
2023-2024 Annual Report

Covering October 1, 2023 – September 30, 2024

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Office of the Independent Police Auditor for the City of San Leandro

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INTRODUCTION

On April 3, 2022, the San Leandro City Council enacted an ordinance creating the San Leandro Independent Police Auditor (the “IPA”), a contract position reporting directly to the City Manager. The IPA is responsible for reviewing and evaluating complaints against city police officers, examining local policing policy, and conducting assorted audits relating to the operations and activities of the San Leandro Police Department (“SLPD” or the “Department”).

In addition to the IPA, there was established a nine member San Leandro Community Police Review Board (“CPRB”), which is responsible for receiving community feedback and complaints about the SLPD, evaluating the more critical of the Department’s policies, and making recommendations to the City Manager about the hiring of officers and prospective Chiefs of Police.

The IPA and the CPRB work together to ensure that community feedback is received and considered, that allegations of officer misconduct are investigated and reviewed, and that SLPD policies and practices are developed and implemented to make policing more effective and accountable in the City of San Leandro.

After issuing a solicitation for candidates, the City Council selected Jeff Schlanger and the IntegrAssure team to serve as the City’s first Independent Police Auditor. IntegrAssure officially assumed its role as IPA in September 2022.

FOUNDATIONAL PHILOSOPHY OF THE INDEPENDENT POLICE AUDITOR

IntegrAssure embraces the notion that effective policing must be rooted in a philosophy of continuous improvement. IntegrAssure has Subject Matter Experts (“SMEs”) drawn from various law-enforcement related fields including executives and rank-and-file staff from numerous large and small police agencies from California and across the country. We also have lawyers and legal experts, public policy makers, and academia - all bringing their individual expertise to the City of San Leandro. The team brings with it a belief, that for policing in America to be truly successful, the basic principles of policing as first enunciated by Sir Robert Peele must be honored:

“The police are the public and the public are the police;” and

“The ability of police to perform their duties is dependent on public approval of police actions.”

A failure to abide by these and other principles has caused issues of public trust in cities throughout the nation. Distrust and adversarial relations with the community spawn a variety of harms that need to be addressed: Harm to the Community from criminal activity. Harm to the Community from poor police practices. And harm to police officers, the vast majority of whom want only to do the right thing and crave the guidance to do it in accordance with best policing practices.

The City of San Leandro, through the creation of the CPRB and the IPA, is addressing these issues, and with the creation of the IPA, the City has provided a mechanism of police oversight that brings us back to the Peelian principles to build public trust to create a healthy ecosystem of public safety, fairness, transparency, accountability, and officer wellness.

This ecosystem brings with it a relentless pursuit to make officers all they can and must be. As this happens, the Community feels better about its police department and the domino effect of positive change can begin; starting with better collaboration with the Community and greater crime reduction which makes officers feel better about themselves. This creates an environment that enhances officer safety and makes policing for the City of San Leandro a more appealing career choice, easing the burden of recruitment and hiring. At the same time the San Leandro Police Department will become a more attractive place to work and the City an even better place to live.

The goal of our oversight is to ensure that policies, training, operational integrity, and accountability all reflect best policing practices. Our approach to the oversight process is to be collaborative while maintaining our independence and objectivity. In that quest, we have been and will continue to work closely with the SLPD and the City to ensure that best practices are employed in every aspect of policing.

LEADERSHIP CHANGE

On June 3, 2024, the City of San Leandro appointed Chief Angela Averiett, a local and well-respected veteran of law enforcement, as San Leandro's Chief of Police. This was a significant step towards much needed stability within the department given the lack of a permanent chief since September 2023 when the former chief was placed on leave.¹ Since September 2023, the SLPD was commanded first by Acting Chief Luis Torres, and then Interim Chief Kevin Hart to fill the gap until a permanent chief could be selected. Chief Averiett took the helm from Chief Hart serving as SLPD's Interim Chief from April 2024 until being selected as the permanent Chief in June. Chief Averiett brings over 30 years of law enforcement experience, most recently as the Chief for the Los Altos Police Department and spent the majority of her career in the Bay Area working in several police agencies specifically Alameda County Sheriff's Office, Hayward Police Department, and the Bay Area Rapid Transit (BART) Police Department.

THE ROLE OF THE IPA

The role of the IPA is laid out in both the enabling legislation and the City's contract with IntegrAssure.² The IPA's role includes:

¹Chief Pridgen was subsequently terminated by the City Manager in February of 2024.

² Effective April 1, 2023, the City Manager added the review of all uses of force, pursuits, and an analysis of RIPA data to the IPA the responsibilities.

- Review of all complaint investigations undertaken by the police department, including both internal and citizen complaints
- Direct Receipt of Complaints
- Review of Critical Incidents
- Review of all reported uses of force, including the supervisory and internal review of those uses of force
- Audits of Complaints and Discipline
- Audits of Policies and Training
- Analysis of data collected by SLPD under the California Racial and Identity Profiling Act (RIPA)
- Independent Investigations as needed
- Public Reporting of IPA activities

STAKEHOLDER ENGAGEMENT

Soon after being selected, the IPA team established collaborative relationships with stakeholders, including the City Manager’s Office, the City Attorney’s Office, SLPD, and CPRB.

The IPA encourages open communication and collaboration through regular meetings with SLPD leadership to discuss the IPA’s review of uses of force and pursuits, complaint investigations, significant events and any pending requests for data. During these meetings, the IPA team presents their preliminary findings and recommendations to SLPD and listens to any concerns expressed by the Department in response before finalizing the issuance of its incident review reports and recommendations.

In addition to the meetings with SLPD leadership, the IPA team also participates in monthly meetings with the City Manager’s office, City Attorney’s Office, City Clerk’s office, and SLPD to update all stakeholders on the work of the IPA and prepare for the upcoming CPRB meetings.

Lastly, the IPA attends all CPRB meetings and confers regularly with the Board.

REVIEW OF INCIDENTS

In reviewing SLPD incidents, the IPA utilizes its “operational integrity” assessment template for its reviews of uses of force and pursuit incidents to determine whether SLPD officers complied with the operational, or functional aspects of the SLPD’s policies. These assessments are conducted using a 360-degree review template (see Appendix A to this report) to determine if the actions of the officers on the street have “operational integrity” through their effective and appropriate implementation of SLPD’s policies and the training they have received.

The 360-degree incident reviews serve as the basis of the IPA’s philosophy relative to police performance improvement: identify and correct small mistakes before they become larger and, whenever possible, correct them through coaching, mentoring, and training. This methodology provides the best early warning system, as performance issues are identified and corrected as they arise rather than waiting for multiple events to occur. Its main purpose is to make all officers the best that they can be, and derivatively make the department all that it can be.

The IPA’s approach, using this method, is aimed at reviewing these incidents holistically, from all points of view including the constitutionality of the initial interaction between an officer and individual, conformance to all SLPD policies, professionalism, internal communication both before and during the incident, communication with the subject, tactics utilized, pre-event planning, and supervision. This full circle review can help determine if the theoretical framework outlined in SLPD’s policies and training are effectively translated into positive results in day-to-day police operations.

