

San Leandro Community Police Review Board Annual Report, June 2024

Introduction

This is the second annual report of the Community Police Review Board (CPRB) as required by City of San Leandro Ordinance No. 2022-004 adopted on April 4, 2022. The Ordinance establishes both the Community Police Review Board, comprised of City Council appointed San Leandro residents, and the Independent Police Auditor (IPA) function. The two together are considered a “hybrid” model of civilian police oversight. The CPRB is a member of the National Association for Civilian Oversight of Law Enforcement (NACOLE)

Highlights

The CBRB’s profile and impact has grown in its second year. Highlights include:

- * The CPRB completed three major policy reviews - Military Equipment, Automated License Plate Readers and Use of Force. Another policy review is in progress on Pretextual Traffic Stops. The Automated License Plate Reader policy review was a direct referral from the City Council before its approval of the purchase of additional Flock public safety cameras.
- * As provided for in the Ordinance, the City Manager consulted with the CPRB on the process for selection of a new Chief of Police following the departure of Chief Pridgen in March, 2024. CPRB board members subsequently served on a community interview panel.
- * The Board worked with the City Manager and City Council to amend the Ordinance to restructure the Board’s composition to replace the two persistently vacant Student positions with two ex-officio Youth positions. This reduced the voting members from 9 to 7, which in turn reduced the number required to constitute a quorum and a majority.
- * The CPRB increased collaboration with the IPA, notably on use of force policy, and in analysis of the SLPD Racial and Identity Profiling (RIPA) data on traffic stops which showed substantial racial and ethnic disparities in who gets stopped and why.
- * The CPRB expanded its community outreach efforts, including two appearances before the Youth Advisory Commission, a presentation to the San Leandro Rotary Club, informational booths at the Farmer’s Market and the Cherry Festival, and attendance at SLPD community engagement events (United for Safety; Coffee and Pizza with the Cops, etc.). The Board’s website was also upgraded.

Background: Establishment of the CPRB and IPA

The fatal officer-involved shooting of unhoused San Leandro resident Steven Taylor in April 2020, and the national call for greater police accountability after George Floyd’s killing in May, 2020 (and others), prompted local community organizing in the City by various individuals and groups, which ultimately led to calls for the establishment of civilian police oversight. The grass-roots organization SLATE (San Leandro for Accountability, Transparency and Equity) that emerged engaged in research, advocacy, and public education on the subject.

SLATE also began collaborating with the City Manager's office to develop an oversight model appropriate for our City.

In February 2021 the City Council held a work session with consulting services support from the OIR Group on the various models for civilian police oversight nationally. At that session the Council directed the City Manager to develop a hybrid model for their consideration. The City Manager's office held two public townhalls for further community input in October, 2021, and consulted with NACOLE (National Association for Civilian Oversight of Law Enforcement), SLPD command staff, the City Attorney, several of the City's employee bargaining groups (including the San Leandro Police Officers Association), and others in drafting their recommended Ordinance to present to the City Council.

On April 4, 2022 the Ordinance establishing the CPRB was passed unanimously by the City Council. A diverse pool of over 50 community members subsequently applied for the CPRB. The consulting firm IntegrAssure, Inc. was hired by the City Manager as the Independent Police Auditor (IPA) in September 2022, and eight CPRB board member appointees were sworn in before the City Council on September 19, 2022. The CPRB held its first public meeting on October 19, 2022.

CPRB Statement of Purpose in the Ordinance (Section 1-3-1700)

"This article shall be known as the City of San Leandro "Community Police Review Board Ordinance". The purpose of the board is to increase public trust, increase accountability, ensure that police operations reflect community values, and, in cooperation with the Independent Police Auditor, ensure prompt, impartial and fair investigations of complaints brought by members of the public against San Leandro Police Department employees, including but not limited to complaints under California Penal Code section 832.5.

Board Appointments, Attendance, and Vacancies

The CPRB is comprised of one board member nominated from each of the six Council districts, one at-large member nominated by the Mayor, and two at-large ex-officio youth members (14-22 years old). All nominees must be ratified by a vote of the entire City Council before they may serve on the Board, consistent with citywide procedures for all boards and commissions.

There are currently seven voting board members, with both ex-officio youth representatives vacant.

The CPRB members as of this date are:

- Bob Bailey, District 5, Chair
- Jennifer Chang, District 2, Vice Chair (following Joy Gates' resignation in December; previously served as the at-large appointee)
- Pcyeta Stroud, District 1 (following Brian Copeland resignation in April, 2024).
- Joseph Trujillo, District 3
- A. Keith Gibbs, District 4
- Timothy Zimmermann, District 6
- Peter Franco, at-large

The current demographic composition of the Board: two African-American, one Asian, two Hispanic, and two White; five male and two female.

