

CITY OF CHICO
POLICING REVIEW AD HOC COMMITTEE
Meeting Report

September 10, 2020, 1:00 p.m. – 2:30 p.m.

This meeting was conducted in accordance with Executive Order N-29-20

1. **Call to Order** – Mayor Schwab

Committee Attendees: Mayor Ann Schwab, Vice Mayor Alex Brown,
Councilmember Kasey Reynolds, Margaret Swick,
Cory Hunt, Rob Berry, Interim COP Matt Madden, Jim
Parrott
Absent Members: Omar Peña

2. **Mayor's Comments** – Mayor Schwab recapped Council's direction regarding committee's purpose and timeline.

Committee Purpose

- The Committee's purpose is to review police use-of-force policies, including training and implementation, and report their findings and recommendations for review (to the City Council).
- The Committee was not asked to review a police oversight committee or review any individual incidents.
- The Council asked the committee to complete their work in 90 days.
- At the conclusion of the Ad Hoc Committee's work, the Council will determine next steps.

Meeting Timeline – Training

- Council will be reviewing the City budget in October. Any recommendations for additional training will impact the City budget. Keeping that in mind, the agendas were set to focus first on training, then on specific use of force policies.
- Today's speaker will provide an outside perspective on training.
- Prior to the September 24th meeting, the Committee will be provided reports for the first four meetings, as well as all of the emails sent to policepubliccomments@chicoca.gov.
- At the September 24th meeting, committee members and members of the public will be provided the opportunity to provide input on the meeting reports as well as add their independent remarks to be included in the report. These remarks can be corrections or additions to the reports OR recommendations for additional training topics to be considered. These remarks can be made at the meeting or submitted to policepubliccomments@chicoca.gov.
- The meeting reports will be forwarded to Council.

Meeting Timeline – Use of force policies

- Beginning with the October 8th meeting, the Ad Hoc Committee will review use of force policies in preparation for sending another report to Council.

3. **Training Discussion** – Presentation by POST Law Enforcement Senior Consultant, Marty Picone to address police officer training, including hiring and background process, training requirements, training in relation to use of force, implicit bias, and Crisis Intervention Training (CIT), and de-escalation.

Marty Picone is a Regional Consultant for POST. He is one of 10 regional consultants and his region includes Chico and Butte County.

POST is short for Police Officers Standards and Training. POST is a California governing agency, under the Department of Justice. It is a compliance agency responsible for overseeing the hiring process of police officers and dispatchers, as well as establishing training policies and guidelines for police officers and dispatchers in the State of California. POST is independent of police departments and partners with agencies. They view themselves as close allies/friends to better law enforcement. They are an oversight agency and are responsible for the oversight of the hiring and training. They don't view themselves as an adversary but as an ally to accomplish their jobs and stay within California Standards.

Membership in POST is voluntary for law enforcement agencies.

All peace officer candidates must attend and complete the Basic Course (or Academy), comprised of a minimum of 664 hours (most are well over 900 hours). The Academy is comprised of numerous learning domains (topics and subjects), with a good number of hours mandated by the CA Legislature, to include such use of force related topics as:

- Use of Force/De-Escalation – 78 hours
- Hate Crimes – 16 hours
- Persons w/Mental Illness & Developmental Disabilities – 15 hours
- Racial and Cultural Diversity – 26 hours
- Principled Policing – 26 hours
- Arrest and Control – 60 hours
- Firearms – 72 hours

For officers employed by POST Program Law Enforce Agencies (Chico PD is one) there is a 24-Hour, biennial, refresher training requirement for all peace officers (and dispatchers), to include Perishable Skills (skills that will diminish over time if they are not refreshed) training of 4-Hour minimums

- Arrest and Control
- Firearms
- Driver's Training
- Communications

In addition, the CA Legislature requires refresher training totally 38 hours every two years to include:

- Domestic Violence – 2 hours every two years
- First Aid/CPR/AED – 8 hours every two years
- High Speed Vehicle Pursuit Policy – 2 hours every year
- Racial and Cultural Diversity – 2 hours every five years

SB 230 (that becomes effective Jan 1, 2021) requires the POST to implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the use of force - Hours to be determined.

POST just published De-Escalation Best Practices. This POST publication is available on POST website

There are three pieces of legislation related to use of force which are pending Governor Newsom's signature or veto. He has until the end of September to take action.