In this second year of operation, the IPA reviewed a total of 84 incidents, broken down to 7 complaint investigations; 49 use of force incidents, 13 of which involved a pursuit; 28 additional pursuits where no force was used. We made a total of 51 recommendations relative to those reviews. The findings of our reviews and any resultant recommendations are shared on an ongoing basis with SLPD leadership and are summarized below, under the heading “*IPA Activities During this Reporting Period*” beginning on page 11.

USE OF FORCE INCIDENTS

More than any other characteristic, police officers are defined by their unique authority to use coercive force to induce compliance with the law and protect public safety. The advent of social media and the ubiquity of camera-enabled smartphones has made police uses of force more visible than ever. As such, use of force encounters, more than any other police-community interaction, shape the public’s perception of policing at large. Instances of excessive, abusive, and unjustifiable force can therefore quickly ignite outrage and protest locally and nationally, while those uses of force seen as justifiable or necessary can reassure community members that their values align with those of the sworn officers that patrol their streets. Its centrality to both public perception and police identity and authority requires police departments to take seriously how their officers use force.

As described in our prior annual report, the City Manager tasked the IPA with conducting reviews and assessments of all SLPD uses of force to ensure that SLPD officers are using their authority consistent with the law, established best practices, and the expectations of the community. Among the questions to be considered by these reviews are not just whether force was legally justifiable, but whether force was necessary or advisable, and whether less forceful means could have been used to achieve a similar—or better—result.

As described above, the IPA utilizes its 360 Review template when reviewing uses of force. In each review, the IPA reviews the supervisory review of the incident conducted by a first line supervisor of the involved officer as well as independently reviewing body worn camera footage of the incident and the police reports associated with the incident. The IPA review of the incident

determines whether the incident comports with policy, procedures, and state and federal law, as well as determining whether the supervisory investigation was conducted appropriately and reached the right conclusions, not only with respect to whether the use of force was justified and within policy, but whether the action of the involved officers comported with best practice in a number of different areas.

The justifiability of police use of force is a critical aspect of ensuring accountability and maintaining public trust. While the specific requirements may vary based on the circumstances, the following general principles apply to the analysis of use of force:

1. **When Force Can Be Used:** The use of force by police officers must be objectively reasonable and must be limited to overcoming resistance to arrest or detention (including flight) or be in response to an imminent threat of physical harm to the involved officer(s) or others. Officers must be able to articulate the resistance posed by an individual to arrest or detain and the reasonableness of the degree of force used to overcome that resistance, or the reasonableness of the officer's belief in an imminent threat of physical harm. Specifically, in *Graham v. Connor*, the U.S. Supreme Court established a key legal standard for evaluating the use of force by law enforcement officers under the Fourth Amendment. The case originated when Dethorne Graham, a diabetic experiencing a medical emergency, was detained by Officer M.S. Connor under suspicion of theft. During the stop, Graham was subjected to physical restraint, resulting in injuries. Graham later filed a lawsuit alleging excessive force. The Court ruled that claims of excessive force must be analyzed under the Fourth Amendment's "objective reasonableness" standard, considering factors such as the severity of the crime, whether the suspect poses an immediate threat, and if they are actively resisting arrest. This decision underscored that the reasonableness of force must be judged from the perspective of a reasonable officer on the scene, without the benefit of hindsight, and taking into account the rapidly evolving nature of such encounters.
2. **Reasonable Belief and Objectivity:** The officer's use of force must be based on a reasonable belief that such force is necessary under the circumstances as they appeared at that moment. Any assessment of the use of force should be made objectively, taking into account the information available to the officer at the time, rather than relying on hindsight.
3. **Proportional Response:** The level of force employed must be proportionate to the threat faced. Officers should use no more force than necessary to effectively address the situation. This principle emphasizes the importance of considering the severity of the threat, the potential for harm, and the availability of alternative, less-lethal options.
4. **Exhaustion of Alternatives / De-escalation:** Before resorting to force, officers should make reasonable efforts to de-escalate the situation and employ non-violent means of resolving conflicts. This includes verbal commands, warnings, and the use of techniques aimed at calming the situation and minimizing the need for physical force.

5. Continuous Evaluation: Throughout any use of force, officers should continuously reassess the situation and adjust their tactics accordingly. If the threat diminishes or ceases, the use of force should likewise be de-escalated or discontinued.
6. Reporting and Documentation: Any use of force by police officers must be promptly reported, thoroughly documented, and subject to review. Clear and comprehensive reporting ensures transparency and enables comprehensive evaluation of the incident to determine whether the use of force was justifiable.

These requirements aim to strike a balance between the legitimate need for law enforcement officers to effect arrests and detentions and to protect themselves and others, while safeguarding the rights and safety of individuals they interact with. Adhering to these principles can help ensure that police use of force is justified, accountable, and aligned with the principles of constitutional policing.

In this second year of operation, we reviewed 49 uses of force, 13 of which also involved a pursuit. These reviews are shared on an on-going basis with SLPD leadership and are summarized below.

PURSUIT

Pursuit analysis is a critical component of ensuring accountability and safety within modern policing. Pursuits, while sometimes necessary to apprehend suspects, pose significant risks to both law enforcement officers and the public. Pursuits can quickly escalate, leading to property damage, serious injury, or loss of life. By thoroughly analyzing each pursuit, police departments can evaluate whether proper protocols were followed, assess the decision-making process in real-time, and determine if alternative methods could have been employed to mitigate risk. Moreover, analyzing pursuits allows departments to assess the proportionality of the response relative to the severity of the crime, ensuring that the pursuit's justification aligns with department policies and best practices.

In-depth pursuit analysis also provides a platform for continuous improvement and training. Reviewing the circumstances leading up to a pursuit and its outcomes can help identify trends, such as which types of incidents most frequently result in pursuits or whether certain individuals or units are involved in a disproportionate number of these events. These insights are valuable for guiding future training initiatives, updating policies, and enhancing the department's overall approach to high-risk situations. In this way, regular pursuit analysis helps to ensure that police actions remain aligned with the goals of public safety and responsible law enforcement.

In this second year of operation, we reviewed 41 pursuits 13 of which also involved the use of force. These reviews are shared on an on-going basis with SLPD leadership and are summarized below.

DETAILED ANALYSIS OF TOUR ACTIVITY (D.A.T.A.) AUDITS

The Detailed Analysis of Tour Activity (DATA) Audit is a key component of the IPA's approach to comprehensive oversight and accountability. Unlike on-going reviews that focus primarily on

specific categories such as use of force, pursuits, or complaints, the DATA Audit provides a broader, periodic examination of all incidents occurring within a defined timeframe. This audit ensures that every aspect of policing, from routine stops and calls for service, is conducted in alignment with departmental policies and best practices. By encompassing all types of incidents, the DATA Audit offers a more holistic, albeit limited, view of officer performance and the department's operational integrity.

