



CITY OF FAIRFIELD

Founded 1856

Incorporated December 12, 1903

City Manager's Office

September 8, 2021

Home of
Travis Air Force Base

COUNCIL

Mayor

Harry T. Price
707-428-7335

Vice-Mayor

Rick Vaccaro
707-429-6298

Councilmembers

707-429-6298

Pam Bertani
Catherine Moy
Doriss Panduro
Chuck Timm
Scott Tonnesen

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City Manager

Stefan T. Chatwin
707-428-7400

• • •

City Attorney

Gregory W. Stepanich
707-428-7419

• • •

City Clerk

Karen L. Rees
707-428-7384

• • •

City Treasurer

Arvinda Krishnan
707-428-7036

DEPARTMENTS

City Manager's Office

707-428-7400

Community Development

707-428-7461

Finance

707-428-7036

Fire

707-428-7375

Housing Services

707-428-7688

Human Resources

707-428-7394

Parks & Recreation

707-428-7465

Police

707-428-7362

Public Works

707-428-7485

The Honorable Donna Stashyn
Presiding Judge of the Superior Court
Solano County Superior Court
600 Union Avenue
Fairfield, California 94533

Re: City of Fairfield Response to 2020-2021 Solano County Grand Jury Report
Entitled "Does Bias Infiltrate Solano County Law Enforcement?"

Dear Judge Stashyn:

The following is the City of Fairfield's response to the above-mentioned Grand Jury Report which was approved by the City Council on September 7, 2021.

FINDING 1 - The Solano County Civil Grand Jury found that local law enforcement agencies comply with the statutory requirements when providing training. However, bias training is only required and conducted every five years. Local law enforcement administrations agreed there is too much time between training sessions.

CITY'S RESPONSE:

The City disagrees in part with this finding. The Fairfield Police Department (FPD) conducts bias training at least every two years for all sworn peace officers. The FPD conducted in-house training for all officers on the topics of racial profiling, crisis intervention techniques, racial and cultural diversity, tactical communication, and de-escalation tactics five times since Fall 2016. The training occurs during pre-scheduled formalized advanced officer (A/O) training. The department conducts formalized bias and diversity training at two-year intervals, at a minimum.

RECOMMENDATION 1 - County law enforcement agencies adopt a more frequent schedule of diversity and bias training over and above the current five-year requirement.

CITY'S RESPONSE:

The City has already implemented this recommendation. The Fairfield Police Department conducts diversity and bias training at least every two years for all sworn peace officers.

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FINDING 2 - Most law enforcement administrations identified lack of adequate funding as an impairment to providing additional and/or more frequent training.

CITY'S RESPONSE:

The City disagrees in part with this finding. The FPD has sufficient funds to provide more frequent training.

RECOMMENDATION 2a - Law enforcement administrations seek increased funding for diversity and bias training.

CITY'S RESPONSE:

The recommendation has been implemented. The City has sufficient funding for diversity and bias training. This is accomplished via the FPD training budget, which funds A/O training.

RECOMMENDATION 2b - Collaborate with other local law enforcement agencies in providing diversity and bias training.

CITY'S RESPONSE:

The recommendation has been implemented. The FPD has trained other surrounding agencies on bias and diversity during A/O. The department seeks training from outside sources as evidenced by two officers attending a "Principled Policing" instructor course in 2021 to increase the number of subject matter experts in the department as well as to increase the quality and perspective of training in bias and diversity.

FINDING 3 - More under-represented people need to be represented in decision making roles.

CITY'S RESPONSE:

The City agrees with this finding.

RECOMMENDATION 3 [referred to as Recommendation 1 in Grand Jury Report] - Law enforcement agencies promote more under-represented people to decision making positions.

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CITY'S RESPONSE:

The City will be implementing this recommendation. The FPD is an equal-opportunity employer and has hired an increasingly diverse workforce over the past several years that includes many from under-represented groups. As those employees promote through the ranks, under-represented people will be increasingly represented in decision-making roles. A specific timeframe is not possible due to the variables in determining when those already in decision-making roles will attrit.

The department has elected to enroll in the "30 by 30" program which has the goal of females representing 30% of the department's sworn staff by 2030. This program involves targeted recruiting. A department recruiting video recently recorded includes emphasizing a Latina Officer desiring to show her community that police can look like her. Future FPD recruiting will involve targeting people from under-represented groups to further the department increasingly reflecting the community it serves.

FINDING 4 - California Penal Code section 13651(a) states: "Every police department, sheriff's office, or other entity that employs peace officers shall review the job description that is used in the recruitment and hiring of those peace officers and shall make changes that emphasize community-based policing, familiarization between law enforcement and community residents, and collaborative problem solving, while de-emphasizing the paramilitary aspects of the job." All administrators mentioned the general population's lack of trust of law enforcement officers.

