

CITY COUNCIL MEETING
TUESDAY, NOVEMBER 28, 2017

Documents Received After Published Agenda

PUBLIC COMMENTS

Shell to work with carmakers on electric vehicle charging

By Andrew Ward / The Financial Times / November 26, 2017

Royal Dutch Shell has announced it will work with some of the world's biggest carmakers to offer high-speed charging points for electric vehicles in 10 European countries.

The Anglo-Dutch oil and gas group will partner with a charging network operator called Ionity, backed by Ford, BMW, Daimler and Volkswagen, to provide EV chargers at 80 of its biggest roadside filling stations.

The deal is the latest in a series of steps by Shell to find ways of making money from the rise of EVs, in the face of the long-term threat they pose to demand for oil.

Shell last month agreed to buy NewMotion, Europe's largest electric charging points operator with a network of 80,000 sites.

The points to be installed in partnership with Ionity involve high-powered chargers capable of topping-up an electric car in five to eight minutes — up to three times faster than is currently possible.

The Shell sites will form part of a network of 400 fast-charging stations planned by Ionity by 2020. The Munich-based joint-venture was set up in 2016 by Germany's biggest carmakers and Ford.

Each charging point will have a capacity of 350 kilowatts, compared with today's industry standard of 50kW. Increasing the speed of charging and the distance that can be driven on a single charge are seen as critical to increasing the appeal of EVs.

"Customers want to go on long journeys in their electric vehicles and feel confident that there are reliable . . . places to charge them quickly," said István Kapitány, head of retail for Shell.

An average of six fast-charging points will be installed at each of the 80 sites chosen by Shell in Belgium, France, the Netherlands, Austria, the Czech Republic, Hungary, Poland, Slovakia, Slovenia and the UK.

Shell is making moves to diversify beyond fossil fuels as the world shifts towards cleaner energy. EVs are seen as one of the biggest disruptive forces in the energy market because passenger cars account for more than a quarter of global demand for oil.

As well as the impact on crude oil sales, EVs also threaten the retail businesses of companies such as Shell, which serves 30m customers a day at its 40,000 filling stations around the world.

Most oil executives argue that the transition to EVs will take several decades and that demand for oil will continue to grow in the meantime, but Shell's strategy shows that parts of the industry are beginning to adapt to the changing energy landscape.

Shell is also making investments in wind power generation, electricity trading and, from next year in the UK, will be selling power directly to business customers.

<https://www.ft.com/content/9e879ee6-d121-11e7-b781-794ce08b24dc>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Automakers struggle with the future in Los Angeles

By Joseph White / Reuters / November 26, 2017

DETROIT (Reuters) - Car manufacturers' attempts to square what U.S. consumers want against the clean vehicles regulators and investors demand will be on display in Los Angeles this week at an auto show that has moved away from calling itself just an auto show.

Automakers on Monday will begin previewing new models for the media at an event called AutoMobility LA, reflecting an emphasis on digital technology and new ways to get around, such as self-driving cars. On Friday, the Los Angeles Auto Show will open to the public for 10 days, attracting visitors from one of the world's most affluent and culturally influential metropolitan markets.

For now, self-driving cars are not ready for consumers, and sales of the battery-powered vehicles demanded by California regulators remain marginal and money-losing. Profits are generated by gasoline-fueled sport utility vehicles and trucks.

Automakers caught between the petroleum past and the digital future will send muddled messages.

Volkswagen AG (VOWG_p.DE) will try to replace memories of the diesel emissions cheating scandal that tarnished its image with many California customers by promoting its \$40 billion wave of electric vehicles.

In the next breath, the German automaker will tout its gasoline-fueled Audi A8 large luxury sedan, which can pilot itself under limited circumstances but is out of step with a market where buyers are switching to sport utility vehicles.

Rivals overshadowed by electric vehicle pioneer Tesla Inc (TSLA.O) are in a quandary, too. Despite a booming stock market, sales for luxury brands BMW, Daimler AG's (DAIGn.DE) Mercedes-Benz and Toyota Motor Corp's (7203.T) Lexus are down for the first 10 months of 2017.

BMW AG (BMWG.DE) is expected to roll out new versions of its i8 plug-in hybrid sports car. But for those not interested in electrification, the company will use the show to promote a high-performance version of its 5 Series sedan.

