MEMO

City of Kalamazoo

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, City Manager

DATE: December 17, 2020

SUBJECT: Sub-Committee Final Report

BACKGROUND

At the August 17, 2020 Business Meeting, Commissioner Hess, seconded by Commissioner Knott, moved to appoint Vice Mayor Griffin, Commissioner Cunningham, and Commissioner Praedel to work with the City Manager to develop a definition of success for the City’s response to public protests, demonstrations, and rallies that can be used to guide the planning and execution of that response; and that a report be provided to the City Commission by August 28. This Sub-Committee was created to develop a roadmap to prepare for future protests and demonstrations in response to concerns regarding the Kalamazoo Department of Public Safety’s (KDPS) handling of protests and marches this past summer.

In addition to the three Commissioners, the Sub-Committee included City Manager Ritsema, City Attorney Robinson, Deputy City Managers Chamberlain and Lam, Director Bonner, former Chief Thomas (through September 29th meeting), Chief Coakley, and Assistant Chiefs Boysen and Huber. In addition, Sub-Committee members informally engaged with KDPS officers and community members to identify key issues and possible solutions/improvements. Attachment A provides a detailed list of meeting dates and outcomes.

As directed, the Sub-Committee released a preliminary report on August 28. In September, the City Commission supported the continuation of the Sub-Committee to finalize a communication strategy and work through remaining topics for discussion. The City Manager reported out on the Sub-Committee’s progress at the November 2 Business Meeting and committed to bringing the Committee’s final report forward to the City Commission to seek endorsement.
Scope of Work

Through extensive discussion, the group arrived at the following scope of work that included five main areas:

- Guiding Principles / Definition of Success
- First Amendment Assembly Communication Strategy
- Protocol for Operations Planning
- Policy / Training
- Accountability

Defining Success – Guiding Principles

KDPS Policy 430 (First Amendment Assemblies) indicates that, “KDPS respects the rights of people to peaceably assemble. It is the policy of KDPS not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.”

When asked to define success, Sub-Committee members identified the following elements:

Safety
- Ensure the community and participants are safe during events and can go home safe.
- Proactively prevent violent confrontations and escalation.
- Use force only when necessary and in accordance with all policies and laws.

Community Relationships
- All people are treated with respect and dignity.
- Better success in communication before, during, and after events, between KDPS, City Administration, City Commission, event organizers, the media, and the public.
- KDPS’ presence is there to protect the right to peacefully protest.
- There are clear, shared expectations for media, observers and medics during First Amendment Assemblies.

Equitable Approach
- Policy, protocol, and rules are content neutral and applied equitably to everyone.
- Ensure there is an equitable approach to enforcement.

Accountability
- Laws are upheld.
- Measures and practices are established to ensure clear, objective accountability to policies and protocol.
Additionally, a Sub-Committee member contacted the Michigan Municipal League Research Lab to inquire about best practices and was guided to the National League of Cities Incidence Response Toolkit: https://www.nlc.org/sites/default/files/2019-06/REAL_IncidenceResponseToolkit_Final.pdf. The toolkit identifies five values to lead with during incidents: empathy, transparency, authenticity, partnership/collaboration, consistency. These values emerged in the Sub-Committee’s discussions, as well as in conversations that Sub-Committee members had with community members and City staff and should be incorporated into the ways in which the City responds to incidents.

**First Amendment Assembly Communication Strategy**

A major deliverable of the Sub-Committee is the First Amendment Assembly Communication Strategy, included as Attachment B. This strategy aims to incorporate a variety of audiences, including City Commissioners, community leaders, event organizers, media, and the public. It includes specific details to be communicated prior to, during, and following events with clarification on what information needs to be shared with who (audience), when (detailed timelines, frequency), and how (methods of communication). Below is a summary of key elements included in the strategy.

