing**

## **Appendix C**

**RIPA Best Practices to Prevent Bias by Proxy**

## **Appendix D**

**MVPD Use of Force Policy Amendments based on  
21<sup>st</sup> Century Policing & Procedural Justice**

# Appendix A

## MVPD Policy Amendments Based on RIPA Model Policies for Bias-Free Policing

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### RIPA Board Model Policies for Bias-Free Policing

2020 RIPA Board Report, pp. 44-48

<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2020.pdf>

#### Legend:

Black text = Existing MVPD Policy

Strikethrough = Proposed deletions from existing MVPD Policy

Blue text = Additional and substitute policies from RIPA Board Model Policies

Underline = MVPD Policy language inserted in RIPA Board Model Policies

[Bracket] = Editorial comment

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## Policy 402

### Bias-Based **Free** Policing

#### 402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Mill Valley Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 402.1.1 DEFINITIONS

Definitions related to this policy include:

~~Bias-based policing – An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).~~

#### Definitions Related to Bias

- **Racial or Identity Profiling:** the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability, cultural group, economic status, or affiliation with any non-criminal group (protected characteristics) in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. Such activities include, but are not limited to, traffic or pedestrian stops, or actions taken during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property,



seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest

- Bias-Based Policing: conduct by peace officers motivated, implicitly or explicitly, by the officer's beliefs about someone based on the person's actual or perceived personal characteristics, i.e., race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability, cultural group, economic status, or affiliation with any non-criminal group (protected characteristics).
- Implicit Bias: the attitudes or stereotypes that affect a person's understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control. Implicit biases are different from known biases that individuals may choose to conceal.
- Bias by Proxy: when an individual calls/contacts the police and makes false or ill-informed claims of misconduct about persons they dislike or are biased against based on explicit racial and identity profiling or implicit bias. When the police act on a request for service based in unlawful bias, they risk perpetuating the caller's bias. Members should use their critical decision-making skills, drawing upon their training to assess whether there is criminal conduct.

[RIPA Model Policy, *Definitions*, 2020 RIPA Board Report, p. 45]

## **402.2 POLICY**

The Mill Valley Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

## ~~402.3 BIAS-BASED POLICING PROHIBITED~~

~~Bias-based policing is strictly prohibited.~~

~~However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes. [Addressed in paragraph 6 of Policy 402.4.1, as amended]~~

## **402.3 BIAS-FREE POLICING POLICY**

The Mill Valley Police Department expressly prohibits racial and identity profiling.

- The Mill Valley Police Department is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair, and equitable manner that keeps both the community and officers safe and protected.
- The Mill Valley Police Department recognizes that explicit and implicit bias can occur at both an individual and an institutional level and is committed to addressing and eradicating both.

- The intent of this policy is to increase the Mill Valley Police Department's effectiveness as a law enforcement agency and to build mutual trust and respect with the city and county's diverse groups and communities.
- A fundamental right guaranteed by the Constitution of the United States is equal protection under the law guaranteed by the Fourteenth Amendment. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents as guaranteed by the Fourth Amendment.
- The Mill Valley Police Department is charged with protecting these rights. Police action that is biased is unlawful and alienates the public, fosters distrust of police, and undermines legitimate law enforcement efforts.
- All employees of Mill Valley Police Department are prohibited from taking actions based on actual or perceived personal characteristics, including but not limited to race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability, cultural group, economic status, or affiliation with any non-criminal group (protected characteristics, except when engaging in the investigation of appropriate suspect-specific activity to identify a particular person or group.
- Mill Valley Police Department personnel must not delay or deny policing services based on an individual's actual or perceived personally identifying characteristics.

[RIPA Model Policy, Bias-Free Policing, 2020 RIPA Board Report, pp. 44]