CITY'S RESPONSE:

The City agrees with this finding.

RECOMMENDATION 4a - Ensure that training de-emphasizes a paramilitary approach to policing.

CITY'S RESPONSE:

The City has already implemented this recommendation. The FPD trains officers regularly on crisis intervention techniques and de-escalation. Current FPD crowd control training also includes information on protecting First Amendment assemblies, de-escalation, demilitarization, and acting in accordance with the Governor's recommendations on protest response. Police officers on regular patrol do not wear tactical uniforms.

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Both formal training, such as A/O, as well as informal training (briefing training) emphasize problem solving, critical decision making, de-escalation, and applying appropriate tactics. All sworn peace officers attended an eight hour Crisis Intervention Techniques (CIT) training in 2019. Additionally, 26 officers have received advanced CIT training ranging between 16 and 40 hours. FPD officers currently utilize non-sworn mobile crisis teams when appropriate to respond to calls involving people in mental distress. De-escalation and multi-officer response are routine procedures for FPD officers.

RECOMMENDATION 4b - Use a collaborative approach with community organizations to problem solve.

CITY'S RESPONSE:

The City has already implemented this recommendation. The FPD collaborates with the community on issues related to problem solving, bias, and diversity. This includes meeting with organizations, including but not limited to, the NAACP, African-American churches, the Black Chamber of Commerce, the Hispanic Chamber of Commerce, the Asian Pacific Islander American Public Affairs non-profit organization, Neighborhood Watch Groups, and other community organizations.

From January 2020 to August 2021 the department attended and collaborated with the community on numerous occasions: 35 Neighborhood Watch events, twelve in-person community events, seven Business Watch / Heart of Fairfield / Chamber of Commerce meetings, six online community forums, and five in-person community forums. This does not include informal meetings department members have with members of the community, nor does it include the numerous community outreach activities for underprivileged youth hosted and funded by the Police Activities League. Daily, the department's Homeless Intervention Team conducts outreach and attempts to connect houseless people with resources that include drug abuse treatment, counseling, financial aid, medical care, and housing.

The Police Department has also started a Latino Forum that is represented by community leaders encompassing all aspects of our Latino community and is overseen by a Latino Sergeant.

FINDING 5 - For some law enforcement agencies employee turnover is an issue.

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CITY'S RESPONSE:

The City agrees with this finding.

RECOMMENDATION 5b - Law enforcement agencies find ways to achieve pay equity in the county to limit turn over in smaller communities.

CITY'S RESPONSE:

The City has already implemented this recommendation. The City offers highly competitive salary and benefits to its police officers. Accordingly, base pay has not been found to be a significant factor in limiting turnover.

FINDING 6 - There are reports from the Federal Bureau of Investigation that extremist groups are infiltrating law enforcement agencies. While local law enforcement agencies investigate applicants as part of the vetting process, they rely on employee and citizen complaints to identify current staff social media postings for extremist ideology.

CITY'S RESPONSE:

The City agrees with this finding.

RECOMMENDATION 6a - Solano County law enforcement agencies monitor social media postings by current staff for extremist content.

CITY'S RESPONSE:

The City has already implemented this recommendation. The FPD will continue to respond to outside party and/or community member complaints related to its employees' social media accounts while also remaining administratively responsible to policy violations that are personally observed by FPD employees. The FPD will continue pre-hire screening for signs of violent extremism. In addition, the City notes that Labor Code § 980 limits the actions the FPD can take with respect to employees' social media accounts.¹

RECOMMENDATION 6b - Law enforcement agency administrations keep up with the technology that their employees are using.

¹ California Labor Code § 980, subdivision (b) provides:

"An employer shall not require or request an employee or applicant for employment to do any of the following:

- (1) Disclose a username or password for the purpose of accessing personal social media.
- (2) Access personal social media in the presence of the employer.
- (3) Divulge any personal social media[.]"

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CITY'S RESPONSE:

The City has already implemented this recommendation. The FPD will continue to train its Electronic Crimes Unit in current investigative techniques related to social media data and maintain relationships with other law enforcement organizations that do the same.

RECOMMENDATION 6c - Law enforcement agency administrations research and implement technology which assists in monitoring social media without violating first amendment rights.

CITY'S RESPONSE:

The City will not implement this recommendation because it is not reasonable. There are concerns for employees' privacy rights, employer/employee relations, and a lack of clearly defined criteria related to the scope of City employees. There are First Amendment concerns related to the subjective nature of administrators viewing employees' social media accounts as well as a lack of information and or context as administrators would not likely have equal and/or legal access to all aspects of employees' social media accounts, especially those with privacy settings. As noted previously, Labor Code § 980 limits the actions the FPD can take with respect to employees' social media accounts.

Please let me know if you have any further questions.

Sincerely,

STEFAN T. CHATWIN
City Manager

STC/dfc