As stipulated by the Ordinance, here is the annual attendance record of all CPRB members:

* One excused absence each: Board members Bailey, Copeland, Gage, and Gibbs.

* No absences: Board members Chang, Trujillo and Zimmermann.

Board members Bailey, Chang and Trujillo were re-appointed in March, 2024. New Board members Stroud and Franco were appointed in June, 2024. Current term expiration dates:

- December 2024: Board members Chang, Gibbs, Stroud, and Zimmermann

- December 2026: Board members Bailey, Franco and Trujillo

The City continues to have difficulty attracting applicants to the two ex-officio Youth positions.

In March, 2024 Commissioners Bailey and Chang were re-elected as Chair and Vice Chair, respectively. Deputy City Manager Eric Engelbart continues to serve as the CPRB Secretary.

CPRB's Formal Policy Reviews

1. Military Equipment Acquisition and Use (Lexipol Policy 700)

CPRB review 2/21/24; Chief response 3/13/24; Council action 3/18/24

AB 481 requires all California city and county governing bodies to establish and approve a policy and ordinance to authorize the acquisition and continued use of military equipment (as defined under the law), with a detailed inventory by SLPD of the equipment it possessed by type, with specific descriptions of the items, their intended purpose and the relevant police policies that govern authorized use. By law such policies, ordinance and inventory then need to be reviewed and reauthorized by the City Council on an annual basis, with an opportunity at such time for the public to ask questions and provide feedback. As of May 2023, the CPRB is designated in the SLPD policy as the public forum to provide community feedback annually on the policy.

CPRB Recommendations	SLPD Chief's Response
ADD to Policy 707 exclusion of specific equipment categories not authorized for use -including: tracked armored vehicles; weaponized aircraft of any kind; firearms and ammunition of .50 caliber or greater; TASER Shockwave, microwave weapons, water cannons and long-range acoustic devices.	ACCEPTED all, with provision that water cannons only authorized for fire suppression purposes only.
DELETE from Policy 707.7 the exigent circumstances section that authorizes the Chief or his/her designee to over-ride the authorized uses of military equipment whenever in good faith, he/she believes there is an emergency involving the danger of, or imminent threat of, death or serious	PARTIALLY ACCEPTED - The department strongly feels that the complete removal of the section will severely impact the department's ability to prevent or provide immediate assistance to members of the public in life and death situations. Instead we removed the section that would allow us to acquire, borrow and/or use military

physical injury to any person or destruction of property.	equipment when the threat is only limited to the destruction of property, such as to private homes and businesses.
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2. **Automated License Plate Readers (Lexipol Policy 418)**

Council referral 9/15/23 re Flock cameras purchase item

Board action - 10/18/23

Chief response - 12/14/23

Council action - 12/18/23

The City Council requested a review by CPRB of the SLPD policy on Automated License Plate Readers prior to approval of a contract to purchase additional Flock fixed ALPR cameras for installation in public thoroughfares around the City.

Automated License Plate Recognition (ALPR) systems function to automatically capture an image of a vehicle and the vehicle's license plate, transform the plate image into alphanumeric characters using optical character recognition, compare the plate number acquired to one or more databases (also known as "hot lists") of vehicles of interest to law enforcement, and then alert law enforcement officers when a vehicle of interest has been observed (also known as "hits").

The Board's research included review of other police departments' policies as selected by a CPRB ad hoc committee, information gathered from the federal DOJ/Bureau of Justice Assistance, the Northern California Regional Intelligence Center (NCRIC), Electronic Frontier Foundation, ACLU, relevant CA statutes and caselaw, and input from a local resident who had acquired ALPR photos captured in 2009 of his own car through a public records request.

CPRB Recommendations	SLPD Chief's Response
ADD standard to assure that contractors comply with SLPD policy (e.g., data retention schedule) and State law (e.g., ban against sharing data with law enforcement agencies outsider of CA),	ACCEPTED
ADD the Dept. shall make NCRIC (Northern California Regional Intelligence Center) aware of SLPD's 15 days data retention limit in handling all data collected in San Leandro	PARTIALLY ACCEPTED - Increased data retention on fixed ALPR from 15 to 30 days, but lower the NCRIC retention period from 365 days to 30 days.
ADD Definitions section	ACCEPTED
ADD a 'Prohibited Uses' section to affirm the Dept.'s commitment to protecting privacy and civil liberties and to affirm specific State laws that restrict use.	ACCEPTED (after consultation with the City Attorney)
AMEND language regarding ALPR access, searches and entries: To require supervisory approval prior to searches; documentation of who requests the search, the supervisor who approves access, the associated case	ACCEPTED, except the requirement of prior supervisor approval for access; and noted SLPD Radio Procedure manual already requires all stops be cleared with a disposition code.