Through this periodic review, the DATA Audit helps identify patterns of behavior and areas for improvement that may otherwise go unnoticed in traditional, more narrowly focused audits. It ensures that officers are consistently adhering to protocols across the full spectrum of their duties, not just in high-profile or critical incidents. This proactive approach allows for early detection of potential policy violations, training gaps, or emerging trends that may warrant additional attention. The DATA Audit ultimately strengthens the department's commitment to transparency, accountability, and continuous improvement in policing practices across San Leandro.

REVIEW AND AUDIT OF COMPLAINTS AND DISCIPLINE

The IPA is charged with reviewing all internal and external complaints regarding the conduct of SLPD officers. The goal of the review is to ensure that the complaint investigations are complete, thorough, objective, and fair, and that they reach the right conclusions based on the facts and applicable policy. To this end, IPA has the ability to attend interviews of any witnesses, whether civilian or police. To the extent that any investigation is found to be deficient, the IPA would consult with the Chief of Police and, if necessary, the City Manager, to ensure that those deficiencies are corrected. In addition, with respect to each complaint that is reviewed by the IPA, the IPA may make recommendations on broad issues of policy, training, and accountability, and other relevant issues uncovered through the review.

There are several ways complaints can be filed 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 or minor allegations, including no allegation of prohibited harassment, then the subject employee's supervisor may attempt to resolve the complaint, provided that the investigation would not be jeopardized by that supervisor's involvement. More serious allegations are required to be investigated by the Department's Professional Standards Unit (PSU).

There are four potential findings for a complaint: unfounded, exonerated, sustained, and not sustained. An unfounded complaint is one where the alleged acts are found to have not occurred 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 review to determine the thoroughness, adequacy, and lack of bias of the investigation. To make a determination with respect to these benchmarks there are a number of different and specific areas that are evaluated for every case the IPA reviews. Some examples of the areas that are assessed for each review are whether 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 assessed whether the investigation was properly documented. The IPA also assesses whether there was appropriate internal quality control with respect to the investigation and the report. Lastly, if there was discipline issued in the case, the IPA assesses whether the discipline was appropriate and fair. Deficiencies in any of these areas are noted and may lead to broader findings and recommendations.

During this annual period, the SLPD opted to outsource to external investigative vendors who conducted all seven of the complaint investigations reviewed by the IPA, rather than completing them in-house utilizing SLPD investigators due to continuing staffing shortages and 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)³.

³ 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.

Regardless of which entity conducts the initial investigation, it is the responsibility of the IPA to review the investigation, and to determine whether it is complete, thorough, objective and fair, and whether there are any aspects of the investigation with which the IPA disagrees. To the extent that there is any disagreement, it is incumbent on the IPA to work with the Department to address those issues. While the IPA has the authority to attend interviews of the complainant and all civilian and Department 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.

In this second year of operation, the IPA reviewed a total of seven complaint investigations and made nine recommendations with respect to those reviews. These recommendations are shared on an on-going basis with SLPD leadership and are summarized below.

DIRECT RECEIPT OF COMPLAINTS

The IPA is charged with receiving direct complaints from the community 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 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. Upon receipt of any such complaints, the IPA immediately forwards them to SLPD for investigation, and then they are reviewed by the IPA once completed.

During this annual period, the IPA did not receive any complaints directly, either via its website or forwarded from CPRB.

AUDIT OF POLICIES AND TRAINING

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

These include those relating to stops, searches and seizures, pursuits, body-worn cameras, uses of force, and internal investigations and disciplinary procedures. These areas 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 others, determine how SLPD officers perform their duties and how San Leandro residents, in turn, experience policing.

The goal of these reviews is to help officials and community members better understand which SLPD policies and trainings already reflect current best practices, which need modification, and how the City can further improve SLPD’s accountability to San Leandro’s residents.

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 incident 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. As of the date of this report, there has not been a critical incident at SLPD since the IPA began its work.

REVIEW OF RIPA DATA

The Racial and Identity Profiling Act (RIPA) review is a vital process aimed at ensuring compliance with state-mandated reporting requirements and promoting transparency in policing practices. Under RIPA, the San Leandro Police Department (SLPD) is required to collect and report data on stops, and after-stop actions with a focus on demographic factors such as race, ethnicity, and gender. This process is essential for fostering accountability and building public trust, as it provides a clear record of how law enforcement interactions occur across different segments of the population. The IPA review is not only a means of assuring that SLPD complies with RIPA’s requirements, but also serves as a tool for highlighting patterns and trends in policing practices which may require further analysis and inquiry.

The IPA RIPA review provides a comprehensive presentation of the data in graphical format, allowing for an accessible visualization of the demographic breakdown of stops and after-stop actions conducted by SLPD. These charts and graphs offer the public and department leadership a clear snapshot of the frequency of stops, the outcomes, and the demographic groups involved. Importantly, this review does not include an analysis of potential causes for racial, ethnic, or gender disparities observed within the data. The intent is to provide a representation of the collected data, leaving further investigation and interpretation of any disparities for future discussion and policy considerations.

INDEPENDENT INVESTIGATIONS AS ASSIGNED BY THE CITY MANAGER

The IPA may be called upon from time to time to perform independent investigations as the request of the City Manager.

ASSISTANCE TO THE CPRB

The IPA serves as the law enforcement subject matter expert for the Community Police Review Board. The Board’s function includes receiving community feedback and complaints and referring them for further review, as appropriate, to the IPA or the internal affairs function of SLPD. 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.

CPRB members are required to complete 30 hours of training in relevant subject matters within 90 days after appointment by Ordinance 1-3-1730. In its role as the law enforcement subject matter expert, the IPA developed and implemented the initial 30-hour curriculum for CPRB, which included courses on the Public Safety Procedural Bill of Rights, Public Records Act, and Brown Act as well as Policing in America, policing oversight overview, and best practices in policing. In addition, the IPA developed and implemented training on SLPD’s processes, including internal investigations and use of force investigations. These courses were provided to the initial core CPRB members via an e-learning platform to fulfill CPRB’s training mandate and will be provided to the new members of the CPRB on an ongoing basis.

CPRB has monthly meetings, and the IPA has been in attendance each month, providing the Board with monthly updates on the IPA’s activities meeting. Moreover, in its role as the law enforcement subject matter expert, the IPA assisted CPRB and City staff in drafting the Administrative Procedure for CPRB to provide better guidance on the functions of the Board beyond what is mandated in the Ordinance.

Lastly, the IPA assists the CRPB in drafting its annual report. The CPRB’s second annual report can be found at <https://www.sanleandro.org/1187/Community-Police-Review-Board-CPRB>.

IPA ACTIVITIES DURING THIS REPORTING PERIOD

During this Reporting Period covering one year of activities from October 1, 2023 to September 30, 2024, the IPA was fully engaged with SLPD, holding regular meetings in which we discussed incidents which the IPA had reviewed and assessed, as well as relevant issues relating to other IPA responsibilities and upcoming work. The following is a more detailed description of our work.

