

**From:** [REDACTED]  
**To:** [Public Comment; City Council](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM 3 - 1/26 CLOSED SESSION  
**Date:** Monday, January 25, 2021 9:10:29 PM

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Dear Mayor Fligor and Members of City Council,

The council has worked to make Los Altos a leader on public safety, and the MOU negotiation is an opportunity to continue to lead on best practices.

One opportunity is to reconsider section 17.9 of the MOU, which states that employees may work up to sixteen consecutive hours and that employees must take eight hours off before returning to work.

Extensive research, however, shows that long hours and insufficient sleep can impair police work. A meta-analysis shows half of officers have deficient sleep (Garbarino et al. 2019), and multiple studies show that working long hours causes an uptick in public complaints (Bell et al. 2013; Riedy et al. 2019). A correlational study found sleep deprived officers exhibit greater racial bias and are more likely to resort to deadly force (Ma et al. 2019), and a follow-up lab experiment found that sleep deprivation causes an uptick in use of deadly force against suspects (Scullin et al. 2020).

Our ask is that patrol officers receive a minimum of 10 hours off before returning to work and that patrol officers work no more than 14 consecutive hours. This still permits scheduling flexibility for the department while preventing the worst scenarios of sleep deprivation. Changing this policy is a win-win that would improve officers' quality of life and performance on the job.

With respect to the sections of the MOU that touch on compensation, the council should maintain its sensible and even-handed approach to fiscal responsibility. Trade-offs and opportunity costs abound at any time, but especially during a time of fiscal constraint. It is our opinion that social services should be prioritized given the hardship endured during the COVID-19 pandemic. Your priorities, however, may be different from ours. As you consider the MOU negotiation, we ask that you consider it in the context of other fiscally-constrained priorities you have, whether that be investing in city staff, renovating the city's infrastructure, building affordable housing, or following through on our climate action plan. With this in mind, we hope that council directs city staff to be firm on the need for fiscal responsibility as they negotiate the MOU.

Signed,  
Salim Damerджи  
Renee Rashid  
Anthony Chau

Toni Moos

Ludmila Koskova Nesbit

Anita Kapadia

Maira Huang

Dear Mayor Fligor and Members of City Council,

Thank you very much for your commitment to increasing diversity awareness within the town of Los Altos and for your commitment to improving the town's public safety.

As the Police MOU Negotiation is finally imminent, I would like to encourage you to approach it with the same values in mind.

1. If you happen to be invited or are personally inclined to increase spending on armed police safety as we know it, I would like to remind you that just in May 2020, in the middle of the pandemic, nation-wide protests, and attempts to cut spending, Los Altos already increased Police salaries by 2% to 3%.

<https://drive.google.com/file/d/1lhGsIY2kGjAHZaturelhGzalvlym-YUK/view?usp=sharing>

However, if the town would still like to increase spending on public safety, I would like to share that Los Altos Hills City Council, for example, was just informed by the Sheriff this past week that Santa Clara Sheriff just established an unarmed mental health unit (if you would like to let yourselves be inspired in the directions of your future spending).

Additionally, as per my emails about the MOU to the old council already in August 2020, I would like to bring your attention to some sections of the current Memorandum of Understanding that Los Altos has with the Police Officers Association:

<https://drive.google.com/file/d/1la8b2rSdrzjoHP8Uymese2wAMJ8rWxKN/view?usp=drivesdk>

Section 4 - Management Rights: "The City reserves all rights with respect to matters of general legislative, managerial and financial policy including, among others: the exclusive right to **determine the mission of its constituent departments**, commissions and boards; **set standards and the levels of service**; determine the **procedures and standards of selection for employment**; direct and schedule its employees; **establish and enforce performance standards**; **take disciplinary action**; relieve its employees of duties because of lack of work or for other legitimate reasons."

I will want to come back to some of these powerful rights bestowed upon you in the future, but for now, I would like to point out that besides this single sentence, there is nothing in the entire MOU that would touch upon holding your (weapon-carrying) employees accountable.