#### **402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT**

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

(a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

#### **402.4 MEMBER RESPONSIBILITIES**

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

##### **402.4.1 REASON FOR CONTACT**

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

- Reasonable Suspicion to Detain: reasonable suspicion is a set of specific facts that would lead a reasonable person to believe that a crime is occurring, had occurred in the past, or is about to occur. Reasonable suspicion to detain is also established whenever there is any violation of law. Reasonable suspicion cannot be based solely on a hunch or instinct.
- Detention: a seizure of a person by an officer that results from physical restraint, unequivocal verbal commands, or words or conduct by an officer that would result in a reasonable person believing that he or she is not free to leave or otherwise disregard the officer.
- Reasonable Suspicion to Conduct a Pat Search: officers are justified in conducting a pat search if officers have a factual basis to suspect that a person is carrying a weapon, dangerous instrument, or an object that can be used as a weapon, or if the person poses a danger to the safety of the officer or others. Officers must be able to articulate specific facts that support an objectively reasonable apprehension of danger under the circumstances and not base their decision to conduct a pat search on any perceived individual characteristics. Reasonable suspicion to conduct a pat search is different than reasonable suspicion to detain. The scope of the pat search is limited only to a cursory or pat down search of the outer clothing to locate possible weapons. Once an officer realizes an object is not a weapon, or an object that can be used as a weapon, the officer must move on.
- Probable Cause to Arrest: under the Fourth Amendment to the United States Constitution, arrests must be supported by probable cause. Probable cause to arrest is a set of specific facts that would lead a reasonable person to objectively believe and strongly suspect that a crime was committed by the person to be arrested.

[RIPA Model Policy, *Definitions*, 2020 RIPA Board Report, pp. 45-46]

Mill Valley Police Department members may only consider or rely on characteristics listed in a specific description of a suspect, victim, or witness based on trustworthy and relevant information that links a specific person to a particular unlawful incident. Except in these limited circumstances, Mill Valley Police Department officers shall not consider personal characteristics in establishing either reasonable suspicion or probable cause.

[RIPA Model Policy, *Limited Circumstances in which Characteristic of an Individual May Be Considered*], 2020 RIPA Board Report, p. 46]

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable. ~~Except for required data collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.~~

#### **402.4.2 ENCOUNTERS WITH COMMUNITY**

To cultivate and foster transparency and trust with all communities, each Mill Valley Police Department member shall do the following when conducting pedestrian or vehicle stops or otherwise interacting with members of the public, unless circumstances indicate it would be unsafe to do so:

- Be courteous, professional, and respectful.
- Introduce themselves to the community member, providing name, agency affiliation, and badge number. Mill Valley Police Department members should also provide this information in writing or on a business card.
- State the reason for the stop as soon as practicable, unless providing this information will compromise officer or public safety or a criminal investigation.
- Answer questions that the individual may have about the stop.
- Ensure that a detention is no longer than necessary to take appropriate action for the known or suspected offense and Mill Valley Police Department member convey the purpose of any reasonable delays.
- All Mill Valley Police Department personnel, including dispatchers and non-sworn staff, shall not use harassing, intimidating, derogatory, or prejudiced language, including profanity or slurs, particularly when related to an individual's actual or perceived individual characteristics.
- Dispatchers and sworn personnel shall be aware of and take steps to curb the potential for bias by proxy in a call for service.
- Officers should draw upon their training and use their critical decision-making skills to assess whether there is criminal conduct and to be aware of implicit bias and bias by proxy when carrying out their duties.
- All Mill Valley Police Department personnel, including dispatchers and non-sworn personnel, shall aim to build community trust through all actions they take, especially in response to bias-based reports.

[RIPA Model Policy, *Encounters with Community*, 2020 RIPA Board Report, pp. 46-47]

~~402.4.2 REPORTING OF STOPS~~ 402.4.3 DATA COLLECTION AND ANALYSIS

~~By the year 2022, unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report.~~

By April of 2021 [date reflects MVPD commitment to accelerated reporting], in accordance with the California Racial and Identity Profiling Act of 2015, the Mill Valley Police Department shall collect data on: (a) civilian complaints that allege racial and identity profiling, and (b) perceived demographic and other detailed data regarding pedestrian and traffic stops.

Any officer who conducts a pedestrian or traffic stop shall collect the data elements set forth in 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227). If multiple agencies are involved in a stop and the Mill Valley Police Department is the primary agency, the Mill Valley Police Department officer shall collect the data elements and prepare the stop data report (11

CCR 999.227). The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

The data to be collected for stops includes, among other things, perceived race or ethnicity, approximate age, gender, LGBT identity, limited or no English fluency, or perceived or known disability, as well as other data such as the reason for the stop, whether a search was conducted, and the results of any such search. (11 CCR 999.226) The Mill Valley Police Department shall report this data to the California Department of Justice.

The Mill Valley Police Department should regularly analyze data, in consultation with City leadership, the Mill Valley Commission on Diversity, Equity and Inclusion [if established pursuant to DEI Task Force recommendations] interested citizen groups and advisories, to assist in identifying practices that may have a disparate impact on any group relative to the general population.

[RIPA Model Policy, *Data Collection and Analysis*, 2020 RIPA Board Report, p. 47]

#### **402.4.4 ACCOUNTABILITY AND ADHERENCE TO POLICY**

All Mill Valley Police Department personnel, including dispatchers and non-sworn personnel, are responsible for understanding and complying with this policy. Any violation of this policy will subject the member to remedial action, discipline and/or termination, depending upon the severity of the violation.

