

**CITY COUNCIL MEETING
TUESDAY, NOVEMBER 17, 2020**

**DOCUMENTS RECEIVED
AFTER PUBLISHED AGENDA**

AGENDA QUESTIONS & ANSWERS

Items 3, 5 & 6

AGENDA QUESTIONS & ANSWERS
MEETING DATE: November 17, 2020

Item #3: [CONS 20-571](#) Adopt a Resolution Authorizing the City Manager to Execute a Grant Deed Conveying an Easement to Pacific Gas and Electric Company for Underground Installation of its Utility Facilities Within Portions of the City Owned Parcels at 962 B Street and Municipal Parking Lot 1 and Alley North of B Street

Why is staff supporting this? We know that NatGas is something that we need to de-incentivize for Climate Change reasons. We already ban such infrastructure in most new developments. Wouldn't we be better off helping those 2 buildings convert to all electric service?

The main intent of this project is to improve safety. The line will have to be replaced for safety reasons. The original location for the line serving buildings 938 and 926 B Street extended through a narrow access way between the buildings. Too narrow to get equipment in to service the line if needed. Since Muni Lot #1 surrounds 938 and 926 B Street, PG&E's only viable option for an alternative route is to acquire an easement from the City.

Generally speaking, City staff do not have the tools to prevent a utility company or a property owner from upgrading their gas mains. The City's recently-adopted Reach Code only governs the construction of new residential and nonresidential buildings. It does not limit construction of new or replacement gas lines in an area that will serve existing buildings. If a project is subject to CEQA, then the City can argue that the project is inconsistent with the City's GHG goals and other city-adopted plans and policies. That is not the case here.

Item # 5: [WS 20-047](#) Hayward Police Department 2019 and 2020 Year End Review (Report from Chief of Police Chaplin)

1. From the Staff feedback, is the following perception accurate - "Were upgrades made to City Hall/areas where people were working virtually sooner than they were for areas where employees were still working in person? Many feel the City and City Council have not acknowledged the fact that HPD employees have been here through COVID-19, exposing ourselves and our families. Many people were upset that the City provided COVID-19 upgrades to City Hall when majority of the employees are working from home, prior to upgrades in other departments city wide where employees have remained at work through the pandemic."

The touchless fixture project for City Hall was already planned for and was supposed to be completed prior to COVID but was deferred last FY to free up monies for a more pressing project. Since we already had an inventory count and estimate, the City Hall fixtures were installed first because they arrived first. The PD building was the next building completed by Facilities staff which now includes touchless faucets, toilets and urinals in the PD. Facilities installation priority for COVID related items starts with occupied buildings as was the case with sneeze-shields and social distancing floor and window decals. These were installed at HPD and Utilities before moving onto buildings with less occupancy like City Hall.

Additionally, HPD will be the first City building to have UV lighting installed to mitigate COVID spread; the materials needed for this project will be installed once the upgraded electrical circuits are completed in the next couple weeks.

<p>2. What percentage of calls are Priority 1/active violent crime?</p>	<p>Our current CAD/RMS system will not generate data responsive to this request. Even if it could, data would not necessarily be reliable as often times, information initially received by Dispatch is determined to be different once responding Officers arrive on scene. As an example, a 911 caller may report a robbery (violent crime) and responding Officers may determine a low-level, petty theft (property crime) occurred based on information received from involved parties once on scene.</p>
<p>3. From the statistics provided, it appears that the highest number of hours is spent on tactical firearms/force simulator. Is that an accurate perception?</p>	<p>Use of force incidents are low frequency, high impact events that require much training. While some firearms and use of force training involves technical skills building, much of this training is designed to place Officers in situations where decision making, communication, and de-escalation techniques can impact outcomes. Starting in 2018, the foundational elements of Crisis Intervention Techniques (CIT), Integration of Communication Assessment and Tactics (ICAT), and de-escalation techniques were officially incorporated into all quarterly mandated training for sworn personnel (including both Tactical Firearms and Force Options Simulations). These trainings involve scenarios and case studies of violent and unfolding incidents where varying levels of conflict resolution, decision making, de-escalation techniques, and/or force may be needed to resolve an incident. Over a 2 year period (2019-2020), approximately 18.5 hours were spent on Tactical Firearms (with the scenario based elements referenced above) and 10.5 hours spent purely on Force Options. That 29 hours is a 2-hour reduction from the previous 2 years while Tactical or Interpersonal Communications saw an increase of 11 hours over that time.</p>
<p>4. How often are the hours that can be either communications or tactical spent on communication?</p>	<p>POST only requires 2 hours of Communications training every 2 years, while it requires twice as much (4 hours) of Firearms training. Anything else is at the discretion of the individual agency. In the last 2 years, we have well exceeded those numbers. The last 2 years saw a reduction of 7 hours from Arrest and Control Techniques and Firearms, while 11 hours were added to Communications trainings.</p>
<p>5. How many Staff members (unduplicated people) are represented in all the training hours? And which divisions do they represent?</p>	<p>Our current training software will not generate data responsive to this request. All data provided in the annual report required staff members to collect it by hand, as our training software is antiquated and will not run a report with the information requested. Simply put, all sworn staff members, regardless of the Division they work in, are required to attend all</p>

	<p>Continuous Professional Training (CPT) days and some professional staff are required to attend training specific to their assignments. Some staff members receive additional training, which is determined by their classification, assignment, or areas of responsibility. Training independent of CPT requires the submission of a formal request, which is routed through Personnel and Training and approved by each respective staff member's Division Commander.</p>
<p>6. How is GARE rolling out in the Police Department?</p>	<p>Lieutenant Olsen served as one of the members of the original GARE cohort. He and several other cohort members met with Chief Chaplin to discuss the vision of GARE and how the HPD can assist. From the trainings, staff members have been taught to look for not only areas of disparate treatment, but also disparate impact. HPD policies, CALEA standards, and existing practices guard against disparate treatment and staff members have continued to examine areas where potential disparate impact can occur. These examinations include everything from hiring practices to response to calls for service and ensuring safeguards remain in place in existing processes (e.g. interview panels with community members in the hiring process, external raters in promotional testing processes, promotional testing components consistent with industry standards, etc.). Other Departments within the City did not have some of the safeguards in place and HPD staff members have been working with them in areas identified as having the potential for disparate impacts (e.g. staff members have made recommendations regarding hiring practices, responses to requests for city services based on complaint volume rather than actual need, recommendations to further eliminate the potential for bias, etc.). HPD will continue to participate in GARE, with staff members participating in each cohort moving forward.</p>
<p>7. Do people with lived experience/mental health diagnosis teach the CIT classes?</p>	<p>In the 40-hour CIT course taught by ACBHS/OPD, there is a block of instruction (typically about 2 hours) where an individual who has been diagnosed with a mental health condition speaks about their experiences with law enforcement. This block of instruction has been suspended due to safety concerns during the COVID-19 pandemic.</p>
<p>8. What topics generate the highest calls for service?</p>	<p>The highest volume call for service from January – August 2020 was 911 hang ups (where an individual calls 911 and hangs up prior to speaking with a Dispatcher). Alarms, disturbances/family disturbances/unwanted persons, suspicious persons, security/welfare checks, abandoned vehicles, theft related crimes, and loud music are among the highest calls for service during the same time period.</p>

<p>9. Based on data, what type and how many situations that are most likely to need an armed response, a mental health counselor, a crime scene/investigation expert, a mediator, or Other skilled Staff member?</p>	<p>This is a complex question that cannot be answered by simple data analysis as there are multiple layers and complexities associated with every call for service that cannot be quantified in a statistic. To simplify, responses to criminal events require armed investigators and crime scene/investigation experts. Non-criminal events may not require armed investigators and could be handled by others; however, the reality is that many calls for service have both: criminal and non-criminal (e.g. mental health) components.</p>
<p>10. What would it take to institute a restorative justice approach for adults in Hayward?</p>	<p>HPD recognizes the importance of restorative justice programming in the disposition of criminal cases; however, case disposition is not a function of HPD. The District Attorney's Office is responsible for case disposition, including alternatives to incarceration. The District Attorney's Office currently offers alternatives to incarceration through collaborative courts as well as programs such as Project Clean Slate, Misdemeanor Diversion Program, Alameda County Justice Restoration Project, and the Pre-Trial Release project. More information can be found regarding these programs on the District Attorney's website.</p>
<p>11. We have a plan for regular updating and replacement of computer and other equipment. Is that happening in PD?</p>	<p>Yes, there is a specific line item in CIP for Public Safety tech replacements. Each item is replaced on its own appropriate degradation schedule, i.e. laptops are replaced more frequently than desktops.</p> <p>The Fleet replacement plan for HPD is an on-going and fluid replacement plan based on a combination of age, mileage, condition, and maintenance history. HPD vehicles are replaced in a timely manner consistent with industry standards. As an example, patrol cars are replaced on average every 6 years or 100k miles; misc. and non-emergency response vehicles are replaced every 15 years. Funding for HPD vehicle replacement is housed in the Maintenance Services Fleet CIP.</p> <p>HPD works continuously with other City Departments to evaluate and identify computer and other digital equipment needs. Updates to our systems happen regularly and are scheduled through our existing vendors. Replacement schedules exist; however functionality and the capability of current systems may be inadequate based upon the frequency and type of information HPD and Council want to see (e.g. the current CAD/RMS system works but may not generate the data people are asking for).</p>

<p>12. As we evaluate which jobs may stay virtual, are we also evaluating which need more space? As an example, related to other lessons learned during covid, would it make sense to, for example, move dispatch to 2A and move meetings to the Library? Do Council Members still need office space or just regular access to a small conference room?</p>	<p>This is a longer term discussion that has both operational and budget impacts. For example, upgrading Conference Room 2A to accommodate dispatch would require substantial technology and work station upgrades and installations that could cost \$500,000 or more. In addition, having Dispatch offsite would create operational complications as it would be difficult to manage/supervise remotely and there are times when Officers need direct access to Dispatch for documents related to calls for service. These factors are not impossible to overcome but should be researched and carefully evaluated before any final decisions are made. These conversations can continue as we lead up to the FY2022 budget development and based on further direction from Council.</p>
<p>Item # 6: PH 20-086 Commercial Cannabis Retail Dispensary with Ancillary Retail Delivery: Approve a Conditional Use Permit for a Commercial Cannabis Retail Dispensary with Ancillary Retail Delivery Service within an Existing Commercial Building located at 22701 Foothill Boulevard and 1055 C Street (Assessor Parcel Nos. 428-0066-058-01 and 428-0066-056-00) Application No. 201906312. Rajiv Pottabathni, Jiva Life LLC (Applicant); Ryan Bridge LLC (Property Owner) (Report from Development Services Director Simpson)</p>	
<p>Shouldn't condition #12 be removed now that the City has increased the Cannabis tax from 6-7% and plans to make direct General Fund contributions to the Hayward Foundation?</p>	<p>Staff believes that the council inquiry was referring to COA #13 – not #12. It was determined that leaving this condition in the resolution continued to obligate the applicant to provide the community benefits component they originally agreed to when they were selected for a cannabis permit by the City Council in 2018. It is important to note that applicants were originally scored and evaluated on their community benefits component in 2018 so the Planning Division elected to maintain this condition since there may have been several applicants who were not selected for a cannabis permit, and it is possible that the reason they didn't score high enough was due to a weak Community Benefits component. If Council wants to remove that condition they can do so, but it would be inconsistent with how the Planning Division has treated the other cannabis applicants, including Hayward Station (Condition # 9 in Approved Reso, May 2019) and Aunty Honey's (Condition # 12 in Approved Reso, March 2020).</p>
<p>Regarding the conditions of approval for the cannabis dispensary.</p> <p>Is there something missing from the end of condition 81?</p>	<p>Staff inadvertently left the sentence incomplete. The last sentence of the Condition shall read as follows:</p> <p>“The landscape plan shall identify the status of existing trees for preservation and removal and identify proposed trees from the existing <u>trees for preservation</u>”.</p>

<p>81. Prior to issuance of building permit, detailed landscape and irrigation improvement plans prepared by a licensed landscape architect shall be approved by the City and submitted concurrently with the building plan check review process. The plans shall comply with the City's Water Efficient Landscape Ordinance (California Building Code Title 23) and all relevant Municipal Codes. The landscape plan shall be prepared on a surveyed map, and shall identify all existing tree species, locations and trunk diameter size measured at fifty-four inches from the ground. The landscape plan shall identify the status of existing trees for preservation and removal and identify proposed trees from the existing.</p>	<p>Planning Division staff will mention the correction at the City Council hearing.</p>
<p>I thought the point of the cannabis tax was to quantify the community benefits a business was providing. Of course, I want to see a business be a productive partner in Hayward, but I thought we weren't requiring a plan any more?</p> <p>Conditions of approval 13. The applicant shall provide a detailed Community Benefits program and coordinate the implementation of the proposed Community Benefits program with City staff within six months from use permit approval. The applicant will be subject to annual review and verification on the implementation of the approved Community Benefits program prior to permit renewal.</p>	<p>Please review response above.</p>
<p>Also, is this one legal? The applicant and/or business operator shall be required to volunteer 20 hours with the Keep Hayward Clean and Green Task Force and shall participate in either the "Adopt a Parking Lot" or "Adopt a Block" programs. Proof of volunteer completion and participation of the adoption</p>	<p>This condition was proposed by Councilmember-Elect Andrews when she was on the Planning Commission and was accepted by the applicant. Following the publishing of the meeting agenda, the applicant further confirmed with staff that they are willing to do comply with said requirement.</p> <p>Out of the three dispensaries in Downtown, this would be the only application with this condition applied. If Council wants to remove this condition, they can do so.</p>

<p>programs shall be provided to the Planning Division with one year of the start date of the business operation.</p>	
<p>Have there been any issues (code enforcement, law enforcement, increase in issues downtown, etc) that seem to be tied to Cookies operations?</p>	<p>The total calls for service Related to “Cookies” Marijuana Dispensary at 1004 B Street for the period 6/25/2020 – present is 11.</p> <p>Summary of Calls for Service:</p> <ul style="list-style-type: none"> • Most calls were for self-initiated by officers, security checks, or walk-throughs. • Most are related to subjects, probably transients, causing disturbances outside the location. • There was an overdose incident regarding a subject inside his vehicle (9/1/20). HFD administered Narcan to the subject which revived him. <p>District Command reported no real issues at the business. Staff is cooperative and friendly. DC provided a few small security recommendations.</p>

eCOMMENTS RECEIVED

Public Comment

eComments received for November 17, 2020 Hayward City Council Meeting:

Item	Name	Comment	Position
<p>The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Information Items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.</p>	Ricardo Prada	<p>I'm glad council accepted the policing survey as a clear mandate to start restructuring. As a social scientist, the results were even MORE alarming than at first glance because of the striking "non-response" pattern and bucketing choices. For example in item 4b, the people who feel unsafe near HPD is 13%, but the true sentiment is likely 37%-63% feeling unsafe. Logically, someone who says they feel "somewhat safe" or refuses to answer does not feel safe. The data are much worse than it seems.</p>	Neutral

ITEM #5 WS 20-047

**Hayward Police Department 2019 and
2020 Year End Review
(Report from Chief of Police Chaplin)**

SUPPLEMENTAL MEMO



DATE: November 17, 2020

TO: Mayor and City Council

FROM: City Manager

SUBJECT: **November 17, 2020 Agenda Item #5:** Supplemental Memo and Recommendations for Next Steps

Following the presentations and Council discussion at the October 27th meeting as well as the preparation of the Police Department annual report (Agenda Item #5), there are some themes and potential next steps that emerge for Council consideration. The most evident theme is a desire for more discussion and engagement around the structure of the Police Department budget and organization within the overall City organization and how this can dovetail with providing more mental health and social service resources for our community without freezing officer hiring or reducing patrol officers' response to criminal activity. This could include a discussion about the services that are housed under the Police Department umbrella as well as a review of which personnel respond to what calls for service. There were also some ideas and suggestions that warrant further research, exploration, and vetting (initially via a City staff team). These include: exploration of a 311 call center concept; an explanation of the current Police Department complaint process and how this might be made more accessible; expansion of the current County Community Assessment and Transport (CATT) team model; and a desire to further explore the concerns expressed around general neighborhood trust and community building.

In response, the following is a high-level outline of recommendations for moving forward in this process based on conversations with the staff team that has been working on this project, community stakeholders, and Police Department personnel. It would be helpful to get Council feedback and direction on these recommendations this evening so that further work can begin as soon as possible and be completed prior to the presentation of the FY 2022 City budget in April/May 2021 if that is the Council's desired timeline.

1) *Budget Advisory Committee*

The City Manager recommends the formation of a budget advisory committee that will be able to commit time and energy to review the relevant components of the City budget (including the Police Department budget) that might facilitate the provision of more mental health/social services to the Hayward community. An objective of the Committee would be to identify the various pain points expressed in the recent community engagement process and brainstorm possible solutions the group would like to test. This Committee could review current City organizational structures, understand why current structures exist, and research possible

alternative models. This group could also review research prepared by staff on the various ideas and topics raised in the recent surveys and community conversations. This could include research into the issues identified in the introductory paragraphs above. The goal of this committee would be to develop recommendations that could be presented to the Council in spring of 2021 and then possibly incorporated into the FY 2022 budget. This timeline may need to be extended if there are recommendations that require meet and confer processes with the City's labor groups or that may require the development of partnerships with other outside agencies.

Membership: The Council expressed a desire to utilize existing groups/commissions to engage in this work. A recommended membership structure could be: 2-3 Community Services Commissioners; 2-3 Police Community Advisory Panel members; 1-2 Hayward Youth Commissioners; 1-2 Hayward Police Officer Association representatives; 1-2 Police Department Professional staff representatives; 1-2 representatives from Community Services staff; a representative from the City Attorney's Office; the Police Chief; and the City Manager. Given the time commitment outlined below, staff recommends soliciting volunteers from the boards and commissions mentioned and having the Mayor make the final selections for participants on the Advisory Committee. The goal would be to finalize the membership selection for the Committee prior to the end of December so that the group can begin meeting in January 2021.

Time Commitment: Given the amount of work that needs to be accomplished in order to prepare recommendations for next year's budget, the group will likely need to meet weekly or every other week between now and early April. This could result in a commitment of up to 15 meetings.