STAKEHOLDER ENGAGEMENT

During this annual reporting period the IPA continued to attend meetings of the Community Police Review Board (“CPRB”) and had several discussions/dialogs with the CPRB Chair regarding various matters of concern to the Board and the San Leandro Community by extension. The IPA also met with City leadership including the City Manager’s office, City Attorney’s Office, City Clerk’s office, and SLPD executives at least monthly to report interim IPA activities. During these

meetings, the IPA also shared noteworthy results of our reviews and to receive input on areas to which the city wanted the IPA to focus resources. During these meetings we also prepared for the upcoming CPRB meetings which the IPA also regularly attends.

We have continued to have open communication and collaboration through our bi-monthly meetings with SLPD leadership to discuss the IPA’s review of uses of force and pursuits, complaint investigations, significant events and any pending requests for data. During these meetings, the IPA team presented their preliminary findings and recommendations to SLPD and listened to any concerns expressed by the Department in response before finalizing the issuance of recommendations.

The IPA notes that during this annual reporting period, through the transition of several significant changes in SLPD and City leadership, both the City and SLPD continued to demonstrate their willingness to cooperate and to fully support the IPA in the performance of its duties. It is clear to the IPA, that City and SLPD leadership are committed to the goal of making every SLPD officer, and the department as a whole, be all that it can and should be.

REVIEW OF INCIDENTS

USES OF FORCE AND PURSUITS REVIEWED DURING THIS REPORTING PERIOD

There were 49 use of force incidents, 13 of which also involved a pursuit. There were also 28 additional pursuit incidents where no force was used that were reviewed by the IPA, encompassing all of the incidents provided to the IPA by the SLPD during this annual period.⁴ The IPA believes these reviews are critical to a department philosophy of continuous improvement and the desire to be a “learning department.” The philosophy emphasizes the ongoing effort to always get better through the enhancement of processes, systems, and outcomes. Simply put, embedding a culture of continuous improvement is critical to ensuring that a police department functions as it should.

With this philosophy in mind, our reviews, as noted above, are conducted in a 360-degree fashion, going beyond mere examination as to whether a particular use of force or pursuit is within policy, and examining every aspect of the encounter from the constitutionality of the encounter itself, to the tactics employed, the professionalism of the officers, and whether any other breach of policy such as failure to complete a RIPA form or failure to properly activate a body worn camera, has occurred. We also review the supervisor’s investigations both in terms of completeness and its conclusions.

Our findings and recommendations from these reviews were shared with SLPD leadership, and after lengthy and healthy discussions, in the end, there were no disagreements relative to those findings and recommendations. A summary of our findings appears below.

⁴ Given the lack of direct access to the SLPD’s data systems, the IPA relied on the SLPD to provide the population of incidents for review.

While there were no use of force or pursuit incidents that the IPA found to be “out of policy” per se, there were several incidents where the IPA’s findings and recommendations indicated a need to reinforce certain policies, and in some cases illustrated the need to revise and/or clarify SLPD policies.

Generally speaking, the IPA’s reviews found that SLPD officers were courteous and professional in their interactions with members of the public. Indeed, there were several extraordinary performances by officers in handling challenging and difficult circumstances that were noted by the IPA. However, there were also several incidents where certain tactics could have been better with potentially better outcomes, and several incidents where remedial training in certain aspects of constitutional policing was suggested. Our reviews include recommendations on how any given incident could have been handled better, or more specifically, whether in any given incident a different approach by officers could have potentially yielded a better outcome.

For each finding in this area of “continuous Improvement”, together, the IPA team and the SLPD executive staff develop “Agreed Upon Course of Action” on specific areas of remediation and the process therefor.

SLPD leadership has expressed its commitment to remedial training, coaching and mentoring of officers and supervisors to ensure that the philosophy of continuous improvement becomes embedded in the agency. The IPA reviews are part of the process that helps to ensure that small issues are addressed at the first opportunity through a non-disciplinary remediation program, recognizing that in some cases discipline is, in fact, called for. SLPD leadership expressed its commitment to having supervisors include the question of what could have been done differently to potentially achieve a better outcome in their investigations

During the bulk of this year’s assessment process, with the exception of the Axon body-worn camera system, the IPA did not have direct independent access to SLPD’s records systems. The inability to provide direct access put a strain on SLPD resources having to pull and provide all relevant paperwork for the assessments to the IPA. In late September 2024, the SLPD switched over to a new system called LEFTA which allows for direct access to the records systems enabling the IPA to better conduct its reviews of uses of force and pursuits, while at the same time lessening the burden on SLPD. Given the reduction in burden, the IPA expects that it will be able to gain access to all incidents, and review and assess them, on a more timely basis.

DETAILED ANALYSIS OF TOUR ACTIVITY (D.A.T.A.) AUDITS DURING THIS PERIOD

Because of certain data related issues, no DATA Audit was conducted during this period. We expect these data issues to be resolved in the near future and will be conducting a DATA audit as soon as possible.

SUMMARY OF RECOMMENDATIONS MADE DURING THIS REPORTING PERIOD

During the review period covering October 1, 2023, to September 30, 2024, the Independent Police Auditor (IPA) made a total of 51 recommendations based on the analysis of incidents

involving the San Leandro Police Department (SLPD). These recommendations focused on ensuring compliance with departmental policies, improving operational effectiveness, and promoting a culture of continuous improvement within the department. Below is a summary of the key categories of recommendations, followed by a detailed list of the recommendations made:

1. POLICY REVIEW AND UPDATE

Several recommendations highlighted the need for reviewing and updating departmental policies to reflect best practices and improve clarity. Specific recommendations included evaluating Policy 411.9 related to Crisis Intervention Training (CIT) and revisiting the policy on body-worn cameras (BWC) activation to ensure it effectively supports both the interests of the department and the community. Additionally, recommendations were made regarding the pursuit policy, particularly addressing the speed and safety protocols for pursuit incidents.

Detailed Recommendations:

- Evaluate and potentially update Policy 411.9 to better align with the principles of Crisis Intervention Training (CIT). This recommendation was adopted during the annual period.
- Review body-worn camera (BWC) policy, specifically regarding activation during enforcement incidents, to ensure alignment with best practices and the interests of the department and the community. This recommendation was adopted during the annual period.
- Reassess pursuit policies, focusing on the speed and safety measures during pursuit of disabled vehicles, to minimize risk to officers and the public. This recommendation is in process and will be finalized during the next reporting period.

2. TRAINING, COACHING, AND MENTORING

The IPA emphasized the importance of coaching and mentoring as a tool for officer development and operational enhancement. Recommendations in this category called for targeted coaching in areas such as adherence to policy, tactical coordination, and de-escalation techniques. The IPA encouraged providing officers and supervisors with constructive feedback to help improve their response during challenging situations, with an emphasis on better outcomes through non-disciplinary remediation.

