



TRACY EQUITY & EMPOWERMENT INITIATIVE
POLICY PROPOSALS FOR EQUITY & JUSTICE REFORM IN THE CITY OF TRACY

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TRACY EQUITY & EMPOWERMENT INITIATIVE: POLICY PROPOSALS FOR EQUITY & JUSTICE REFORM IN THE CITY OF TRACY

I. INTRODUCTION

“From the beginning of the formation of the United States, government played an instrumental role in creating and maintaining racial inequities.”¹ Despite progress, “many overtly discriminatory policies became illegal, but racial inequity nevertheless became embedded in policy that did not name race explicitly, yet still perpetuated racial inequities... Now, with a growing movement of government leaders examining the racial impacts of public policy on their communities, there is tremendous opportunity for the development of active policies, practices, and procedures that advance racial equity.”²

Failing to address this issue and take action now increases the risk that injustices and inequality may occur for the most disproportionately affected groups in our community. The policies proposed herein will address the historical factors that contribute to systemic racism and recommend strategies for dismantling such institutions and securing justice and equality for all in our community.

The City of Tracy is not immune to the existence of racism or the expression of anti-Black sentiments. Tracy was formerly one of two headquarters for the NSWPP (National Socialist White Peoples Party), a neo-Nazi group believed to have been active up until the 1980s.³

The purpose of this proposal is to establish a framework that will promote racial and social equity in the City of Tracy—across its organization, departments, projects, and programs. Equity should be accessible to anyone who works or engages with the City of Tracy, including—but not limited to—partner institutions, local schools, and beneficiaries of local funds. Injustice of all forms shall be purposefully eradicated through the administration of strategies, policies, and procedures affecting constituents and staff alike.

¹ Julie Nelson & Lauren Spokane, “Advancing Racial Equity and Transforming Government,” Local & Regional Government Alliance on Race & Equity, https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource_Guide.pdf.

² Ibid.

³ Sam Matthews, “The Faded History of the Tracy Neofascists,” *Tracy Press*, August 18, 2017, https://www.ttownmedia.com/tracy_press/our_town/the-faded-history-of-tracy-neofascists/article_7207338c-8387-11e7-b4f6-3f61a6846a65.html.

II. BACKGROUND

On May 25, 2020, George Floyd, an African-American man, was killed by police during an arrest in Minneapolis, Minnesota. A video recording of the killing, which showed one officer needlessly kneeling on Floyd's neck for 8 minutes and 46 seconds, quickly circulated around social media platforms and garnered international news coverage. In response to this killing, protests were held in cities throughout the country and the rest of the world.

Afterwards, public polls reported that 67% of Americans believe the criminal justice system favors white people over black people in the United States, an increase from 52% in 2016.⁴ This massive shift in public opinion also enhanced engagement in our own community. On May 23, 2020, approximately 300 people—mostly young people—gathered at the intersection of 11th Street and Corral Hollow Road to protest the killing of George Floyd by Minneapolis police and to support the Black Lives Matter movement.⁵

To quote one organizer of this demonstration, Manuel Zapata: "People actually care about the issues and specifically how flagrantly wrong this one was... We even saw police officers across the country speaking up and some of them joining protests, so we knew that we had a lot of energy here in Tracy, and wanted to make sure that we could stand in solidarity, just against the negativity in the air, and then the constant stories of police brutality in the media. We just had to do something for our community to show our strength here."⁶

Similarly, on June 3, approximately 550 people marched from Corral Hollow Road along 11th Street to Tracy City Hall in 103 degree heat.⁷ Two days later, nearly 100 gathered in front of Tracy City Hall to hold a vigil honoring the lives lost to police brutality, including George Floyd.⁸ Finally, on June 12, approximately 150 individuals – most of whom were youth activists – marched approximately 2.1 miles from Tracy Sports Complex to City Hall. There, they expressed their frustration with the criminal justice system and its failure to protect Black lives. The speakers at all of these events emphasized the need for greater engagement with and accountability over local policies and elected officials. The activists urged that the demonstrations could not stop with mere marching and posting on social media, but that they must translate into policy proposals by elected officials at all levels.

While the murder of George Floyd prompted the recent protests, the calls to move towards more just and equitable systems extend beyond that single atrocity. His death was a reminder that government at all levels still has an obligation to ensure equal opportunities and protection under the law, regardless of race, religion, or other characteristics.

⁴ Jennifer Agiesta, "CNN Poll: Trump losing ground to Biden amid chaotic week," CNN.com, June 6, 2020, <https://www.cnn.com/2020/06/08/politics/cnn-poll-trump-biden-chaotic-week/index.html>.