Format of Meetings: The City Manager recommends that all of these Committee meetings be public and open meetings accessible on Zoom or a similar platform (or in person once that is again an option) and also that the meetings be recorded and posted on the City's website. Since the intent is to have this Committee be a technical working group, there is a need to maximize the group's working time together while still providing an avenue for public input/comment. The desire is not to limit transparency but to create flexibility so the group can accomplish their objectives within the short time frame proposed. Staff has developed some community input processes in the recent past that might be beneficial for this group as well, e.g. the public safety community conversations and the Stack Center participatory design process. Staff recommends that the advisory committee discuss these options and put a public participation framework in place as part of their first few meetings.

2) Neighborhood Connections/Trust Building

During the community conversations and the survey, many community members indicated feeling unsafe because they didn't know their neighbors or didn't have

good community connections. The recommendation around this issue area would be for the community conversations to continue and that the team leading that work develop a workplan to reinvigorate the neighborhood partnership/City Hall to You efforts based on the feedback received. This would be done in collaboration with the Budget Advisory Committee so that the work can be complementary. Staff would return to Council in a separate work session to outline this effort.

3) *Police Community Advisory Panel*

When the Community Advisory Panel was first formed, the expectation was that this group would meet quarterly. Given the events of the last year, this group has met more frequently but has not really had a chance to develop a regular meeting schedule or workplan. This group provides another avenue for supporting the community building efforts and review of Police Department policies and practices. The Police Chief will reconvene the group in the near term to discuss how the group evolves in this new environment.

Recommended by:



Kelly McAdoo, City Manager

ITEM #5 WS 20-047

**Hayward Police Department 2019 and
2020 Year End Review
(Report from Chief of Police Chaplin)**

PUBLIC COMMENTS

From: Addie Kitchen
Sent: Tuesday, November 17, 2020 4:06 PM
To: List-Mayor-Council
Subject: Hayward Police Dept Concerns

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and Councilmembers,

I am writing to urge you to address police violence against Black and brown Hayward community members and direct staff to begin working on the following, immediately:

1. Reduce the police budget with the intent to reallocate the funds towards community services.
2. Create a participatory, community led budgeting committee to dictate how those funds will be reallocated.

*A participatory budgeting committee is a particular type of committee where everyday residents have decision-making authority over a portion of a city's budget. There are a variety of participatory budgeting committees types; however, the budgetary advisory committee described in the City Manager's Supplemental Memo contains no similarity to a participatory budgeting committee.

3. Establishing and promoting a 3-1-1 urgency hotline for service calls that do not require a police response.

Over the last 6 months in Hayward, the Black Lives Matter movement and affected Hayward community members have made it clear what direction we want to see you, our representatives, take: increase community safety services outside of the police department to meet the full range of safety needs, including mental health service needs, in our community. When the council was confronted with this call to action months ago, the delay to act was justified with a lack of information and a need for a survey. The survey has been conducted and the results reflect what we had been asking for all along. Now, it is your responsibility to follow through and take action to make the changes our community so clearly needs.

Regards,

Addie Kitchen

Tamera Nichols

Sharon Taylor

From: Audrey Reyes
Sent: Tuesday, November 17, 2020 3:00 PM
To: List-Mayor-Council
Subject: RE: Agenda Item 5 - Hayward Police Department

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and Councilmembers,

As a Hayward raised resident, I have witnessed the stagnant complacency that the city has shown in addressing the needs of the community for many years. In a time where disparities in wellness are exacerbated by the COVID-19 pandemic, we are still pushing for action in regards to funding support services rather than continuing to increase the police budget that harms us. There is no longer time to wait - we are clearly demonstrating demands that will keep our communities safe and give the people a direct voice in maintaining transparency in action.

I am writing to urge you to address police violence against Black and brown Hayward community members and **direct staff to begin working on the following, immediately:**

1. Reduce the police budget with the intent to reallocate the funds towards community services.

2. Create a participatory, community led budgeting committee to dictate *how* those funds will be reallocated.

*A participatory budgeting committee is a particular type of committee where everyday residents have decision-making authority over a portion of a city's budget. There are a variety of participatory budgeting committees types; however, **the budgetary advisory committee described in the City Manager's Supplemental Memo contains no similarity to a participatory budgeting committee.**

3. Establishing and promoting a 3-1-1 urgency hotline for service calls that do not require a police response.

Over the last 6 months in Hayward, the Black Lives Matter movement and affected Hayward community members have made it clear what direction we want to see you, our representatives, take: increase community safety services outside of the police department to meet the full range of safety needs, including mental health service needs, in our community. When the council was confronted with this call to action months ago, the delay to act was justified with a lack of information and a need for a survey. The survey has been conducted and the results reflect what we had been asking for all along. Now, it is your responsibility to follow through and take action to make the changes our community so clearly needs.

Please **support the community demands reinforced by the recent survey** to reduce the police budget, invest in community and create alternative forms of community safety.

Thank you,
Audrey Reyes

From: Celina Reynes
Sent: Tuesday, November 17, 2020 11:54 AM
To: List-Mayor-Council
Subject: Agenda Item 5 - HPD

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and Council members,

I am a long-time resident of the East Bay, first in Castro Valley, then in Hayward and San Leandro. I am deeply concerned about the role of police in our communities, and hope that you begin exploring more restorative options for public safety.

I am writing to urge you to address police violence against Black and brown Hayward community members and **direct staff to begin working on the following, immediately:**

- 1. Reduce the police budget with the intent to reallocate the funds towards community services.**
- 2. Create a participatory, community led budgeting committee to dictate *how* those funds will be reallocated.**
- 3. Establishing and promoting a 3-1-1 urgency hotline for service calls that do not require a police response.**

Over the last 6 months in Hayward, the Black Lives Matter movement and affected Hayward community members have made it clear what direction we want to see you, our representatives, take: increase community safety services outside of the police department to meet the full range of safety needs, including mental health service needs, in our community. When the council was confronted with this call to action months ago, the delay to act was justified with a lack of information and a need for a survey. The survey has been conducted and the results reflect what we had been asking for all along. Now, it is your responsibility to follow through and take action to make the changes our community so clearly needs.

Please **support the community demands reinforced by the recent survey** to reduce the police budget, invest in community and create alternative forms of community safety.

Celina Reynes

From: Hans Anthony Galvez
Sent: Tuesday, November 17, 2020 12:18 PM
To: List-Mayor-Council
Subject: RE: Agenda Item 5 - Hayward Police Department

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and Councilmembers,

The community has voiced its concerns *over and over* again only to be met with halfway "solutions" and insincere gestures. I am writing to urge you to address police violence against Black and brown Hayward community members and **direct staff to begin working on the following, immediately:**

- 1. Reduce the police budget with the intent to reallocate the funds towards community services.**
- 2. Create a participatory, community led budgeting committee to dictate *how* those funds will be reallocated.**
- 3. Establishing and promoting a 3-1-1 urgency hotline for service calls that do not require a police response.**

Over the last 6 months in Hayward, the Black Lives Matter movement and affected Hayward community members have made it clear what direction we want to see you, our representatives, to take: increase community safety services *outside* of the police department to meet the full range of safety needs, including mental health service needs, in our community. When the council was confronted with this call to action months ago, the delay to act was justified with a lack of information and a need for a survey. The survey has been conducted and the results reflect what we had been asking for all along. Our streets and schools are literally falling apart, yet we somehow have the funds to invest millions into a police force that rarely benefits, and rather harms, the citizens they swore to protect. Now, it is **your** responsibility to follow through and take action to make the changes our community so clearly needs.

Please **support the community demands reinforced by the recent survey** to reduce the police budget, invest in community and create alternative forms of community safety. I hope you do the right and just thing.

Sincerely,
Hans Anthony Galvez

From: Hayward Community Coalition
Sent: Tuesday, November 17, 2020 10:28 AM
To: List-Mayor-Council
Subject: Agenda Item 5 - Hayward Police Department 2019 and 2020 Year End Review

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear City Manager, Mayor, and Councilmembers,

On behalf of the Hayward Community Coalition, we write to reiterate our policy asks as follows:

1. Reducing the police budget with the intent to reallocate funds towards community services.

2. Creating a participatory budgeting committee to dictate how those funds will be reallocated.

***A participatory budgeting committee is a particular type of committee where everyday residents have decision making authority over a portion of a city's budget. There are a variety of participatory budgeting committees types; however, the budgetary advisory committee described in the City Manager's Supplemental Memo contains no similarity to a participatory budgeting committee.**

3. Establishing and promoting a 3-1-1 urgency hotline for service calls that do not require a police response.

The City Council should take ownership of restructuring and reimagining community safety in Hayward. As political leaders with a police department under your charge, doing all in your power to address police violence against Black and brown community members is your responsibility. Reimagining community safety that actively reduces and eventually eliminates this violence, pain, and trauma will take a great deal of courage, persistence, and determination. **We expect all of you to act as leaders and accept this responsibility.**

The Black Lives Matter movement and affected community members have already completed the challenging work of choosing an adequate initial policy direction. Although there is much work ahead of all of us, the direction you must take is clear: increase community safety services to meet the full range of safety needs, including mental health service needs, in our community.

Responding to City Manager's Supplemental Memo and Recommendations for Next Steps

The Hayward Community Coalition opposes the approach recommended by the City Manager. But we want to specifically state the issues that we see with this proposal:

- **The proposed Budget Advisory Committee DOES NOT respond to the Community Demands, which were supported by the results of the community survey, because its structure does not contain any defining features of a participatory budgeting committee.**

- **The composition of the proposed committee presents clear conflicts of interest and lacks the appropriate independence since committee members are appointed by the Mayor. Additionally, the proposed committee includes subordinates and their superiors.**
- **The proposed committee membership undermines the need for this process to be led by the community impacted by structural racism within policing.**
- **The proposed committee membership shows over representation by the Police Department and or those under the Police Departments direction. The proposal fails to take into account the enormity of the political power of the police department in our communities.**
- **The objectives and authorities of any commission formed to provide policy recommendations should be clearly defined. The report currently does not.**

We want to again **emphasize that the proposal as presented is inadequate in responding to the majority of survey respondents who indicated support for a community-wide, democratic, participatory budgeting committee** as the body to make difficult decisions about the future of community safety programs. The committee proposed has nothing in common with the principles of a participatory committee.

That said, at a minimum any advisory committee formed should be subject to the Brown Act so as to ensure adequate noticing requirements and public record keeping. Making the meetings open to the public but not subjecting the committee to the Brown Act given the enormity of the subject at hand is inadequate.

Responding to Hayward Police Department 2019 and 2020 Year End Review:

- **A lot of information is missing.** It is extremely difficult to understand how our Police Department spends its time with the information provided in the report.
- **We request a detailed breakdown of the 508,059 calls received by the dispatch center and the 200,565 police calls for service from 2019 and 2020. The report states that there were 508,059 calls received, with 200,565 calls for service but only accounts for 3,810 calls (1.9% of calls for service).**

We and the wider public need to know the make-up of 98% of calls of service not accounted for in the report in order to be informed as to the activities of our Police Department.

Sincerely,
The Hayward Community Coalition

From: Jazmin Perez
Sent: Tuesday, November 17, 2020 1:52 PM
To: List-Mayor-Council
Subject: RE: Agenda Item 5 - Hayward Police Department

Dear Mayor and Councilmembers,

As indicated in the community survey the following is true:

(59%) report a positive relationship with HPD vs. a negative one (13%).

I am writing you to urge you to please listen to the silent majority of residents of this community and not give into demands from a group that only has an axe to grind. While we are all aware of current events surrounding police violence we are also all aware that this is not the case in our city.

Despite most residents being purposely excluded from the survey and it disproportionately surveying people to represent more 18-25 year olds and south Hayward residents the results spoke volumes. When the data is dissected, all other age groups (besides the one mentioned) and ethnicities, the majority of us wanted more patrolling, no freeze on hires, and felt unsafe due to police department being understaffed not because they are afraid of the department. It's important to see that reasons people felt unsafe were due to crime not because of the people working to prevent it. Your survey showed that.

While policing issues might be very real for some people it is simply not the case for the citizens of Hayward. In 2016, Oakland voted for a citizen ran police commission. To this day it is the best example of a committee that has way too much power and has caused irreparable damage to the community and the police department. Although community members play an important part of Hayward, they are not the most qualified individuals to dictate how and where money should be spent. While the community should be allowed to have input, they do not have the accountability of making those decisions nor sufficient knowledge. If we want to really reduce bias in our city and bridge the gap between community members and the police department then we should not give biased extremist groups (the Hayward coalition) more authority and a bigger platform as they have requested in their emails to you today and will call in to request tonight.

The proposed budget advisory committee as stated in the city manager's memo seems to be well balanced and should help those 13% who have a negative opinion of our police department to feel represented. Please, do not distribute funds into unnecessary social programs that will further rely on the police department's assistance in the future when presented situations that they were never equipped to handle.

Thank you, for your time.

Jazmin Perez
Sent from my iPhone

From: Jenna Hewitt
Sent: Tuesday, November 17, 2020 11:35 AM
To: List-Mayor-Council
Subject: RE: Agenda Item 5 - Hayward Police Department

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and Councilmembers,

I am writing to urge you to address police violence against Black and brown Hayward community members and **direct staff to begin working on the following, immediately:**

- 1. Reduce the police budget with the intent to reallocate the funds towards community services.**
- 2. Create a participatory, community led budgeting committee to dictate *how* those funds will be reallocated.**

*A participatory budgeting committee is a particular type of committee where everyday residents have decision-making authority over a portion of a city's budget. There are a variety of participatory budgeting committees types; however, the budgetary advisory committee described in the City Manager's Supplemental Memo contains no similarity to a participatory budgeting committee.

- 3. Establishing and promoting a 3-1-1 urgency hotline for service calls that do not require a police response.**

Over the last 6 months in Hayward, the Black Lives Matter movement and affected Hayward community members have made it clear what direction we want to see you, our representatives, take: increase community safety services outside of the police department to meet the full range of safety needs, including mental health service needs, in our community. When the council was confronted with this call to action months ago, the delay to act was justified with a lack of information and a need for a survey. The survey has been conducted and the results reflect what we had been asking for all along. Now, it is your responsibility to follow through and take action to make the changes our community so clearly needs.

Please **support the community demands reinforced by the recent survey** to reduce the police budget, invest in community and create alternative forms of community safety.

Love and solidarity,
Jenna Hewitt King, M.Ed

From: karla carranza
Sent: Tuesday, November 17, 2020 11:33 AM
To: List-Mayor-Council
Subject: RE: Agenda Item 5 - Hayward Police Department

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and Councilmembers,

I have spent my time reflecting upon growing up in Hayward over last couple of months due to the civil unrest within our nation when it comes to policing. I am appalled to hear of the misconducts of the Hayward police department. Black and brown people have died at the hands of Hayward police, due to the departments incompetence to asses situations and rid themselves of their racial biases. The department has failed to protect the communities of color that make up most of the Hayward demographic. I am afraid for my community, I am tired of hearing the stories of mistreatment people of color have faced as well as the deaths that have occurred such as the death of Augustin Gonzales who to this day has not received any justice. Hayward youth deserve to grow up without the fear that walking down the street they'll get hassled by Hayward PD due to the color of their skin. Parents should not live with the fear that they will lose their children at the hands of Hayward PD.

I am writing to urge you to address police violence against Black and brown Hayward community members and **direct staff to begin working on the following, immediately:**

1. Reduce the police budget with the intent to reallocate the funds towards community services.

2. Create a participatory, community led budgeting committee to dictate *how* those funds will be reallocated.

*A participatory budgeting committee is a particular type of committee where everyday residents have decision-making authority over a portion of a city's budget. There are a variety of participatory budgeting committees types; however, the budgetary advisory committee described in the City Manager's Supplemental Memo contains no similarity to a participatory budgeting committee.

3. Establishing and promoting a 3-1-1 urgency hotline for service calls that do not require a police response.

Over the last 6 months in Hayward, the Black Lives Matter movement and affected Hayward community members have made it clear what direction we want to see you, our representatives, take: increase community safety services outside of the police department to meet the full range of safety needs, including mental health service needs, in our community. When the council was confronted with this call to action months ago, the delay to act was justified with a lack of information and a need for a survey. The survey has been conducted and the results reflect what we had been asking for all along. Now, it is your responsibility to follow through and take action to make the changes our community so clearly needs.

Please **support the community demands reinforced by the recent survey** to reduce the police budget, invest in community and create alternative forms of community safety.

From: Lorena Espinoza
Sent: Tuesday, November 17, 2020 2:04 PM
To: List-Mayor-Council
Subject: Agenda Item 5 - Hayward Police Department

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and Councilmembers,

I am writing to urge you to address police violence against Black and brown Hayward community members and **direct staff to begin working on the following, immediately:**

1. Reduce the police budget with the intent to reallocate the funds towards community services.

2. Create a participatory, community led budgeting committee to dictate *how* those funds will be reallocated.

*A participatory budgeting committee is a particular type of committee where everyday residents have decision-making authority over a portion of a city's budget. There are a variety of participatory budgeting committees types; however, **the budgetary advisory committee described in the City Manager's Supplemental Memo contains no similarity to a participatory budgeting committee.**

3. Establishing and promoting a 3-1-1 urgency hotline for service calls that do not require a police response.

Over the last 6 months in Hayward, the Black Lives Matter movement and affected Hayward community members have made it clear what direction we want to see you, our representatives, take: increase community safety services outside of the police department to meet the full range of safety needs, including mental health service needs, in our community. When the council was confronted with this call to action months ago, the delay to act was justified with a lack of information and a need for a survey. The survey has been conducted and the results reflect what we had been asking for all along. Now, it is your responsibility to follow through and take action to make the changes our community so clearly needs.

Please **support the community demands reinforced by the recent survey** to reduce the police budget, invest in community and create alternative forms of community safety.

From: Manny Flores
Sent: Tuesday, November 17, 2020 3:23 PM
To: List-Mayor-Council
Subject: Agenda Item 5 HPD

CAUTION: This is an external email. Do not click on links or open attachments unless you know the content is safe.

I am a young 66 yrs of age and I have been around. I can say there's no such thing as a perfect organization. Many departments have their flaws or some serious issues that yes they need to be address and held accountable. But to de-fund to slow down recruitment and other resources the Depts. have had makes no sense what so ever. That's what it's there for. To use their Own budget that was already provided for self upgrade training for a safety path in protecting the citizens I question where exactly this funding is going to be reallocated to. These police officers risk their lives. Where's there an issue out on the streets who always get called first? Call the Police!! Wake up people.