- AB 846 Would require the background process to include screening for implicit and explicit bias towards race or ethnicity, gender, nationality, religion, disability, or sexual orientation.
- AB 1196 Removes the carotid restraint hold or a choke hold from being authorized by any law enforcement agency.

- AB 1506 This bill would create a division within the Department of Justice to, upon the request of a law enforcement agency, review the use-of-force policy of the agency and make recommendations, as specified.
 - This bill would require a state prosecutor to investigate incidents of an officer-involved shooting resulting in the death of an unarmed civilian, as defined.
 - The bill would make the Attorney General the state prosecutor unless otherwise specified or named. The bill would authorize the state prosecutor to prepare a written report and would require the state prosecutor to post any reports made on a public internet website.

Membership in POST is voluntary for law enforcement agencies. All POST agencies must comply with POST training requirements (above). However, many law enforcement agencies offer and require additional trainings for members of their departments.

Agencies may send their personnel to POST certified courses or may offer in-agency training. Certain topics or disciplines require an instructor to receive special instruction, based on Com Reg 1070. Those instructors must attend a POST certified course on the specific discipline. Before instructors can teach a course, they need to receive specific training. Those instructors are vetted by POST. Additional trainings can be developed by law enforcement agencies. In order to be certified by POST, the agency submits the course content and resumes of the instructors. They are reviewed and vetted by POST's Regional Consultants. POST may ask for changes/edits to the course before it is approved. This review ensures the course materials are in accordance to state standards and regulations and instructors are knowledgeable. Once a course and instructors are approved, any police officer in the state may take that course. An agency may present the course for their own personnel and they may offer it to members of other agencies.

Private companies do offer trainings. These trainings and instructors are POST certified (similar to Chico Police Department trainings and instructors). These companies charge fees and often specialize in one aspect of law enforcement.

Mayor Schwab asked Mr. Picone what he knows about the Memphis Model of CIT. He said he knows of it, however, it is not used by POST and can't speak with any authority about it.

Mayor Schwab commented that POST monitors officer training. She asked what were the consequences of an officer not being in compliance with training? Mr. Picone answered that agencies and POST use EDI (Electronic Data Interchange) to track training. Compliance Analysis can monitor agency or individual officer records to ensure trainings are up to date. Once a year the Regional Consultants visit each agency for a Compliance Review to review the files of the officers and dispatchers hired within the last year and also check the agency's training status. The results are documented in a letter addressed to POST and the Chief of Police. If the agency demonstrates the inability to achieve compliance standards, a more formal process is undertaken, including a meeting between the POST Bureau Chief and the Chief of Police resulting in a formal notice. If not corrected, the agency can be removed from the POST program.

Chief Madden commented that Chico Police Department used to have pre-employment background checks conducted by Chico Police Department and/or retirees of Chico Police Department. They have stopped that practice and now the pre-employment background checks are conducted by Guardian, an independent company. Chief Madden feels Guardian provides pre-employment backgrounds that are less subjective than those conducted in-house. Chief Madden asked for Mr. Picone's assessment of Guardian. Guardian is a for-profit company. Chico Police Department is the first agency Mr. Picone has worked with that uses Guardian. He feels they do a very good job.

Chief Madden asked Mr. Picone to address the Field Training Officer Program. 400 hours is required for new officers. This training is POST certified. The training is conducted by several officers working a variety of shifts, exposing the new officer to different scenarios.

Councilmember Reynolds asked if Mr. Picone knew how many training hours other agencies required of their officers (above state mandated or POST training). He did not know.

Councilmember Reynolds asked Mr. Picone to clarify if Chico was the only agency in Northern California using an outside firm to conduct pre-employment background checks. Mr. Picone stated Chico was the only agency in the 19 counties, which includes 82 agencies, that are in his territory.

Chief Madden commented that POST only requires officers and dispatchers to have pre-employment background checks. Chico Police Department goes above and beyond that standard and requires pre-employment background checks for all personnel that work or volunteer for Chico Police Department.

Chief Madden commented that Chico Police Department's field training program was more than the required 400 hours.

Margaret Swick asked how does POST help agencies incorporate changes in law in order for officers to behave according to the new law. How do the agency train to the new laws, does POST actually train new laws? Mr. Picone shared that when new laws are passed, POST will issue bulletins with POST training guidelines for the new law and suggestions for curriculum.

Margaret Swick asked if there could be great variance in how agencies train in response to new laws. Mr. Picone acknowledged there is variance in agencies, and that agencies can customize their training.