⁵ Bob Brownne, "Nonviolent Demonstration Echoes Protests Across Country," TRACY PRESS, June 1, 2020, https://www.townmedia.com/tracy_press/news/nonviolent-demonstration-echoes-protests-across-country/article_03f657fa-a45f-11ea-afe4-e36057339cf7.html.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

III. PROBLEM STATEMENT

Given the heightened public opposition to systemic inequality and governmental abuse, the City of Tracy has an opportunity and responsibility to acknowledge, address, and dismantle any structural racism or implicit inequalities that may inherently exist in the City's own policies, programs, and practices. While our local community may have only limited experiences with *overt* prejudice in recent years, it is important to acknowledge a historical record that includes both explicit and implicit racism. The City of Tracy must accept the public's call for action and act now to investigate the impacts of structural racism. The "Tracy Equity and Empowerment Initiative" is the first step towards truly promoting equity and justice in our city.

IV. SOLUTIONS

There is no simple, easy solution for dismantling systemic racism or achieving justice. However, through its central promotional strategy, the City of Tracy already positions itself as "a great place to live, work, and play." To this end, the City has been very intentional about efficiently responding to community concerns and continually engaging with residents through open events. Similarly, the Tracy Police Department has a record of fostering strong rapport with locals through its community policing strategy, which pushes officers to stay engaged with and visible in the neighborhoods they protect and serve.

Evaluating city strategies and policies and working together with community members and other stakeholders is integral to securing justice and equality for all in our Tracy community.

A. PUBLIC SAFETY POLICY

Modern police policies have substantially evolved over the history of our nation, and today's best practices are evolving to acknowledge and address historic systemic racism. Overwhelming statistical data demonstrates that People of Color, especially Black men, are arrested and convicted of crimes at disproportionately higher rates than other demographic groups. Police reform initiatives encourage law enforcement agencies to evaluate their own roles within the criminal justice system and the resources utilized to achieve such responsibilities, while seeking solutions to achieve justice and equality for all.

On June 10, 2020, the Tracy Police Department issued a press release in response to public demands for action, particularly regarding use of force policies. (See ATTACHMENT A.) It is important for the City Council to adapt and implement these demands in the time to come.

On June 24, 2020, a part-time Professional Standards Officer, responsible for conducting Internal Affairs investigations for the Tracy Police Department, was alleged to be involved in a private Facebook group in which he and others made comments about killing a Black

Lives Matter activist. The matter is currently being investigated by the FBI, and per the Tracy Police Chief, the individual is no longer serving with the department.

Given the current public sentiment, the City of Tracy has a unique opportunity and obligation to assume a leading role in the movement for greater equity and justice.

Therefore, Councilmembers Arriola & Ransom request the following policy proposals:

- **ADOPT POLICIES TO PREVENT POLICE VIOLENCE.**

- Substantial research has evaluated how the adoption of various policing practices result in demographic disparities in criminal justice outcomes. Particularly, evidence-based strategies and policies should be adopted as “best practices” to ensure justice and equality for disenfranchised groups, especially African Americans. Given that research shows that *“Black people are three times more likely to be killed by police than their White counterparts,”* these restrictions would go a long way towards minimizing systemic disparities and injustices.⁹
- Moreover, research strongly indicates that adopting specific use-of-force standards *reduces police violence, increases police officer safety, and bears no negative impact on crime rates.*¹⁰ These policies make officers *much less likely to be killed, assaulted, or injured in the line of duty.*¹¹
- Any policy reform proposals should be assessed with stakeholder input regarding the reasonableness, practicality, and impact of reform proposals.

- **EVALUATE AND CONSIDER COMMUNITY CAMPAIGNS CALLING FOR POLICE REFORM.**

- Several initiatives and community campaigns seeking to address police reform have developed in the aftermath of the killing of George Floyd—including the #8CantWait campaign, the #8ToAbolition campaign, and the NAACP “Ten Point Action Plan,” among others. Such initiatives have raised questions as to whether there are areas of policing that are detrimental to community trust or that are cost prohibitive. Key areas that have been considered by these community campaigns include funding reallocations, division of police services from non-criminal services; the elimination of qualified immunity; the separation of police from schools; the repeal of laws that criminalize survival—such as anti-homeless ordinances; and the development of a “care, not cops” doctrine.

⁹ Campaign Zero, “Policy Analysis.”

¹⁰ #8CantWait, “The Research Basis for More Restrictive Use of Force Standards,” CAMPAIGN ZERO, June 3, 2020, https://docs.google.com/document/d/1XS-frPPH7cSDf5ovsj6RG4z4ukMlozPxLki7WjBnK_Q/.