Sent from my iPhone

From: Matthew Elgin
Sent: Tuesday, November 17, 2020 2:14 PM
To: List-Mayor-Council
Subject: RE: Agenda Item 5 - Hayward Police Department

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and Councilmembers,

I am supporting these demands listed below into defunding the Hayward Police Department because police departments, in general, enforce the ideas of white supremacy. What good are they when they are consistently targeting communities of color and looking the other way when police officers shoot unarmed black and brown people disproportionately. The Hayward Police Department needs to be defunded and allocate those funds into our communities that can truly help us.

I am writing to urge you to address police violence against Black and brown Hayward community members and **direct staff to begin working on the following, immediately:**

1. Reduce the police budget with the intent to reallocate the funds towards community services.

2. Create a participatory, community-led budgeting committee to dictate *how* those funds will be reallocated.

*A participatory budgeting committee is a particular type of committee where everyday residents have decision-making authority over a portion of a city's budget. There are a variety of participatory budgeting committee types; however, the budgetary advisory committee described in the City Manager's Supplemental Memo contains no similarity to a participatory budgeting committee.

3. Establishing and promoting a 3-1-1 urgency hotline for service calls that do not require a police response.

Over the last 6 months in Hayward, the Black Lives Matter movement and affected Hayward community members have made it clear what direction we want to see you, our representatives, take: increase community safety services outside of the police department to meet the full range of safety needs, including mental health service needs, in our community. When the council was confronted with this call to action months ago, the delay to act was justified with a lack of information and a need for a survey. The survey has been conducted and the results reflect what we had been asking for all along. Now, it is your responsibility to follow through and take action to make the changes our community so clearly needs.

Please **support the community demands reinforced by the recent survey** to reduce the police budget, invest in the community, and create alternative forms of community safety.

Thank you,

Matthew Elgin (resident of Hayward, CA)

From: Michael Alvarenga
Sent: Tuesday, November 17, 2020 11:44 AM
To: List-Mayor-Council
Subject: RE: Agenda Item 5 - Hayward Police Department

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and Council members,

I speak in a unified voice with the members of the Hayward Community Coalition. As a citizen of Hayward, I am asking the office of the mayor and the Hayward city council to begin exploring legislation to fund social programs aimed at enriching the marginalized communities of color in Hayward. I also ask that Dee consideration and exploration begin with the intent of establishing a 3-1-1 hotline to reduce police action in calls that do not require police force.

Best,
Michael Alvarenga

From: Michelle Ducaud
Sent: Tuesday, November 17, 2020 1:31 PM
To: List-Mayor-Council
Subject: HPD Agenda item 5

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

RE: Agenda Item 5 - Hayward Police Department

Dear Mayor Halliday and Councilmember

I am writing to urge you to address police violence against Black and brown Hayward community members and **direct staff to begin working on the following, immediately:**

- 1. Reduce the police budget with the intent to reallocate the funds towards community services.**
- 2. Create a participatory, community led budgeting committee to dictate *how* those funds will be reallocated.**

*A participatory budgeting committee is a particular type of committee where everyday residents have decision-making authority over a portion of a city's budget. There are a variety of participatory budgeting committees types; however, **the budgetary advisory committee described in the City Manager's Supplemental Memo contains no similarity to a participatory budgeting committee.**

- 3. Establishing and promoting a 3-1-1 urgency hotline for service calls that do not require a police response.**

Over the last 6 months in Hayward, the Black Lives Matter movement and affected Hayward community members have made it clear what direction we want to see you, our representatives, take: increase community safety services outside of the police department to meet the full range of safety needs, including mental health service needs, in our community. When the council was confronted with this call to action months ago, the delay to act was justified with a lack of information and a need for a survey. The survey has been conducted and the results reflect what we had been asking for all along. Now, it is your responsibility to follow through and take action to make the changes our community so clearly needs.

Please **support the community demands reinforced by the recent survey** to reduce the police budget, invest in community and create alternative forms of community safety.

From: Nancy
Sent: Tuesday, November 17, 2020 1:57 PM
To: List-Mayor-Council
Subject: Police defunding

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

I can't make the meeting tonight but want to stress very plainly that I am against defunding the police (or any reallocation of funds that doesn't allow police to hire to fill positions). We need more officers in Hayward, and with the increase in crime, they are necessary. I have the ring app and see all the videos posted of cars being stolen, broken into, businesses being broken into, catalytic converters being cut from cars, packages stolen, etc. on a daily basis.

Unless you are making Hayward more comfortable for the thieves and criminals, you need to stop the idea of defunding the police.

Nancy Riviera

Sent from my iPhone

From: Rosio Almaguer
Sent: Tuesday, November 17, 2020 1:15 PM
To: List-Mayor-Council
Subject: RE: Agenda Item 5 - Hayward Police Department

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and Councilmembers,

My partner and I are Hayward residents and homeowners. We are also both educators and stand in solidarity with our Hayward community members that continue to organize and amplify the needs of our community. Our youth and families deserve high quality support and resources. Last week's decision Re: rent increases was disappointing and short-sighted. I am hoping and urging you as our city's leadership listen and respond this time around. Many cities and counties have taken courageous and timely decisions to defund police And invest in the community.

Our community has spoken,
We urge you to address police violence against Black and brown Hayward

community members and **direct staff to begin working on the following, immediately:**

- 1. Reduce the police budget with the intent to reallocate the funds towards community services.**
- 2. Create a participatory, community led budgeting committee to dictate *how* those funds will be reallocated.**

*A participatory budgeting committee is a particular type of committee where everyday residents have decision-making authority over a portion of a city's budget. There are a variety of participatory budgeting committees types; however, **the budgetary advisory committee described in the City Manager's Supplemental Memo contains no similarity to a participatory budgeting committee.**

- 3. Establishing and promoting a 3-1-1 urgency hotline for service calls that do not require a police response.**

Over the last 6 months in Hayward, the Black Lives Matter movement and affected Hayward community members have made it clear what direction we want to see you, our representatives, take: increase community safety services outside of the police department to meet the full range of safety needs, including mental health service needs, in our community. When the council was confronted with this call to action months ago, the delay to act was justified with a lack of information and a need for a survey. The survey has been conducted and the results reflect what we had been asking for all along. Now, it is your responsibility to follow through and take action to make the changes our community so clearly needs.

Please **support the community demands reinforced by the recent survey** to reduce the police budget, invest in community and create alternative forms of community safety.

In community,
Rosio

Sent from my iPhone

From: Roxana De La O Cortez
Sent: Tuesday, November 17, 2020 2:59 PM
To: List-Mayor-Council
Subject: Agenda item 5- Hayward Police Department

Dear Mayor Halliday and Council-members,

I truly believe that how we spend our city funds is a reflection of our city's values. Now, unfortunately I think how we allocate our city's funds needs to change immediately. People have DIED at the hands of HPD, yet a large number of our budget continues to go to HPD. Although some of us may have had the privilege of not experiencing some of the horrific things others have, it is important that we center their experiences, that we listen and learn. It is amazing to see so many community members get together, voice their concerns, and share their experiences. I hope that this time around you all can try and seek to understand the urgency of this matter. Not only has the community brought demands to the table, but the survey has reflected those demands. I am looking forward to the future of Hayward, and hope that we can center the voices of our community.

I am writing to urge you to address police violence against Black and brown Hayward community members and **direct staff to begin working on the following, immediately:**

- 1. Reduce the police budget with the intent to reallocate the funds towards community services.**
- 2. Create a participatory, community led budgeting committee to dictate *how* those funds will be reallocated.**

*A participatory budgeting committee is a particular type of committee where everyday residents have decision-making authority over a portion of a city's budget. There are a variety of participatory budgeting committees types; however, **the budgetary advisory committee described in the City Manager's Supplemental Memo contains no similarity to a participatory budgeting committee.**

- 3. Establishing and promoting a 3-1-1 urgency hotline for service calls that do not require a police response.**

Over the last 6 months in Hayward, the Black Lives Matter movement and affected Hayward community members have made it clear what direction we want to see you, our representatives, take: increase community safety services outside of the police department to meet the full range of safety needs, including mental health service needs, in our community. When the council was confronted with this call to action months ago, the delay to act was justified with a lack of information and a need for a survey. The survey has been conducted and the results reflect what we had been asking for all along. Now, it is your responsibility to follow through and take action to make the changes our community so clearly needs.

Please **support the community demands reinforced by the recent survey** to reduce the police budget, invest in community and create alternative forms of community safety.

In community,

Roxana De La O Cortez

From: Sulma Vasquez
Sent: Tuesday, November 17, 2020 2:24 PM
To: List-Mayor-Council
Subject: Agenda Item 5-Hayward Police Department

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and Councilmembers,

I am writing to urge you to address police violence against Black and brown Hayward community members and **direct staff to begin working on the following, immediately:**

1. Reduce the police budget with the intent to reallocate the funds towards community services.

2. Create a participatory, community led budgeting committee to dictate *how* those funds will be reallocated.

*A participatory budgeting committee is a particular type of committee where everyday residents have decision-making authority over a portion of a city's budget. There are a variety of participatory budgeting committees types; however, **the budgetary advisory committee described in the City Manager's Supplemental Memo contains no similarity to a participatory budgeting committee.**

3. Establishing and promoting a 3-1-1 urgency hotline for service calls that do not require a police response.

Over the last 6 months in Hayward, the Black Lives Matter movement and affected Hayward community members have made it clear what direction we want to see you, our representatives, take: increase community safety services outside of the police department to meet the full range of safety needs, including mental health service needs, in our community. When the council was confronted with this call to action months ago, the delay to act was justified with a lack of information and a need for a survey. The survey has been conducted and the results reflect what we had been asking for all along. Now, it is your responsibility to follow through and take action to make the changes our community so clearly needs.

Please **support the community demands reinforced by the recent survey** to reduce the police budget, invest in community and create alternative forms of community safety.

From: SUSAN H. GEHLKE
Sent: Tuesday, November 17, 2020 9:46 AM
To: List-Mayor-Council
Subject: Re: police defunding

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello Mayor and City Council Members,

I was going to call in to tonight's City Council meeting, but I feel that I can present my concerns more clearly in writing. I am not writing to "demand" anything as some in our community are doing. Toddlers and teens might do that, but adults listen and discuss. I appreciate that Council members have taken the time and consideration to do that amidst the constant pressures they have been receiving.

I recently took the Police Academy and found it to be very informative. I strongly believe that all Council members be required to take it. In fact, it seems unfair for anyone making judgments about our police department not to be fully informed.

Secondly, it seems that logic, in many, has gone out the door and has been replaced by mob mentality. Mistakes happen in life, sometimes tragic ones, and when they happen, we look for places to lay blame. This has become the case for police departments across the nation. But, suppose that you have a surgeon that makes a grievous error. Do you defund the entire medical profession? Or do you ask the scrub nurse to take over because you feel that she can do a better job? Certainly, she would cost less to employ..

My main point is that society has a lot of ills, and we all feel frustrated and overwhelmed with the problems. However, we should not be laying all of societies problems on the backs of our police officers. Our local officers do a credible job amidst a myriad of difficulties. The Youth and Family Services bureau does an excellent job, so why would we recreate something that works so well? We need more police involvement in our communities, not less, to build up the trust that seems to be lacking. Those who make the most noise most likely have had very little direct experience with our police force.

Thank you for your consideration and the efforts that you have made to bring all community members into this discussion.

Susan Gehlke
Member of Hayward Concerned Citizens

From: whitney walker
Sent: Tuesday, November 17, 2020 11:51 AM
To: List-Mayor-Council
Subject: RE: Agenda Item 5 - Hayward Police Department

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and Councilmembers,

I am writing to urge you to address police violence against Black and brown Hayward community members and **direct staff to begin working on the following, immediately:**

- 1. Reduce the police budget with the intent to reallocate the funds towards community services.**
- 2. Create a participatory, community led budgeting committee to dictate *how* those funds will be reallocated.**

*A participatory budgeting committee is a particular type of committee where everyday residents have decision-making authority over a portion of a city's budget. There are a variety of participatory budgeting committees types; however, **the budgetary advisory committee described in the City Manager's Supplemental Memo contains no similarity to a participatory budgeting committee.**

- 3. Establishing and promoting a 3-1-1 urgency hotline for service calls that do not require a police response.**

Over the last 6 months in Hayward, the Black Lives Matter movement and affected Hayward community members have made it clear what direction we want to see you, our representatives, take: increase community safety services outside of the police department to meet the full range of safety needs, including mental health service needs, in our community. When the council was confronted with this call to action months ago, the delay to act was justified with a lack of information and a need for a survey. The survey has been conducted and the results reflect what we had been asking for all along. Now, it is your responsibility to follow through and take action to make the changes our community so clearly needs.

Please **support the community demands reinforced by the recent survey** to reduce the police budget, invest in community and create alternative forms of community safety.

Finally, Youth & Family services should not be housed within Hayward PD. This is triggering for Black and Brown youth to have to interact or even cross the threshold of an institution that disproportionately targets, arrests, and brutalizes them. Black & Brown families shouldn't be subjected to enter a violent state building for healing. That's not what our taxes should be paying for. Black and Brown youth deserve therapy to end generational trauma but many won't seek it out if the service is house in the police department.

Thank you,
Whitney Walker

Sent from my iPhone

ITEM #6 PH 20-086

Commercial Cannabis Retail Dispensary with Ancillary Retail Delivery: Approve a Conditional Use Permit for a Commercial Cannabis Retail Dispensary with Ancillary Retail Delivery Service within an Existing Commercial Building located at 22701 Foothill Boulevard and 1055 C Street (Assessor Parcel Nos. 428-0066-058-01 and 428-0066-056-00) Application No. 201906312. Rajiv Pottabathni, Jiva Life LLC (Applicant); Ryan Bridge LLC (Property Owner) (Report from Development Services Director Simpson)

PUBLIC COMMENT

From: Kim Huggett
Sent: Sunday, November 15, 2020 2:32 PM
To: List-Mayor-Council
Cc: CityClerk
Subject: City Council Agenda Item 6 Jiva Life
Attachments: JIVA LIFE Support Ltr.pdf

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

November 13, 2020

Hayward City Council
777 B St.
Hayward, CA 94541

Members of the Hayward City Council:

The Hayward Chamber of Commerce is pleased to endorse the application for a conditional use permit for Jiva Life to operate a cannabis retail dispensary with ancillary delivery service at 22701 Foothill Blvd. The company has considerable experience in the cannabis business and will be a responsible and active member of the business community.

With its proven track record, we are confident that the Jiva Life management team will develop the property and attract a staff of industry professionals with care, safety and security.

The chamber is impressed with the high professional standards of the Jiva Life business plan and how the company will use sound, ethical, traditional business principles. In addition, we believe Jiva Life will be a good corporate citizen in Hayward. The company is committed to appropriate civic service and support of the business community downtown and as a whole, nonprofit organizations, and education.

Sincerely,

Kim Huggett
President & CEO



HAYWARD
CHAMBER *of*
COMMERCE

November 13, 2020

Hayward City Council
777 B St.
Hayward, CA 94541

Members of the Hayward City Council:

The Hayward Chamber of Commerce is pleased to endorse the application for a conditional use permit for Jiva Life to operate a cannabis retail dispensary with ancillary delivery service at 22701 Foothill Blvd. The company has considerable experience in the cannabis business and will be a responsible and active member of the business community.

With its proven track record, we are confident that the Jiva Life management team will develop the property and attract a staff of industry professionals with care, safety and security.

The chamber is impressed with the high professional standards of the Jiva Life business plan and how the company will use sound, ethical, traditional business principles. In addition, we believe Jiva Life will be a good corporate citizen in Hayward. The company is committed to appropriate civic service and support of the business community downtown and as a whole, nonprofit organizations, and education.

Sincerely,

Kim Huggett
President & CEO



November 16, 2020

Atty. Ref. No. 7115.26

Via Email and Expediated Service

Laura J. Simpson, Director of Development Services
City of Hayward, California
777 B Street
Hayward, CA 94541

RE: Objection to File # PH 20-086 (Jiva Life)

Dear Director Simpson:

I represent Juva Life, Inc., a California corporation ("Petitioner"), and write to object to the City of Hayward's approval of a Conditional Use Permit for a Commercial Cannabis Retail Dispensary with Ancillary Retail Delivery Service at 22701 Foothill Boulevard and 1055 C Street in Hayward (Assessor Parcel Nos. 428-0066-058-01 and 428-0066-056-00), Application No. 201906312 for Rajiv Pottabathni, Jiva Life LLC ("Applicant") and Ryan Bridge LLC (Property Owner). The approval is on the agenda for the Hayward City Counsel meeting scheduled for Tuesday, November 17, 2020, Agenda topic 6.

Petitioner and its predecessor entities have sold and offered delivery of hundreds of cannabis and related products to consumers in the Peninsula, from South San Francisco to Santa Clara, and to the Stockton area, from Lodi to Manteca. Juva Life's footprint will continue to expand, as it raised over \$17.5M USD from approximately 3,000 individual investors through its Regulation A+ offering qualified by the U.S. Securities and Exchange Commission on August 21, 2019, and because its listings on the U.S., Canadian and German stock exchanges are scheduled to take place over the next several weeks. The fundraising success enjoyed by Petitioner results directly from its founders' long history of providing safe and efficacious cannabis and healthcare related products and services.

Petitioner also owns multiple applications to register the JUVA trademark with the United States Patent and Trademark Office—see printout detailing the trademark filings, attached. Many of Petitioner's applications received Notices of Allowance, meaning issuance of federal registrations for its trademarks is forthcoming.

In contrast, Jiva Life LLC, the Applicant, has no local experience in the production and distribution, including at the retail level, of cannabis products. As a neophyte, it risks developmental and operational problems that may affect public health. At the very least, the Applicant's use of the JIVA and JIVA LIFE names concurrently with Petitioner's JUVA and JUVA LIFE names risks marketplace confusion among residents of Hayward and its environs.

Specifically, Petitioner objects to Applicant's plans because its JIVA and JIVA LIFE names are virtually identical with Petitioner's trade names and trademarks, and because there is significant overlap in the products and services to be offered under the brands, and in both entities' targeted consumers,

Laura J. Simpson, Director of Development Services
City of Hayward, California
November 16, 2020
Page 2



channels of trade, and geographies. The net result is a high likelihood of confusion between the names and marks.

The overlap also means that consumers and the trade may mistakenly associate the two companies, believing they are related or that Petitioner granted Applicant a license to use its mark. There is also a substantial risk negative publicity arising from Applicant's use of its name and trademark may damage the goodwill Petitioner developed and is developing in its JUVA and JUVA LIFE trademarks.