number/details, and intended purpose of the access (with assigned code); manual entry to ALPR “hot lists” permitted for dispatched reports of crimes or when directed or authorized for a legitimate law enforcement purpose; clear all stops generated from an ALPR “Alert” with disposition code re outcome; download “Hot lists” from ALPR system at least daily.	
REVISE section regarding retention and purge of ALPR data to include reference to SLPD’s 15 days retention period vs. NCRIC’s default period of 365 days	PARTIALLY ACCEPTED - SLPD retention period increased from 15 to 30 days for fixed ALPR’s, and also lower mobile ALPR data retention to 30 days from 365 days.
AMEND “:Operations” section regarding verification before action taken based on an ALPR Alert to strengthen the language and require visual verification consistent with NCRIC’s policy.	ACCEPTED
ADD to “Accountability” section the intended scope of annual audit by the IPA (Independent Police Auditor) and reporting requirements	ACCEPTED -will consult with IPA on appropriate parameters for audits.
AMEND “Training” section to include the specific NCRIC training standards	ACCEPTED
AMEND to include reference to both fixed and mobile ALPR’s, to limit canvassing of license plated around any crime scene to “a reasonable radius that minimized intrusion on privacy,	ACCEPTED

Note: In December the Police Department also sought Council approval to purchase mobile Axon (Dashboard) cameras for the fleet, which include ALPR as well as video functionality, with the understanding that the CPRB would further review the ALPR policy with regard to mobile cameras. prior to the installation of the Axon cameras in police vehicles which was expected in the late Spring. Subsequently the CPRB was informed that the Axon technology is incompatible with NCRIC’s system, rendering concerns about data transfer and retention by NCRIC moot. Further CPRB review of the policy for use of the new dashboard cameras is pending.

3. Use of Force (Lexipol Policy 300)

The Board unanimously approved initial recommendations on the Use of Force policy on 12/20/23. On 3/20/24, Interim Chief Hart requested deferring the Department’s response pending the start of the new Chief in April. The CPRB agreed and the recommendations are pending at this time.

Recommendations:

1. Recommend that the current SLPD use of force policy (Lexipol Policy 300) be revised to align with evolving trends in best practices, including an emphasis on core principles for use of force.
2. Recommend that the CPRB endorse the IPA'S pending recommendations regarding revision of the current SLPD use of force policy (see below).
3. Recommend that the CPRB continue to coordinate with the IPA on the use of force policy revisions

The CPRB findings were based on a review of the policies of 10 other police departments that the Board selected, current legal standards, and reports from various law enforcement think tanks and advocacy groups, including: the Police Executive Research Forum (PERF), the American Law Institute (ALI), the International Association of Chiefs of Police (IACP), the CA Peace Officers Standards and Training (POST), Public Policy Institute of CA, NYU Policing Project, DC Office of Police Complaints, and the ACLU.

*The Board's initial conclusion is that the current Lexipol policy on use of force does not reflect the evolving trend of best practices in policing (see below). Accordingly, the Board recommends that the SLPD use of force policy should be revised to include a clear set of Core Principles that affirm upfront the values and commitments expected in SLPD to minimize the use of force whenever possible.

* The trend: Because of the extent of public concern about incidents of excessive force, the Police Executive Research Forum (PERF) in 2016 and the American Law Institute (ALI) in 2017 convened law enforcement practitioners and legal experts to develop policy guidelines on the use of force. They explicitly called for standards that would exceed the Constitutional minimum standard of "objectively reasonable" in favor of more direct assertion that police should only use the "minimum force necessary" to safely carry out their law enforcement objectives. The PERF and ALI recommendations are consistent with and presage the changes in CA law in 2019 (AB 392) and 2022 (AB 26). Provided below is a visualization developed by the CPRB:

Two Approaches to Use of Force Policy: Evolving Best Practices

Objectively Reasonable (Baseline) →	Minimum Necessary (Best practices)
Uses <i>Graham v Connor</i> US Supreme Court standard (1989) - legal minimum	Seeks higher standard
Focus on permissible use of force, officer safety, officer discretion, tactics	Adds greater focus on core principles, objectives, officer judgment/decision-making, harm reduction, training (de-escalation, etc.) and evaluation
Examples: Lexipol, IACP	Examples: ALI, PERF

12/20/23

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* ALI Guidelines include:

- "Deadly force is physical force that creates a substantial risk of death or serious bodily injury, whether or not death results.
- Given the central importance of safeguarding human life, deadly force should be used only to stop a credible threat of death or serious physical injury to the officer or others.