Tata Motors (TAMO.NS) unit Jaguar Land Rover will accompany its new gasoline-powered Range Rover SVAutobiography, billed as the "pinnacle" of a lineup that already has models priced above \$100,000, with its first plug-in hybrid Range Rovers.

At AutoMobility LA, auto and technology industry executives will debate how ride-sharing, self-driving vehicles and electric cars will shape the future. At the auto show itself, the stars will be gasoline-burning SUVs, such as the Subaru Ascent, a large, three-row SUV from a brand known for compact, all-wheel-drive cars.

Fiat Chrysler Automobiles NV (FCHA.MI) will unveil a new Jeep Wrangler with styling that still harks back to the trusty vehicles that helped the United States win World War Two.

<https://www.reuters.com/article/us-autoshow-la-preview/automakers-struggle-with-the-future-in-los-angeles-idUSKBN1DQ0HN>

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ITEM 8 – LB 17-049

Commitment for an Inclusive, Equitable, And Compassionate Community (CIECC) Action Plan



Memorandum

DATE: November 28, 2017

TO: Mayor and City Council

FROM: City Manager

SUBJECT: **Legislative Business Item 8 (LB 17-049): Staff Report Addition: Adoption of the Commitment for an Inclusive, Equitable, and Compassionate Community (CIECC) Action Plan**

This memorandum includes Exhibit I, which provides an alternative to Section V, Enhancing Community / Police Relations workplan of Attachment III, (pages 25-28). This Exhibit contains edits recommended by the two co-chairs of the Community / Police Relations Taskforce Subcommittee on October 31, 2017, following the September 26, 2017 Council work session. The edits are redlined for easier reference.

This alternative has been emailed to the Community Taskforce and will be added to their agenda following the November 29, 2017 Council meeting, for their consideration.

For the November 28, 2017 Council meeting, the Council may choose to:

- a) Adopt the Section V that is currently included in Attachment III of the staff report, and amend at a later date, if the Community Taskforce accepts the proposed alternative;
- b) Accept the attached alternative to Section V of the Enhancing Community / Police Relations workplan recommended by the two co-chairs of the Community / Police Relations Taskforce Subcommittee prior to the upcoming Community Taskforce meeting; or
- c) Wait to adopt Section V, until the Community Taskforce has had the opportunity to discuss and consider the proposed alternative to Section V.

Please find Exhibit I, alternative to Section V, Enhancing Community / Police Relations workplan of Attachment III.

Prepared and Recommended by: Maria A. Hurtado, Assistant City Manager

Kelly McAdoo, City Manager

Attachment:

Exhibit I: Alternative to Section V, Enhancing Community/Police Relations Workplan

The Commitment (CIECC)

Section V: Enhancing Community/Police Relations

Based on best practices research¹ the following action items are designed to create within the Hayward Police Department a culture of transparency and accountability that fosters increased trust and legitimacy with community members, and supports partnerships that strengthen community / police relations in Hayward.

Part	Action Item	Responsible Department	Policy Reference	Timeline
E.1 - Building Community Trust and Police Department Legitimacy	E.1.1 - Transparency: As part of building mutual trust with the community, the Hayward Police Department (HPD) will publish its internal and external policies and practices, including its: <u>(A)</u> Use of Force Policy; <u>(B)</u> Body Worn Camera policies, and <u>(C)</u> its policies and practices which relate to schools and students, in places and ways that express them clearly and transparently to the public.	Hayward Police Department	City of Hayward Strategic Initiatives ⁵ Complete Communities Goal 1: Objs.: 1, 5	By November 2019 A. <u>By: 3.31.18</u>
				B. <u>By: 6.30.18</u>
				C. <u>By: 12.31.18</u>

¹ References to the source documents used to inform the Action Items in this section are provided in the Appendix to this document.

The Commitment (CIECC)

