

From: Centro del Pueblo Humboldt
To: COB
Subject: Agenda Item I/ 3 Public hearings
Date: Tuesday, June 23, 2020 12:36:21 AM

Names: Octavio Acosta, Brenda Perez

Statements for Supervisor meetings

1.

The policies of Lexipol are dangerous to anyone who finds themselves in contact with the police as they encourage the use of deadly force. Lexipol Policies disregard, misinterpret, and misinform on the state law, AB 392 and it encourages profiling practices (Using english proficiency as a justification for police detention). The encouragement of deadly force comes at a higher cost to communities that the sherrifs department biasly views as criminal, communities like undocumented and southern indigenous communities. During the measure K campaign to protect undocumented families from deportation, sheriff Honsal was the most avid opposer. His argument was based on the criminalization of undocumented communities (<https://youtu.be/SzrB-tC9zD8>). His actions demonstrated that he does not only view himself as a civil servant but as a man with a political agenda that disregards the life of undocumented people. We want to protect our communities and disarming this particular police department from any weapons that can biasly be used against our communities is our priority. We would like to see the eradication of the Lexipol Policies and the retraining of any officers that have received this training.

2.

Based on the discriminatory practices of Lexipol against immigrant population, The American Civil Liberties Union, ACLU, California and Centro del Pueblo Humboldt (the platform organizer of Measure K "The Sanctuary Law of Humboldt County") denounces Lexipol and demands:

a.

For the Sheriff's office to ending definitely the contract with Lexipol

On behalf of the voters in support of Measure K, we demand to know the cost of the contract with Lexipol, paid by public funds. The amount recuperated by this expense could be reinvested in plans for education in racial equality and Immigration rights throughout the county

3.

As an act of trauma reparation, we demand to Ban Chokeholds and strangleholds.

Centro del Pueblo, the immigrant community and the POC community have been

united by the killing of George Floyd. As a community of color we are tired of living with the institutional oppression that the Police provides. We demand the immediate ban on Chokeholds and Strangleholds. We demand the requiring of De-escalation. We demand the requirement of exhausting all alternatives before shooting. We demand the ban of shooting moving vehicles. We demand the use of force continuum. And we demand the requirement of comprehensive reporting. All of which are part of the Policing protocol in use today by the Humboldt county Sheriff.

Organizations in support

Centro del Pueblo

HumCo

Cooperation Humboldt

North Coast People's Alliance

Cultures in Solidarity

California Kitchen

Community Organizers for Black Lives Matter Demonstrations in Humboldt

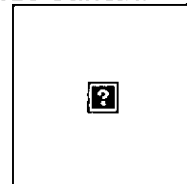
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CDP está afiliado a Seventh Generation Fund for Indigenous People. "*Por el empoderamiento de la comunidad Indígena*

Inmigrante" www.CdPueblo.com [@centrodelpueblo](https://twitter.com/centrodelpueblo)

Conoce tus derechos- KYR Humboldt is a Sanctuary County- un Condado Santuario



From: David Haynie
To: COB
Subject: Public Hearings - Sheriff - Agenda Item
Date: Tuesday, June 23, 2020 12:21:02 AM

My name is David Haynie and I wanted to mail my public comment as backed by the groups at the end of the statement.

Lexipol is an organization that operates a lot like ALEC, they create cookie cutter modularized versions of harsh police methods, training, and legislation that can easily be distributed to municipalities around the country, regardless of the specific needs of those jurisdictions. These policies fall most harshly on Black, Indigenous, and People of Color in our communities. We've seen through Lexipol working documents that they are directly against the policy points in the frameworks being discussed across the country (8 Cant Wait and 8 to Abolition). Humboldt County has been known to set the standard for progressive community action, meanwhile our Law Enforcement agencies implement Lexipol boilerplate procedures into their own standard operating manuals. We need all Humboldt County law enforcement organizations to cancel all contracts with Lexipol and to recreate the internal frameworks that currently utilize Lexipol, into frameworks and procedures that follow the structure and spirit of AB 392, properly protect our citizens, and address their needs more coherently.

Respectfully,

David Haynie

Organizations in support

- **Centro del Pueblo**
- **HumCo**
- **Cooperation Humboldt**
- **North Coast People's Alliance**
- **Cultures in Solidarity**
- **California Kitchen**

From: Johanna Rivera
To: COB
Subject: Public Comment
Date: Tuesday, June 23, 2020 12:17:17 AM

Agenda Item : Public Hearings Sheriff

My name is Johanna Rivera and I have been living in Humboldt County for 15 years and plan to keep calling this beautiful area my home for many more years to come. I urge the Board of Supervisors, to please do something about discontinuing the contract that Humboldt County Sheriff's Department (or EPD/APD) has with Lexipol because the Lexipol Policy is not in compliance with AB 392 which recently went into effect this new year of 2020.