- Officers should use the minimum force necessary to perform their duties safely.
- Use of force principles should be more specific than the general “reasonableness” standard.
- Force cannot be considered necessary if a practical, less harmful alternative means exists for achieving the law enforcement.
- If force is used against some individuals under circumstances in which steps would be taken to avoid force against others, then adequate steps to minimize force have not been taken.
- Proportionality requires that any use of force correspond to the risk of harm the officer encounters, as well as the seriousness of the legitimate law enforcement purpose to be served by its use.
- The requirement of proportionality operates in addition to the requirement of necessity - i.e., force may be impermissible if the harm it would cause is disproportionate to the end that the officers seek to achieve. Thus, the proportionality principle demands that the law enforcement interests go unserved if achieving them would impose undue harm.

In its review, the CPRB identified a number of examples of police departments adopting core principles that it determined to be relevant to its policy review, including from the cities of Oakland, San Francisco, Berkeley, Los Angeles, Washington DC, Aurora, CO and Camden, NJ. Camden PD in particular incorporates much of the ALI Principles. SLPD’s Lexipol policy does not highlight a set of guiding principles as these other police departments do. Nor, for example, is their clear guidance on the principle of proportionality or reference to critical decision-making. There are relevant passages in the text for some - but what is there is disjointed without providing a cohesive framework for decision-making on use of force that can enhance training and communicate more clearly to the public what it can expect from our police department.

Sample core principles that the Board recommended included: Sanctity of Life, Peaceful resolutions, Critical decision-making & Continuous assessment, De-escalation & Vulnerable populations, Proportionality, Minimizing use of deadly force, Duty to intervene & Reporting excessive force, Fair-Unbiased use, Prohibited uses, Medical aid.

Here is a summary of aspects of use of force for which the IPA has pending recommendations:

- Further emphasis on de-escalation
- Duty to report excessive force
- Officer relief
- Pointing of firearms
- Further emphasis on bias-free policing
- Prohibitions on retaliatory use of force
- Further restrictions on moving vehicles

Additional areas of IPA focus include:

- Use of force model
- Prohibition of warning shots
- Emphasis on peaceful resolutions
- Emphasis on continuous assessment
- Handcuffing guidelines
- Additional Core Principles

Annual Workplan

As required by the Ordinance, attached is the CPRB’s 2024 workplan and preliminary calendar (see Appendix).

Community Outreach Plans

The CPRB continues to expand its community outreach. In addition to revising its website, attending police department community engagement events (e.g., “Coffee With the Cops”), and holding informational booths at community events like the Cherry Festival and Farmers’ Markets, the Board has made presentations to the City’s Youth Advisory Commission and the Rotary Club. The CPRB is also in the process of reaching out to neighborhood associations and considering hosting a “meet and greet” social events with the public. Lastly, while the Board has multi-lingual flyers to introduce who it is and what it does, it may need to consider developing an informational brochure for broader distribution.



CPRB and IPA Expenditures

In FY 23-24, expenditures attributed to the CPRB and IPA totaled approximately \$195,540. These include:

* NACOLE training	\$ 500
* NACOLE annual dues	\$ 500
* Community outreach materials (banner, table cloth, name tags, swag, T-shirts)	\$1,440
* Live streaming	\$ 600
* IPA annual services	\$192,500

Independent Police Auditor Summary Report

See the Appendix for a summary of the activities of the Independent Police Auditor which, among other things, describes how their role relates to that of the CPRB. The IPA separately produces a detailed annual report in the Fall that includes more information about their actions and recommendations that result from their review of misconduct complaints, critical incidents, use of force, data analysis and audits.

SLPD Commendations **TBD (get PD input)**

- * Recruiting successes
- * Officer wellness program/reduced number of officers on stress leave

APPENDIX

A. CPRB 2024 Annual Workplan

B. IPA Summary for FY 23-24

Appendix A - CPRB 2024 Workplan - (Rev 5/14/24)
(as prepared by CPRB Ad Hoc Committee)

