


Approved as to form:

By: 
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Interim City Attorney

**CITY OF VALLEJO PROCLAMATION OF A LOCAL PUBLIC SAFETY
EMERGENCY BY THE VALLEJO CITY COUNCIL**

WHEREAS, the City of Vallejo now faces a serious increase in local crime and a challenge to the Vallejo Police Department's (VPD) legitimacy and trust within parts of the community because of numerous officer-involved-shootings, investigation of internal scandals such as badge bending, a perception that officers are not held accountable, and an unprecedented increase in the number of use-of-force lawsuits; and

WHEREAS, many VPD employees serve Vallejo residents with a high degree of professionalism and rise to the occasion during challenging times; thus, creating a high degree of respect and pride for this group from all parts of City leadership; and

WHEREAS, what VPD has historically done in not holding officers accountable for inappropriate behavior and performance creates an outsized impact on the image of the department and the majority that are providing great services to Vallejo residents; and

WHEREAS, VPD's ability to manage and impact crime rates is related to the public's willingness to assist the City in that effort; thus the crisis of legitimacy and trust makes it more difficult to control the crime which has created a public safety emergency endangering the lives and property of Vallejo residents and visitors; and

WHEREAS, there have been 358 shootings and 22 homicides in the City since the beginning of the year – putting the City on pace to be the highest in history. These homicides include an egregious incident in August 2020 where two individuals were murdered and their one-year-old infant shot, and an incident in June 2020 where shooters opened fire at a toddler's birthday party, killing two and wounding three other people, including a 10-year-old child; and

WHEREAS, homicides in the City have doubled and rapes and shootings have increased approximately 40% compared to the same time last year; and

WHEREAS, violent crime within the City has been disproportionately perpetuated against African-American and Latino citizens and visitors; and

WHEREAS, over the past decade, there have been a high number of officer-involved-shootings and uses of force against Vallejo residents and visitors causing trauma, grief and fear among segments of our community; and

WHEREAS, the City’s overall budget is expected to be taxed with outstanding claims and litigation against the City related to police actions, as there are currently 24 federal civil rights cases pending against the City of Vallejo and 13 government tort claims arising from police conduct. The estimated total exposure for such claims may exceed \$50 Million; and

WHEREAS, the City’s excess insurance provider recently settled an officer-involved-shooting (OIS) federal lawsuit for \$5.7 million and there are other OIS claims in litigation at the present time that create additional risk to the City. Concurrently, there is a “hardening” insurance market that is making it more difficult and more expensive to acquire insurance coverage for public agencies with police departments. Insurance providers are substantially increasing premiums and deductibles. This latter change transfers financial risk back to the City. Continued negative claim trends have already forced the City to seek new excess insurance coverage and the City cannot afford additional penalties or cost increases during this unprecedented pandemic-caused recession; and

WHEREAS, in the summer of 2019, the City of Vallejo commissioned the OIR Group to conduct an independent assessment of the VPD amidst a period of transition after the retirement of former Chief Bidou and search for a new police chief against a backdrop of incidents – including fatal officer-involved shootings– that had prompted public concern and demonstrations; and

WHEREAS, in September 2019, the City hired Police Chief Shawny Williams providing him with a mandate to implement the necessary changes as recommended in the OIR Report and implement 21st century policing policies; and

WHEREAS, Chief Williams has identified multiple issues within VPD that required change; and

WHEREAS, in May 2020, the OIR Group completed its assessment of VPD and issued a comprehensive report (“OIR Report”). The OIR Report was critical of the manner in which VPD was reviewing use-of-force incidents; investigating misconduct allegations; not disciplining officers; and a need for a change in organizational culture; and

WHEREAS, the OIR Report sets forth 45 recommendations intended to ensure that VPD engages in best practices and implements needed reforms, including recommendations that the Department: commit to strengthening its workforce by focusing on diversity in recruiting, find ways to provide promotional opportunities and mentoring for female officers and officers of color, emphasize de-escalation principles, and evaluate its internal investigations and levels of discipline to ensure proper remediation, among other recommendations; and

WHEREAS, in the wake of the nationally publicized killing of George Floyd by Minneapolis Police Officers in May 2020, widespread civil unrest, protests, riots, arson, and looting occurred in the City, suspects set fire to City Hall, and the City imposed a curfew order and requested assistance from the California Army National Guard to protect public safety; and

WHEREAS, the June 2020 officer-involved shooting of Sean Monterrosa sparked mass protests and an outpouring of public comments and criticisms, including calls to defund the police and fire the involved officers, demonstrating a need to repair the public trust; and

WHEREAS, in response to police shootings, reports of misuse of force, and related misconduct across the country, there has been a significant and persistent public outcry for police reform and accountability; and

WHEREAS, the Chief of VPD, City Manager, Mayor, and Council have publicly expressed their commitment to transforming the VPD, improving the level of legitimacy and trust, and ensuring VPD's accountability and transparency to the public; and