And, because the products at issue are for human consumption, there is a significant public interest in avoiding human error tied to marketplace confusion.

Petitioner has contacted Applicant to object to its plans. Meanwhile, Petitioner requests the City of Hayward maintain the status quo by denying or postponing indefinitely its decision to grant Applicant's request for a conditional use permit.

Respectfully submitted,



Allen J. Baden

Enclosure

cc: Doug Chloupek, Juva Life, Inc.

Trademark	Classes	Classes & Goods (Table)	App No	App Date
JUVA	40	40 - Processing of dried plants, herbs, live plants and plant seeds; Processing of herbs	88206128	26 Nov 2018
JUVA	31	31 - Dried plants; Herb seeds for planting; Live plants; Plant seeds	88206122	26 Nov 2018
JUVA	30	30 - Dried herbs	88206119	26 Nov 2018
JUVA	5	5 - Herbs for medicinal purposes; Medicinal herb extracts; Medicinal herbs in dried or preserved form; Medicinal herbs; Plant and herb extracts sold as components of medicated cosmetics	88206117	26 Nov 2018
JUVA	1	1 - Plant and herb extracts for use in the manufacture of cosmetics	88206114	26 Nov 2018
JUVA	42	42 - Product development for others; Research and development of new products for others	88206130	26 Nov 2018
JUVA	25	25 - Athletic tops and bottoms for casual and recreation use; Bandanas; Hats; Pants; Sweatshirts; T-shirts	88784342	04 Feb 2020
JUVA	16	16 - Notebooks; Printed matter, namely, paper signs, books, manuals, curricula, newsletters, informational cards and brochures in the field of supplements, plants, herbs, cosmetics and wellness; Blank journals	88784312	04 Feb 2020
JUVA	5	5 - Dietetic foods adapted for veterinary use; Dietetic infusions for medical use; Dietetic preparations adapted for medical purposes; Disinfectants; Hand-sanitizing preparations; Pharmaceutical agents affecting digestive organs; Pharmaceutical agents affecting metabolism; Pharmaceutical agents affecting peripheral nervous system; Pharmaceutical preparations for the treatment and prevention of anxiety, depression, inflammation, nausea, seizures, pain, muscle spasms, eating disorders and glaucoma; Pharmaceutical preparations for treating hypertension; Pharmaceutical preparations, namely, antidepressants; Pharmaceutical skin lotions; Veterinary pharmaceutical preparations for the treatment of anxiety, pain, inflammation and seizures; Balms for pharmaceutical purposes; Disinfectants for sanitary purposes; Inhaled pharmaceutical preparations for the treatment of respiratory diseases and disorders; Plant extracts for pharmaceutical purposes	88863236	07 Apr 2020

Trademark	Classes	Classes & Goods (Table)	App No	App Date
JUVA	5, 31	5 - Dietetic foods adapted for veterinary use; Dietetic infusions for medical use; Dietetic preparations adapted for medical purposes; Disinfectants; Hand-sanitizing preparations; Pharmaceutical agents affecting digestive organs; Pharmaceutical agents affecting metabolism; Pharmaceutical agents affecting peripheral nervous system; Pharmaceutical preparations for the treatment and prevention of anxiety, depression, inflammation, nausea, seizures, pain, muscle spasms, eating disorders and glaucoma; Pharmaceutical preparations for treating hypertension; Pharmaceutical preparations, namely, antidepressants; Pharmaceutical skin lotions; Veterinary pharmaceutical preparations for the treatment of anxiety, pain, inflammation and seizures; Balms for pharmaceutical purposes; Disinfectants for sanitary purposes; Inhaled pharmaceutical preparations for the treatment of respiratory diseases and disorders; Plant extracts for pharmaceutical purposes 31 - Dried plants; Herb seeds for planting; Live plants; Plant seeds	A0095732	07 Apr 2020
JUVA LIFE	35	35 - Business management and consultation; Business management consultancy as well as development of processes for the analysis and the implementation of strategy plans and management projects; Business management for a trade company and for a service company; Business management of logistics for others; Business consultation and management regarding marketing activities and launching of new products; Business knowledge management services; Business organization and management consultancy including personnel management; Business project management services; Business records management services relating to business entity formation and associated state reporting requirements; Management and operation assistance to commercial businesses; Advisory services relating to business management and business operations; Branding services, namely, consulting, development, management and marketing of brands for businesses and/or individuals; Total quality management services, namely, business management services for establishing business quality policy and determining business means for implementing those policies to improve customer satisfaction	88923944	19 May 2020

Trademark	Classes	Classes & Goods (Table)	App No	App Date
MYJUVA	5	5 - Balms for pharmaceutical purposes; Dietetic foods adapted for veterinary use; Dietetic infusions for medical use; Dietetic preparations adapted for medical purposes; Disinfectants; Hand-sanitizing preparations; Herbs for medicinal purposes; Inhaled pharmaceutical preparations for the treatment of respiratory diseases and disorders; Medicinal herbs; Medicinal herbs in dried or preserved form; Pharmaceutical agents affecting digestive organs; Pharmaceutical agents affecting metabolism; Pharmaceutical agents affecting peripheral nervous system; Pharmaceutical preparations for treating hypertension; Pharmaceutical preparations for the treatment and prevention of anxiety, depression, inflammation, nausea, seizures, pain, muscle spasms, eating disorders and glaucoma; Pharmaceutical preparations, namely, antidepressants; Pharmaceutical skin lotions; Plant and herb extracts sold as components of medicated cosmetics; Veterinary pharmaceutical preparations for the treatment of anxiety, depression, inflammation, nausea, seizures, pain, muscle spasms, eating disorders and glaucoma	88928271	21 May 2020
JUVA	5	5 - Balms for pharmaceutical purposes; Dietetic foods adapted for veterinary use; Dietetic infusions for medical use; Dietetic preparations adapted for medical purposes; Disinfectants; Hand-sanitizing preparations; Herbs for medicinal purposes; Inhaled pharmaceutical preparations for the treatment of respiratory diseases and disorders; Medicinal herbs; Medicinal herbs in dried or preserved form; Pharmaceutical agents affecting digestive organs; Pharmaceutical agents affecting metabolism; Pharmaceutical agents affecting peripheral nervous system; Pharmaceutical preparations for treating hypertension; Pharmaceutical preparations for the treatment and prevention of anxiety, depression, inflammation, nausea, seizures, pain, muscle spasms, eating disorders and glaucoma; Pharmaceutical preparations, namely, antidepressants; Pharmaceutical skin lotions; Plant and herb extracts sold as components of medicated cosmetics; Veterinary pharmaceutical preparations for the treatment of anxiety, depression, inflammation, nausea, seizures, pain, muscle spasms, eating disorders and glaucoma	90095812	05 Aug 2020

From: Roger Shepard

Sent: Monday, November 16, 2020 1:01 PM

To: CityClerk <CityClerk@hayward-ca.gov>

Subject: City Council agenda item #6 for 11/17/2020 meeting - Cannabis dispensary

Thank you for returning my call but I was unfortunately unable to answer it. I got your message and have typed out a letter below that you can forward to the city council and make part of the record.

I write to you with the concern that there are 4 sensitive uses that are within 500 feet of the proposed cannabis dispensary set to be approved by the Hayward City Council during the meeting on Tuesday night, November 17th. This is a concern because the state requires a 600ft buffer from schools, parks, and youth centers but Hayward City Council could override that requirement and allow the dispensary.

Regardless of your opinion of cannabis and whether or not it should be legal, the state of California (in fact every state that regulates cannabis) puts sensible limits on where cannabis businesses can be located. In fact, the city of Hayward also thought those regulations were important and included them in the Hayward Municipal Code. Why should Hayward disregard the wisdom and common-sense regulations put in place to protect our most vulnerable citizens - our children?

We should be protecting our children by doing everything we can to distance them from all commercial cannabis activity, but especially cannabis retail. We should not be overriding the regulations put in place to ensure our children's health and safety.

We have to stop this dispensary from locating so close to where children frequent and congregate!

I hope you can join me in this effort to protect the children of Hayward.

Sincerely,
Roger Shepard

From: Alex Chen
Sent: Wednesday, November 18, 2020 12:45 AM
To: List-Mayor-Council
Subject: In support of participatory budgeting process for redistributing 10% of police budget

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Mayor and City Council,

Appreciate the presentation and discussion of the HPD year-end review at last night's council meeting. I missed the chance to provide public comment, but wanted to reach out afterwards to re-iterate the need for action.

A few weeks ago, I called in response to the FM3 survey results as someone who works with survey data professionally to say that I saw a clear mandate among residents to a variety of approaches, including redirecting spending, using participatory budgeting to do so, and to use a 311 hotline for requests that don't require armed response. These items have majority support and, if anything, probably grow in urgency as more time passes---**please don't waste the \$75k taxpayers spent on this survey.**

The year-end review provided by Chief Chaplin reinforces a few key points from that last council meeting. First, HPD agrees that mental health issues and homelessness should likely not be under its purview. Fantastic---let's take that responsibility off its plate and not fund the department to do something it does not want to do. Second, I'm deeply concerned that a significant portion of sworn officers say they'd prefer to go work somewhere else if they could. When we're talking about a job that is ostensibly supposed to be about serving the community, that's troubling. To be frank, I feel less safe given that taxpayer money is paying people to walk around with guns *who don't want to be in my neighborhood.*

Lastly, I was frustrated to hear about the proposed composition of the participatory budgeting committee and think the inclusion of HPD/city staff is counter to the democratic process. The point of PB is to involve a broad swathe of folks who otherwise wouldn't be included, not to be a glorified and toothless advisory body. I trust that Hayward, like nearby Vallejo and my former employer the [City of Boston](#), will engage in PB in good faith and in the democratic spirit.

Looking forward to seeing how we'll move Hayward forward.

Sincerely,
AlexChen

From: ira lazo
Sent: Tuesday, November 17, 2020 11:31 PM
To: List-Mayor-Council
Subject: Agenda Item 5 - Hayward Police Department

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Mayor Halliday and Councilmembers,

Hayward needs to do it's part to support Black Lives Matter.

I am writing to urge you to address police violence against Black and brown Hayward community members and **direct staff to begin working on the following, immediately:**

- 1. Reduce the police budget with the intent to reallocate the funds towards community services.**
- 2. Create a participatory, community led budgeting committee to dictate *how* those funds will be reallocated.**

- 3. Establishing and promoting a 3-1-1 urgency hotline for service calls that do not require a police response.**

Over the last 6 months in Hayward, the Black Lives Matter movement and affected Hayward community members have made it clear what direction we want to see you, our representatives, take: increase community safety services outside of the police department to meet the full range of safety needs, including mental health service needs, in our community. When the council was confronted with this call to action months ago, the delay to act was justified with a lack of information and a need for a survey. The survey has been conducted and the results reflect what we had been asking for all along. Now, it is your responsibility to follow through and take action to make the changes our community so clearly needs.

Please **support the community demands reinforced by the recent survey** to reduce the police budget, invest in community and create alternative forms of community safety.

Thank you for your time,

Ira

Sent from my iPhone

From: Zachariah Oquenda
Sent: Tuesday, November 17, 2020 5:31 PM
To: List-Mayor-Council; Toney Chaplin
Subject: Public Comment - WS 20-047 HPD 2019-2020 Year End Review
Attachments: Hayward - Case Study on Anti-Homeless Laws and Enforcement - 20180512.pdf

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Dear Council and Chief Chaplin,

I wish I could attend the City Council Meeting tonight. I was planning on it, but something else pressing has come up. So, I had to write out my comment last minute. I apologize for the length, but I appreciate your time and consideration.

Gratitude

As a member of the Community Advisory Panel to the Chief (CAP), I want to thank the Chief for his detailed annual review. There are a lot of reasons to be proud of the Hayward Police Department, including its higher standards for training, its continued successful CALEA accreditation, and its impressive service response given all the new challenges that come with Covid-19. The police department has remained committed to serving the City, putting themselves and their families at risk of exposure to the coronavirus. I thank the Chief for his leadership and HPD staff (sworn and unsworn) for their continued service.

Reflection on Positive Policy Change

I wanted to draw special attention to one policy change I am pleased to see our Department take. Noted on pages 16-17 of the staff report, Command staff changed the Use of Force Policy to prohibit discharging a firearm at or from a moving vehicle "unless a person in the vehicle is imminently threatening an officer or another person with deadly force by means other than the vehicle."

This is an example, in my mind, of how the CAP can provide value in improving the Department by sparking conversation around community standards, especially Use of Force standards. As the Chief may remember, during one of the CAP OIS debriefings, we learned about actions an officer took to shoot at a moving vehicle because the officer feared that the driver would use the vehicle as a weapon, which at the time was permitted under the HPD's Use of Force Policy. CAP members were invited to ask questions and comment on the debriefing. And while we had diverse set of reactions and perspectives, the Chief provided a safe place for all of us to share. I did share, and I shared that my older brother who is currently incarcerated was involved in an incident similar to that described in that debriefing, where officers fired, in my brother's case, 40 times at the vehicle. And by the grace of god my brother lived, as did the young driver of the vehicle in that Hayward incident, but the risk to my brother's—and to this young driver's—life given the context of the situation seemed higher than we should accept. I felt able to share, and while I don't claim to be responsible for the policy change, I do feel that my view was heard, and the change in policy does reflect it. And whether my share had anything to do with the final policy change, I don't know, but I am grateful to be able to provide perspective to the Chief and help ensure that we don't lose sight of our community's main objective: the safety and security of all community members, as well as our officers.

Opportunities for Improvement: Homeless Response Services

Of course, there are always ways to improve, but I want to focus this last bit of my comment on one area that is also personally important to me as someone who has experienced homelessness and housing instability. Noted on pages 21-22 of the staff report, HPD works together with other city departments to "conduct abatements of those encampments constituting a public safety hazard after providing a 72-hour warning to the

inhabitants. between 2018 and 2020, there were over 50 encampments abated. It should be noted that 100% of all abatements are in direct response to community complaints and public safety issues."

I have three primary responses to this part of the report. First, I do appreciate that the HPD and Code Enforcement are put in an incredibly difficult position, as they are departments largely driven by community complaints. Moreover, I think some more structural changes must be considered to be able to adequately respond to complaints with the compassion and empowering actions that our unhoused community members actually deserve. Without those changes and support from federal, state, and county, I understand the city is hard pressed to respond to the need of unhoused neighbors adequately.

My second response is to the language used in the report. Abatement is a term clearly tied to nuisance, and I feel using this language to describe the most marginalized and underserved members of our community dehumanizes them.

My third response is to the policy and city action that, I believe, contributes to the dehumanizing language and treatment of our unhoused community members. I understand what drives this language and action are the fears, misunderstanding, and misguided notions from some complaining community members. Specifically, in 2018, I wrote a case study [attached to this email] on Hayward's enforcement of anti-homeless laws, including the various city structures that contribute to constantly moving unhoused population, sending them the signal they don't belong, will not be supported, and are not welcome in Hayward. One of the structures is the Access Hayward application that is a convenient tool that allows community members to follow actions of the city government, to learn more about city business, and to raise community issues and concerns directly with relevant city officials.

I submitted public records requests to obtain data on all Access Hayward entries from January 2014 to January 2018. The consequences for unhoused community members is mixed at best, and at worse, the tool encourages what many in the unhoused community feel is harassment by the police. Some requests suggest community members concern and willingness to be helpful: "Homeless encampment--he needs outreach services." Some requests are more apologetic: "I am sorry the homeless are homeless, but there are ways to get help and get off the street." Most requests, however, communicate more clearly their intention to just get rid of the so-called problem: "Please remove this unsightly encampment"; "There is a homeless encampment under the pedestrian overpass...It's been there for a while. He needs to not be so conspicuous"; "There are homeless people camping out [in a municipal parking lot] ... Please make them go away"; "There continue to be homeless people...PLEASE ABATE!!!!"

The city should consider the consequences of being so devoted to complaint driven model. I don't know the solution, but the current approach is tantamount to enacting a preference of the needs of the housed population over those needs of the unhoused population. This outcome is opposite of the strides the city is taking promote equity and anti-racist action and policy in the city.

Lingering Small Question

Noted on page 18 of the staff report, HPD reports that ".12% of all calls for service resulted in reportable uses of force whereas 6.34% of all arrests resulted in reportable uses of force."

My question is simply what distinguishes "reportable" uses of force from non-reportable? Why is there a distinction and what is that distinction? Just would be helpful for clarification on what we are really measuring here.

I sincerely appreciate your time and consideration.

Thanks in advance,
Zachariah

Case Study: Human Costs of Harassment and Citations in Hayward

By: Zachariah Oquenda

May 12, 2018

I. Introduction

Historically, the goal of so-called vagrancy laws, quality of life laws, or anti-homeless laws has been simply to force those individuals deemed “undesirable” to leave the community. Since as early as pre-Revolution colonial times, local jurisdictions passed laws and created systems to harass, abuse, disenfranchise, and oppress those without the security and stability of owning or renting their own land. Deemed vagrants or transients, communities have established systems designed to push individuals from one community to the next. Those systems have evolved and formalized into today’s anti-homeless laws.

The tools that make up today’s system include public and private forms of harassment, legal citations and incarceration, and restricted availability of and access to life-sustaining resources. Some forms of public and private harassment are covered in one the Policy Advocacy Clinic’s (PAC) other publications on Business Improvement Districts (BIDs). Another PAC report (and its subsequent updates) introduces and details the proliferation of enactment and enforcement of anti-homeless laws.

Building on the findings of these studies, this memorandum explores a case study of Hayward, California. This case study identifies the system that has evolved in Hayward that has the effect of forcing people who experience homelessness out of the city. The system is driven by resident quality of life complaints that call for increased police intervention. Hayward’s enactment and enforcement of various anti-homeless laws has the added effect of trapping individuals in the

labyrinth of the criminal system, from jail cells to court hearings to aggressive collection agencies. Finally, not only has the city failed to provide adequate resources to serve people experiencing homelessness or at risk of becoming homeless, but also the city has passed laws that have the effect of reducing available resources, to restrict access to those resources, and even to dis-incentivize private actors from filling the gap.

While this system has tremendous economic costs to businesses and to taxpayers, the costs are greatest to the individuals this broken system disproportionately targets.

II. Why Hayward?

Out of several possible jurisdictions Hayward serves as a useful case study for at least three reasons. First, and most importantly, Hayward lacks leadership in homeless advocacy. WRAP has previously tried to organize in Hayward but made little headway. While there are organizations and individuals interested in the issue, work must be done to bring people together. The lack of organizational leadership signals opportunity for WRAP to shape the narrative progress in Hayward and pull the city into its regional network.