Month	Workplan for 2024	Community Outreach	Police Policy Review	Budget Process	CPRB Annual Report	Other
Jan	Review draft workplan		RIPA data review			Elections/Re-appointments pending; Ex-officio selection process review
Feb		Revise/update website; Develop a CPRB informational presentation	Annual Military Equipment policy review			Outreach to Youth Advisory Council re ex-officio youth positions (2/20)
Mar		Establish new ad hoc committee	Follow up on Mobile ALPR policy review			Outreach to YAC re Ex-officio positions recruitment (3/5)
April	Adopt Workplan	Develop an informational brochure				CPRB input re new Chief hiring process Ex-officio positions selection (?)
May		Reach out to neighborhood associations and other community orgs	Follow up re RIPA data review and related policy on traffic stops (in coordination with the IPA)		Establish ad hoc committee to draft report; coordinate with IPA	CPRB input re new Chief hiring process (Cont.) Ex-officio positions orientation & training (?)
June		Cherry Festival booth (June 1) Rotary Club (June 5)	Follow up on Use of Force policy (in coordination with the IPA)		Approve & submit annual report to the City Council by 6/30	Ex-officio positions orientation & training (?)
July		Farmers' Market & other community events			Publicly post annual report	Orientation/training for new Bd appointee
Aug		(Cont.)				Recess; No monthly mtg.
Sept			Policy review TBD			
Oct				CPRB input to City Mgr. on SLPD Budget & CPRB Allocations		NACOLE Conference Tucson, AZ (Oct 14- 17)
Nov						Review IPA Annual Report
Dec						Training prep for new CPRB appointees

How did we do on our 2023 Workplan? Here's a snapshot:

- Completed Board member training
- Drafted CPRB Administrative Procedures which the City Council adopted
- Established CPRB webpage, email address, 1-page informational handout
- Completed 1st CPRB Annual Report and submitted to City Council
- Conducted three major SLPD policy reviews with recommendations (Military equipment, ALPR's, Use of force)
- Community Outreach via CPRB informational booths at 4 community events (Cherry Festival, SLPD United for Safety, Farmers' Market)
- Addressed chronic student board member vacancies with Ordinance change to youth ex-officio positions
- Not done: Budget input to City Manager re SLPD and CPRB budgets; Outreach to community organizations/neighborhood associations

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THE ROLE OF THE IPA

The role of the Independent Police Auditor (IPA) is laid out in both the enabling legislation and the City's contract with IntegrAssure. The IPA's role includes:

- Review of all complaint investigations undertaken by the Police Department, including both internal and citizen complaints
- Review of Discipline
- Direct Receipt of Complaints
- Review of Critical Incidents
- Review of Uses of Force and Pursuits
- Audits of Policies and Training
- Independent Investigations
- Public Reporting

STAKEHOLDER ENGAGEMENT

The IPA team continues to spend significant time collaborating with stakeholders, including the City Manager's Office, the City Attorney's Office, San Leandro Police Department (SLPD), and the Community Police Review Board (CPRB).

The City has recently witnessed significant changes in its police leadership, marking a new chapter in its law enforcement strategy. Former Chief Pridgen's tenure was succeeded by Interim Chief Hart, who contributed his distinct leadership style and objectives. Continuing this trend of leadership evolution, the City has now welcomed Angela Averiett as the interim, and now permanent Chief of Police. Chief Averiett brings a fresh perspective and a commitment to building on the foundational work of her predecessors while addressing contemporary challenges. Her appointment signifies the City's ongoing commitment to effective, community-centered policing. Notwithstanding this change in leadership, collaboration over the past year between City and SLPD leadership and the IPA remained strong and proactive. Each of the leaders from the City and SLPD have continued to express their commitment to enhance the SLPD to its fullest potential. To support this goal, the IPA has continued bi-weekly meetings with SLPD leadership. These sessions are dedicated to reviewing use of force, pursuit and complaint investigations, and discussing recent SLPD-related events. At these meetings, the IPA team shares their findings and recommendations, considers feedback from the Department, and finalizes recommendations.

Furthermore, the IPA engages in monthly strategy meetings with representatives from the City Manager's Office, City Attorney's Office, City Clerk's Office, and SLPD. These meetings aim to

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keep all pertinent parties informed about the IPA's activities, plan for upcoming CPRB sessions, and address interim tasks required by the Board.

Additionally, the IPA attends and provides monthly updates at the CPRB meetings, outlining progress and ongoing efforts.

REVIEW OF COMPLAINTS

One of the duties of the IPA is to review all complaint investigations conducted by, or on behalf of, the SLPD and related discipline, if issued. In some instances, the City has chosen to have allegations of misconduct conducted by an outside vendor. In other instances, the investigation is completed in-house utilizing SLPD investigators. In either instance, it is the responsibility of the IPA to review the investigation, and to determine whether they are complete, thorough, objective and fair, and whether there are any aspects of the investigation with which the IPA disagrees, and if so, work with the SLPD to address those issues. While the IPA has the authority to attend interviews of the complainant and all civilian and SLPD witnesses, most reviews are conducted through a review of summaries and recordings of interviews after they have been conducted rather than through the in-person attendance of interviews as they are conducted.