Training Coordinator Carolyn Stone commented that during the 17 years she has been in her position, Chico Police Department has never had a problem with their training compliance, outside of officers that are on leave and do not have the opportunity to train. She will be retiring soon. A sergeant is being assigned to this role and Carolyn is training him.

Rob Berry asked questions about the training budget. Chief Madden, Carolyn Stone, and Mr. Picone provided answers. The Police Department training budget is \$185,000 a year. (The training budget was \$168,000 in 2003 when Carolyn Stone started in her position.) Some of the training is reimbursed by POST, however POST does not generally reimburse for personnel backfill when an officer is training. When the reimbursement is received, it is applied to the General Fund rather than the Police Department. In addition to officer training, the training budget covers all training, including training for the canine unit, CPR/first aid, EVOC (driving training), new management training. Personnel turnover and promotions/reassignments result in mandated training.

Margaret Swick asked Chief Madden if an officer pulling a weapon during a traffic stop was considered a use of force, does the department document every time an officer pulls a weapon, and does drawing a weapon go into use of force statistics, what are the consequences to an officer drawing a weapon when there is no apparent threat to the officer or to others, and do you keep records on which officers pull their weapons and follow any history on that? Chief Madden can't speak regarding former chiefs practices, however as the Chief of Police he will be tracking all use of force. Drawing a weapon is a use of force. Use of force needs to be justified and

reviewed. Chief Madden has changed the policy so that not only will use of force be reviewed by him, it will also be reviewed by the use of force officers. The Chief will be reviewing the circumstances of the situation and the use of force training officers will be looking for training opportunities and consistency with new laws. The Chief is reviewing the use of force policy. Even though SP 230 does not go into effect until January 2021, he wants the department's training to be ahead of the law.

Cory Hunt commented that it's not just the policy, it's the culture. Chief Madden talked about technology, such as body cameras, which can be reviewed and can add to officer oversight. Cory Hunt asked if there was a policy regarding use of body cameras (i.e. when they need to be turned on). Chief Madden affirmed there was a policy.

Cory Hunt asked to include time in the meetings for committee members to ask for any public comment from a previous meeting to be addressed. Mayor Schwab said she will include that in future agendas.

Mayor Schwab reviewed the proposed agenda for our next meeting.

- Review the reports from the previous meetings, agenda attachments, questions/comments by the public, and emails sent to policepubliccomments@chicoca.gov.
- Make any corrections to the reports
- Comments will be taken from committees members on material presented and/or comments on information committee members would recommend council explore

Vice Mayor Brown asked if the committee would be reviewing the current use of force policies in comparison to some change suggestions that have been brought forward. Mayor Schwab responded yes and that would be after we finish the training review.

Chief Madden shared he anticipates making several changes to the use of force policy in response to SB 230 and bills which may be signed by the Governor.

Margaret Swick asked how the Chief notifies the public and Council when there are changes to the use of force policy and will Lexipol be the source for new policy language? Chief Madden said Lexipol is used to assure the language complies with the laws. The community may view the Police Policies on the City's website. The City and Police PIOs will notify the public of changes to the use of force policies.

BUSINESS FROM THE FLOOR/PUBLIC COMMENT - Members of the public may address the Committee via WebEx or by email at policepubliccomments@chicoca.gov at this time on any matter not already listed on the agenda, with comments being limited to three minutes or as determined by the Chair. The Committee cannot take any action at this meeting on requests made under this section of the agenda

Addressing the Committee were: George Gold, Adam White, John Martin

Questions raised/comments made:

1. During the last meeting Mr. Madden made a point of calling me out for making a mistake about SB 230. He is correct, 230 is not yet law. For this transgression I apologize to Mr. Madden and this commission. However, the more pressing question for the police department and Mr. Madden is whether the Chico Police Department is in compliance with current law: AB 392, SB 1421, and SB 978, because my personal experience is that Chico Police Department violates these California laws every single day.

2. Training. A lot of discussion about de-escalation training, however the overriding challenge is the application of classroom training in the field, on the streets. This is the greatest challenge. During the last meeting of this group Mr. Parrott made a point trying to distract this commission by working to discredit or impugn the first-hand experience of Mr. Hunt; not hearsay, not second-hand anecdotal conversation but first-hand experience. This sort of approach is at the very root of the problems with citizen to police communications in Chico. Thank you.
3. I just have a curious question about the body cams. They were mentioned as a form of accountability and I am happy we have them. I'm just curious if they are always recording if they're activated by the officer or if they're automatically activated. How that is done. That's the only question I have at the moment.
4. I support the questions asked and comments made by the previous two speakers.