Second, and a corollary of the first reason, the author lives in Hayward. Thus, the author has easy access to municipal departments and leadership, as well as close connections to key stakeholders. This makes it easier to investigate and navigate Hayward's administrative laws and procedures to uncover the impact of fines and fees in the city. It also makes it easier to build relationships with advocacy organizations, which may be useful to WRAP's larger regional advocacy goals.

Third, Hayward is the third most ethno-linguistically diverse city in the country,¹ has an increasingly progressive voting base,² and has a significant unresolved crisis of housing instability and homelessness.³ These three characteristics makes Hayward ripe for local appeals for reform, providing a chance to build a model response to the growing reliance of municipal fines and fees across California.

A. Homelessness in Hayward

Hayward is the self-proclaimed “Heart of the Bay.” This is much due to its central location within Alameda County and the shape of its jurisdictional boundaries. Some local officials have suggested that Hayward’s centrality, as well as its cushion from the worst of the increasing rents and housing prices, makes the City a hotspot for people who are displaced from neighboring communities and/or are experiencing homelessness.

The most recent January 2017 Alameda County *Point-in-Time Count of Homelessness* revealed significant increases in the homeless population in the county as a whole in the last decade.⁴ Alameda County hosts 5,629 homeless people, up thirty-nine percent (39%) from the 2015 count of 4,040.⁵ To be clear, the highest count in Alameda County in the last decade was in

¹ Dan Brekke. “Hey, Bay Area: You Really *Are* Diverse”. KQED News. Accessed November 16, 2017. Published February 17, 2015. <https://ww2.kqed.org/news/2015/02/17/bay-area-cities-among-most-diverse-in-u-s/>.

² According to the registered voter data provided by the Secretary of State, the number of registered conservatives as a percentage of total registered voters has declined from 19.6 percent in 2000 to 10.9 percent in 2016. This decline has been made up by increases in Democratic and No Party Preference voters, who have voted consistently in favor of increased taxes to improve and expand social programs and health measures to help the most vulnerable community members (see Alameda County Measure A and its recent re-authorization, Measure AA).

³ Darin Moriki. “135 percent rent hike forces blind, elderly Hayward woman out of her home”. East Bay Times. Accessed November 16, 2017. Published March 29, 2017. <http://www.eastbaytimes.com/2017/03/29/hayward-blind-elderly-and-caught-in-bay-area-housing-crisis-throes/>.

⁴ Everyone Counts. Alameda County 2017 Point in Time Count and Survey. Executive Summary. Accessed October 23, 2017. http://everyonehome.org/wp-content/uploads/2017/06/ALAEMDA_7-1.pdf.

⁵ Devin Katayama. “Alameda County’s Homeless Population Climbs Dramatically Over Two Years.” The California Report. KQED News. Accessed October 23, 2017. <https://ww2.kqed.org/news/2017/05/26/alameda-countys-homeless-population-climbs-dramatically-over-two-years/>.

2009 at 4,341 homeless people.⁶ When adjusted for changes in total population in Alameda County, the number of homeless people in the county increased by 33.7 percent from 2009 to 2017. Reasons for the spike may include changes in counting methodologies, but also likely include the sharp increases in market rents unmet by adequate wage increases following the Great Recession.

Of the total 5,629 homeless people counted in Alameda County, the City of Hayward recorded 397 of them.⁷ In this regard, it appears not much has changed since 2015. According to a 2016 joint study by the Task Force to End Hunger and Homelessness in Hayward and the Department of Public Affairs and Administration of California State University, East Bay, there were between 380 and 422 people experiencing homelessness or immediately at risk of becoming homeless as of November 2015.⁸ Homelessness is increasing in Alameda County, but Hayward does not appear to see those increases.

B. Hayward Community Resources

One reason the total homeless population does not appear to be increasing at the same rates as surrounding cities may be that the City is more efficient at serving its at-risk population through its heavy reliance on referral services. But an alternative explanation may be a lack of sufficient infrastructure to accommodate those increases. That is, people who are being forced to the streets or to find emergency or transitional housing may be leaving Hayward altogether in search of available resources. The number of people using referral services is on the rise, but the resources located and available within Hayward has not kept pace with the increasing need.

⁶ Everyone Counts. Alameda County 2017 Point in Time Count and Survey. Executive Summary. Accessed October 23, 2017. http://everyonehome.org/wp-content/uploads/2017/06/ALAEMDA_7-1.pdf.

⁷ Everyone Counts. City of Hayward 2017 Point in Time Count and Survey. Executive Summary. Accessed October 23, 2017. http://everyonehome.org/wp-content/uploads/2016/02/HAYWARD_Final.2-1.pdf.

⁸ “Facing Up to Homelessness.” The Department of Public Affairs and Administration, CSU, Easy Bay and The Task Force to End Hunger and Homelessness in Hayward. Published October, 2016. Access October 23, 2017. <https://www.hayward-ca.gov/sites/default/files/documents/HHCReportFinal.pdf>.

1. 211 Service Provider Data

Hayward is second only to Oakland in the number of referrals provided in Alameda County. The local service provider network number is 2-1-1 throughout Alameda County. Similar to programs in other counties (e.g., San Francisco County which has a referral number 3-1-1), the purpose of the program is to provide easy access to information about local housing, health, and other human services. In Alameda County, Eden Information and Referral (Eden I&R) runs this program.

From 2015-2016, Alameda County saw 101,523 calls to 2-1-1 and provided 156,527 referrals to critical health, housing, and human services.⁹ According to the same 2015-2016 Annual Report, “Affordable housing continued to be the number one top need in every city.” In August 2017, Eden I&R received 5,529 calls and provided 7,886 health, housing, and human service referral requests.¹⁰ Again, while they do not provide specific numbers on housing, they suggest most of those were for housing and shelter. In September of 2017, Eden I&R received 4,755 calls and provided 6,839 referrals.¹¹ Of those calls and referrals, Eden I&R received 574 calls (12.1%) from Hayward and provided 871 referrals (12.7%) for Hayward community members.¹²

As a referral service, Eden I&R has little control over what happens after they refer a client caller. For example, in August 2017, a Hayward veteran, new to the city, living with his girlfriend, and their children, were forced to move out of their temporary residence, and sought services from Eden I&R through 2-1-1. Eden I&R referred him to Dignity Commons, a transitional housing

⁹ Eden I&R. Annual Report, Fiscal Year 2016 (June 2015-June2016). Accessed on October 23, 2017. www.edenir.org/annual-agency-reports/.

¹⁰ Eden I&R. Monthly Narrative Report: August 2017. Accessed on October 23, 2017. www.edenir.org/wp-content/uploads/2017/10/2-1-1_Monthly_Report_Aug_2017.pdf.

¹¹ Eden I&R. Alameda County Summary by City, September 2017. Accessed on October 23, 2017. www.edenir.org/wp-content/uploads/2017/10/CitySummary_Sep_2017.pdf.

¹² Eden I&R. Alameda County Summary by City, September 2017. Accessed on October 23, 2017. www.edenir.org/wp-content/uploads/2017/10/CitySummary_Sep_2017.pdf.

program for veterans and their families. Whether the family was able to obtain housing, and if so, how quickly, is not something Eden I&R tracks, as of this writing. Moreover, those referrals for Hayward community members may not necessarily be in Hayward, such as Dignity Commons, which is located in the cities of Alameda, Oakland, and Berkeley—but not Hayward. Indeed, 23 percent of unsheltered homeless people in Hayward said the main reason for not accessing shelters was they were too far away.¹³

2. Emergency Shelters and Transitional Housing Not Meeting the Need

Hayward hosts a variety of emergency shelters, transitional housing options, and supportive services, but the people's need for shelter and services simply outnumbers the available beds. Of the 397 people who were reported experiencing homelessness in Hayward in January 2017, seventy-nine percent (79%) were unsheltered.¹⁴ Either the beds did not exist or there was some barrier (information or otherwise) preventing individuals and families from making use of the beds. The homeless people surveyed name myriad barriers. Of the 313 unsheltered homeless in Hayward, 37 percent said all the shelters were full, 29 percent shelters were too crowded, and 18 percent said their main barrier to shelter was that the shelter prohibited them from staying with their partner or family.¹⁵

One 2016 survey cited only 109 shelter beds in Hayward.¹⁶ Sixty-four of those beds are available only to women and children. The other 45 beds are “winter shelter sites” requiring strict

¹³ Everyone Counts. City of Hayward 2017 Point in Time Count and Survey. Executive Summary. Accessed October 24, 2017. http://everyonehome.org/wp-content/uploads/2016/02/HAYWARD_Final.2-1.pdf.

¹⁴ Everyone Counts. City of Hayward 2017 Point in Time Count and Survey. Executive Summary. Accessed October 24, 2017. http://everyonehome.org/wp-content/uploads/2016/02/HAYWARD_Final.2-1.pdf; In this survey, unsheltered people were those who lived in a place not suitable for habitation, e.g., streets, tents, cars, etc. Sheltered people were those who found access to shelter in a suitable dwelling, e.g., homeless shelter, friend's place, etc.

¹⁵ Everyone Counts. City of Hayward 2017 Point in Time Count and Survey. Executive Summary. Accessed October 24, 2017. http://everyonehome.org/wp-content/uploads/2016/02/HAYWARD_Final.2-1.pdf.

¹⁶ “Facing Up to Homelessness.” The Department of Public Affairs and Administration, CSU, Easy Bay and The Task Force to End Hunger and Homelessness in Hayward. Published October, 2016. Access October 23, 2017. <https://www.hayward-ca.gov/sites/default/files/documents/HHCReportFinal.pdf>.

weather conditions for single men and women to enter.¹⁷ There are other domestic violence shelters with limited capacity, and a few substance abuse safe houses. The same survey study confirms that additional emergency or transitional housing options may be difficult to locate. But if they are difficult for researchers to find, it is unlikely that people who are experiencing the stress of homelessness have any easier a time finding available beds.

3. Lack of Permanent Affordable Housing Options

Not only are emergency shelters and transitional housing options limited in Hayward, but also declining housing availability across the East Bay has tightened the homeownership market. In November 2016, Alameda County voters passed Measure A1 by 73 percent of votes. Measure A1 provides for a bond of more than \$580 million to build affordable housing and supportive housing for the homeless over the next eight years. Hayward has been allotted over \$18,250,000 to support development of affordable and supportive housing¹⁸; however, the city only recently announced requests for application. As of May 2018, Hayward has not committed any of the available funds, while neighboring Oakland has already committed over 90 percent of its total \$49.3 million and Alameda has committed \$6 million of its allotted \$9.3 million.¹⁹ Very little of Measure A1 funds will go to support permanently affordable housing, however. Most subsidies that fund affordable housing assistance or development in Hayward are one-time funds, losing a benefit when affordability restrictions in deeds run out or when low-income homebuyers sell their first property.

¹⁷ “Facing Up to Homelessness.” The Department of Public Affairs and Administration, CSU, Easy Bay and The Task Force to End Hunger and Homelessness in Hayward. Published October, 2016. Access October 23, 2017. <https://www.hayward-ca.gov/sites/default/files/documents/HHCRReportFinal.pdf> Page 44.

¹⁸ Alameda County, Community Development Agency. Accessed May 9, 2018. <https://www.acgov.org/cda/hcd/bond.htm>.

¹⁹ Alameda County, Community Development Agency. Accessed May 9, 2018. <https://www.acgov.org/cda/hcd/bond.htm>.

The City is addressing the issue of permanent affordability by strengthening partnerships with non-profit affordable housing developers like Habitat for Humanity and Eden Housing. Private financing also may be available for developing a Community Land Trust (CLT) in Hayward.²⁰ Based on the 2016 surveying of the Hayward homeless population, roughly 47 percent, or 125 people, were capable of contributing \$400 or more per month toward permanent for-sale or rental housing.²¹ Because permanently affordable housing options can reach ever deeper income affordabilities when done right, more permanently affordable dwelling units provided through partners like Habitat for Humanity, or a newly-founded CLT, could house at least 125 homeless individuals or families.²² This would not address the most chronically homeless individuals, but it is a start. Not to mention, other Bay Area cities, including Oakland, Berkeley, and San Francisco, already utilize such innovative arrangements.

As of December 5, 2017, Hayward City Council’s Economic Development Committee approved plans to build over 130 “tiny homes” (small unattached single-occupancy homes) in Hayward. These homes would be designated specifically to address the needs of the people experiencing homelessness. While the needs to configure planning and zoning laws to accommodate tiny homes and connect them to the grid, and while the City must still grapple with how best to supply the needed wraparound services to the intended occupants, the City’s effort is a positive move toward permanent affordable housing.

²⁰ For more about City-CLT partnership opportunities, see John Emmeus Davis and Rick Jacobus. “The City-CLT Partnership: Municipal Support for Community Land Trusts.” Lincoln Institute of Land Policy. Cambridge, MA. Published June 2008. Accessed May 12, 2018. <https://www.lincolnst.edu/publications/policy-focus-reports/city-clt-partnership>.

²¹ “Facing Up to Homelessness.” The Department of Public Affairs and Administration, CSU, Easy Bay and The Task Force to End Hunger and Homelessness in Hayward. Published October, 2016. Access October 23, 2017. <https://www.hayward-ca.gov/sites/default/files/documents/HHCReportFinal.pdf>. Page 24.

²² “Facing Up to Homelessness.” The Department of Public Affairs and Administration, CSU, Easy Bay and The Task Force to End Hunger and Homelessness in Hayward. Published October, 2016. Access October 23, 2017. <https://www.hayward-ca.gov/sites/default/files/documents/HHCReportFinal.pdf>. Page 24.

III. The Anti-Homeless Maze

The following section summarizes the various laws that disproportionately impact people experiencing homelessness, the maze-like process through which those people must navigate, and the costs those laws likely impose not only on homeless individuals and families but also on Hayward taxpayers, businesses, and private property owners. The good news is that understanding these laws and the costs they generate can help us determine what resources may be leveraged to prevent at-risk people from falling into the cycle of homeless criminalization. A more in-depth cost-benefit analysis can and should be the focus of future research.

A. Relevant Hayward Laws and Cumulative Liability

Local police concurrently enforce laws from the Hayward Municipal Code, Hayward Area Recreational and Park District, and the California Penal Code. Hayward imposes cumulative liability for violations. That is, according to HMC § 1-3.05, community members who violate any of the above laws can be simultaneously liable for fines associated with infraction, fines or jail time associated with misdemeanors, and administrative fees imposed through HMC § 1-7.00 et seq., which establishes an Administrative Citation Program (ACP). That is, the laws as they are written do not exclude someone who violates city or HARD administrative regulations from liability for violating state penal code and may be punished under both schemes. Whether this is a problem practically with enforcement remains to be seen. But if this is true, serious questions of “double jeopardy” arise. Double jeopardy is being tried for the same crime twice or in two different jurisdictions and violates the U.S. Constitution. The data provided by the Hayward Police Department, explored more below does not show such double jeopardy issues. But further research must be conducted to determine legal precedent for findings of double jeopardy and administrative penalties.

Chart 1: Anti-Homeless Laws from the Municipal Code²³

Hayward Municipal Code Section	Description of Violation	Administrative Citation, Infraction, ²⁴ or Misdemeanor ²⁵
HMC § 1-3.05	establishes liability for fines, fees, and penalties (the authorizing ordinance)	AC, I, M
HMC §§ 4-4.01 et seq.	animal related fines and fees: off leash, no permit, noise and nuisance (\$100)	AC, I, or M
HMC § 3-5.00	sidewalk obstructions prohibited	I (first three), then M (<i>see</i> HMC § 1-3.00(d))
HMC § 4-1.07	dumping in streams prohibited	AC, I, or M
HMC § 4-2.10	public intoxication prohibited	AC, I, or M
HMC § 4-2.11	insulting remarks, fighting, block public way	AC, I, or M
HMC § 4-2.40	trespass upon private property	I or M
HMC § 4-10.04	aggressive solicitation prohibited	I (first two), then M
HMC § 4-13.20	food sharing prohibited	AC
HMC § 4-14.10	park hours limited sunset to sunrise	I or M
HMC § 4-17.20	camping on City property prohibited	AC (or treated as nuisance)
HMC § 4-17.25	private property storage prohibited	AC (or treated as nuisance)
HMC § 5-3.270	limits on occupancy of trailer	AC, I, or M
HMC § 5-6.11(a)	smoking prohibited in public place (\$50)	AC (or treated as nuisance)
HMC § 5-7.20(w)	living or sleeping in vehicle prohibited	AC
HMC § 5-7.25	unlawful nuisance on public property	AC, I, or M
HMC § 5-9.30	scavenging for recyclables prohibited (\$100)	AC, I, or M (after third I in 12 months – <i>see</i> HMC § 4-9.40)

²³ The author compiled this list by reading through Hayward ordinances. Only seven of the above laws came from the New Vagrancy Laws 2016 update because the focus of that update limited the ordinance categories.

²⁴ “Infractions” are the least serious offense. Infractions do not lead to jail time, probation, or create a criminal record. Most infractions include violations of traffic laws or administrative regulations. Some common examples of infractions are speeding tickets, noise violations, and failing to keep your pet on a leash. Punishments include a fine or community service. If an individual fails to pay a fine or appear in court, he or she may be charged with a misdemeanor. Also, when accumulating infractions may trigger a misdemeanor charge.

²⁵ “Misdemeanors” are more serious than infractions. Misdemeanors may include fines or up to 1-year jail time. Misdemeanors are recorded on a criminal record. Common misdemeanors are vandalism, trespassing, and disorderly conduct. Misdemeanors may be pleaded down to infractions at District Attorney’s discretion.