There are several ways complaints can be filed directly with the SLPD against members of SLPD. Community members can file a complaint directly to SLPD against any of its members, sworn or civilian, by reporting it in person at SLPD headquarters, calling SLPD, and/or submitting an online complaint. Additionally, an internal complaint can be filed by any member of SLPD against another member of SLPD. Lastly, the San Leandro Chief of Police can direct that an internal investigation be conducted against any member(s) of SLPD. SLPD's internal policy (Policy #1012) governs the intake and the investigation process for all complaints made against any employees of SLPD.

In brief, if the complaint involves less serious allegations, including no allegation of prohibited harassment, then the subject employee's supervisor may attempt to resolve the complaint, provided that the investigation of the complaint would not require confidentiality and would not be jeopardized by the supervisor's involvement¹. More serious allegations are required to be investigated by the Department's Professional Standards Unit (PSU). PSU currently has one Captain overseeing its operations with one PSU Lieutenant and two Sergeants reporting to him. However, the PSU Lieutenant position had been vacant for 15 months until it was filled in

¹ While this is not indicated in Policy 1012, this is SLPD's practice per the captain of PSU. See Recommendation #1.

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December of 2023. Due to continuing staffing shortages, PSU has been augmenting its operations by outsourcing some of its investigations to ensure timely resolutions. Decisions on whether to use an outside firm to conduct an investigation are made on a case-by-case basis with considerations given to the seriousness of the allegation as well as staffing availability. In any complaint, however, the Chief can decide which unit (or outside vendor) will investigate. All investigations must be conducted under the Public Safety Officers Procedural Bill of Rights (POBR) (Government Code Section 3303)².

There are four potential findings for a complaint: unfounded, exonerated, sustained, and not sustained. An unfounded complaint is one where the alleged acts did not occur or did not involve Department members. Complaints that are determined to be frivolous will fall within this classification. An exonerated complaint is one where the alleged act occurred but was justified, lawful, or otherwise proper. A sustained complaint is one where the actions of an accused officer were found to have violated the law, department policy, or both. Finally, a complaint is not sustained when there is neither sufficient evidence to sustain the complaint nor enough evidence to exonerate the subject officer.

Once SLPD concludes its investigation and issues associated discipline, the entire case is forwarded to the IPA for the IPA to conduct its review. Modern policing demands the development and implementation of multiple systems of accountability within a police department, including a transparent and responsive complaint investigation protocol for alleged officer misconduct. Ideally, members of the public should be able to navigate the complaint

² The bill requires that the interview of an accused member be conducted during reasonable hours and preferably when the member is on-duty. If a member is interviewed when off-duty, then the member must be compensated. Unless waived by the member, the accused member shall be interviewed at SLPD headquarters or other reasonable and appropriate place. There cannot be more than two interviewers who ask questions of an accused member. Prior to any interviews, the accused member must be informed of the nature of the investigation, and the name, rank, and command of the officer in charge of the investigation, any interviewing officers, and all other persons to be present during the interview. The interview must be for reasonable period of time and the members' needs should be reasonably accommodated. The member cannot be subjected to any offensive or threatening language, or any promises, rewards, or other inducements to obtain answers. An accused member who refuses to answer any questions directly related to the investigation may be ordered to answer questions administratively after being given a Lybarger advisement and may be subject to discipline for any continued failure to answer questions. No information or evidence administratively coerced from a member may be provided to anyone involved in a criminal investigation into the same allegations or to any prosecutor assigned to such an investigation. All interviews must be recorded, with a copy of the of the recorded interview provided to the accused member prior to any subsequent interviews. An accused member has to the right to have an uninvolved representative present during the interview but cannot consult or meet with the representative or attorney collectively or in groups prior to being interviewed. Finally, an accused member cannot be asked or compelled to submit a polygraph examination.

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process easily, from intake through resolution. Achieving this goal requires departments to provide clear and conspicuous instructions for submitting complaints and to make efforts to keep complainants updated on the status and progress of the complaint's investigation. Complainants should further be provided with reasonable timeframes during which they can expect their complaint to be resolved and explanations of the basis for any resolution, regardless of outcome, or delay.

Meeting the demands of such a system requires investment in a department's Internal Affairs unit, referred to as the Professional Standards Unit, or "PSU") in SLPD), which is integral to achieving and maintaining meaningful accountability. These units serve two communities simultaneously—law enforcement officers and the general public—and are essential in building and sustaining mutual trust and respect between the two. To this end, it is important for a department to define, in its written policies, the process by which a complaint will be received, documented, investigated, and reviewed, and to announce in advance the permissible timeframes for those steps to be taken. Such policies serve the interests of both officers and members of the public by allowing them to set their expectations appropriately and with confidence that the complaint is being assessed and resolved fairly. Only through this kind of system can officers and the public begin to develop confidence in a department's disciplinary process.