ADJOURNMENT - Adjourn to the Adjourned Regular Meeting of Thursday, September 24th, 2020 from 1:00 – 2:30 p.m.

From: [charlie yarbrough](#)
To: [Police Public Comments](#)
Subject: PUBLIC COMMENT ITEM
Date: Thursday, September 10, 2020 12:35:12 PM

ATTENTION: This message originated from outside **City of Chico**. Please exercise judgment before opening attachments, clicking on links, or replying.

Public comment for 10Sep20 PRAHC

This is now the 4th meeting with no PRAHC agenda item to discuss the following point already made repeatedly in comments: despite the wonkish reassurances of counsel, the Chico/Lexipol use of force document is NOT compliant with current California law. This is readily apparent in a side-by-side reading. Has anyone on the PRAHC done so? If it would help, and the PRAHC would pay attention, a red-lined version of current policy and its deficiencies could easily be provided.

The PRAHC should recommend to the City Council that this lack of correspondence between ChicoPD/Lexipol policy and state law AB 392 be recognized and a new source for a use of force policy be sought.

The continuing failure to agendize and deal openly with this one issue has the suspicious appearance of a stonewall by city administration. And there are other issues as well which has not yet even been put on the agenda for consideration. This one sided “everything is just fine” attitude is certainly challenging a lot of the early optimism that the PRAHC would be an open and transparent review of the issues and concerns of many Chico residents.

Charlie Yarbrough

From: [John Martin](#)
To: [Police Public Comments](#)
Subject: CPD practice
Date: Thursday, September 10, 2020 1:03:46 PM

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Q. "The mesh hood is a common device that the police and correction officers use, known as a "spit hood" or "spit sock" (NYT).

What is Chico's PD policy on this?...so far no word on this or mentioned in their Policy handbook(?).

Best,
John

From: [Emily Alma](#)
To: [Police Public Comments](#)
Subject: Questions re POST trainings
Date: Thursday, September 10, 2020 1:46:22 PM

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Is the POST curriculum and methodology accessible to the public? Is it possible for members of the public to attend the trainings?

I am particularly interested in training in implicit bias because there are so often incidents in the field that suggest that the training has not been effective; i.e. Chico pd applying harsh treatment to people of color, including drawing guns on people when there is no indication of threat of violence

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Emily Alma

"... this is about the fight for the soul of our democracy. We cannot afford to lose this one." Rep. Elijah Cummings, 1951-2019, Rest in Peace

From: [Emily Alma](#)
To: [Police Public Comments](#)
Subject: Memphis Model
Date: Thursday, September 10, 2020 1:56:24 PM

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It is important that we also hear detail about Memphis Model which is so widely acclaimed by advocates of de-escalation and crisis intervention. Plus it is used by all of our neighboring counties: Tehama, Glenn, Yolo, Yuba, Sacramento. Come on - surely you can find someone who can speak authoritatively about the Memphis Model.

POST is what Chico PD already gets, and incidents on the streets indicate that too many times it is not adequate to keep people safe.

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Emily Alma

"... this is about the fight for the soul of our democracy. We cannot afford to lose this one." Rep. Elijah Cummings, 1951-2019, Rest in Peace

From: [Diane Suzuki-Brobeck](#)
To: [Police Public Comments](#)
Subject: The Bills sitting on the gov's desk?
Date: Thursday, September 10, 2020 2:12:59 PM

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I would like to know more about the Assembly Bills that are sitting on the Governor's Desk.
Diane Suzuki
Chico, calif.

Diane Suzuki
CC4J Concerned Citizens for Justice – Chico
a local police reform coalition
Visit our website: <http://tiny.cc/CC4JWebsite>
Like our Facebook page: <http://tiny.cc/CC4J-Facebook>

From: [Emily Alma](#)
To: [Police Public Comments](#)
Subject: Called in but was not answered
Date: Thursday, September 10, 2020 2:19:26 PM

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I'm disappointed - there were so few questions that by the time I got the numbers punched in, the opportunity was closed. Perhaps in future you can keep the lines open longer for the public.

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Emily Alma

"... this is about the fight for the soul of our democracy. We cannot afford to lose this one." Rep. Elijah Cummings, 1951-2019, Rest in Peace