Chart 2: Local Anti-Homeless Laws from Hayward Area Recreational and Park District

Hayward Area Recreational and Park District Regulations	Description of Violation	Infraction or Misdemeanor
HARD Reg. § 4(c)	failure to provide ID is violation	I
HARD Reg. § 7	trespass sunrise to sunset	I or M
HARD Reg. § 16	alcohol, tobacco, and drugs prohibited	I or M
HARD Reg. § 20	public urination/defecation ²⁶	I or M
HARD Reg. § 22(b)	no storing personal belongings	I or M
HARD Reg. § 24	no camping or lodging	I or M

Chart 3: Anti-Homeless Laws from California Codes

California Code Section	Description of Violation
CA Vehicle Code Sec. 21946(a)	Pedestrian walking on roadway
CA Vehicle Code Sec. 22520.5	No soliciting near freeway ramp (1st time infraction, 2nd misdemeanor)
CA Vehicle Code Sec. 21955	Pedestrian crossing between intersections
CA Vehicle Code Sec. 21954	Pedestrian crossing outside the crosswalk
CA Vehicle Code Sec. 21453(d)	Pedestrian crossing against red light
CA Penal Code Sec. 647(c)	Illegal begging for alms
CA Penal Code Sec. 647 (e)	Illegal lodging
CA Penal Code Sec. 647 (f)	Public intoxication
CA Penal Code Sec. 647 (g)	Civil protective custody
CA Penal Code Sec. 640(d)(1)	Willfully disturbing on or in public facility or vehicle
CA Penal Code Sec. 602(m)	Trespass
CA Penal Code Sec. 602(o)	Refusing to leave property
CA Penal Code Sec. 374.3(a)	Unlawful dumping of waste, trash, or debris
CA Penal Code Sec. 372	Public nuisance (misdemeanor)
CA Penal Code Sec. 290.011(a)	Transient sex offender registration requirement
CA Bus. and Prof. Code Sec. 25620(a)	No open containers in public spaces and parks

B. Administrative Citation Program

The City may be fairly unique in one respect concerning local enforcement. Hayward has a civil “Administrative Citation Program” (ACP), which punishes many of the same laws under the penal code but directs payments of fines to the city general fund as opposed to the county. The

²⁶ The Hayward Area Recreation and Park District’s [Code of Conduct](#) also requires community members to “[r]efrain from loitering or sleeping in facilities or on District grounds, or using public areas such as restrooms for personal hygiene (shaving, bathing, etc.)” It is unclear what HARD regulation this would violate. Such activities are not explicitly prohibited in the regulations themselves.

ACP is a process established in Hayward consistent with local enforcement authority granted under California Government Code Section 53069.4. Among other things, the purpose of the ACP is to “minimize the expense and delay where the sole remedy is to pursue responsible parties in the civil or criminal justice system.”²⁷ The ACP encourages compliance with local laws primarily by enforcing administrative penalties, which consist of “a monetary penalty, or fine, imposed by the City but subject to review by a court.”²⁸ That is, the role of the criminal court under the ACP is an arbiter of last resort. Avoiding the criminal courts may translate to less formal criminalization of people who receive anything from traffic tickets (also issuable under the ACP) to anything that is deemed a public nuisance under the Hayward municipal code. Also, ACP tickets are often cheaper than ordinary “Notice to Appear” citations because the recipient of the ACP tickets does not have to pay the associated court costs and fees, etc. As one police officer explained, this gives officers great discretion. For someone who is stopped for speeding, for example, the officer has two alternative punitive paths to choose from. Either the officer can issue an ordinary traffic citation, which often requires the driver going to court and/or paying court processing fees and costs, etc., or the officer can issue the ACP which does not require the driver going through the criminal court system at all. Instead, the driver can pay \$100 directly to the city for the ACP, instead of over \$300 in fines and fees to the Alameda County court.²⁹

So, on one hand, the ACP provides for additional cumulative penalties, which can have a significant impact on a homeless individual: two fines are worse than one. On the other hand, the ACP actually may save low-income individuals money. By bringing enforcement in-house through the ACP, Hayward is able to cover its own expenses for enforcement with fewer funds, and thus

²⁷ See [HMC § 1-7.00](#).

²⁸ See [HMC § 1-7.02](#).

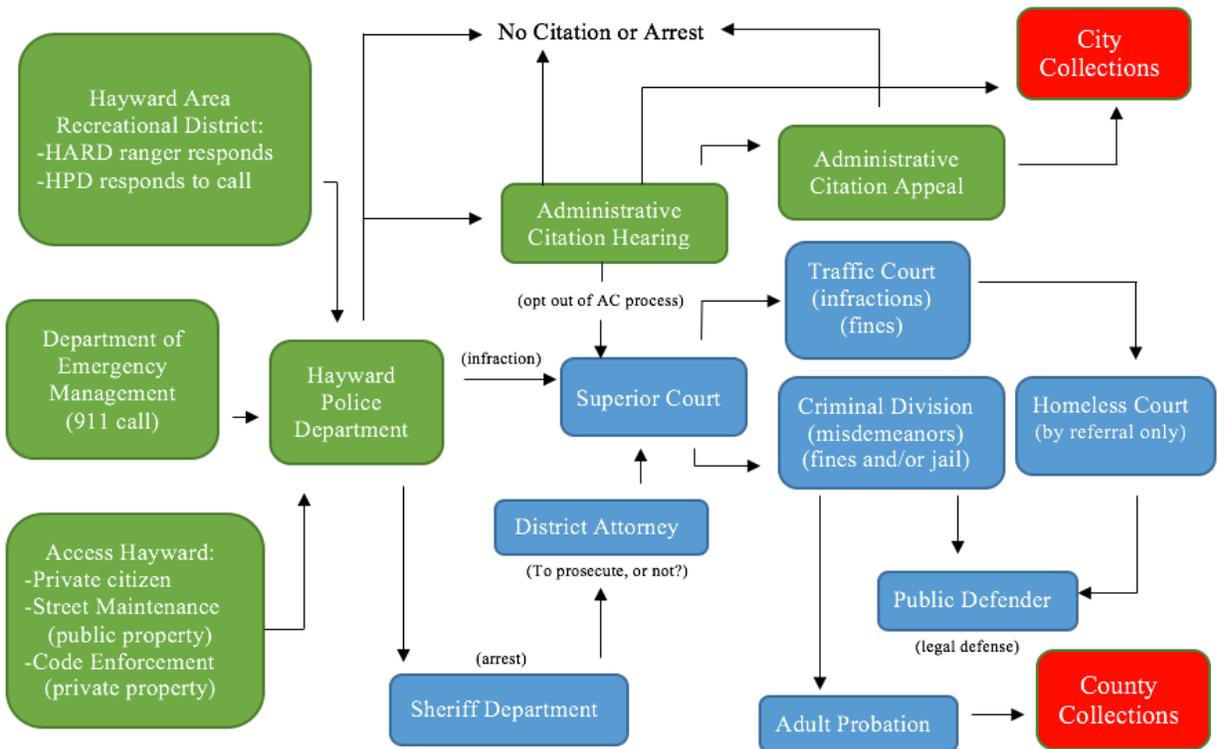
²⁹ See Appendix D for a comparison of the Hayward Administrative Citation and the Alameda County Notice to Appear.

charge less in its fees. Of course, for individuals who are most often the targets of these laws, any fee can impose significant hardship. Moreover, these fines and fees stack. So a few minor offense can result in massive debt to Hayward, triggering unwanted attention from determined collection agencies. To make matters more complex, when the ACP removes someone from traditional legal system where they would otherwise be afforded fundamental protections like the right to a lawyer, Hayward runs the risk of undermining the due process rights of that individual. The City skirts this liability by providing individuals with an out: at any time, the homeless individual may formally request their case be transferred to the county for a hearing to appeal the citation. It's unclear how many homeless people use the ACP hearing and appeals process, but judging by its underwhelming procedural protections, one cannot be sure if the process is truly any better for the individual.

C. The Labyrinth of Local Enforcement as Harassment

Many departments and individual actors play a role in enforcing the myriad local laws listed above. These actors range from fellow community members filing a complaint to local police officers conducting routine “sweeps” to other city officials overseeing “nuisance abatement” and collections. Every aspect of this process from entry onward acts as its own form of harassment and pressure, with the effect of causing physical, emotional, and psychological harm to people experiencing homelessness. Each step furthers the goal of trying to push so-called “undesirables” out of the community.

Chart 4: Local Enforcement Process³⁰



The driving force of enforcement of anti-homeless laws is the general community’s desire to push people experiencing homelessness out of the city. Thus, the primary source of anti-homeless complaints arises from settled, housed residents. Those complaints are recorded and addressed primarily through local police dispatch, but complaints also may be initiated with the Access Hayward mobile application, or the Hayward Area Recreational District and its Rangers.

1. Access Hayward: Resident Complaint Tool

Access Hayward is a commonly employed tool in enforcing anti-homeless laws in Hayward. Access Hayward is a software application that allows community members to follow

³⁰ In the chart, the green boxes represent parts of the system that exist under the City of Hayward jurisdiction, the blue boxes represent those under Alameda County control, and the red boxes act as placeholders for the collection agency, which can be the City of Hayward, the County of Alameda, or a private collections agency hired by the city or the county.

actions of the city government, to learn more about city business, and to raise community issues and concerns directly with relevant city officials. One feature of the application is GIS mapping, which allows any community member to file a complaint with the city over a wide number of categories of issues.

Complaints filed by the community member, when received by the city are sorted according to the category of the complaint and forwarded to the relevant department. A trash and debris complaint, for example, could go to either Code Enforcement, if the location of the trash is private property, or to Streets Maintenance, if the trash is on public property.

Many in the city use the application to report illegal dumping of trash and debris, graffiti, or other health and safety issues. But many also use the application to report homeless encampments. The outcomes for homeless community members is mixed at best. At worse, this complaint tool is outright harassing. From January 2014 to January 2018, the City of Hayward received 235 Access Hayward requests to respond explicitly to homeless encampments. Some requests suggest community members concern and willingness to be helpful: “Homeless encampment--he needs outreach services.” Some requests are more apologetic: “I am sorry the homeless are homeless, but there are ways to get help and get off the street.” Most requests, however, communicate more clearly their intention to just get rid of the so-called problem: “Please remove this unsightly encampment”; “There is a homeless encampment under the pedestrian overpass...It’s been there for a while. He needs to not be so conspicuous”; “There are homeless people camping out [in a municipal parking lot] ... Please make them go away”; “There continue to be homeless people...PLEASE ABATE!!!!”³¹ The Access Hayward tool along with other complaint tools are themselves a form of harassment, in addition to increasing the likelihood of

³¹ Data provided by City of Hayward, Maintenance Services Department via public records act request.

interactions among city officials and homeless individuals. The end result is a desire to see these homeless individuals and families leave the community.

2. Code Enforcement and Streets Maintenance

Even when resident complaints do not result in additional harassing interactions between city officials and homeless people, the laws actually disincentivize other community members from providing help or support to homeless people. To put it another way, the laws pit private property owners and businesses against homeless people even when they would otherwise not be any trouble. Depending on the initial sorting of the resident complaint, the relevant city official must confirm the validity of the violation. Confirmation usually requires making an additional determination about whether the violation occurred on private or public land. If violation falls under Code Enforcement's jurisdiction (it occurred on private property), the official will send a Notice of Inspection notifying the property owner that the official will be coming to inspect based on the complaint. The complaint might include, for example, illegal dumping or trash.

In many instances, the owner of the property takes care of the problem upon receipt of the courtesy notice, so that when the code enforcement official arrives on scene to confirm the complaint, the problem is resolved. The city official documents the site and closes the complaint case.³² In other instances, the owner of the property does not address or resolve the issue, at which

³² There is an enforcement loophole in the initial inspection step, which may prove to add significant costs to the city and taxpayers. For example, say a private property owner allows a person living in a mobile trailer to park on his or her private property. The owner here is offering help to the trailer owner by providing parking, so as to avoid getting a citation by the police for parking on public property. Suppose a passer-by files a complaint that the trailer has been on his neighbor's property and is contributing to blight, qualifying as a public nuisance under HMC § 5-7.20. According to the process as thus far explained, the code enforcement official would send a Courtesy Notice of Inspection to the private property owner, informing him or her that the official will be coming to inspect the property for nuisance violation. So long as the private property owner has the mobile trailer owner move the trailer off the property before the code enforcement official arrives, thus making the "nuisance" un-confirmable by the official, the complaint will be closed, and the process would have to start over from scratch in order for the private property owner to be caught sanctioning a public nuisance violation. Thus, so long as the official never is able to confirm the nuisance, they can issue no violation citation: the loophole.

time the code enforcement official will document the site and “confirm the complaint.” If the official confirms the complaint finding that there is a violation, then the official will send the property owner a Notice of Abatement. Usually, that gives the owner time to abate the nuisance before the official conducts a re-inspection at a later date.

Upon receipt of a Notice of Abatement, the property owner is given 72 hours to abate the nuisance before the HPD and Maintenance Services comes to address the violation. The HPD most often only gets involved when the so-called "nuisance" involves a person experiencing homelessness who is unwilling to relocate. For example, when people who set up an encampment in an abandoned, privately-owned parking lot and refuse to move their belongings, the HPD will move them out and/or arrest them for "trespass on private property."³³ Depending on the nature of the complaint—whether it involves evacuating and sweeping an encampment, for example—this stage may initiate contact between city officials and police, whereby various additional forms of harassment may occur, such as destruction of property or physical harm to the individual.

Alternatively, and most often, people move when issued a notice, so the HPD are not involved. In those cases, the City's Streets Maintenance team move in and, either by themselves or with the help of waste disposal contractors, abate the “nuisance.”

Often the homeless person who is forced to relocate does not him or herself incur a fine or fee. According to one code enforcement officer, she does not know of any other official who cites any homeless person for any nuisance activity.³⁴ Rather it is the private property owner, including many small businesses, who are cited for public nuisance.

³³ This is an unusual result. However, according to some in the HPD, in the rare cases in which the person experiencing homelessness, and unlawfully occupying the private property, refuses to leave, the primary cause for his or her resistance is addiction or some other mental illness. Of course, this is not supported by any evidence other than anecdote. A CPRA that could reveal some sample police reports on trespass arrests may be needed to get at the details.

³⁴ In-person interview with Cindy Jordan Kayl on September 21, 2017.

Thus, the law disincentivizes helping our fellow community members in the name of creating "blight-free" neighborhoods. Not only does the current process relocate people experiencing homelessness, often not providing them with sufficient referral services or other aid, but it also then penalizes any private property owner for either knowingly or tacitly aiding in the creation of the "nuisance." That is, if some private property owner allows someone who is homeless living in a trailer stay on the property owner's land, the way the law is enforced actually penalizes such charitable actions. This reality only further entrenches negative stereotyping and generates more tolerance for harassing people experiencing homelessness.

One startling example is the case of K-MART. Many passers-by have complained about illegal dumping, trash, and debris on K-MART property, logging their complaints with GIS-tagged photos of the dumping. The reason, according to one code enforcement official, for the accumulation of trash is that several people experiencing homelessness and living out of their cars and trailers tend to park in K-MART's lot between the late-night and early morning.³⁵ The complaints suggest that the people who stay there overnight dump their food stuffs, human waste, and other debris, junk, and furniture. Following the process for reporting a complaint, as described above, a code enforcement official issues a Courtesy Notice of Inspection. Upon receiving the letter, K-MART usually pays to have staff clean the parking lot and remove the debris. Nevertheless, if K-MART does nothing, the official will arrive and document the nuisance, then issuing a Notice to Abate. If K-MART fails to abate by the reinspection date, then they are fined. But because the nuisance was documented, any further nuisance complaints which are filed within a 12-month period count as "subsequent violations."

³⁵ In-person interview with Cindy Jordan Kayl on September 21, 2017.

So, after K-MART is found to be in violation of the public nuisance ordinance, or a law similar, each additional complaint within a year of the first violation creates additional and steeper fines and penalties. In short, the owner is not given the same leeway as comes with the initial complaint and violation. This larger enforcement process is harmful to the homeless population because it discourages private property owners from allowing people to stay on private land when the City is failing to provide adequate alternatives. It also creates animosity among private property owners and businesses toward homeless people, perpetuating harmful stigmas and stereotypes, which in turn contribute to displacement of vulnerable community members.

The effects of this process as laid out above seems to primarily hide the costs of homelessness while forcing people experiencing homelessness to move from place to place, causing greater instability. While the people experiencing homelessness themselves mostly do not get cited in these cases by code enforcement officials, society is still opting to pay the cost of "abatement," i.e., dislocating homeless individuals and families, rather than taking preventative measures to invest in the infrastructure, services, and resources to serve people before they become a so-called "public nuisance." The current costly process of relocating homeless people can be leveraged to demand investments in public hygiene facilities, transitional and permanent housing construction, and improvement, provision, and integration of wraparound service networks.

3. Department of Emergency Management

Another common actor is the police department's emergency and non-emergency dispatch team. Many violations of anti-homeless quality of life laws begin with direct appeals to the police through 9-1-1 or non-emergency dispatch calls. Again, this is initiated by community members calling to report some violation, whether it be public intoxication, camping in public park, or disturbing the peace. Further information has been requested through the pending Public Records

Act Requests to determine frequency of dispatch calls related to anti-homeless enforcement. Follow up on those requests is recommended.

4. Hayward Area Recreational District (HARD)

HARD is another key actor in the scheme of enforcement. While HARD is independent of the City of Hayward with separate legal authority and jurisdictions, HARD does work with the Hayward Police Department, and the HPD is allowed to enforce HARD's regulations. These regulations contain their own anti-homeless laws, which are mostly enforced by HARD Rangers. Anecdotally, some Hayward community members have complained that HARD Rangers tend to be more aggressive and disrespectful than HPD. One HARD Board member reported that HARD issues fewer than 100 citations a year and has limited interactions with people experiencing homelessness. Given the citation data below and the homeless population in Hayward, any number of citations greater than 50 is high for the last several years. Neither the complaint nor the assertion about HARD's annual citations have been confirmed. Most reports of violations on HARD property go to the HPD. Whether HPD charges people for suspected violations on HARD's jurisdiction is unknown at this time. Citation data could and should be recovered through California Public Records Act request.

5. Hayward Police Department

Police officers are required to respond to unresolved municipal and criminal violations, including violations of anti-homeless laws. Those officers are authorized to issue warnings, abate unlawful activity, and arrest people. Officially, the Hayward Police Department has policies that guide police interactions with homeless individuals. According to HPD Policy 427.1.2, "It is the policy of the Hayward (*sic*) to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a

crime and members of this Department will not use homelessness solely as a basis for detention or law enforcement action.” Whether the department actually lives up to the aspirations of this policy remains to be seen. For example, another section of the same policy, HPD Policy 427.4, stipulates, “The personal property of homeless persons must not be treated differently than the property of other members of the public.” Such a policy requires equal treatment and standards for individuals in vastly different circumstances. However well-intentioned the policy, the private property of homeless individuals ought to have exceptions under HPD policy for how the police handle that property. If folks have no private place to store their goods, and the City cannot and will not provide storage for homeless individuals,³⁶ then the policy governing their personal property becomes punitive, even against a homeless person’s best efforts to follow the law.