2. When teachers, who have similar societal, yet less lethal responsibilities enlist for public employment, in addition to the Management Rights Section, their MOUs include extensive sections on **Evaluation Procedures, Discipline, and Grievance Procedures** (as found in MVLA district contract with the teachers' union). The Los Altos Police Union MOU's only mention of "evaluation procedures" has solely to do with medical evaluation of officers returning to work . . . (do teachers and police officers have different priorities?)

<https://www.mvla.net/documents/Personnel/Employment%20and%20Employee%20Info/Negotiated%20Contracts/CSEA%20Contract%202018-2021.pdf>

But if you are interested in another comparison, the MOU between Santa Clara County and Deputy Sheriff's Association actually also outlines a Grievance Procedure. (Pg.36 -41)

<https://drive.google.com/file/d/1HtRt1HU007XWVOZKX9unT2QCuQ2htUI1/view?usp=drivesdk>

If the City decided to make such an addition to the current MOU and needed specifics for such a section, what could be informative are perhaps the conclusions of the recent Police Task Force (elimination of School Resource Officers, Feedback Form /Satisfaction Survey at every stop (Santa Clara Sheriff also just implemented this!), Online Complaint Form, Independent Third-Party Auditor for Complaints).

3. The current MOU, in Section 10 - Specialty Pay, outlines additional pay for a **School Resource Officer**, and I am wondering if you are planning on having this section **eliminated**, since the recommendation of the Police Task Force was to remove the SRO program altogether.
4. An additional Santa Clara MOU also includes a section on **psychological counseling**, which is equally absent from the Los Altos MOU, and could be of great benefit to any employees, not to mention ones who might work 14 or more hours and carry weapons. (pg 16)  
<https://drive.google.com/file/d/1IZ3rP6A7kunj9FdiznCFgaXNLJZH7xJf/view?usp=drivesdk>
5. I would like to commend Section 11 - **Career Incentive Pay**. It is really wonderful in that the officers are encouraged to further their education through POST, the traditional police academy. I would like to suggest that the bonus pay is **extended** beyond those trainings, as there is a large variety of effective trainings that don't fall under POST. Additionally, I would also strongly recommend to offer incentive pay for a college degree in policing/social work/psychology/history.
6. Another suggestion is for the city to update Section 32: FULL UNDERSTANDING, MODIFICATION AND WAIVER and **make it easier to renew and modify union contracts**. As of now, the city "unqualifiably waives its rights to negotiate" for the length of the term, unless both parties "jointly [agree] to meet and confer." I think the City leaders deserve to be able to change their mind on this or that matter during the next few years and open the discussion on whatever they feel relevant, whether or not the union agrees with having such a discussion. When you hire a contractor, a service, would you tie yourself to lengthy years without leaving yourself the option to even discuss an issue?
7. I also absolutely support **reducing the maximum consecutive hours** the officers can be on duty, and **extending the time before they can return to work**.
8. And finally, I would like to voice that the No Discrimination Section 7 isn't by far sufficient, as it should also **include a pledge toward Diversity**. **Absence of inequality is not the same thing as equity!**  
(a complimentary definition of "Equity vs. Equality": "Equity involves trying to understand and give people what they need to enjoy full, healthy lives. Equality, in contrast, aims to ensure that everyone gets the same things in order to enjoy full, healthy lives. Like equity, equality aims to promote fairness and justice, but it can only work if everyone starts from the same place and needs the same things."(and hopefully none of us need to be reminded that everyone does NOT start from the same place here. ))

Some ways in which an organization can pledge itself toward diversity are through voluntary diversity training, recruitment programs targeting women and minorities, mentoring, transparency about salaries, and having a diversity task force and a diversity manager (just not a supremacist one like in NYC).

Thank you for your time and consideration. We put our lives into your hands. Some of us, and some of our kids more than others.

Ludka (Ludmila Koskova Nesbit)