Section V: Enhancing Community/Police Relations

Part	Action Item	Responsible Department	Policy Reference	Timeline
E.1 - Building Community Trust and Police Department Legitimacy – continued:	<p><u>E.1.2.A - Building Legitimacy with the Public – Part 1:</u> To achieve external legitimacy, HPD should involve the community in the process of developing and evaluating HPD’s policies and procedures related to training, use of new technology, etc. The Community Taskforce recommends a partnership between the community and HPD take the form of a newly created HPD Advisory Committee, made up of community members who reflect the diversity of the Hayward community, <u>and selected with community member input.</u>² <u>This Advisory Committee will also</u> review cases involving officer-involved shootings, in-custody deaths, and other serious incidents that have the potential to damage community trust and challenge the legitimacy of, or reduce confidence in, the HPD.</p>	Hayward Police Department	City of Hayward Strategic Initiatives ⁵ Complete Communities Goal 1: Objs.: 1, 5	By November 2019 <u>TBD</u>
	<p><u>E.1.2.B – Building Legitimacy with the Public – Part 2:</u> <u>The Hayward Police Department will participate, along with other local law enforcement agencies, in the 2018 Community / Police Relations Summit (led by the Hayward NAACP) designed to enhance mutual understanding and strengthen relations between community members and local police.</u></p>	Hayward Police Department		By: <u>6.30.18</u>

² Norm Stamper, retired Seattle Police Chief, states in person and in his book, To Protect and Serve: How to Fix America’s Police, that there should be an equal partnership between the community and law enforcement (page 247-248). See Endnote 1 – Appendix, Page A-2, Section A. 1. D.

The Commitment (CIECC)

Section V: Enhancing Community/Police Relations

Part	Action Item	Responsible Department	Policy Reference	Timeline
	<p>E.1.3 - Measuring Community Trust: HPD will use various means and opportunities to regularly and periodically measure the trust level of the community in HPD. This may include: A) Participation in the City of Hayward’s biannual community surveys of public opinion - HPD Administration and the City Manager’s Office will participate in the design of the questions that will measure the public’s trust level in HPD; and B) The development of other community surveys that measure the public’s trust level in HPD to be circulated in partnership with community partners at existing community events (e.g. Summer street festivals, the Russell City Blues Festival, Barber College events). The City will develop procedures for analyzing, sharing, and utilizing the data gathered to improve community and police relations in Hayward.</p>	Hayward Police Department	City of Hayward Strategic Initiatives ⁵	Ongoing
E.2 - Enhancing Community Partnerships	<p>E.2.1 - New Hire Orientation: HPD will embrace the practice of introducing and touring new hires through a minimum of five <u>diverse neighborhood, community or neighborhood-based faith and</u> or community organizations; this will include attending at least one community or neighborhood event sponsored by one of the participating organizations. Newly hired HPD staff will also participate in events sponsored by local minority and women-owned professional businesses and associations.</p>	Hayward Police Department and Human Resources Department	<p>Complete Communities Goal 1: Objs.: 1, 5</p> <p>Tennyson Corridor Goal 1: Obj. 1 Goal 2: Obj. 3</p>	Ongoing

The Commitment (CIECC)

Section V: Enhancing Community/Police Relations

Part	Action Item	Responsible Department	Policy Reference	Timeline
E.3 - Commission on Accreditation for Law Enforcement Agencies (CALEA)	E.3.1 - Assessing Community Engagement, and Police and Community Relationships: Interviews with sworn and professional staff should not be the sole source of information for determining or certifying the strength of the Department's level of community engagement and building relationships of mutual respect. ³ Instead, HPD should offer the CALEA evaluation team the opportunity to interview community members who reflect the diversity of Hayward to better evaluate this community engagement. To facilitate this, HPD will provide contact information of local faith and community-based service organizations, community advocacy groups, and individuals representing the diversity of the Hayward community.	Hayward Police Department	City of Hayward Strategic Initiatives ⁵ Complete Communities Goal 1: Objs.: 1, 5	Ongoing <u>At time of next CALEA Assessment</u> <u>Date: 2021</u>
E.4 - Community Access and Feedback	E.4.1 - District Command Offices: The service hours of HPD's Northern and Southern District Command Substations should be posted at those locations, and the substations should be staffed during those hours so that HPD representatives are available to respond to questions or service requests from community members.	Hayward Police Department		By November 2019 <u>By: 3.30.18</u>
	E.4.2 - Use of District Command Offices: HPD should develop and implement a community relations campaign to make the public aware that they can ask questions and file compliments/complaints through District Command offices, as well as through other avenues (i.e. Access Hayward) where a single form is used submitting either a compliment or a complaint.	Hayward Police Department		By November 2019 <u>By 6.30.18</u>

³ For example, the CALEA report stated, "An interview with Patrol Captain revealed that agency officers engage the community well and develop rapport...".