The Lexipol Policy is poorly training police officers, it guides the officers to use deadly force more than reasonable. Lexipol has repeatedly shown resistance to limiting the use of deadly force in their training. This means that officers who have received this training are more likely to murder community members which is the opposite of what AB 392 is attempting to achieve.

It is obvious that Lexipol was not created for public safety, it is a for profit private company who's policy was created to save police departments money and protect officers from liability in court. This private company was funded to help police avoid accountability and the entire nation right now is demanding that officers be held accountable for the murders of our black brothers and sisters and other people of color. Our tax payers money should not be used to continue paying for these officers use of deadly force. We are expected to obey the law when our local police receive training in breaking the law!?

We are being traumatized with news of black, indigenous & other people of color being murdered daily. We want to feel safe in order to thrive, Board of Supervisors help us achieve that community safety! The police brutality and murders that are happening in the nation are not an isolated issue from our local community, the police here in Humboldt are also at fault in our own home for murders, lets not forget the local victims of police murder:

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Daniel Sylvester
David Sequioa Cleveland
Eloy Infante-Toscano
Gabriel Muldenado
James "Hans" Peters
Jonni Honda**

Mariano Lopez Fernandez
Robert Garth
Martin Cotton
Peter Stewart
Zachary Cooke
Christopher Burgess
Tommy McClain
Cheri Lynn Moore
Richard Frederick Estrada
Tina Reed
John Lewis
David Fulton
James Randall
Dwight Hostler
Raymond Eacret
Mark Nelson
Jacob Newmaker
And through neglect,
David Josiah Lawson

--
Johanna Rivera
(she, her, hers)
Outings Leader
Latino Outdoors
johanna@latinooutdoors.org
latinooutdoors.org
Cell (323) 333-7780

**Board of Supervisors
Humboldt County
Sheriff's Office**

On June 12, 2020 the Humboldt County Sheriff's Office released an open letter to the community stating that in an attempt to abate the fervor and discontent around the death of George Floyd and their own particular use of aggression and violence in our communities.

As the letter systematically dismisses the demands of the 8 Can't Wait campaign, the sheriff's letter makes mention of Lexipol stating:

"The Humboldt County Sheriff's Office uses Lexipol software to continually update our policies. Lexipol is the nation's leading provider of public safety policy and training solutions for law enforcement. This system ensures that all policies are aligned with State and Federal law and policies are continuously updated as laws change."

The problem, however, is that Lexipol—in its own words—believes "a use of force policy that boxes officers in is likely to create—not solve—legal issues for the agency," and that policy language should be crafted to "protect officers . . . from all types of liability."

Simply put: Lexipol's interpretation of Use of Force is flat out wrong and does not comport with California's Assembly Bill 392 which went into effect at the start of this year.

In the past, California statutes set a "reasonable force" standard. Originally, Penal Code § 835a provided that peace officers "may use reasonable force to effect . . . arrest, to prevent escape or to overcome resistance."

As of January 1, 2020 AB 392 set a higher standard by amending the previously mentioned penal code to instead read: "A peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary..."

Consider now, that not only is our policy out of compliance with state law—AB 392—but Lexipol has significantly misstated the significance of AB 392 to its customers.

AB 392 made other modifications to California law, including defining what constitutes an "imminent threat" and clarifying that the "totality of the circumstances" includes the conduct of the officer leading up to the use of force.

Lexipol urged agencies not to make policy changes based on the National Consensus Policy on Use of Force, a model policy published by 11 law enforcement organizations including the Fraternal Order of Police and the International Association of Chiefs of Police, because it

contained language instructing officers to use “the minimal amount of force necessary” and to “use de-escalation techniques whenever possible and appropriate.”

Lexipol, however, resists limiting the use of deadly force and instead see its role as a company to company's protect and reduce the legal risk for law enforcement. This is a company that does not care to defend human life or reduce police killings rather it is a company that seeks to reduce the liability of law enforcement personnel.

These assertions directly conflict with the plain language of the statutory provision that now defines and limits the authorization for law enforcement use of deadly force. See Penal Code § 835a(c)1 (“a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary”).

It also contradicts the legislative intent clearly codified into law that is Penal Code § 835a (a) (2) (“[I]t is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life.”)

The Policy fails to instruct officers on the statutory duty to use alternatives to deadly force.