A well-functioning process promotes accountability in two ways. First, it addresses misconduct by appropriately punishing offending officers. Second, it prevents future misconduct by signaling and reinforcing organizational expectations both internally and externally and demonstrating both a department's expectations for officer conduct and the consequences of violating those expectations. An ineffective process, on the other hand, can undermine both officer morale and community trust. It is therefore imperative that the SLPD complaint process is fair, transparent, and authoritative in its determinations, and is seen and understood as such by officers and the community alike.

The IPA conducts its review of the investigation to determine the thoroughness, adequacy, and lack of bias of the investigation. In order to make a determination with respect to these benchmarks there are a number of different and specific areas that are be evaluated for every case the IPA reviews. Some examples of the areas that are assessed for each review include: whether or not all relevant witnesses are interviewed, the quality of witness interviews, inspection of all relevant evidence including the body-worn camera footage, and whether the investigation was conducted fairly. In addition to assessing whether the investigation was conducted appropriately, the IPA also assesses whether the investigation be properly documented. The IPA also assesses whether there were appropriate internal quality controls with

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respect to the investigation and the report. Lastly, if there was discipline issued in the case, the IPA assesses whether or not the discipline was appropriate and fair.

In the period covered by this report, the IPA reviewed a total of 9 investigations with recommendation(s) made in each case in which one was appropriate with respect to those reviews.

DIRECT RECEIPT OF COMPLAINTS

The IPA is charged with receiving complaints directly from the community and from the CPRB if they receive a complaint, regarding the conduct of its officers. The IPA established two different ways to directly receive complaints from the community. First was through a multilingual public website with information about the IPA and a form the community can use to submit any complaints about SLPD directly to IPA. Second, the IPA also has an email address (info@integrassure.com) that the community members can use to directly submit a complaint to the IPA. Both the website and the email addresses were provided to the community at multiple CPRB meetings. As mentioned above, members of the public can raise a complaint of misconduct to the CPRB who in turn, promptly refers those complaints to the IPA.

The IPA received one complaint directly from the community via its website; however, the nature of the complaint was not provided - only a name and phone number. The IPA attempted to speak with the complainant to gather the necessary information but was unable to contact after numerous attempts through both voicemail and texts.

REVIEW OF CRITICAL INCIDENTS

Critical incidents are defined to include all officer-involved shooting incidents, regardless of whether the person was injured; traffic collisions involving police officers that result in death or serious bodily injury to another person; uses of force resulting in death or serious bodily injury to another person; and all deaths of persons occurring while the deceased was in the custodial care of the police department. The IPA is charged with review of all officer-involved shooting incidents and all other critical incidents investigations to determine if the investigation was complete, thorough, objective, and fair. Additionally, SLPD is obligated to provide IPA with timely notification of all critical incidents to provide the IPA with the ability to observe the scene at the IPA's discretion.

SLPD and the IPA established a mechanism for SLPD to notify the IPA in a timely manner when a critical incident occurs. There was one critical incident that was reviewed during the current period. The results of that review were shared with the Department, with recommendations for improvement in a variety of different areas.

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REVIEW OF USES OF FORCE AND PURSUITS

In addition to complaints and critical incidents, the IPA, as of April 2023, also reviews all pursuit investigations and investigations of officers using force. The IPA review determines if the investigations are complete, thorough, objective, and fair. During this time-period, the IPA reviewed a total of 11 pursuit investigations, seven of which also involved a use of force. A total of 89 use of force investigations were also reviewed during the current period.

The results of each review were shared with the Department executives with recommendations for suggested revisions to the respective policies for clarification and/or improvement. When these cases were discussed, the IPA also suggested remediation to address identified shortcomings, including mentoring, coaching, and training for specific officers or supervisors, and if appropriate referral to PSU for investigation.

REVIEWS OF COMPLAINTS AND DISCIPLINE

As described above, the IPA is charged with reviewing all internal and external complaints regarding the conduct of its officers. The goal of the review is to ensure that they are complete, thorough, objective, and fair, and that they reach the right conclusions based on the facts and applicable policy.

During this time-period, the nine investigations reviewed by the IPA, six were outsourced and conducted by an external entity. The allegations included various violations of SLPD policies such as, 300 (Use of Force), Police 302 (Handcuffing and Restraints), Policy 427 (Public Recording of Law Enforcement Activity), Policy 325 (Report Preparation), Policy 312 (Searches and Seizures), Policy 321 (Standards of Conduct), Policy 600 (Investigation and Prosecution.)

While the IPA agreed with the conclusions or outcomes of the investigations in the majority of the cases reviewed, in one (1) case the IPA disagreed with the particular disposition of “not sustained”, but rather opined that the allegation should have been “exonerated” based on the evidence presented.