WHEREAS, in June 2020, the California Department of Justice entered into a collaborative agreement with the City to conduct an ongoing review of VPD's policies and practices and to make further recommendations in addition the OIR recommendations in order to assist the City in reforming VPD and restoring public trust; and

WHEREAS, the President's Task Force report on 21st Century Policing and best practices include the pillars of Building Trust and Legitimacy, Policy and Oversight, Community Policing and Crime Reduction and Officer Safety and Wellness, among others. It is this template that is supported by and guiding the work of Chief Williams. The previously mentioned OIR Group report developed a benchmark understanding of VPD and to guide future initiatives and priorities towards the 21st Century Policing model. If the VPD is to be successful in ameliorating the unacceptable levels of crime, it must implement the 45 OIR recommendations as well as additional recommendations by the California Department of Justice, furthering the pillars of 21st Century Policing; and

WHEREAS, Chief Williams has implemented portions of the OIR recommendations including reviewing internal affairs practices, a new body-worn camera policy, a focus on use-of-force practices, recruiting a more diverse officer pool and engagement of the community, but more must be done; and

WHEREAS, in addition to the OIR report, the California Department of Justice entered into a collaborative agreement with VPD and the City to assist VPD in reforms and in developing policies and practices consistent with 21st Century Policing concepts; and

WHEREAS, given high crime rates, the need to ensure the public safety, implement the OIR recommendations and California Department of Justice recommendations, and rebuild public trust, VPD's current staffing and resources are insufficient; and

WHEREAS, the California Department of Justice will oversee implementation of not only the OIR recommendations but also any further California Department of Justice recommendations as well as overseeing future compliance; and

WHEREAS, VPD currently has 107 sworn officers which is insufficient to address the criminal activity in the City. This amounts to only .87 officers per 1,000 residents and a higher workload

per officer than any other city in the Bay Area. According to the U.S. Department of Justice Bureau of Justice Statistics 2016 report of local police departments, local police departments serving populations between 100,000-249,999 employ an average of 1.7 officers per 1,000 residents. The Chief's Exceptional Service Models call for 1.5 officers per 1,000 residents (i.e., a total of 183 officers); and

WHEREAS, VPD's command staff is functionally non-existent. There is a vacant Assistant Chief position, two out of the three captains are on medical leave and three out of nine lieutenants are either on medical leave or administrative leave; and

WHEREAS, while VPD has 18 officers going through training, it will be approximately 18 months before their field training is complete and they are able to serve without oversight; and

WHEREAS, as a consequence of the COVID-19 crisis, the City of Vallejo has diminished \$3 Million of its \$17 Million reserve funds; and

WHEREAS, there is a compelling governmental interest to immediately address the need for additional resources for the community as a result of high crime and the need to immediately reform departmental culture; and

WHEREAS, any increase in resources must be tied to real and quantifiable reform in VPD; and

WHEREAS, the citizens of Vallejo demand that talking about reform be changed to actively implementing reforms; and

WHEREAS, continuing business as usual at VPD is unacceptable to the City Council; and

WHEREAS, the City Council affirms its support for the Chief of Police, the City Manager and the City Attorney to take all necessary steps to support reform efforts in the VPD; and

WHEREAS, the City Council is resolved in its effort to meaningfully reform VPD and will zealously challenge all efforts intended to thwart those efforts; and

WHEREAS, the City Council applauds those officers who have stepped forward to embrace cultural change in the department and calls on those who have not to do so now; and

WHEREAS, failure by all to embrace and implement swift reforms will result in further deterioration of legitimacy and trust in VPD and a further increase in crime.

WHEREAS, the California Emergency Services Act, Chapter 7, commencing with Government Code section 8550 confers upon the governing bodies of California cities the emergency powers necessary to protect health and safety and preserve lives and property;

WHEREAS, Government Code section 8630 states that a Local Emergency may be proclaimed only by the governing body of a City or by an official designated by ordinance;

WHEREAS, City of Vallejo Municipal Code (“VMC”) section 2.50.060 empowers the Director of Emergency Services to request the Council to proclaim the existence of a Local Emergency when Council is in session or to issue such proclamation himself subject to ratification by the City Council within seven (7) days;

WHEREAS, “emergency” is defined in VMC section 2.50.020 as the “actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City...;”

WHEREAS, section 502 of the City’s Charter provides the City Manager with broad powers in the event of emergencies menacing life or property, including the power to marshal the forces of the different City departments and deputize or employ without reference to Civil Service all persons necessary for the purpose of protecting the City and its residents.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND PROCLAIMED that a Local Public Safety Emergency now exists and shall continue throughout this City until terminated by the Council.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said Local Emergency the powers, functions, and duties of the Director of Emergency Services and the emergency organization of the City shall be those prescribed by law, ordinance, and resolution, and by the City’s Emergency Operations Plan, as approved by the City Council.

DATED: October ____, 2020

BOB SAMPAYAN
MAYOR