Mill Valley Police Department personnel, including dispatchers and non-sworn personnel, shall not retaliate against any person who complains of biased policing or expresses negative views about them or law enforcement in general.

All Mill Valley Police Department personnel, including dispatchers and non-sworn personnel, share the responsibility of preventing bias-based policing. Personnel shall report any violations of this policy they observe or of which they have knowledge to a supervisor in accordance with the Personnel Complaints Policy.

[RIPA Model Policy, *Accountability & Adherence to Policy*, 2020 RIPA Board Report, pp. 47-48]

#### **402.5 SUPERVISOR RESPONSIBILITIES**

Supervisors ~~should~~ shall ensure that all personnel under their command, including dispatchers and non-sworn personnel, understand the content of this policy and comply with it at all times. Supervisors shall monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors ~~should~~ shall discuss any issues with the involved officer and his/her supervisor in a timely manner, [ ] and shall document these discussions, in the prescribed manner.

(b) Supervisors ~~should~~ shall periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy [ ] and shall document these periodic reviews.

1. Recordings or data that capture a ~~potential~~ **an alleged or observed** instance of bias-based policing ~~should~~ **shall** be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors ~~should~~ **shall** take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

[See, RIPA Model Policy, *Supervisor Review*, 2020 RIPA Board Report, p. 48]

**402.6 TRAINING** [Policy should be further amended following the modification of MVPD's anti-bias training requirements in conformity with RIPA Best Practice Recommendations. See Task Force Recommendations re: anti-bias training.]

~~Training on fair and objective policing and review of this policy should be conducted as directed by the Training Bureau.~~

~~(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.~~

~~(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community. [References to POST anti-bias training removed because RIPA Board found the training failed to meet the statutory anti-bias training requirements. See Task Force Recommendations re: anti-bias training.]~~

The Mill Valley Police Department will ensure that all officers and employees understand and are compliant with the policies pertaining to bias-free policing.

(a) All officers shall, at a minimum, be compliant with the statutory requirements for bias-free policing including those set forth in Penal Code section 13519.4.

(b) The Mill Valley Police Department will ensure that management includes a discussion of its bias-free policing policy with its officers and staff on an annual basis.

(c) Mill Valley Police Department officers should be mindful of their training on implicit bias and regularly reflect on specific ways their decision-making may be vulnerable to implicit bias.

[RIPA Model Policy, *Training*, 2020 RIPA Board Report, p. 47]

(d) ~~(e)~~ Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

**402.7 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

The Internal Affairs Bureau Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Bureau Policy.

Supervisors should ensure that data stop reports are provided to the Records Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

# Appendix B

## RIPA Training Best Practices for Bias-Free Policing

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### Best Practices for Training Related to Racial & Identity Profiling

2019 RIPA Board Report, pp. 46-50,

<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2019.pdf>.

(original citations)

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## II. BEST PRACTICE RECOMMENDATIONS

The following best practice recommendations are drawn from a range of relevant academic, governmental, and non-profit organizations that have expertise in this area. For additional information on the Board's approach to identifying best practices, please see the introduction.

### A. Trainings on Racial and Identity Profiling Should Incorporate Basic Principles

The training should:

- Begin with providing all trainees with relevant definitions and scientific research, including a sufficient understanding and definitions of implicit and explicit bias and stereotyping. The training should also emphasize that a great deal of human behavior and brain processing occurs without conscious perception and that all members of society frequently act on their biases. The training should present scientific peer-reviewed research on bias and how it can influence on behavior.<sup>1</sup>
- Be developed in partnership with academic institutions or consultants with the requisite expertise to assist in developing and implementing trainings. These institutions or consultants should have documented experience conducting such racial and identity profiling trainings for institutional actors (and, ideally, helping design successful interventions ).<sup>2</sup>
- Provide all agency personnel with the knowledge and skills to identify bias and minimize its impact upon law enforcement activities and interactions with members of the public.<sup>3</sup>
- Reflect the agency's commitment to procedural justice, bias-free policing, and community policing.<sup>4</sup>
- Instill in all officers the expectation they will police diligently and have an understanding of and commitment to the rights of all individuals they encounter. This includes reinforcing that protecting civil rights is a central part of the police mission and is essential to

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<sup>1</sup> Hart, Subjective Decision making and Unconscious Discrimination (2005) 56 Ala. L. Rev., p. 741.; Greenwald and Krieger, Implicit Bias: Scientific Foundations (2006) 94 Calif. L. Rev. 945-946; Greenwald and Mahzarin, Implicit Social Cognition: Attitudes, Self-Esteem, and Stereotypes (1995), 102(1) Psych. Review, p. 4-6.; SPARQ (2016) Principled Policing: Training to Build Police-Community Relations.