With regard to the quality of the investigations reviewed, the IPA found some less serious issues such as procedural missteps and process flaws, but also a few more serious failures within the investigations. Notably, the more serious issues were identified within the outsourced investigations, but those investigations always include an element of SLPD review and oversight. One of the more serious issues involved a traffic stop which resulted in the handcuffing of the complainant and search of her vehicle which should have resulted in additional allegations. In

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another case, we found that not all of the involved officers were interviewed but should have been. Further, we found that the investigators of the outsourced investigations often used leading questions which is contrary to best practice standards.

Once the IPA concluded its review of the above investigations, the findings were shared in draft form with SLPD to ensure there were no issues over accuracy. The IPA then discussed the findings with SLPD including its recommendations to improve the investigative process, revisions to relevant policies and procedures to comport with best practices, and suggested coaching, mentoring, or training of individual officers and supervisors, when appropriate. Upon conclusion of the above steps, the IPA issued a final report to the City Manager, the City Attorney's Office, and SLPD. The IPA continues to work with SLPD and the City Manager's Office to discuss the implementation of the issued recommendations.

AUDIT OF POLICIES AND TRAINING

Among the IPA's most important responsibilities is the ability to review the internal policies of the SLPD and to evaluate how those policies conform to, or depart from, established best practices. Although SLPD policies span a broad array of subject areas—from patrol operations to departmental management—this audit focuses on policies of particular concern to San Leandro community members and officials.

These include SLPD policies relating to stops, searches and seizures, pursuits, body-worn cameras, uses of force, and internal investigations and disciplinary procedures. These policies have been selected for audit because they directly govern how SLPD officers interact with community members when conducting investigations, enforcing laws, or responding to calls for service. Accordingly, they, more than other policies, determine how SLPD officers perform their duties and how San Leandro residents, in turn, experience policing.

The goal of this audit is to help officials and community members better understand which SLPD policies already reflect current best practices, which need modification, and how the City can further improve SLPD's accountability to San Leandro's approximately 90,000 residents.

The IPA is committed to a collaborative process in improving the policies related to body-worn camera, use of force, stops and searches, foot and vehicular pursuits, and internal investigations. While certain recommendations relative to these policies have been made, a comprehensive review of the policies is in process. Our workplan for this year includes the following policies:

- 4th Amendment: Investigative encounters, Frisk/searches, Arrests and Handcuffing
- Temporary custody of juveniles
- Standards of Conduct

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- Use of Force
- Biased Policing
- Mission
- Vehicular pursuits
- Foot pursuits
- BWC
- Personnel Complaints

ALL OPERATIONAL AUDIT

The IPA will be conducting a second all-purpose operational audit and to assess the Department's compliance with use of force, RIPA, arrest protocols, personnel complaints, pursuit, and BWC policies. The goal of the audit will to, again, provide the Department with a snapshot of compliance issues, if any, in each of the above categories. The audit will contain recommendations to the Department on how to potentially remediate those issues found.

The IPA team believes that this audit can provide a roadmap for addressing those areas that need immediate remediation, along with indicators of areas warranting further examination. The issues uncovered in last year's audit have contributed to the discussions of issues which the department faces. The findings of our upcoming audit will again be provided to SLPD and the City and the IPA and the City.

ASSISTANCE TO THE CPRB

The IPA serves as the law enforcement subject matter expert for the Community Police Review Board. The Board's functions include receiving community feedback and complaints and refer them for further review, as appropriate, to the IPA or the internal affairs function of SLPD. The CPRB has the authority and discretion to review any SLPD policy or practice that, by a majority vote, the Board believes is of compelling community interest.

The Board also receives reports from the IPA regarding personnel discipline and complaints, critical incidents, police department policies, and other law enforcement matters. The Board also evaluates the police department policies of compelling community-wide concern based on the trends and data, which is provided by the IPA to the Board. CPRB implements an annual work plan that consists of a community outreach plan to assure all members of the community to have an opportunity to share concerns about policing.

During the past year, the IPA has been meeting regularly with the Board's chair in advance of the monthly CPRB meetings. The meeting with the Board's chair is aimed at understanding the

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matters that will be coming before the Board, and discussing the role that the IPA may play in addressing those matters.

The IPA will continue working with the CPRB in bringing about greater transparency and through that transparency, increased public confidence in its police department.

ANALYSIS OF RIPA DATA

During the last year the IPA provided the CPRB with an analysis of RIPA data from 2022. Pursuant to questions relative to the data presented additional information was provided to the CPRB relative to the 2022 data, and because 2023 data was available at the time of the additional analysis, the CPRB was provided with a year over year comparison of the additional data. In the coming months a full analysis of the 2023 data, with year over year comparisons, will be undertaken and provided to the CPRB.