¹¹ Campaign Zero, “Police Use of Force Policy Analysis,” September 20, 2016, CAMPAIGN ZERO, <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/57e1b5cc2994ca4ac1d97700/1474409936835/Police+Use+of+Force+Report.pdf>.

- Specifically, the community sentiment has generally expressed a call to action for adoption of the “#8CantWait” policy proposals:
 - Clarifying Duty to Intervene Standards
 - Requiring De-Escalation Training and Policies
 - Requiring a Clear Use-of-Force Continuum
 - Requiring All Force Be Reported
 - Requiring Warning Before Shooting
 - Exhausting All Alternatives Before Shooting
 - Prohibiting Shooting at Moving Vehicles
 - Prohibiting Chokeholds & Strangleholds

“POLICE DEPARTMENTS THAT PLACE CLEAR RESTRICTIONS ON WHEN AND HOW OFFICERS USE FORCE HAD **SIGNIFICANTLY FEWER** POLICE KILLINGS THAN THOSE THAT DID NOT HAVE THESE LIMITS IN PLACE.”¹²



- The Tracy Equity & Empowerment Initiative calls for a study and evaluation of these community campaigns with a response for their viability and effectiveness from the Tracy Police Department in the near future.
- **REVIEW TRAINING FOR TRACY POLICE OFFICERS & REQUIRE IMPLICIT BIAS AND CULTURAL COMPETENCY TRAINING.**
 - As policies change, it is imperative that officers receive the training necessary to actualize the goals behind these policies. Some “biases may occur at the *implicit level*, where people’s subconscious biases guide their choices even when they’re not fully aware of it.”¹³ This is critical because “Black people

¹² Ibid.

¹³ German Lopez, “American Policing Is Broken. Here’s How to Fix It,” Vox, September 1, 2017, <https://www.vox.com/policy-and-politics/2016/11/29/12989428/police-shooting-race-crime>.

account for 31 percent of police killing victims, even though they make up just 13 percent of the US population.”¹⁴

- Nonetheless, the optimistic part of all this grim research is that *implicit biases may be reduced* over time through practice, training, and experience.¹⁵
- Notably, EPIC Officers Helping Officers is a training program used in New Orleans, LA. The program—identified in “*Subject to Debate*,” Vol. 30, No. 2, a publication of the Police Executive Research Forum—is said to protect officers from inadvertent misconduct by providing practical prevention tools.
- Suggested training should include: implicit bias training; cultural competency training; the benefits of intervention and the legal risks of non-intervention; helping officers identify when intervention is necessary; teaching effective intervention strategies; teaching officers how to accept intervention respectfully; and protecting officers who intervene or accept intervention.

● REVIEW THE CITY OF TRACY’S BUDGET PRIORITIES & CONSIDER INCREASING FUNDING FOR PREVENTATIVE SUPPORT SERVICES.

- There are opportunities to more effectively deploy City resources to respond to community concerns, such as trauma inflicted by violence and addiction. Such opportunities could include protocols such as sending trauma clinicians as co-responders when police respond to shootings or violent acts. The City of Tracy has an opportunity to better coordinate local resources and institutions. The effective allocation of resources will lead to stronger and safer communities.
- Police officers often “take the place of social workers, emergency medical personnel, and welfare caseworkers,” handling homelessness, drug addiction, and other crises despite inadequate training with any of those societal ills.¹⁶ “This moment in time and history gives us a lot of momentum to make everlasting changes within the department.”¹⁷ Notably, research indicates that “in a city of 100,000, each new nonprofit community organization leads to a 1.2 percent drop in the homicide rate, a 1 percent reduction in the violent crime rate, and a 0.7 percent reduction in the property crime rate.”¹⁸

¹⁴ Lopez, “American Policing,” Vox, September 1, 2017, <https://www.vox.com/policy-and-politics/2016/11/29/12989428/police-shooting-race-crime>.

¹⁵ Ibid.

¹⁶ Matthew Yglesias, “Growing Calls to ‘Defund the Police’ Explained,” Vox, June 3, 2020, <https://www.vox.com/2020/6/3/21276824/defund-police-divest-explainer>.

¹⁷ Abigail Savitch-Lew, “In New York City, Momentum Behind Cutting the NYPD Budget is Growing,” Jacobin, June 5, 2020, <https://www.jacobinmag.com/2020/06/nyc-nypd-city-council-brutality-racism-police-budget>.