<sup>2</sup> *US. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; *US. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

<sup>3</sup> *US. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

<sup>4</sup> *US. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH at 1-2; *US. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.



effective policing. All personnel should be made aware of the requirements of the United States and California Constitutions and relevant federal, state, and local laws related to equal protection and unlawful discrimination.<sup>5</sup>

- Provide all trainees with a sufficient understanding and definition of implicit and explicit bias and stereotyping emphasizing that all members of society frequently act on their biases. The training should present scientific peer-reviewed research on bias and its influence on behavior.<sup>6</sup>
- Provide officers with information regarding the existence of and how to access all health and wellness programs, physical fitness programs, stress management tools, confidential crisis counseling, or other support services available to address the heavy burdens placed on today's police officers. Research suggests that stress and having to make quick decisions under pressure can often lead to people relying on stereotypes.<sup>7</sup> In addition, training should discuss methods, strategies, and techniques to reduce a reliance on unguided discretion in making stops.<sup>8</sup>
- Utilize adult learning approaches, including experimental learning and realistic scenario-based training to provide officers with opportunities to develop skills in realistic settings; this includes learning by doing, and refining their understanding of policies, expectations, or concepts by applying them to the types of situations they may come across in their day-to-day work.<sup>9</sup>
- Include an assessment of whether officers comprehend the material taught.<sup>10</sup>
- Complete and consistent training records for all trainings should be maintained for all agency personnel. Agency-wide training analysis should be regularly completed and trainings should be consistently reviewed and updated.<sup>11</sup>
- Agencies should consider integrating a feedback loop or "check-ins" among trainees in between trainings to allow officers to reflect on and apply what they learned in the trainings to their daily lives.<sup>12</sup>

## **B. Training on Racial and Identity Profiling Should Be Well Organized and Delivered Regularly**

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<sup>5</sup> *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-O 1731-MCA-MAH.; *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1 :l 7-cv-00099-JKB.

<sup>6</sup> Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

<sup>7</sup> *U. S. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; Dovidio and Gaertner Aversive Racism and Selection Decisions: 1989 and 1999 (2000) 11 Psych. Science, p. 319-323.; Levinson and Young, Different Shades of Bias: Skin Tone, Implicit Racial Bias, and Judgments of Ambiguous Evidence (2010) 112,307 West Virg. L.Rev., 326-231.

<sup>8</sup> *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1 :l 7-cv-00099-JKB; Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).; Kang et al., *Implicit Bias in the Courtroom*, (2012) 59 UCLA L. rev. 1124, 1142.

<sup>9</sup> *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.

<sup>10</sup> *U.S. v. CityofNewark*(2016)2: 16-cv-01731-MCA-MAH.

<sup>11</sup> *U.S. v. Police Department of Baltimore City, et. al.* (2017) l: l 7-cv-00099-JKB; *U.S. v. The City of Ferguson* (2016) 4:l 6-cv-000180-CP. 150 *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH. 151 *U.S. v. Police Department of Baltimore City, et. al.* (2017) l :l 7-cv-00099-JKB.

<sup>12</sup> *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

- Training should be relatively short and frequently provided (for example, agencies should consider offering a series of two-hour trainings several times a year rather than an eight-hour training every four or five years).<sup>13</sup>
- Training should include members of the community who are knowledgeable about various communities and local issues, including representatives knowledgeable on issues of race, ethnicity, national origin, gender, age, religion, sexual orientation, gender identity, and disability.<sup>14</sup>
- Consider expanding training options to include courses on topics such as power imbalance, statistics, and methods for effective supervision.<sup>15</sup>
- Trainings should be evaluated for their impact on police-community relations.<sup>16</sup>

### **C. Training on Racial and Identity Profiling Should Address Communication and Community Relationships**

The training should:

- Address the benefits of and means to achieve effective community engagement, including how to establish formal partnerships and actively engage community organizations and diverse groups within the community to form positive relationships. This could include examples of successful partnerships and engagement.<sup>17</sup>
- Cover cultural competency, cultural awareness, and sensitivity, including the impact of historical trauma on police-community interactions and locally relevant incidents and history.<sup>18</sup>
- Include effective communications skills, including how to recognize and overcome communication obstacles.<sup>19</sup>

### **D. Training on Racial and Identity Profiling Should Include the Tenets of Procedural Justice**

The training should:

- Emphasize the core tenets of procedural justice ( an approach to policing that emphasizes the importance of treating everyone equally and with respect).<sup>20</sup>
  - Community members should be given a voice and be allowed to tell their story and respectfully interact.
  - The law must be applied equally to all members of the community.
- Officers must show respect and demonstrate trustworthiness.