The HPD has a significant amount of discretion in enforcing local laws. The most common form of enforcement, according to local police officials, are warnings and so-called “courtesy citations” (see Appendix C). Courtesy citations do not impose any penalties, nor do they require any action from the recipient. Nevertheless, they can be a significant source of harassment and stress. The HPD can also issue either administrative citations (Appendix A), infractions (Appendix B), or misdemeanors (Appendix B). Ultimately it is at HPD’s discretion that any individual be left alone, cited, or arrested. In some cases, the HPD will cite and file charges against an individual, which is akin to a strong recommendation to the District Attorney that the person should be prosecuted.

In Hayward, the Police Department has a community policing division headed up by Sergeant Jose Banuelos, the Homeless Community Liaison (HCL).³⁷ That division is charged with community outreach efforts, especially those involving people experiencing homelessness. And

³⁶ See [HMC § 4-17.25](#) (prohibiting public storage of private property).

³⁷ Hayward Police Department Policy Manual. Policy 427. Revised May 23, 2016.

when in doubt, any officer who comes across what might be an encampment, the officer is supposed to consult the HCL.³⁸ The HCL is often the lead on encampment sweeps, giving the initial required 72-hour notice, as well as being first to contact the people occupying the encampments. The HCL is responsible for (1) meeting with social services organizations and representatives, (2) maintaining a list of assistance programs for homeless people, (3) maintaining list of areas in the City that are frequent locations for encampments, (4) knowing the policies around removal or destruction of personal property, (5) developing training for officers to interact with homeless individuals and families. Often times the HCL provide limited information and referral services to homeless people relocated during encampment sweeps.

6. Administrative Citation Hearing and Appeal

The municipal Administrative Citation Program and the subsequent available appeals process begins with a municipal code violation. While technically any number of city officials can issue administrative citations, those most often who do are HPD officers. However, as discussed above, in some cases, Code Enforcement will also issue administrative citations to private property owners following nuisance abatement. Many other actors (and their designees) may also issue citations, but in practice only these few do. Scheduling a hearing requires upfront payment of as much as \$761.³⁹ All fees are also subject to delinquency penalties, which includes a \$5.00 monthly payment on top of a one percent (1%) interest assessed each month for the total unpaid balance.⁴⁰

7. Sheriff Department and District Attorney

When HPD conducts an arrest and brings the defendant to Hayward jail, the defendant faces three possible outcomes. First, the defendant is released if the District Attorney (DA) decides

³⁸ Hayward Police Department Policy Manual. Policy 427.4.

³⁹ Hayward Final Master Fee Schedule Fiscal Year 2018. "All City Departments."

⁴⁰ Hayward Final Master Fee Schedule Fiscal Year 2018. "All City Departments."

against filing charges. Second, the DA files charges, but the defendant posts bond and is released upon a promise to appear before the proper court at a specified date. Third, the DA presses charges, and the defendant is transferred to a county facility under the custody of Sheriff Department and held until the arraignment hearing. From the time of arrest, the Alameda County District Attorney has 48 hours to decide whether to press charges. The discretion of the DA is often crucial in determining whether violations of anti-homeless quality of life laws are charged as infractions or misdemeanors, which in turn determines the imposition of fines, fees, and/or jail time.

8. Superior Court

There is one of three ways a Hayward community member enters into the Superior Court following a violation of an anti-homeless law in the city. The first two ways include those addressed moving directly from police custody either through posting bond or through confinement until arraignment. The third pathway is through the opt-out provision in Hayward Municipal Code Section 1-7.13. This provision provides that any person “aggrieved” by the administrative decision made within the Administrative Citation Program process may file a petition for review with the Alameda County Superior Court. But for HMC Section 1-7.13 providing judicial review, the Administrative Citation Program may dilute due process and other fundamental rights since the municipal process does not itself provide for an attorney, speedy trial, or trial by jury in cases of administrative citations. As of May 2018, the Alameda County Superior Court refused to supply any of the data requested on court fines and fees associated with HPD citations or arrests of homeless individuals.

9. Public Defenders

Public defenders serve to protect the rights of people who otherwise could not afford access to an attorney. Public defenders in Alameda County defend people who are issued citations or

arrested for any number of violations under Hayward or California law. People experiencing homelessness or at-risk of homelessness can receive representation from a Public Defender in any criminal cases and even the Homeless Court. They play no role in the City of Hayward's local administrative citation enforcement process.

10. Collections and Collection Agencies

The flow chart featuring the local enforcement process captures two key points when collections of fines and fees come into play. The City of Hayward or a department or contractor acting on the city's behalf collects fees related to violations of municipal codes and subsequent administrative citations. In some instances, the City of Hayward collects payments for administrative citations through the services department or the revenue department. For the most part, however, the City contracts with private debt collectors who are responsible for all debt collecting activities. No matter the method, HMC § 1-7.12 also provides for the City to recoup its costs of collecting.

The other key collection point is through Alameda County collections, administered through the courthouse. Information on this process and its consequences is pending an interview with Kevin Hing, the Auditor Controller, and a subsequent Public Records Requests to that office for fee schedules, fines and fees database access, and relevant bench warrants issued. The first public records request to the County for fines and fees collections was rejected without help.

IV. Harassment in the Numbers

Each step homeless people in Hayward take into the labyrinth of law enforcement compounds the harassing forces that drive these individuals out of the Hayward, where a majority of those individuals have spent 10 or more years.⁴¹

⁴¹ Everyone Counts. City of Hayward. Homeless Point-In-Time Count and Survey. 2017.

The process starts with harassing complaints through mobile apps like Access Hayward or phone calls to HPD dispatch. Many of these complaints confirm a collective sense of fear or distrust of homeless people simply living wherever they can find space, protection, and (ironically) some sense of privacy. Those complaints by housed community members appear along a spectrum of intentions: on one end, a concern for the homeless person's well-being, and on the other, the reduction of that person to nothing but a blight on the neighborhood that must be removed. The latter end of the spectrum makes up the majority of the complaints and ultimately lead to less understanding of the unhoused community's struggles and to more interactions with law enforcement.

The rules and incentives under code enforcement, as explained with the KMART example earlier, compound harassing forces of the complaint system. When private property owners and businesses are punished with compounding fines for allowing homeless individuals to stay on their land, those owners and businesses can grow less sympathetic and have great disincentives for extending help to those in need. Meanwhile the City does not provide adequate housing or shelter options for homeless individuals, so they have no choice but to cycle through empty lots, abandoned properties, Caltrans land, and freeway underpasses, being repeatedly pushed from one space to another by vigilant housed residents and city officials.

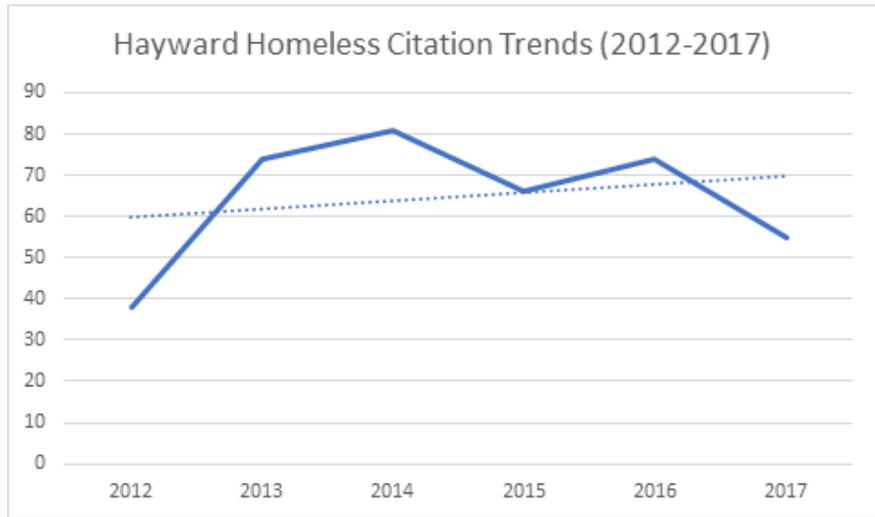
Harassment against homeless individuals in Hayward increases at the point in the law enforcement maze when HPD gets involved. As shown above, the HPD have a great deal of discretion to enforce a number of laws in overlapping jurisdictions. The most common of the tools are citation and arrest.

A. Citations and Arrests of Hayward Homeless Individuals

Homeless people in Hayward overall are being cited and arrested more often in recent years, even as the best available data suggests the number of people experiencing homelessness in Hayward has not increased in the last two years.⁴²

Based on citation and arrest data provided by the HPD, Hayward police cited Hayward homeless people a total of 392 times between 2012 and 2017. The chart to the right confirms the

upward trend. The number of citations of people experiencing homelessness in Hayward doubled from 38 in 2012 to 74 in 2013. The number of citations peaked at 81 in 2014 before dropping to 74 again in 2016.



As an example, one man was cited six separate times for a Hayward law that prohibits “scavenging for recyclables,” an act that one can view as a life-sustaining activity, for which the man earns modest amounts of money for recyclables he collects and turns in. Scavenging for recyclables is punishable through the Administrative Citation Program by compounding fines and fees.⁴³ The first offense is a \$100 fine (see Appendix A). The second violation is \$200. The third and all subsequent are \$500 each. So, in theory that’s \$2,300 in fines for collecting plastics and

⁴² According to EveryOne Home, an organization that mobilizes volunteers to assist with the Point-In-Time Count to better track the population of unhoused people in Alameda County, there has not been a significant change in the counted population of unhoused people in Hayward between 2015 and 2017. <http://everyonehome.org/everyone-counts/>.

⁴³ Adopted Master Fee Schedule Fiscal Year 2018. “All City Departments.” Section A. Administrative Citations.

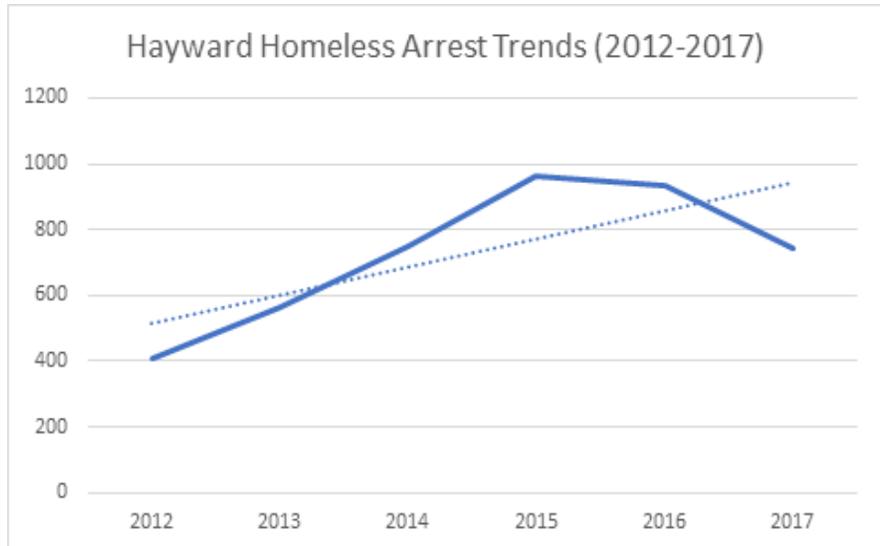
cans. Not to mention, the fines accumulate interest and late charges. And to get an administrative hearing to challenge the citations costs over \$700. That same man was also arrested 21 separate times, almost half of which were for possession of a shopping cart. His is not even the most egregious example of criminalization. One Latina woman was cited 11 times and arrested 56 times, mostly for either smoking or drinking in public. Notably, four homeless people in Hayward share almost 10 percent of all Hayward citations. See Chart 5 for a ranking of the laws the HPD relied on to cite homeless individuals.

Chart 5: Ranking of Citations Against People Experiencing Homelessness

Statute	Statute Description	# of Citations	% of Total Citations
5-6.11(a) HMC	Smoking Prohibited In A Public Place	136	34.69%
25620(A) BP-I	Possess Open Container On Park/Public Site	65	16.58%
21955 VC-I	Must Cross In Crosswalk	25	6.38%
4-17.20 HMC	Camping Prohibited	20	5.10%
4-2.40(B) HMC	Trespass Entering After Being Told To Stay Away	18	4.59%
5-9.30 HMC	Scavenging Recyclables Prohibited	15	3.83%
4-2.10 HMC	Consumption Of Alcoholic Beverages In Public	14	3.57%
21954(A) VC-I	Pedestrians Outside Crosswalks	10	2.55%
647(F) DRUNK PC-M	Public Intoxication Of Alcohol	9	2.30%
4-10.04 HMC	Aggressive Solicitation Prohibited	8	2.04%
374.3(a) PC-I	Dumping Refuse On Public Or Private Roads Or Property	8	2.04%
647(F) COMBO PC-M	Public Intoxication Of Drugs And Alcohol	7	1.79%
4-2.40(A) HMC	Trespass Remaining After Being Told To Leave	7	1.79%
647(E) PC-M	Lodge Without Owners Consent	5	1.28%
602(M) PC-M	Trespass-Entering/Occupying Without Consent	5	1.28%
4-17.25 HMC	Storage Of Personal Property Prohibited	3	0.77%
602(O) PC-M	Refusing Or Failing To Leave Land, Real Property, Or Structure Of Another, Not Open To Public	2	0.51%

Moreover, Hayward police arrest Hayward homeless people a total of 4401 times between 2012 and 2017. Over that time the trend was also up. Overall, the number of arrests of Hayward

homeless individuals nearly doubled between 2012 to 2017, increasing from 410 to 743, respectively. But, the number of arrests peaked in 2015 with people experiencing homelessness

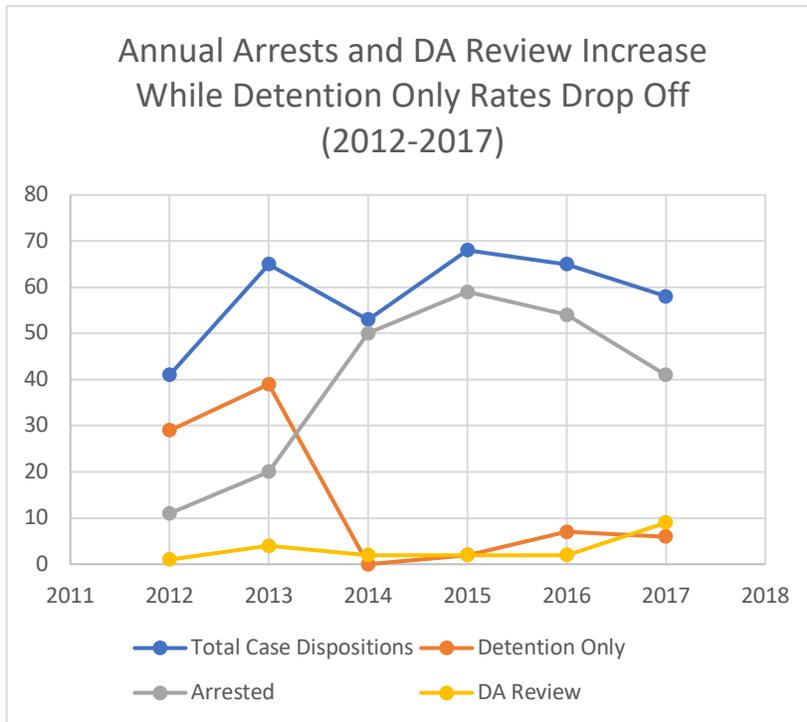


facing arrest 961 times. Remember, as discussed above, the best available data suggests Hayward's population of homeless individuals is no more than 400 in 2017, and as far as we know has not changed since 2015. These data suggest that enforcement by citation and arrest is up.

Not only are the citations and arrests up, but also the interactions between police and homeless individuals have also become more punitive. According to data obtained by the Hayward Police Department, cases for which reports were filed and dispositions determined after a citation was issued suggests law enforcement has been taking increasingly punitive measures. The graph on the following page illustrates this trend in Hayward.

The following data is referring to actions taken against individuals after a citation was issued. Detention only means that the HPD detained the individual for some reason or another but released that individual with no further charges, perhaps dropping the original citation. Arrested means the individual is properly booked and the arrest submitted with a request for DA Review. DA Review occurs when the DA takes notable action, including investigation or moving for

charges. Perhaps, the most telling change to observe from the graph is the dramatic replacement of Detention Only dispositions with more punitive Arrests that occurs from the year 2013 to the



year 2014. In 2013, the number of Detention Only dispositions following a citation were 39 while the number of people booked for Arrest were 20. But in 2014, the Detention Only dispositions dropped to zero while the number of people booked for Arrest increased to 50. To be sure, it is possible that

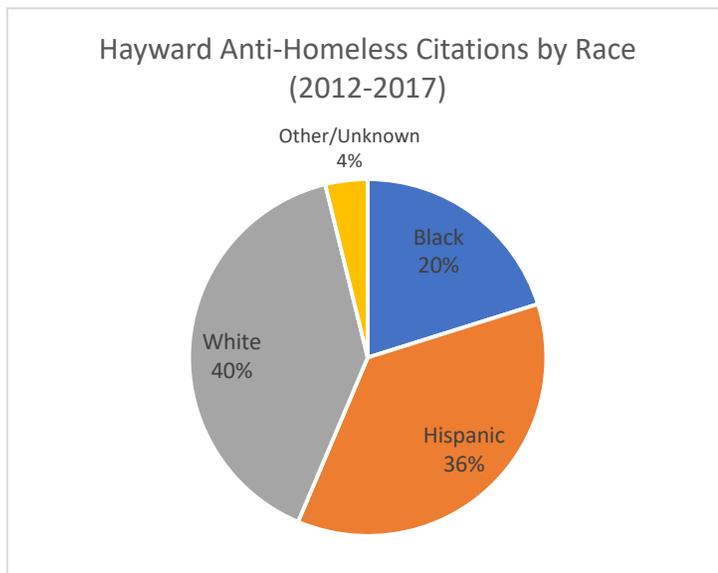
the way the Detention Only dispositions were reported changed, but that would fail to explain why there are modest Detention Only dispositions in the years following 2014. Thus, it is most likely that this change represents an increase in the punitive nature of police interactions with homeless individuals. The increases in total citations and arrests, along with the more punitive outcomes for people cited represents an overall increase in harassing behavior against homeless people. These criminalizing policies and trends are a not so subtle signal to the unhoused community that they are not wanted.