¹⁸ Noah Atchison, *Community Organizations Have Important Role in Lowering Crime Rates*, Brennan Center for Justice, April 20, 2018, <https://www.brennancenter.org/our-work/analysis-opinion/community-organizations-have-important-role-lowering-crime-rates>.

“Expanding social and economic programs for under-resourced communities leads to *an overall decrease in crime*.”¹⁹ The City of Tracy has an opportunity to increase support for local organizations engaging in these types of services to further reduce crime and violence in our community.

- The Tracy Equity & Empowerment Initiative calls for a study and evaluation of the City of Tracy’s budget priorities, and consideration of increasing funding towards preventative and support services in the near future.

- **ENHANCE TRANSPARENCY AND ACCESS TO PUBLIC SAFETY POLICIES AND STATISTICS.**

- Enhanced transparency in public safety policies with comprehensive and regularly scheduled data and statistics should be made available for the public to review. Such data should include information related to complaints, findings, and other significant statistics.

B. SOCIAL EQUITY POLICY

“Current inequities are sustained by historical legacies, structures, and systems that repeat patterns of exclusion.”²⁰ While progress has been made “in addressing explicit discrimination, racial inequities continue to be deep, pervasive, and persistent across the country. Racial inequities exist across all indicators of success, including in education, criminal justice, jobs, housing, public infrastructure, and health, regardless of region.”²¹

Generally speaking, the systemic oppression of groups of individuals based on race, gender, sexual orientation, physical ability, age, and other features have resulted in prominent and pervasive inequities in our society. Nonetheless, racial equity can be achieved when “race can no longer be used to predict life outcomes, and outcomes for all groups are improved.”²²

Public policy is the mechanism through which governments have perpetuated racial disparities and injustices throughout the history of our country. As such, public policy has a role to play in reversing that harm and ensuring justice and equality for all in our City.

¹⁹ Justin Brooke, *Defund the Police Now*, The Appeal, June 01, 2020, <https://theappeal.org/defund-police-george-floyd/>.

²⁰ Julie Nelson & Lauren Spokane, *Advancing Racial Equity and Transforming Government*, Local & Regional Government Alliance on Race & Equity, https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource_Guide.pdf.

²¹ Julie Nelson & Lauren Spokane, *Advancing Racial Equity and Transforming Government*, Local & Regional Government Alliance on Race & Equity, https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource_Guide.pdf.

²² Julie Nelson & Lauren Spokane, *Advancing Racial Equity and Transforming Government*, Local & Regional Government Alliance on Race & Equity, https://www.racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource_Guide.pdf.

Doing so will require an entire rethinking, reevaluation, and recommitment to ensure that all members of the Tracy community are supported, invested in, and valued—a goal best achieved by *embedding an equity framework into every aspect of governance*.

Therefore, Councilmembers Arriola & Ransom request the following policy proposals:

- **ADOPT AN “EQUITY FRAMEWORK FOR GOVERNANCE” TO ADVANCE EQUITY & JUSTICE IN ALL AREAS OF GOVERNMENT.**

- This consistent evaluative lens will ensure the equitable development and delivery of future policies, programs, and services.²³
- Such a commitment, in the form of a resolution, will affirm the City’s vision towards achieving social equity. Making a long-term commitment to achieving equity begins with a “declaration that all residents deserve an equitable opportunity to succeed – regardless of their race, color, sex, nationality, sexual orientation, religion, disability, income, or where they live.”²⁴
- This resolution shall require a *commitment to opposing racism and prejudice*. The language should also (1) express a commitment to equity in City contracts and MOUs; (2) promote a safe place for employees and citizens to express concerns regarding our City’s response to issues related to race, sex, age, or sexual orientation or identity; (3) direct the City Manager to develop annual “equity plans,” which would include mandatory training for City employees and department heads; and (4) commit to improving data collection and using equity tools to examine policy and service decisions.

- **REQUIRE “EQUITY IMPACT ASSESSMENT” FOR ALL CITY POLICIES, PROGRAMS, AND SERVICES.**

- It will allow local “leaders to look intentionally, comprehensively, and systemically at barriers that may be creating gaps in opportunity.”²⁵
- By requiring such analysis, the City Council will be better equipped to introduce and consider legislation to support all Tracy residents. The analysis will evaluate the proposed policy and offer recommendations or explore other policy options when appropriate. The analysis will be required to consider the impact of proposed legislation through an equity lens, including race and ethnicity, gender, sexual orientation and identity,

²³ Fairfax County, Virginia, *One Fairfax*, <https://www.fairfaxcounty.gov/topics/one-fairfax>.

²⁴ Fairfax County, Virginia, *One Fairfax*, <https://www.fairfaxcounty.gov/topics/one-fairfax>.