Detailed Recommendations:

- Provide coaching to officers involved in incidents where tactical coordination could have been improved to ensure more effective outcomes.
- Conduct mentoring sessions to reinforce adherence to policy, especially in high-stress scenarios.
- Continue and enhance de-escalation training to help officers better handle potentially volatile situations and minimize the use of force.
- Encourage supervisors to engage in non-disciplinary remediation through coaching and mentoring to improve officer behavior and performance.

3. SUPERVISORY ROLES AND RESPONSIBILITIES

Supervisory review processes were identified as areas requiring improvements to ensure effective oversight. Recommendations focused on the need for supervisors to thoroughly document counseling provided to officers following incidents, ensuring that corrective measures are both recorded and communicated clearly. Additionally, suggestions were made to ensure that supervisors comprehensively review officers' performance histories before providing counseling and to clarify responsibilities during high-risk situations like pursuits.

Detailed Recommendations:

- Document all counseling sessions with officers, including the rationale and outcomes, to maintain a record for future reference.
- Ensure that supervisors conduct a comprehensive review of officers' performance histories before providing any form of counseling.
- Add a designated field in incident reports for identifying the reviewing supervisor to improve accountability.
- Clarify supervisory roles during high-risk incidents, such as pursuits, to ensure proper coordination and accountability.

4. OPERATIONAL SAFETY AND TACTICAL CONSIDERATIONS

Recommendations also addressed tactical and operational safety concerns, especially in scenarios involving armed vehicles or high-risk interactions. The IPA suggested that the department consider ensuring better coordination during responses, particularly when additional officers are available to reduce risk. Questions were also raised about secure handling of patrol rifles and other equipment to prevent unauthorized access.

Detailed Recommendations:

- Reinforce the importance of waiting for additional officers to arrive before engaging, when it can be done safely, to enhance officer and public safety.
- Ensure secure handling and storage of patrol rifles and other firearms to prevent unauthorized access, especially when vehicles are left unattended. This recommendation arose out of a single incident of an unattended patrol vehicle and has been addressed.
- Discuss the appropriateness of high-speed pursuits, particularly involving disabled vehicles, to determine whether alternative tactics could be employed.

5. PAPERWORK AND DOCUMENTATION IMPROVEMENTS

Issues related to documentation were highlighted in multiple incidents. Recommendations included adding specific fields to reporting forms to ensure greater traceability of actions and responsibilities, addressing discrepancies in names between reports and video footage, and

ensuring completeness in all supervisory reviews. The aim was to improve transparency and accuracy in incident reporting, thereby fostering accountability.

Detailed Recommendations:

- Add a field in the pursuit review report to clearly indicate which supervisor completed the review. This was not an issue with the previous system but is a technical issue with the new reporting system that will be corrected.
- Implement consistent procedures to ensure that all supervisory reviews are properly documented and traceable. This was not an issue with the previous system but is a technical issue with the new reporting system that will be corrected.
- Address minor paperwork format issues to improve clarity, such as adding a "supervisor reviewing" box to certain forms.

6. QUESTIONS FOR FURTHER CLARIFICATION

In some instances, the IPA presented questions for further discussion, which were intended to refine operational protocols and ensure adherence to best practices. These included questions regarding the management of patrol rifles, the use of equipment, and the consistency of supervisory counseling practices. These recommendations served as prompts for deeper introspection and procedural enhancement.

Detailed Recommendations:

- Clarify whether patrol officers routinely carry patrol rifles or shotguns in their vehicles, and if so, ensure measures are in place to secure these weapons.
- Evaluate whether supervisors are adequately reviewing documented performance history before providing counseling.
- Examine the appropriateness of counseling for substandard performance and whether it is consistently documented beyond incident summaries.

7. INCIDENT-SPECIFIC RECOMMENDATIONS

There were also incident-specific recommendations aimed at improving officer performance in particular situations. These included addressing discrepancies between officer behavior and procedural expectations, verifying accuracy in incident reports, and ensuring effective communication between officers during high-risk scenarios such as pursuits. These recommendations were tailored to the particular circumstances of each incident and were discussed in detail with SLPD leadership.

Detailed Recommendations:

- Verify and rectify discrepancies in incident reports, such as officers' names or other details, to ensure accuracy and consistency. This recommendation arose out of a single incident of an unattended patrol vehicle and has been addressed.

- Conduct a review of body-worn camera (BWC) footage with involved officers to address tactical safety concerns, such as maintaining proper lines of fire.
- Review tactical decisions made during specific incidents, particularly where officers moved into potentially unsafe positions, and provide follow-up training to reinforce safer approaches.

Overall, the recommendations made by the IPA during this period were designed to reinforce best practices, ensure officer safety, and enhance transparency and accountability. By addressing areas such as policy clarity, tactical operations, supervisory accountability, and documentation, the IPA and SLPD continue to work collaboratively towards the shared goal of continuous improvement in policing practices.

COMPLAINTS AND DISCIPLINE REVIEWED DURING THIS REPORTING PERIOD

In the seven investigations reviewed by the IPA, the IPA agreed with all of the outcomes. There were however findings made with respect to some of the work done by external investigators with recommendations made to SLPD to be passed along to the external investigators, designed to improve the investigative process. Specifically, with regard to one of the investigations reviewed, the IPA noted that several additional allegations should have but were not included or addressed by the external entity which conducted the investigation. The SLPD did not disagree with that assessment.

The seven investigations involved alleged violations of Policy 300 (Use of Force), Policy 302 (Handcuffing and Restraints), Policy 325 (Report Preparation), Policy 312 (Searches and Seizures), Policy 321 (Standards of Conduct), Policy 600 (Investigation and Prosecution). Each investigation involved more than one allegation.

Upon conclusion of each of the reviews of the investigations discussed above, the IPA issued recommendations on how SLPD, and the contractors used for its investigations, should improve their investigative process and modify relevant policies and procedures.

Once the IPA concluded its review of the investigation, the IPA shared the report in draft form with SLPD to ensure factual accuracy and appropriate redaction of protected information. The IPA then discussed the findings and recommendations with SLPD and issued a final report to the City Attorney. Afterward, the IPA worked with SLPD to review the implementation of the issued recommendations.

DIRECT COMPLAINTS RECEIVED DURING THIS REPORTING PERIOD

The IPA did not receive any complaints directly, either via its website or forwarded from CPRB. Had we received any such complaints, they would have been immediately forwarded to SLPD for investigation, and then reviewed by the PA once completed.

POLICIES AND TRAINING REVIEWED DURING THIS REPORTING PERIOD

Over the past year the IPA assessed and provided the SLPD with recommended changes based on discussions with the SLPD executive team on issues identified by the IPA as well as best practices on the following policies and topics:

- Body-worn cameras: policy was finalized and published in September 2024
- Use of force: finalized policy is expected to be published by mid-November 2024
- The use of Automatic License Plate Readers:
- The Use of Mobile Audio Video System (MAV)

For each policy reviewed, the IPA submits its suggestions for modifications in draft format to the SLPD executive team. Once discussed and agreed upon, the draft is sent to Department members for additional feedback before finalizing the policy. Drafts are also shared with the City management team, including the City Attorney's Office, for their feedback. For certain topics such as the body-worn camera policy, the ALPR policy and the use of force policy, (both policies that the Board identified as having community-wide concern) the IPA worked along-side the CPRB as well as the Department to collaboratively arrive at the best policy which could be developed.