The Commitment (CIECC)

Section V: Enhancing Community/Police Relations

Part	Action Item	Responsible Department	Policy Reference	Timeline
E.5 - HPD Police Officer and Personnel Training	E.5.1 - Police Officer Engagement with Persons Living with Mental Illness: Require that all sworn officers of HPD take Mental Health First Aid for Public Safety training. ⁴	Hayward Police Department	City of Hayward Strategic Initiatives ⁵ Complete Communities Goal 1: Objs.: 1, 5	By November 2019 <u>By:</u> <u>3.30.18</u>
E.6 - Use of Tasers and Body WRAP Restraints	E.6.1 - Use of Tasers and Body WRAP Restraints: HPD will develop a policy requiring professional evaluation of procedures involving the use of Tasers and Body WRAP tools to restrain individuals, and work collaboratively with the HPD Community Advisory Panel to implement any recommended changes in practices or tactics that resulted in a death <u>which were utilized which may have contributed to an in-custody death.</u> ⁵	Hayward Police Department		By November 2019 <u>Status Report</u> <u>by:</u> <u>6.30.18</u>
E.7 - Urban Shield	E.7.1 - Urban Shield: HPD should withdraw participation from Urban Shield. ⁶	Hayward Police Department		By July 2018

⁴ Mental Health First Aid for Public Safety is an eight-hour course specifically designed for police officers, first responders, corrections officers and other public safety professionals. Just as CPR helps people assist someone having a heart attack, this course provides tools to help identify, understand, and appropriately support someone experiencing a mental health or substance use crisis. (Link: <https://www.mentalhealthfirstaid.org/cs/wp-content/uploads/2016/01/Public-Safety-Overview-2.pdf>)

⁵ The unsubstantiated marketing information contained in equipment manufacturers' website will not be relied upon. If Hayward PD does not have the capacity to make these professional evaluations, qualified professionals should be contracted to make them. Community members are aware of millions of dollars paid in settlements by City of Hayward to families of residents who died after multiple tasings and/or Body WRAP usage.

⁶ The overarching goals of Urban Shield include striving for the capability to present a multi-layered training exercise to enhance the skills and abilities of regional first responders, as well as those responsible for coordinating and managing large scale events: <https://www.urbanshield.org/about/urban-shield-training>. However, the Community Taskforce recommendation is based on concerns about certain Urban Shield practices that militarize law enforcement, racialize "the enemy" in exercises as being people of color and/or of middle eastern decent, and are derogatory toward the Black Lives Matter civil rights movement, all of which undermine community trust in the police.

From: Frank Burton [REDACTED]
Date: Sun, Nov 26, 2017 at 10:39 PM
Subject: Fwd: The Community Taskforce's recommendation to create a HPD Advisory Committee
To: Barbara Halliday <Barbara.Halliday@hayward-ca.gov>, Al Mendall <al.mendall@hayward-ca.gov>, Mark Salinas <Mark.Salinas@hayward-ca.gov>, Sara Lamnin <Sara.Lamnin@hayward-ca.gov>, Elisa Marquez <elisa.marquez@hayward-ca.gov>, Marvin Peixoto <Marvin.Peixoto@hayward-ca.gov>, José Francisco Zermeño Cárdenas <francisco.zermeño@hayward-ca.gov>
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While I would not have a platform from which to say the things I'm going to say in

this email if I were not on the Hayward ADAP Task Force, I'm speaking my truth in this email, not representing the Task Force or the Subcommittee on Community / Police Relations.

The recommendation the Hayward ADAP Taskforce made to create a HPD Advisory Committee (Action Item E.1.2.A) was based on a recommendation from President Obama's Task Force on 21st Century Policing, a task force which he formed because of the events during 2014 which exposed rifts in the relationships between local police and the communities they protect and serve. The President recognized the need for trust between law enforcement agencies and the people they protect and serve, and charged his task force with identifying best practices and offering recommendations on how policing practices can promote effective crime reduction while building public trust. We've similarly heard of the need for the community to trust their police from Hayward PD Chief Koller.

Here is the Recommendation from President Obama's Task Force on which the Hayward Taskforce's recommendation for a HPD Advisory Committee was based:

"2.8 Recommendation: Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community.

"Many, but not all, state and local agencies operate with the oversight or input of civilian police boards or commissions. Part of the process of assessing the need and desire for new or additional civilian oversight should include input from and collaboration with police employees because the people to be overseen should be part of the process that will oversee them. This guarantees that the principles of internal procedural justice are in place to benefit both the police and the community they serve.