²⁵ Fairfax County, Virginia, *One Fairfax*, <https://www.fairfaxcounty.gov/topics/one-fairfax>.

socioeconomic status, and geographic location. This analysis should also include an examination of the historical context of the policy in question.

- This requirement will push all government agencies to rethink the way they create and implement policy, while also normalizing and prioritizing equitable outcomes in all public decision-making. Prior to voting on any local legislation, the City Council should know what the proposal will do, how much it will cost taxpayers, and how it will impact all demographics of Tracy residents.
- All municipal departments should also directly consider equity in their decisions. Many cities have initiated work to promote racial equity and social justice throughout their governmental structures. Cities that do not directly address such issues can inadvertently perpetuate harmful educational, health, and financial inequities.
- **ESTABLISH A “GOVERNMENT ACCOUNTABILITY COMMISSION” FOR THE CITY OF TRACY.**
 - This commission would make evidence-based recommendations for local reform and monitor outcomes, with special focus on racial equity and social justice. It would also identify existing government policies that could be changed to address historical and contemporary inequities.
 - The commission should be composed of individuals with policy-area expertise to study and provide recommendations on how to address the opportunities our City may have to enhance equity in all areas. Areas of interest may include housing fairness and accountability, landlord/tenant laws, environmental justice, and other socially responsible policy practices.
 - The commission should collect and use data and metrics, so the City of Tracy can develop equity plans while sharing information, tracking progress, and achieving results.

V. CONCLUSION

Ultimately, the proposed public safety and social equity policies must be prioritized by the City of Tracy to accomplish the goal of achieving justice and equality for all in our City.

Therefore, Councilmembers Arriola and Ransom request that all of these policy proposals be considered and adopted by the Tracy City Council to address the issue of systemic racism and prejudice in our community.

ATTACHMENT A



**City of Tracy
Police Department**



IMAGES: Where We Stand... (Image 1 of 4)



WHERE WE STAND

A comprehensive look at
your Tracy Police
Department.



June 2020



**City of Tracy
Police Department**



BAN CHOKEHOLDS & STRANGLEHOLDS

The use of "chokeholds" and "strangleholds" are not authorized for use by our Tracy Police Officers.

Effective June 8, 2020 the Tracy Police Department has prohibited the use of the carotid control hold.



REQUIRE DE-ESCALATION

Your Tracy Police Department trains all of our officers
in de-escalation techniques

Officers are required to attend a four-hour Interpersonal Communication and De-escalation training certified by California POST (Commission of Peace Officer's Standards and Training). Every two years after that, officers attend a refresher course on the topic. The previously mentioned training is in addition to the training received in the academy and during their Field Training Program. Our Field Training Officers (FTO) attend an eight-hour Crisis Intervention and de-escalation course as well to assist in passing the information to new hires.



“THE MEN AND WOMEN OF OUR
TRACY POLICE DEPARTMENT
ARE COMMITTED TO
CONTINUING TO BUILD
PARTNERSHIPS OF TRUST
WITH OUR COMMUNITY.”

Sekou Millington, Chief of Police

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City of Tracy
Police Department



REQUIRE WARNING BEFORE SHOOTING

AB 392 states: "where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts." This requirement is consistent with federal case law.



REQUIRE TO EXHAUST ALL ALTERNATIVES BEFORE SHOOTING

Tracy Police Officers are bound by Subdivision (a)(2) of Section 835a California Penal Code, which conveys that peace officers may use deadly force "only when necessary in defense of human life."

In determining whether deadly force is necessary, Officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer. As such, this section incorporates the "objectively reasonable officer" standard and tacitly acknowledges that an officer is only required to use less-lethal force if it is reasonably safe and feasible for the officer to do so without endangering the officer's life or the lives of others.



DUTY TO INTERVENE

The Tracy Police Department requires an officer who observes another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall intervene when in a position to do so. The policy also requires the officer to report their observations to a supervisor promptly. The requirement is covered in our policy under section 300.2.1

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City of Tracy
Police Department



SHOOTING AT MOVING VEHICLES

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants, or if deadly force other than the vehicle is directed at the officer or others. Policy 300.4.1

REQUIRED USE OF FORCE CONTINUUM

Officers are required to make decisions in rapidly-changing situations.

The Use of Force Continuum concept is an aged concept from previous decades and has given way to more knowledgeable, science-based use of force training and policies. Use of Force is covered in section 300 and the policy is consistent with California Penal Code section 835a.

REQUIRED REPORTING

The Tracy Police Department requires officers to document any use of force in a police report. Documentation requirements are covered in department policy.



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