The IPA will continue to work with SLPD on the review of additional policies such as those relating to 4th amendments issues (stops, searches, and seizures), constitutional policing, and other topics such as pursuits and transparent tactical communication in the coming year.

As for trainings, the IPA attended and observed SLPD's defensive tactics training in part to better understand how officers are being trained with regard to uses of force, and to ensure best practices for training are being implemented. The IPA was impressed with the training content and delivery, as well as the participation of the students/officers. The IPA will periodically attend and/or assess training and training curriculum to ensure SLPD officers are benefitting from the most current best practices in police training.

BODY-WORN CAMERA POLICY

Policy Revision Overview: Body-Worn Camera Policy

As part of SLPD's ongoing efforts to improve operational effectiveness and accountability, significant updates were made to the Body-Worn Camera (BWC) policy this year. The revised policy, effective July 1, 2024, incorporates several key changes compared to the previous version. Below is a summary of the major updates:

1. **Expanded Purpose and Scope:** The new BWC policy emphasizes the multi-faceted role of BWCs, including their use in civil litigation, accountability enhancement, training, and refreshing officer memory for reports. The scope has expanded to reflect these broader applications, underscoring BWCs as a key tool in fostering transparency and building public trust.

2. **Comprehensive Definitions and Terminology:** The updated policy includes detailed definitions for terms such as "Body Worn Camera Device," "Buffering Mode," and "Digital Evidence Management System." This helps ensure clarity around operational concepts, minimizing the risk of misunderstanding or non-compliance.
3. **Detailed Activation and Deactivation Procedures:** The revised policy provides a more detailed list of situations that require activation, including dispatched calls, pursuits, K-9 deployments, and all use of force incidents. The policy emphasizes activation as soon as practicable, without compromising officer safety. Clear guidelines are also provided for deactivation, particularly in sensitive scenarios such as attorney-client conversations.
4. **Privacy Considerations:** The updated policy strengthens privacy considerations, particularly in hospital settings and during medical consultations, ensuring that BWCs are not used inappropriately and that privacy rights are respected.
5. **Enhanced Supervisory Roles and Auditing:** The new policy expands on the responsibilities of supervisors, who are now tasked with promptly retrieving and reviewing BWCs following significant incidents. Supervisors are encouraged to use BWC footage as a training tool to improve officer performance, reinforcing a culture of learning rather than punishment.
6. **Introduction of Evidence.com:** The policy includes the integration of Axon's Evidence.com as the digital evidence management system. This system provides a standardized platform for uploading, storing, and managing BWC footage, ensuring that all evidence is properly cataloged and accessible for authorized personnel.
7. **Policy Alignment with Accountability Goals:** The updated policy aligns BWC usage with the department's broader accountability objectives. It explicitly mentions that supervisors and the Independent Police Auditor may review footage to assess performance, investigate complaints, and ensure adherence to policy, fostering continuous improvement.

Overall, the revised BWC policy reflects a commitment to transparency, accountability, and operational excellence. By clarifying expectations, improving procedural details, and expanding the use of digital evidence management, the updated policy supports both officers and the community in achieving fair and effective policing outcomes.

USE OF FORCE POLICY

The revision of this policy is currently in review and is expected to be published in late November 2024. There was a special committee of CPRB which along with the IPA and the Department have been working collaboratively on the finalization of the policy.

AUTOMATED LICENSE PLATE READER POLICY

Policy Overview: Automated License Plate Reader (ALPR) System Policy

The San Leandro Police Department has implemented a revised Automated License Plate Reader (ALPR) System policy aimed at enhancing public safety through the effective use of technology while ensuring privacy and accountability. The policy, detailed in Section 418 of the San Leandro PD Policy Manual, provides comprehensive guidelines for the use of ALPR technology for official law enforcement purposes. The policy revisions were developed with significant input from the CPRB.

1. **Purpose and Scope:** The ALPR policy is designed to guide the capture, storage, and use of digital data collected by ALPR technology. The primary objective is to utilize ALPR systems to support law enforcement operations, including identifying stolen vehicles, missing persons, and individuals with active warrants, while recognizing the importance of respecting established privacy rights.
2. **Data Use and Privacy Considerations:** The policy places a strong emphasis on privacy and confidentiality. All data collected by ALPR systems is strictly for official law enforcement use and is managed in partnership with the Northern California Regional Intelligence Center (NCRIC). Access to this data is restricted to authorized personnel only, and measures are in place to protect sensitive information, ensuring compliance with applicable privacy laws.
3. **ALPR Operations and Usage:** ALPR systems are used during routine patrols and criminal investigations to automatically detect license plates. The policy specifies that ALPR use must be limited to authorized purposes, including locating stolen vehicles, identifying individuals subject to arrest, and supporting public safety at critical infrastructure and events. Importantly, ALPR use does not require probable cause, allowing it to be a proactive tool in criminal investigations.
4. **Data Retention and Management:** Data collected through ALPR is automatically transferred to the NCRIC server and is retained for a period of one year, unless required for ongoing investigations or legal proceedings. The Bureau of Services Captain oversees the administration of ALPR data, ensuring compliance with state regulations regarding data retention, access, and destruction.
5. **Accountability and Oversight:** The policy outlines strict accountability measures for the use of ALPR data. Access to data is controlled through login and password protections, and the ALPR Administrator is responsible for conducting quarterly audits to ensure compliance. Data sharing is allowed only with law enforcement or prosecutorial agencies, subject to approval by department leadership, thereby maintaining strict oversight of ALPR information.

Conclusion The ALPR System policy aims to balance the benefits of using advanced license plate recognition technology for public safety with the need to safeguard privacy and ensure accountability. By defining clear operational guidelines, emphasizing data security, and ensuring stringent oversight, the policy supports San Leandro PD's commitment to effective, responsible policing that serves the community's needs.

MOBILE AUDIO VIDEO (MAV) SYSTEM POLICY

Policy Overview: Mobile Audio Video (MAV) System Policy Implementation

In an effort to enhance operational transparency, officer accountability, and community trust, the San Leandro Police Department implemented a new Mobile Audio Video (MAV) System policy, effective July 1, 2024. The policy introduces comprehensive guidelines for the use of MAV technology, which integrates traditional video and audio capture with advanced features such as Automated License Plate Recognition (ALPR). The policy was developed with significant input from the CPRB.