<sup>13</sup> *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

<sup>14</sup> *U.S. v. The City of Ferguson*(2016)4:16-cv-000180-CP.; *U.S. v. City of Newark*(2016)2: 16-cv-01731-MCAMA.

<sup>15</sup> *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. The City of Ferguson* (2016) 4: 16-cv-000180-CP.; Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).

<sup>16</sup> *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB. ; Fridell, Lorie. *A Comprehensive Program to Produce Fair and Impartial Policing* (2017); *U.S. v. City of Newark* (2016) 2: 16-cv-01731-MCA-MAH.

<sup>17</sup> Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).

<sup>18</sup> *U. S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).

<sup>19</sup> *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

<sup>20</sup> Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).; PERF, Legitimacy and Procedural Justice: A New Element of Police Leadership (2014).; SP ARQ, Principled Policing: Training to Build PoliceCommunity Relations (2016).

- Emphasize the importance of how people are treated during the course of an interaction as well as the outcome of that interaction.<sup>21</sup>
- Cover various threats to procedural justice, including officer stress, time pressure, and poor health, as well as poor historical relations between police and communities.<sup>22</sup>
- Cover various procedural, behavioral, and psychological strategies to reduce threats to procedural justice and improve police-community relations.<sup>23</sup>
- Feature police and community perspectives.<sup>24</sup>

## E. Training on Racial and Identity Profiling Should Cover Implicit Bias

The training should:

- Define implicit bias as "thoughts or feelings about people that we are unaware of and can influence our own and others' actions."<sup>25</sup>
- Define stereotyping.<sup>26</sup>
- Discuss how bias manifests in everyone, even well-intentioned people.<sup>27</sup>
- Cover the varied sources of implicit bias.<sup>28</sup>
- Present a series of empirical studies on bias in an easily understandable manner.<sup>29</sup>
- Discuss how bias might manifest in work and decision-making.<sup>30</sup>
- Highlight positive strategies for mitigating bias and improving police-community relations.<sup>31</sup>
- Discuss how to identify officers who may be manifesting bias and how to respond. Include self-evaluation strategies for identifying bias in oneself.<sup>32</sup>
- Discuss how to talk openly about bias with individuals and groups.<sup>33</sup>

<sup>21</sup> *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.

<sup>22</sup> *U. S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP; SP ARQ, Principled Policing: Training to Build Police-Community Relations (2016).

<sup>23</sup> *U.S. v. Alamance County Sheriff Terry Johnson* (2016) 2:16-cv-01731-MCA-MAH.; Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).; SP ARQ. (2016) Principled Policing: Training to build Police Community Relations.

<sup>24</sup> *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB; SPARQ, Principled Policing: Training to Build Police-Community Relations (2016).

<sup>25</sup> Dovidio et al., Why Can't We Just Get Along, Interpersonal Biases and Interracial Distrust (2002) 8 Cultural Diversity & Ethnic Minority Psycho!. p. 88, 94. Greenwald and Krieger, Implicit Bias: Scientific Foundations, (2006) 94 Calif. L. Rev. 945,946, 951.; Greenwald and Mahzarin, Implicit Social Cognition: Attitudes, Self-Esteem, and Stereotypes (1995) 102(1), Psych. Rev. p. 4-6; Hart, Subjective Decision making and Unconscious Discrimination (2005) 56 Ala. L. Rev. 741.; SPARQ, Principled Policing: Training to Build Police-Community Relations (2016).

<sup>26</sup> SPARQ, Principled Policing: Training to Build Police-Community Relations (2016).

<sup>27</sup> *U. S. v. Alamance County Sherif Terry Johnson* (2016) 2:16-cv-01731-MCA-MAH.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.; Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).

<sup>28</sup> *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; SP ARQ, Principled Policing: Training to Build Police-Community Relations (2016).

<sup>29</sup> *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; *U.S. v. City of Newark* (2016) 2:16-cv-01731-MCA-MAH.; SP ARQ, Principled Policing: Training to Build Police-Community Relations (2016).

<sup>30</sup> *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).

<sup>31</sup> *U.S. v. City of Newark* (2016) 2:16-cv-01731-MCA-MAH.; SP ARQ, Principled Policing: Training to Build Police Community Relations (2016).