" We must examine civilian oversight in the communities where it operates and determine which models are successful in promoting police and community understanding. There are important arguments for having civilian oversight even though we lack strong research evidence that it works. Therefore we urge action on further research, based on the guiding principle of procedural justice, to find evidence-based practices to implement successful civilian oversight mechanisms.

"As noted by witness Brian Buchner at the Policy and Oversight Listening Session on January 30,

"Citizen review is not an advocate for the community or for the police.

This impartiality allows oversight to bring stakeholders together to work collaboratively and proactively to help make policing more effective and responsive to the community. **Civilian oversight alone is not sufficient to gain legitimacy; without it, however, it is difficult, if not impossible, for the police to maintain the public's trust.**" (emphasis added)

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An additional influence for some of us regarding citizenreview has been the recommendation of retired Chief of Police Norm Stamper, who rose through the ranks from being a beat cop to being Chief of the San Diego PD, then Chief of the Seattle PD.

I personally have gained enormous respect for Chief Stamper from hearing him in person in Oakland a few months ago, and seeing how he has acknowledged serious mistakes as the Seattle Chief, mistakes he has learned from. He is forthright about those mistakes in his recent book, To Protect and Serve; How to Fix America's Police.

Chief Stamper strongly recommends an authentic, mutually respectful partnership between the community and their police. The partners' job is to work together in a 50-50 relationship, with a tremendous amount of soul searching, philosophizing, questioning, and practical hard-core planning, including the discipline of learning from the successes and failures of other jurisdictions. The Hayward Taskforce's recommendations to the City of Hayward include a long quotation from Chief Stamper of assumptions which are part of the charter of a 50-50 partnership; these assumptions are reproduced after my signature on this email, for your convenience.

The City of Hayward may not be ready, now or ever, for the ideal partnership between the community representatives and the police representatives on a 50-50 oversight group such as the one outlined here. And yet, I personally believe what President Obama's Task Force said, as quoted above:

"Civilian oversight alone is not sufficient to gain legitimacy; without it, however, it is difficult, if not impossible, for the police to maintain the public's trust."

The challenge we in Hayward now face is how to choose and structure a Hayward PD Advisory Committee (whatever we call it) which includes community members who are not simply figureheads, but are respected enough by the City's leaders, Hayward PD's leaders, and community leaders, to have real, ongoing influence in

shaping Hayward PD policies and procedures.

I challenge you, the City Council, to set up a temporary structure--a group of Hayward police officers and community members--to research the varied ways that other jurisdictions have developed a community/police collaboration which works proactively to help make policing more effective and responsive to the community, then make a recommendation to you on how the Hayward PD Advisory Committee should be chosen and structured. Chief Koller and City Manager McAdoo have been discussing this topic for some months, so taking another couple of months to research what has worked, and what hasn't worked in other jurisdictions, would seem a wise investment of time.

You, the City Council, still would make the final choice, but based on a deeper understanding of the options.

Frank Burton

From To Protect and Serve, Partnership assumptions, page 248:

- “Whatever faults and other historical baggage the police might bring to the partnership, they also bring considerable knowledge, wisdom, and skills. Moreover, they contribute weapons, badges, uniforms, vehicles, and specialized emergency equipment--all the trappings of coercive authority, which on occasion is essential to the cause of protecting life, property, and, yes, civil liberties. Consider if the first responders to the November 2015 terrorist attacks in Paris were not so equipped, were not identified by their badges and uniforms.
- “How this coercive authority is exercised must be negotiated between the partners. To the maximum extent possible, effective ‘self-policing,’ that is internal security, should be arranged in advance.
- “It must be understood that where self-policing breaks down and violence erupts or is imminently threatened, it’s time for the unarmed, non-uniformed community partners to take a back seat to traditional police authority--exercised, of course, in accordance with the values, stipulations, and specific procedures of The Agreement.
- “Each side of the partnership must commit to continuous learning, taking stock of the response to all major events, including natural disasters, industrial accidents, fires, and political protests and demonstrations.”

#

Note: The terms "community " and "communitymembers " are substituted for the term citizens in the above quotations.

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Recipient of Hayward Area Democratic Club's Fran & Jim Forsyth Community Service Award for 2017.

***Passively to participate in an unjust system is to accept that system and to participate in its evil. --
Martin Luther King, Jr.***

Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has. --Margaret Mead