B. Hayward Citations and Arrests Based on Race

The harassment and pressure to leave Hayward compounds further if the homeless person happens to be a Black or Latino man. Hayward is the third most ethno-linguistically diverse city in the US. Hayward is 40.7 percent Hispanic or Latinx, 34.2 percent White, 25.1 percent

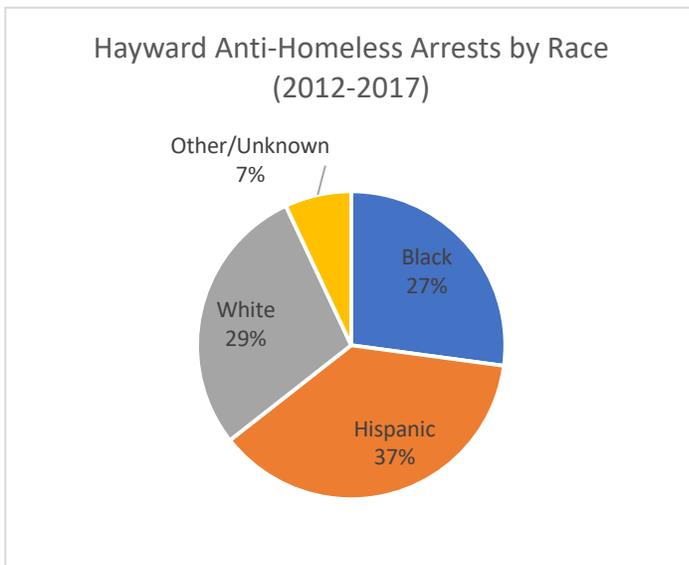
Asian/Pacific Islander, 11.9 percent Black, and 7.1 percent who are two or more races.⁴⁴ According to 2017 Homeless Point-In-Time County and Survey for Hayward, race and ethnicity of the homeless population looks quite different. Of the survey responses for identity 54 percent identified as white, 27 percent Latinx, 24 percent Black, 9 percent multi-ethnic, and 7 percent American Indian or Alaskan Native. There are a few notable differences between the general Hayward demographics and the demographics of the surveyed homeless people. White people are overrepresented among the Hayward homeless population by about 20 percentage points, and Black people are also overrepresented by more than double their share of the total Hayward population. Meanwhile Hayward Latinx individuals are underrepresented in the homeless population by more than 13 percentage points. The reasons for these discrepancies between the general Hayward population and the individuals experiencing homelessness in Hayward is far beyond the scope of this study, as it includes myriad economic, employment, geographic, institutional, and social factors. Nevertheless, homeless Black and Latino men disproportionately bear the burden of HPD’s enforcement of anti-homeless laws.

Despite that Latinx people experiencing homelessness are underrepresented in the Hayward homeless population, they are overrepresented as a portion of the homeless individuals who are cited and arrested. According to citation and arrest data provided by the Hayward



⁴⁴ City of Hayward. “By the Numbers.” Demographics. Accessed May 12, 2018. <https://www.hayward-ca.gov/discover/by-the-numbers>.

Police Department, of the 392 citations HPD issued for anti-homeless law violations between 2012 and 2017, 20.15 percent were against Black people, 36.22 percent against Latinx, 39.80 percent against White, and 3.83 percent against people of other or unknown race.⁴⁵ Thus, while Latinx people make up only 24 percent of Hayward homeless population they account for over 36 percent of the citations. Black individuals are both overrepresented as a portion of the homeless population and as a portion of the individuals who receive anti-homeless citations in Hayward: they are 11.4 percent of Hayward population, 24 percent of Hayward’s homeless population, and account for over 20 percent of the anti-homeless citations. Meanwhile, Whites are overrepresented in the Hayward homeless population (54 percent) but only account for 39.8 percent of anti-homeless citations. Not only are Latinx and Black people who experience homeless disproportionately likely to be cited for anti-homeless laws, but also the burden of anti-homeless enforcement compounds yet again when considering the portion of homeless Latinx and Black individuals who are arrested.



The portion of Latinx homeless individuals who are arrested is even higher than the portion cited. Of the 4,401 recorded arrests of homeless individuals in Hayward, homeless Latinx people accounted for 1,641 of those arrests, or 37.29 percent. So, again, although individuals who identify as

Latinx are underrepresented in Hayward’s homeless population, they account for the highest portion of homeless people arrested. Moreover, while Black people represent only 11.4 percent of

⁴⁵ Policy Advocacy Clinic data. Source: Hayward Police Department. Public Records Request. 2012-2018 Citation and Arrest Data for Homeless People.

Hayward total population and are overrepresented in the homeless population at 24 percent, they account for over 27 percent (1,194 or 4,401) of all arrests of Hayward homeless individuals. Finally, while Latinx and Black people experiencing homelessness are disproportionately cited and arrested, White people experiencing homelessness are underrepresented as a share of homeless arrests than their share of either the overall population of Hayward or the population of homeless people in Hayward. White people account for 34.2 percent of Hayward's total population and 54 percent of Hayward's homeless population, but they account for only 28.6 percent of arrests of homeless people.

V. Next Steps

As of this writing, significant gaps in the data received by California Public Records Act requests leave considerable work to be done to verify and expand on this study as it relates to practices in Hayward and the rest of Alameda County. Public Records Act requests have been submitted to Hayward Police Department, Maintenance Services, and Code Enforcement, all of which have been responded to adequately. Pending Public Records Act Requests include those to the Sheriff's Department, Alameda County Superior Court, and Alameda County controller's offices (collections).

In addition to following up on all records requests, this case study could benefit from more interview and survey work to investigate individual experiences moving through the system as described here. Future research should anticipate partnerships with leading organizations like the South Hayward Parish, a community organization that runs a winter warming shelter, a daily food pantry, and daily shower access to people experiencing homelessness. Further research should also include interviews with any willing individuals to obtain more qualitative information on the consequences of the current system and document any experiences of harassment or other harms

resulting from the enactment and enforcement of the above-listed laws could confirm but also enlighten the research behind this case study.

While this case study intends to introduce the financial costs as well as the human harms that the current system of enforcement generates, a more detailed cost-benefit analysis should be the focus of future research. The significance of obtaining and reporting on the financial costs is secondary to the primary objective of this case study, which is to document and report on the human harm that results from enforcing anti-homeless quality of life laws. Ultimately, this case study illustrates the complex web of institutions and laws that combine to systematically expel homeless community members from Hayward. While this study sheds significant light on an often-misunderstood system of enforcement, information from a more rigorous cost-benefit analysis on city finances and some qualitative methods to provide texture to the human harms this system inflicts may be able to paint the kind of rich picture advocates need to continue to push reform.

This study has illustrated the pressure homeless people face to leave the community where they often have lived for years increases with each additional step into the maze-like enforcement process for anti-homeless laws. From the housed-resident complaint driven mobile applications, to penalizing private property owners and businesses for helping the homeless, to disproportionately citing and arresting homeless Latinx and Black community members, the current system reduces homeless people to little more than a neighborhood “blight” that can be abated. The hope this study offers is that by addressing the housing crisis head on and acknowledging unhelpful and harmful rules and norms, we may be able to leverage funds being used to enforce anti-homeless laws instead to afford more proactive, preventative, and supportive investments in housing and supportive service infrastructure to aid people experiencing homelessness and housing insecurity rather than punish them.

Appendix A: Hayward Administrative Citation

CITY OF HAYWARD
ADMINISTRATIVE CITATION No. HA **059625**

Date	Time	Day of week	Report No.
Name (First, Middle, Last)			
Address:			
City:	State:	Zip Code:	
DL/ID No.	State	Class	Age Birth date
Race	Sex	Hair	Eyes Height Weight School, City
Parent or Legal Guardian		Telephone No.	

Violation Code(s)	Description	Fine Amount
HMC 5-6.11(a)	Smoking Prohibited in a Public Place	\$ 50.00
HMC 4-11.10	Social Host Ordinance	\$ 750.00
HMC 4-9.02.5	Juvenile - Daytime Curfew	\$ 100.00
HMC 5-9.30	Scavenging Recyclables Prohibited	\$ 100.00
HMC 6-2.01	Hand Cart Sales Prohibited	\$ 100.00
HMC 4-4.20	Dog License Required	\$ 100.00
HMC 4-4.11	Unnecessary Noise (Animals)	\$ 100.00
HMC 4-4.13	Animals at Large on Public Property	\$ 100.00
HMC		\$

Location of Violation

I certify under penalty of perjury that the foregoing is true and correct. Executed on the date shown above at Hayward, California.

Citing Officer _____ Badge No. _____

THIS IS NOT AN ADMISSION OF GUILT, YOU MUST RESPOND TO THIS CITATION WITHIN 15 DAYS.

SIGNATURE X

To pay the Fine(s)/Fee(s) associated with this citation and/or to notify the finance department of your intention to request a hearing, please see the reverse side for more information.

Appendix B: Alameda County Notice to Appear (citation for misdemeanors/infractions)

HAYWARD POLICE DEPARTMENT									
San Leandro - Hayward Judicial District, Alameda County, California									
NOTICE TO APPEAR			<input type="checkbox"/> Misdemeanor <input type="checkbox"/> Traffic <input type="checkbox"/> Nontraffic		H672602				
Date	Time	Day of week	Report No.						
Name (First, Middle, Last)			<input type="checkbox"/> Owner's Responsibility (Veh. Code, § 40001)						
Address									
City			State			Zip Code			
Drivers License #		State	CL	Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No		Age	Birth Date		
Race	Sex	Hair	Eyes	Height	Weight	<input type="checkbox"/> Juvenile (Tel #)			
Vehicle License No./VIN				State	Month	Year			
Yr. of Veh.	Make	Model		Body Style	Color(s)				
Registered Owner or Lessee					<input type="checkbox"/> Same as driver				
Address									
City					State			Zip Code	
Evidence of Financial Responsibility					<input type="checkbox"/> C.V.(V.C.15210b) <input type="checkbox"/> H.M.(V.C.353)				
Correctable Violation (CVC § 40610)			<input type="checkbox"/> Booking Required (see reverse)		Misdemeanor or Infraction (Circle)				
Yes	No	Violation(s)							
<input type="checkbox"/>	<input type="checkbox"/>				M I				
<input type="checkbox"/>	<input type="checkbox"/>				M I				
<input type="checkbox"/>	<input type="checkbox"/>				M I				
<input type="checkbox"/>	<input type="checkbox"/>				M I				
Approx. Speed	P/F Max. Speed	Veh. Speed Limit	Safe Speed	Direction	Radar/Lidar #				
Location of Violation(s)									
AT									
Weather	Road Conditions	Traffic Conditions		Accident Involved					
				<input type="checkbox"/> NO <input type="checkbox"/> YES					
<input type="checkbox"/> Violation not committed in my presence, declared on information and belief. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.									
Arresting or Citing Officer					Badge No.				
Date	Name of Arresting Officer, if different from Citing Officer				Badge No.				
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW. <input checked="" type="checkbox"/> Signature									
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE WHEN AND WHERE TO APPEAR: (Checked below) <input type="checkbox"/> BEFORE A CLERK OF THE SUPERIOR COURT, 39439 Paseo Padre Pkwy, Fremont, CA 94538 On or before this date: _____ <input type="checkbox"/> BEFORE A JUDGE OF THE SUPERIOR COURT, 24405 Amador Street, Hayward, CA 94544 On date: _____ Time: _____ Dept: _____ <input type="checkbox"/> _____									
Judicial Council of California Form					SEE REVERSE				
Rev. 03-02-10 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code § 853.9)					TR-130				
 Abacus Products · 510.785.9990									
id145548 (09/11)									

Appendix C: Courtesy Citation

HAYWARD POLICE DEPARTMENT	
COURTESY CITATION	
HC011041	
DATE _____ / ____ / ____	TIME _____
NAME _____	
ADDRESS _____	
CITY _____	STATE _____ PHONE _____
DOB _____ / ____ / ____	DL# _____ STATE _____
RACE _____	SEX _____ HAIR _____ EYES _____ HEIGHT _____ WEIGHT _____
LOCATION _____	
VEHICLE LICENSE# _____ STATE _____	
VEHICLE YEAR _____ MAKE _____	
MODEL _____	BODY _____ COLOR _____
VIOLATION _____	
REMARKS _____	
[] DDACTS	
OFFICER'S NAME _____	
I.D. # _____	
THIS IS NOT AN OFFICAL CITATION.	
THIS WILL NOT AFFECT YOUR DRIVING RECORD WITH THE STATE.	
YOU DO NOT HAVE TO APPEAR IN COURT.	
<p>The Hayward Police Department is conducting a program of public education in order to gain compliance and cooperation. A record of this citation will be placed in our files.</p> <p>Future violations of this nature will result in formal citations processed through the Superior Court.</p> <p>We appreciate your cooperation.</p>	
Diane Urban, CHIEF OF POLICE	
 Abacus Products	
id153127 (07/12)	

Appendix D: Interview Summaries

Cindy Jordan Kayl – Code Enforcement Officer

I asked if Cindy would be able to share with me her experience with interactions with Hayward's homeless population in her role as Code Enforcer. I also asked what Codes are most typical that she enforces. And what the process and procedures are that Code Enforcers must observe when they receive a complaint.

Jose Banuelos – Hayward Police Officer

Described his role in and approach to community policing and engagement. Explained the priorities of his unit, namely building relationships, establishing respect, offering supportive services to people in need. Supports empathy work. Explained extent of his discretion to issue administrative citations, courtesy citations, or infractions/misdemeanors. Took me on ride-along where we did community outreach and talked to some people experiencing homelessness about their relationship to the police.

Kara Portnow – Alameda County Homeless Court Public Defender

Explained her role as public defender in homeless court. Mostly she handles traffic violations to get people their licenses back. Encouraged me to speak with Kathie Barkow about eligibility requirements and program partners.

Rod Affonso – Streets and Landscape Maintenance Manager

Described his role managing a crew of five people who respond to nuisance complaints relating to abating blight on public property, sweeping and trashing homeless encampments, and other calls concerning excessive trash, debris, and unlawful dumping. Showed me staff reports and data capturing annual complaints, costs to the department for responding to complaints, and total trash, debris, and junk cleared, measured in tons. Also, identified key “hotspots” for the accumulation of trash, debris, etc.

Hayward Downtown Streets Team Survey Responses

Received responses from seventeen (17) people who have experienced homelessness, who are currently homeless, or who knows someone who has experienced or is currently experiencing homelessness. Of those seventeen (17), eleven (11) of them reported being personally treated unfairly or in a discriminatory way by the Hayward police three (3) or more times per month. And ten (10) reported they believed that the unfair or discriminatory treatment was due to their “homelessness status.” This surveying can be expanded through direct interviews at the South Hayward Parish, where many people who are currently experiencing homelessness tend to come frequently for food and showers.

Annotated Bibliography

“Facing Up to Homelessness.” The Department of Public Affairs and Administration, CSU, Easy Bay and The Task Force to End Hunger and Homelessness in Hayward. Published October, 2016. Accessed October 23, 2017. <https://www.hayward-ca.gov/sites/default/files/documents/HHCReportFinal.pdf>.

- A report resulting from a massive community-wide effort to interview hundreds of individuals and families experiencing homelessness in Hayward. Used to supplement the Point-in-Time Count.

Dan Brekke. “Hey, Bay Area: You Really *Are* Diverse”. KQED News. Accessed November 16, 2017. Published February 17, 2015. <https://ww2.kqed.org/news/2015/02/17/bay-area-cities-among-most-diverse-in-u-s/>.

- An article describing the extent of California’s diversity, and how diversity is measured.

Darin Moriki. “135 percent rent hike forces blind, elderly Hayward woman out of her home”. East Bay Times. Accessed November 16, 2017. Published March 29, 2017. <http://www.eastbaytimes.com/2017/03/29/hayward-blind-elderly-and-caught-in-bay-area-housing-crisis-throes/>.

- Exemplifies the consequences of the spiraling Bay Area housing crisis.

Everyone Counts. Alameda County 2017 Point in Time Count and Survey. Executive Summary. Accessed October 23, 2017. http://everyonehome.org/wp-content/uploads/2017/06/ALAEMDA_7-1.pdf.

- Summary of 2017 Point in Time Count. Breaks down demographics, income, shelter status, and other useful metrics for gripping the human cost on individuals and families of homelessness.

Devin Katayama. “Alameda County’s Homeless Population Climbs Dramatically Over Two Years.” The California Report. KQED News. Accessed October 23, 2017. <https://ww2.kqed.org/news/2017/05/26/alameda-countys-homeless-population-climbs-dramatically-over-two-years/>.

- Chronicles the recent surge in population of homeless individuals and families in Bay Area. Discusses potential causes and the challenges to finding solutions.

Eden I&R. Annual Report, Fiscal Year 2016 (June 2015–June 2016). Accessed on October 23, 2017. www.edenir.org/annual-agency-reports/.

- The annual report released by Eden Information and Referral, the system in Alameda County that is responsible for coordinating services between agencies in health, employment, and housing and for connecting displaced or vulnerable individuals and families with those services and agencies.

Eden I&R. Monthly Narrative Report: August 2017. Accessed on October 23, 2017. www.edenir.org/wp-content/uploads/2017/10/2-1-1_Monthly_Report_Aug_2017.pdf.

- Captures the Eden I&R’s call and referral data for the month of August 2017. Includes examples of individuals and families served across cities and services.

Eden I&R. Alameda County Summary by City, September 2017. Accessed on October 23, 2017. www.edenir.org/wp-content/uploads/2017/10/CitySummary_Sep_2017.pdf.

- Captures the Eden I&R county-wide summary. Identifies call and referral data for month of September 2017. Includes individuals and families served across cities and services.

Hayward Police Department Policy Manual. Policy 427. Revised May 23, 2016.

- Explains the Hayward Police Departments policies on interactions with homeless individuals.

Alameda County, Community Development Agency. Accessed May 9, 2018.

<https://www.acgov.org/cda/hcd/bond.htm>.

- Details the Measure A1 Bond allocations to each city within Alameda County.

John Emmeus Davis and Rick Jacobus. “The City-CLT Partnership: Municipal Support for Community Land Trusts.” Lincoln Institute of Land Policy. Cambridge, MA. Published June 2008. Accessed May 12, 2018. <https://www.lincolninst.edu/publications/policy-focus-reports/city-clt-partnership>.

- Illustrates City-CLT (Community Land Trust) partnership opportunities, which may be one tool to help address the affordable housing crisis by controlling runaway land costs.

Hayward Final Master Fee Schedule Fiscal Year 2018. “All City Departments.”

- Details the fees and penalties for violations of Hayward’s Municipal Code.