<sup>32</sup> *U.S. v. Police Department of Baltimore City, et. al.* (2017) 1:17-cv-00099-JKB.; Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).; *U.S. v. City of Newark* (2016) 2:16-cv-01731-MCA-MAH.

<sup>33</sup> Fridell, A Comprehensive Program to Produce Fair and Impartial Policing (2017).; *U.S. v. City of Newark* (2016) 2:16-cv-01731-MCA-MAH.

- Include experiential learning techniques to apply the training to real-life scenarios.<sup>34</sup>

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<sup>34</sup> *US. v. Alamance County Sheriff Terry Johnson* (2016) 2: 16-cv-01731-MCA-MAH.; *U.S. v. The City of Ferguson* (2016) 4:16-cv-000180-CP.; SP ARQ, *Principled Policing: Training to Build Police-Community Relations* (2016).

## **Appendix C**

### **RIPA Best Practices to Prevent Bias by Proxy**

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#### **Best Practices for Responding to Biased-Based Calls for Service**

2020 RIPA Report, pp. 54-57,  
<https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2020.pdf>.  
(original citations)

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#### **Calls for Service and Bias by Proxy**

In its 2019 Report, the RIPA Board introduced the topic of bias by proxy in the context of calls for service. Bias by proxy occurs in a call for service “when an individual calls the police and makes false or ill-informed claims about persons they dislike or are biased against.”<sup>35</sup> Because calls for service are the most common way in which law enforcement officers make contact with the public, it is critical that law enforcement agencies have policies and training in place about how to prevent bias by proxy when responding to a call for service.

#### **Best Practices for Responding to Biased-Based Calls for Service**

We were unable to find any law enforcement agency in California that had a policy that addresses the circumstances in which members of the public make bias-based calls for service.<sup>36</sup> The Board reviewed evidence-based best practices for responding to bias-based calls for service and identified the following best practices:

- Agencies should have a policy detailing how sworn personnel and dispatchers should respond to bias-based reports, reports regarding bias, or bias by proxy from the community. This policy could be a stand-alone policy or integrated into the bias-free policing policy.
- An agency policy covering biased-based calls for service should include:
  - How an officer should identify a biased-based call for service.
    - It should first instruct the officer to determine whether there is evidence of criminal misconduct or if there is a need to engage in a community caretaking function.
    - It should include clear direction on next steps with respect to the caller and subject of the call (see below) if an officer determines that there is no criminal conduct or no need to conduct a well-being check.

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<sup>35</sup> Fridell, A. (2017). A Comprehensive Program to Produce Fair and Impartial Policing. In Producing Bias-Free Policing. Springer, p. 90.

<sup>36</sup> We are aware that the San Francisco Police Department is in the process of incorporating bias by proxy into the new draft of its anti-bias policing policy. If adopted, we believe this would be the first policy in California, certainly of a major police department, to incorporate concepts of bias by proxy into its department general orders.

- It should allow officers to respond to the area and independently assess the subject’s behavior from a distance. If no suspicious criminal behavior is observed, then the officer can report the call to dispatch as “unfounded.”
  - How sworn personnel and dispatchers should interact with the community member who has made a bias-based call for service.
    - It should detail ways personnel can courteously explore if the call is bias-based and concerns an individual’s personal characteristics (e.g., call regarding a person of color walking in the “wrong neighborhood”) or if there are specific behaviors that warrant a call for police response. If the complainant can offer no further, concrete information, the complainant may be advised that the shift supervisor will be in contact at the first opportunity.
      - Specifically, dispatchers could have a series of questions or a flexible script, which enables them to ask questions and explore whether there are concrete, observable behaviors that form the basis of the suspicious activity or crime the caller is reporting. Is the person looking into cars, checking doors, casing homes, etc.? What specific crime or activity does the person claim to be witnessing?<sup>37</sup>
    - If a call turns out to be a bias-based call for service, the shift supervisor may follow up with the caller to let them know that they found no suspicious or criminal activity. This way of “closing the call” may help educate callers about appropriate calls for service and possibly alleviate dispatching calls that have no merit, while serving to build trust between police and the community.
  - How an officer should interact with a community member who is the subject of a bias-based call.
    - It should detail methods on how to approach the subject of a bias-based call in a manner that respects their dignity and does not alarm them, but informs them about the reason that the officer is on scene.
    - It should include methods to account for situations in which the responding officer encounters both the caller and the subject of a potential bias-based call at the scene.
      - Such methods should include de-escalation, respectful listening, and procedural justice techniques to ensure the scene is safe, the parties have an opportunity to communicate, and the officer has the opportunity to explain why no violation has occurred.
  - How the shift supervisor should interact with the caller:

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<sup>37</sup> One illustrative example is what Nextdoor, a neighborhood communication platform, has developed in collaboration with community groups, local law enforcement, academic experts, and neighbors to try to prevent racial profiling and make crime reporting more useful to neighbors and law enforcement. Nextdoor has the following tips: “1) Focus on behavior. What was the person doing that concerned you, and how does it relate to a possible crime?; 2) Give a full description, including clothing, to distinguish between similar people. Consider unintended consequences if the description is so vague that an innocent person can be targeted.; and 3) Don’t assume criminality based on someone’s race or ethnicity. Racial profiling is expressly prohibited.” See Nextdoor. (2017). Preventing Racial Profiling on Nextdoor. Available at <http://us.nextdoor.com/safety/preventing-profiling-approach>.

- It should detail how the shift supervisor can explain that the agency does not respond to calls for service based on an individual's personal characteristics and that lawful activities are not more suspicious because of the individual's personal characteristics.
  - It should detail ways the shift supervisor can educate the caller on the agency's bias-free policing policy and philosophy and explain that officers respond to behaviors/actions of individuals that appear suspicious, threatening, illegal, etc., and not to hunches or situations based on an individual's personal characteristics.
  - In the case of a call for service that is based on a caller's suspicion that an individual present in the jurisdiction is an undocumented immigrant, the supervisor could inform the caller that California law enforcement agencies are not responsible for enforcing federal immigration law, as provided for in the California Values Act (Cal. Gov. Code, §§ 7284 et seq.). These interactions should be documented by the supervisor.
- Agencies should have a training for officers and dispatchers that covers responding to bias-based calls for service. It should include:
    - Foundational instruction on how poor or inadequate responses to such calls can impair the agency's legitimacy and undermine other agency efforts to build community trust and communication.
    - How to be mindful of their training on implicit bias and regularly reflect on whether such bias is affecting a caller's decision-making (e.g., assuming a higher or lower threat level presented by an individual based upon his or her race, gender, or other personal characteristics).
    - How to assess a call for bias-based motivations.
    - How information regarding a call for service should be relayed without including biased assumptions.
    - How to collect enough information necessary to verify reasonable suspicion of criminal activity.
    - How to record and track any bias-based call in the agency's tracking systems.
    - How on-scene responses to calls for service may require officers to apply de-escalation, communications, and procedural justice techniques.
    - The subject of biased-based calls for service should also be included in supervisor and leadership training as desktop exercises so that attendees grasp the challenge bias-based calls present to the agency's overall mission.

It would be beneficial for dispatchers and officers to jointly attend training on calls for service so that the training can address the intersecting roles and responsibilities of both positions in dealing with bias-based calls for service. The Board also recommends that dispatchers go on a ride-along with a field officer as part of their training, and that field officers do a sit-along in the dispatch center so that each can build a better understanding of what the other job entails. This will open up the lines of communication between the two positions and enable them to better handle not only calls rooted in bias by proxy, but all dispatch calls generally.

# Appendix D

## MVPD Use of Force Policy Amendments

### Based on 21<sup>st</sup> Century Policing & Procedural Justice

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#### Legend:

Black text = Existing MVPD Policy

~~Strikethrough~~ = Proposed deletions from existing MVPD Policy

Blue text = Additional and substitute policies in furtherance of 21<sup>st</sup> Century Policing

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## 1. GUIDELINES AND DEFINITIONS

### 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force, including proportional response and de-escalation techniques. While there is no way to specify in all situations the exact amount or type of proportional response, including the use of reasonable force and de-escalation techniques, to be applied in any every situation, every member of this Mill Valley Police Department is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner, with the sanctity of life in mind and the goal of assuring the safety of both officers, Mill Valley residents and other members of the public within our jurisdiction.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Proportional response** – The appropriate response of an officer to an incident in light of the primary goal of assuring the safety of both officers, Mill Valley residents and other members of the public within our jurisdiction. A proportional response employs no more force than is proportional to the law enforcement objective at stake.

**De-escalation techniques** - The full range of responses to an incident and/or people with whom an officer has contact in the course of his/her duties, including verbal engagement and warnings, creating distance in time and space, tactical repositioning and other tools and techniques not including the use of force, such as summoning mental health professionals, social workers or other trained individuals to obtain their involvement and assistance in defusing an incident.

**Deadly force** - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a) or the use of Axon CEWs (“tasers”).

**Force** - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself knowingly and



voluntarily consents to be searched, escorted, handcuffed, or restrained.