**Communication Materials & Key Tactics**

- Communication before, during and after an event is key
- Creation of a comprehensive Stakeholder Contact List
- Easy to access for organizers and participants to public information on how to plan and hold an assembly, reserve a park, plan for a march, etc.
- Information on basic legal rules for assemblies
- Training for city staff and KDPS on First Amendment assemblies
- Increased communications with media & public
- Implicit bias training for staff

**Before an event**

- City staff and event organizer(s) will work together, when possible, to identify and plan necessary logistics
  - Expected number of attendees, location, permitting (if required), road closures, etc.
  - Identify possible scenarios necessary to keep everyone safe
- Communicate with City Commission, community stakeholders, media and others prior to an event
During an event
- City staff will remain in contact with event organizer(s)
- Safety issues will be monitored and addressed
- Communicate with City Commission, community stakeholders, media and others during event as necessary
  - E.g., road closures, detours, etc.

After an event
- Debrief with city staff and event organizer(s) after event to review the assembly
- A report of this debriefing will be sent to City Commissioners to ensure transparency and accountability

Core Messages

Another deliverable of the Sub-Committee is a series of core messages, Attachment C, that serve to guide our actions and our communications. The core messages highlight safety; diversity, equity, and inclusion; and strong communities as major themes. These messages align with Imagine Kalamazoo 2025 strategic goals and were developed from the values created by the Sub-Committee and shared in the August 28th report.

Web Landing Page

Sub-Committee members want to convey the City’s support of individuals that choose to exercise their First Amendment rights to express their opinion through non-violent, peaceful assemblies and demonstrations. The City has added a web landing page, www.kalamazooicity.org/assemblies, that includes helpful guidance for event organizers, members of the media, and legal observers. On the landing page, community members can access checklists for organizing events, instructions for reserving public parks, a Questions and Answers page, and other useful guides. Staff will continue to expand and revise this resource as needed.

Protocol for Operations Planning

KDPS Policy 430 lays out the process by which the department develops incident specific operational plans. It was acknowledged by the Sub-Committee that the department should remain responsible for creating and implementing operational plans for events. Members of the Sub-Committee strongly recommended that KDPS and City Administration actively seek to consult with event organizers and impacted community members on event details and plans. This protocol has been incorporated into the Communication Strategy, including how communication should continue before, during and after the event, with specific timelines and clear expectations.
Policy / Training

KDPS is in the process of updating Policy 430 to ensure it aligns with the First Amendment Assembly Communication Strategy and includes best practice research. KDPS intends to finalize Policy 430 revisions following the completion of the Independent Review by the OIR Group. KDPS also will incorporate additional training for officers regarding members of the press and legal observers during First Amendment assemblies. The City Manager’s Office staff are engaging with media and community partners to strengthen relationships, improve communication, and explore the possibility for joint trainings.

Accountability

Accountability continued to emerge as a strong theme throughout each of the Sub-Committee discussions. The group acknowledges that, in a strong City Manager form of government, the City Commission holds the City Manager accountable, and the City Manager holds the entire city organization accountable, including the Public Safety Chief and KDPS. The group identified a goal of creating a structure of accountability that is objective and measurable. The First Amendment Assembly Communication Strategy establishes clear expectations to support the goal of accountability with a commitment to conduct after action review and adjust the strategy and/or future actions accordingly.

CONCLUSION / NEXT STEPS

The work of the Sub-Committee over the past several months has yielded several significant deliverables that will improve the City’s support of, and response to, protests, demonstrations, and rallies. In addition to these deliverables, the Sub-Committee has laid a solid foundation for City staff, in partnership with community, to continue the work. Next steps are listed below for the Administration and KDPS. The City Manager will provide periodic updates at City Commission business meetings on these efforts.


Completion of Independent Review: The OIR Group was selected to perform a use of force study and an independent review of the Public Safety Department’s handling of the events of May 30 - June 2 and on August 15. Community input sessions have been scheduled via Zoom for January 11 and 25, 2021, at 6:00 pm to create an opportunity for the OIR Group to hear directly from the public, and future engagement opportunities will be offered. It is anticipated that the review will be completed in spring of 2021. The results of the review will be shared broadly, with findings incorporated into City practices and policies.
Commitment to Community Conversations and Strengthening Partnerships: A KDPS-Community listening session is being planned for early 2021. This event will largely focus on community members sharing their experiences and thoughts related to the department and the City. Additional listening sessions will follow based on topics and issues identified by our community.

Additional research: There are several cities, such as Madison, Wisconsin, that are currently evaluating use of force alternatives and de-escalation techniques related to civil unrest. City staff will continue to monitor the results of these efforts to see what might be applicable to Kalamazoo.