The Policy omits the statutory definition of “totality of the circumstances.”

AB 392 codified in the California Penal Code and defined as “all facts known to the peace officer at the time, including the conduct of the officer and the subject...”

LexiPol continues to assert during internal trainings that the legal standard for police use of force “is the exact same thing we've had for the last 50 years.”

By basing its policy and training on an inaccurate interpretation of AB 392, Lexipol ensures that our law enforcement officers act on outdated standards and their use of force review is inconsistent with the law.

Furthermore, it is not only our county sheriff, but also the county department of probation and cities of Arcata and Eureka that all hold the same policy. Not similar rather they are all the same except for the use of the words “officer” or “deputy” depending on the agency.

We believe you all have a strong interest in ensuring public safety.

The use and implementation of these policies shows an abhorrent disregard for human life and due process, and to continue a contract with Lexipro is egregiously negligent to our Humboldt residents and communities.

We urge you and the sheriff's department to immediately discontinue the use of Lexipol's materials and implement a use of force policy that comports with current law.

G Mario Fernandez
Humboldt County Democratic Central Committee Vice Chair

Statements of Centro del Pueblo for Supervisor meetings

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Why it needs to be limited from the African American communities?

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Daniel Sylvester
David Sequioa Cleveland
Eloy Infante-Toscano
Gabriel Muldenado
James "Hans" Peters
Jonni Honda
Mariano Lopez Fernandez
Robert Garth
Martin Cotton
Peter Stewart
Zachary Cooke
Christopher Burgess
Tommy McClain
Cheri Lynn Moore
Richard Frederick Estrada
Tina Reed
John Lewis
David Fulton

**James Randall
Dwight Hostler
Raymond Eacret
Mark Nelson
Jacob Newmaker
And through neglect,
David Josiah Lawson**

4.3 List of Starting Demands against the police

- 1. Raise the Education Requirements of Police officers**
- 2. Confiscation of Military Equipment from the Police**
- 3. Change/termination of Policy (Lexipol)**
- 4. No more police at schools**
- 5. Give an Acknowledgement of the history of policing in this area as well as its origins and its crimes against communities of color**

Johanna Rivera

David Haynie's statement to BoS concerning Lexipol contract and implementation in HCSD standard operating procedures.

Lexipol is an organization that operates a lot like ALEC, they create cookie cutter modularized versions of harsh police methods, training, and legislation that can easily be distributed to municipalities around the country, regardless of the specific needs of those jurisdictions. These policies fall most harshly on Black, Indigenous, and People of Color in our communities. We've seen through Lexipol working documents that they are directly against the policy points in the frameworks being discussed across the country (8 Cant Wait and 8 to Abolition). Humboldt County has been known to set the standard for progressive community action, meanwhile our Law Enforcement agencies implement Lexipol boilerplate procedures into their own standard operating manuals. We need all Humboldt County law enforcement organizations to cancel all contracts with Lexipol and to recreate the internal frameworks that currently utilize Lexipol, into frameworks and procedures that follow the structure and spirit of AB 392, properly protect our citizens, and address their needs more coherently.

David Haynie's working list of demands

- 1. HEAL OUR COMMUNITY**
- 2. MITIGATE ABUSE AND MONITOR**
- 3. SUPPORT THE COMMUNITY**

***** HEAL OUR COMMUNITY *****

1. Justice for Josiah now. Reopen case and allow family lawyers and citizen oversight board to support investigation and prosecution.

2. Open and or reopen cases for people who have been abused or killed via police force in Humboldt County. Allow citizen oversight board ability to receive information and support DA office with filing charges

***** MITIGATE POLICE ABUSE AND MONITOR POLICE *****

3. Ban chokeholds and strangleholds. Violation comes with risk of felony assault charge *in the least.*

4. Use of force continuum required and enforced. Annual retraining mandatory. Violation comes at risk of felony charge.

5. Implicit bias testing required for all incoming hires.

6. End qualified immunity

7. Officer misconduct records are made available to the citizen oversight board

8. Jail killer cops and repeat offenders, and make them liable for damages. Saves cities millions in settlement and insurance costs, helping to defund the police.

***** SUPPORT OUR COMMUNITY *****

9. Divest funds into community support, response, and educational programs. Not community policing programs. Militarization funds/equipment, exercises, and overtime should be the first items of many on the budget chopping block.

10. Invest divested police funds into safe housing for the community: The housing could support Indigenous, low income, and houseless communities in Humboldt. This will free up police resources currently being used for houseless response, which would allow us to reduce size of the police force and budget. Projects in the area have already been underway, they just need attention and funding.

Organizations in support

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