In light of these statements of purpose and scope, and ~~this~~ these definitions, the MVPD Policy Manual provides the statement of policy for the use of force:

### **300.2 POLICY**

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, only when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

#### **300.2.1 DUTY TO INTERCEDE**

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, ~~when in a position to do so,~~ intercede, as soon as possible, to prevent or discontinue the use of unreasonable force. Any officer interceding to prevent or discontinue the use of unreasonable force by another officer shall take all steps necessary to terminate such use of unreasonable force as quickly as possible. Additionally, any An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor and make a report in writing to be filed with any incident report and in an appropriate "Unreasonable Use of Force" file, which shall be available for public inspection.

## **2. USE OF FORCE**

### **300.3 USE OF FORCE**

Officers shall use only that amount of forcethat is reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event, or which should have been known to or perceived by the officer based on objectively known facts at the time, to accomplish a legitimate law enforcement purpose to: (1) effect an arrest when that peace officer has objectively reasonable cause to believe that the person to be arrested has committed a public offense; (2) prevent escape; or (3) overcome resistance.(Penal Code § 835a).

Officers shall employ reasonably available de-escalation techniques prior to employing force and in no event shall an officer use substantially more force than is proportional to the law-

enforcement interest at stake.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident, with knowledge that the authority to use physical force, conferred on peace officers is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life, and with further knowledge that that every person has a right to be free from excessive use of force by officers acting under color of law. (Penal Code § 835a).

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. For instance, officers may find it best to call upon mental health professionals, social workers or other trained individuals to obtain their involvement and assistance in defusing an incident by the use of de-escalation techniques. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

~~While~~ The ultimate objective of every law enforcement encounter is to avoid or minimize injury; nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force, and to guarantee that every person has a right to be free from excessive use of force by officers acting under color of law. An officer should always approach an incident with a strategy of using de-escalation techniques as a primary tool. Verbal engagement with a subject is the most useful de-escalation technique and should suffice. Reasonable force should only be used if verbal engagement has been used persistently and has been proven ineffective after persistent effort to use it successfully to de-escalate a confrontation using verbal engagement and other tools not involving weapons.

### **3. USE OF FORCE TO EFFECT AN ARREST**

#### **300.3.1 USE OF FORCE TO EFFECT AN ARREST**

Any peace officer may use objectively reasonable force to effect an arrest for a felony offense,

to prevent escape for a felony offense, or to overcome resistance relating to an arrest for a felony offense. A peace officer who makes or attempts to make an arrest for a felony offense need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested for that felony offense; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the that felony arrest, prevent escape for a felony offense, or to overcome resistance relating to an arrest for a felony offense. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

### **300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

When determining whether to apply force and evaluating whether an officer has used reasonable and proportional force, a number of factors should be taken into consideration, as time and circumstances permit.

These factors include but are not limited to:

- (a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The conduct of the involved officer (Penal Code § 835a).
- (e) The effects of drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Proximity of weapons or dangerous improvised devices.
- (i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a), including verbal engagement and interaction, and summoning of unarmed, trained mental health professionals, social workers and/or other suitably trained professionals.
- (k) Seriousness of the suspected offense or reason for contact with the individual (this is the primary factor in determining the proportionality of the force used).
- (l) Training and experience of the officer.
- (m) Potential for injury to officers, suspects, and others.
- (n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (o) The risk and reasonably foreseeable consequences of escape.
- (p) The apparent need for immediate control of the subject or a prompt resolution of the situation.

- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (r) Prior contacts with the subject or awareness of any propensity for violence.
- (s) Any other exigent circumstances.

### **300.3.3 PAIN COMPLIANCE TECHNIQUES**

Pain compliance techniques **should not be used except in the rarest of circumstances when all other methods have been exhausted after multiple attempts.** In such circumstances, only officers who have successfully completed and been certified in department-approved training may use such techniques, and only after first contacting supervisory personnel and obtaining permission. Such supervisory personnel should be on-scene at the time of use of pain compliance techniques before an officer initiates use of the pain compliance techniques, unless such presence on-scene is impossible as determined by that supervisory officer. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

### **300.3.4 CAROTID CONTROL HOLD**

Officers are prohibited from using the Carotid Control Hold, Carotid Restraint, Lateral Vascular Neck Restraint, Choke Hold, or any technique or device that restricts air or blood flow by restraining the neck/throat of an individual, ~~unless used where deadly force would be reasonable.~~

## **6. CRISIS INTERVENTION INCIDENTS**

### **466.6 DE-ESCALATION**

Officers ~~should~~ **shall** consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members **shall refrain from applying disproportionate force and shall employ de-escalation techniques prior to resorting to force whenever possible.**

**Responding members should be** aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.

- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.