1. **Expanded Purpose and Scope:** The new MAV policy establishes this technology as a key component in supporting departmental operations, enhancing accountability, and fostering public confidence. The system is intended to assist in documenting enforcement actions, provide evidentiary support for investigations, and bolster officer training and performance assessments.
2. **Privacy Considerations and Data Protection:** A core aspect of the MAV policy is the focus on privacy and civil liberties. The policy incorporates guidelines to prevent unwarranted invasions of privacy, particularly in sensitive areas such as residences and medical facilities. By establishing strict controls and criteria for data access, storage, and retention, the department aims to ensure that the use of MAV technology respects individual rights while fulfilling its public safety mission.
3. **Supervisory Oversight and Use for Accountability:** Supervisors are given a critical role under the new policy, with responsibilities that include reviewing MAV footage to ensure compliance with departmental procedures and using recorded footage as a training tool for officer development. This ensures that the MAV system is not only a tool for accountability but also a resource for enhancing officer performance through constructive feedback.
4. **Integration of Advanced Features – ALPR:** A significant feature of the MAV system is the integration of Automated License Plate Recognition (ALPR) capabilities. ALPR allows for the automated identification and cataloging of vehicle license plates, enhancing the effectiveness of law enforcement operations, particularly in areas of vehicle-related investigations and public safety initiatives. The use of ALPR is governed by specific policies aimed at ensuring its application is consistent with legal standards and privacy protections.
5. **Evidence Management and Digital Integration:** The MAV policy introduces Axon's Evidence.com as the designated platform for managing all digital evidence, including video, audio, and ALPR data. This integration ensures secure handling, storage, and accessibility of digital evidence, supporting the reliability of information collected and its appropriate use in legal proceedings and departmental reviews.

Overall, the newly implemented MAV System policy represents a strategic effort by the San Leandro Police Department to leverage advanced video technology to enhance accountability, transparency, and public trust. By integrating audio and visual recordings with automated vehicle recognition, and emphasizing privacy protections and supervisory oversight, the policy aims to

support effective policing practices that are fair, transparent, and responsive to community expectations.

CRITICAL INCIDENTS REVIEWED THIS PERIOD

There were no critical incidents that occurred or were reviewed by the IPA during this annual review period.

RIPA REVIEW

Last year, the IPA presented its findings based on the analysis of 2022 RIPA data. The IPA stressed the difference between disparities and bias and that, given the limitations of the data, conclusions could not be drawn about the causation of the disparities. This engendered thoughtful discussions with the department about the appropriate denominator or denominators to benchmark the RIPA data to, including whether San Leandro population is the appropriate benchmark since there is some indication within the department that many SLPD traffic stops are of non-residents. The presentation was a great start to a complex discussion with the department on how to improve the effectiveness of its current policing tactics, especially in the light of continuing departmental staffing shortages.

This year, we examined the data for 2023. The San Leandro Police Department's (SLPD) RIPA data comparison between 2022 and 2023 illustrates significant shifts in stop activity.

Notably, in 2022, the total number of stops recorded was 3,056, while in 2023, the number decreased to 1,897, indicating a notable reduction in police-initiated stops. It is unclear as to what drove this dramatic reduction in stop reports. It is possible that there was significantly greater under-reporting of stops, or that this change is otherwise attributable to evolving departmental policies, resource allocation, or broader trends in public engagement and officer discretion. Notwithstanding the reduction in the number of reported stops, traffic violations remained the predominant reason for stops, with moving violations leading among specific types of traffic-related encounters.

The demographic disparities in stops across both years are also notable, with Black/African American individuals constituting 33.37% of stops in 2023, as opposed to 36% in 2022. Hispanic/Latino(a) individuals made up approximately 29.63% of stops, followed by White individuals at 18.45%. While these figures illustrate differences in stop rates across racial and ethnic groups, disparities alone do not account for underlying causes. Many factors, such as neighborhood demographics, crime rates, officer deployment, and call-based responses, can contribute to disparities in stop data. Additionally, some disparities may reflect socio-economic factors that influence the visibility and frequency of interactions with law enforcement. This neutral, graphical presentation of RIPA data facilitates informed discussions on these disparities, helping the department and stakeholders identify patterns that may guide future policy considerations and community engagement efforts.

This year, we looked at the data for both 2022 and 2023 relative to stops made at different times of the day. Specifically, we employed a dual approach in analyzing its RIPA data: a comparison

of daytime versus nighttime stops and a “Veil of Darkness” analysis. These methodologies help control for the impact of visibility on officers’ ability to visually identify demographic characteristics, thereby providing a clearer view of policing practices under different light conditions. The daytime versus nighttime breakdown uses sunrise and sunset to categorize stops based on natural light availability, while the Veil of Darkness analysis focuses on stops occurring between 5:00 PM and 9:11 PM, further subdivided based on visibility. Stops occurring within 35 minutes after sunset are classified as “out of range,” isolating periods of full daylight or darkness where visibility plays a decisive role and keeping the period constant so as to isolate potential other variables such as traffic.

The Veil of Darkness analysis, in particular, seeks to control for potential bias in decision-making by examining stops during the transitional period between daylight and nighttime. Stops that occur after dark theoretically reduce the likelihood that officers can assess demographic characteristics from a distance, making it an important tool for assessing whether and to what extent demographic disparities persist irrespective of visibility. By using these light-based divisions, the department can attempt to better evaluate the influence of potential visual bias on stop demographics, thereby supporting an objective review of stop patterns across various demographic groups.

In our 2022 and 2023 stop data analysis, we examined patterns based on both Daytime vs. Nighttime and Veil of Darkness frameworks, focusing on potential disparities in enforcement during periods of high and low visibility. This analysis aimed to identify if racial disparities persist under different lighting conditions and, by extension, to explore potential visibility-based biases in stops.

DAYTIME VS. NIGHTTIME ANALYSIS

The Daytime vs. Nighttime analysis, which categorized stops based on natural light conditions using sunset as the dividing line, revealed notable differences in stop rates by race:

- 2022: Black and Hispanic individuals were stopped at higher rates during nighttime compared to daytime hours.
- 2023: This trend persisted, with Black and Hispanic individuals experiencing a higher frequency of nighttime stops compared to other groups.

These findings indicate that certain racial groups experience an increased likelihood of stops after dark. Such a pattern may be influenced by patrol deployment strategies, neighborhood demographics, or other environmental factors that result in greater nighttime enforcement in areas with higher concentrations of certain racial demographics.

VEIL OF DARKNESS ANALYSIS

In addition, we conducted a Veil of Darkness analysis for stops occurring between 5 PM and 9:11 PM. This approach categorizes stops based on whether they occurred:

- In daylight (between 5 PM and sunset),

- In darkness (from sunset + 35 minutes until 9:11 PM), or
- Out of Range (stops within the 35 minutes after sunset or occurring outside the 5 PM to 9:11 PM window).

Our findings showed that:

- 2022: Black and Hispanic individuals had higher stop rates during periods categorized as "darkness" compared to those in "daylight."
- 2023: This trend continued, with the highest stop rates for Black and Hispanic individuals occurring under reduced visibility in the darkness category.

Interpretation and Implications

This trend presents a paradox within the Veil of Darkness hypothesis, which posits that bias should diminish as visibility decreases, under the assumption that officers cannot visually ascertain race in darkness. The observed disparities, therefore, indicate that factors beyond just visibility may be contributing to racial differences in stop rates.

CONCLUSION

The persistence of racial disparities in nighttime and Veil of Darkness stop rates for Black and Hispanic individuals highlights a need for further examination into those factors that may be influencing stop decisions. Continued analysis of these factors, coupled with community engagement and policy adjustments, may be required to ensure equitable enforcement practices across all visibility conditions.

The full presentation of our findings both with respect to 2023 data and 2022 and 2023 time of day comparisons can be found in Appendix B.

INDEPENDENT INVESTIGATIONS ASSIGNED AND PERFORMED THIS PERIOD

There were no independent investigations conducted by the IPA in this reporting period.

ASSISTANCE TO THE CPRB

During this annual reporting period, the IPA continued to serve as the for the Community Police Review Board's law enforcement subject matter expert and worked hand in glove to coordinate the Board's evaluation of the SLPD's revised Body-Worn Camera ("BWC") policy, the Automated License Plate Reader policy, Mobile Audio-Visual Policy, and its Use of Force policy. The revised BWC policy was published in September 2024, the revised ALPR policy was published in December 2023, and the Use force policy is expected to be published sometime in November 2024.

During this reporting period, the CPRB replaced two CPRB members. The IPA again coordinated with the City and SLPD to provide the new members with the 30 hours of training in relevant subject matters as required by Ordinance 1-3-1730.

The IPA attended each of the CPRB’s monthly meetings during this annual period during which the IPA provided the Board with monthly updates on the IPA’s activities and any specific topics required.

CONCLUSION

During the second year of operation, additional important issues have been uncovered through the IPA’s auditing and review processes with regard to specific incidents and department-wide policies and procedures. These identified matters resulted in recommendations and agreed upon action items, all of which have been accepted or are on schedule for further discussion and deliberation by the City. These issues are clearly addressable through modifications made to policies and training and to coaching and mentoring of officers. The IPA is working with the City and SLPD to ensure the timely implementation of these recommendations to keep the SLPD on a path of continuous improvement.

APPENDIX A – 360-DEGREE ASSESSMENT EXPLANATION AND TEMPLATE

ASSESSMENT CRITERIA FOR
360-DEGREE
OPERATIONAL INTEGRITY
INCIDENT REVIEWS

June 2024

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I. INTRODUCTION

This document describes the criteria that the IPA's team will use when conducting comprehensive 360-degree reviews of the Police Department (PD) and its various law enforcement activities, including uses of force, vehicle pursuits, complaints, stops and other community interactions.

The objective of the IPA's 360-degree incident reviews is to determine whether all law enforcement actions reviewed were conducted in compliance with legal standards, departmental policies and ethical guidelines in order to maintain accountability, transparency and trust in the PD's law enforcement practices. The 360-degree incident reviews serve as the basis of the IPA's philosophy relative to police performance improvement: identify and correct small mistakes before they become larger and, whenever possible, correct them through coaching, mentoring and training. This methodology provides the best early warning system, as performance issues are identified and corrected as they arise rather than waiting for multiple events to occur. Its main purpose is to make all officers the best that they can be, and derivatively make the department all that it can be.

The IPA notes that performance issues may not always be caused by police conduct issues. Policies, training, supervision and systems of accountability are vital components of continuous improvement and are separate tracks that the IPA has and will continue to assess in conjunction with the 360-degree incident reviews described herein.

The IPA reserves the right to update this document as needed to better reflect the approach to assessing operational integrity.

II. THE IPA'S PHILOSOPHY OF COLLABORATIVE OVERSIGHT

The IPA firmly embraces a philosophy of collaborative oversight in its 360-degree incident review process. This approach is rooted in the principle that effective oversight should not be a punitive "gotcha" mechanism, but rather a constructive partnership aimed at continuous improvement. The IPA's goal is to work closely with command staff and other stakeholders, fostering an environment of open dialogue, mutual understanding and a shared commitment to excellence in law enforcement practices. Practical aspects of this approach include:

- Early feedback and communication
- Open dialogue on issues
- Joint determination of remediation
- Effective implementation of remediation
- Focus on learning and growth

A. EARLY FEEDBACK AND COMMUNICATION

The IPA prioritizes providing feedback to the PD Command Staff at the earliest opportunity. This timely communication allows for immediate awareness and understanding of any issues or concerns identified during the 360-degree incident reviews.

B. OPEN DIALOGUE ON ISSUES

By engaging in candid discussions about the issues uncovered, the IPA aims to create a space where insights are shared openly, and perspectives are broadened. This dialogue is crucial for a comprehensive understanding of the context and nuances surrounding each issue.

C. AGREED UPON COURSE OF ACTION

The IPA believes in collaboratively discussing the extent of remediation necessary, arriving at an agreed upon course of action for remediation. While the IPA will provide preliminary recommendations to PD regarding any issues identified, the IPA plans to work together with PD Command Staff to evaluate the impact of any issues identified during the 360-degree incident review process and reach agreement on the most effective and appropriate course of action for remediation.

D. EFFECTIVE IMPLEMENTATION OF REMEDIATION

The process of effecting remediation is a cooperative effort. the IPA will assist in developing strategies and actions that are both corrective and proactive in nature, and that the measures

taken are practical, sustainable, and aligned with the best practices in policing. The IPA will document agreed-upon remediations and will track the status of completion of such remediation.

E. FOCUS ON LEARNING AND GROWTH

The IPA's approach is underpinned by a commitment to learning and growth, with each 360-degree incident review being an opportunity for development and improvement, rather than merely a compliance check. Through this collaborative oversight approach, the IPA will work together with PD to strengthen its practices and policies, thereby enhancing its ability to serve and protect the community effectively. The IPA's role is not only to provide independent reviews, but also to be a facilitator of positive change, guiding and supporting PD in its journey towards excellence in policing.

III. SCOPE OF REVIEW

The scope of the IPA's 360-degree incident reviews will encompass a broad range of activities:

- *Use of Force:* Assessment of instances where physical force or weapons were used by officers, evaluating their necessity, proportionality, and legality, consistent with PD policy. The IPA will also assess issues related to the duty to intervene; the duty to provide medical assistance; and the requirements relative to relief of involved officers.
- *Pursuits:* Analysis of vehicle pursuits to assess adherence to safety protocols, decision-making processes, and compliance with pursuit policies.
- *Complaints:* Assessment of complaints lodged against officers or the department to confirm whether a thorough investigation, fair adjudication, and appropriate response occurred.
- *Contacts:* Assessment of consensual encounters, stops, citations and arrests (traffic or pedestrian) to confirm whether the contact, and the reason(s) behind the contact, were consistent with the law; and assessment of the rationale and conduct of officers during these interactions for professionalism and compliance with department policy.

IV. THE IPA'S 360-DEGREE INCIDENT REVIEW PROCESS

The IPA's 360-degree incident review process is grounded in objectivity, thoroughness, and a commitment to best practices. It involves:

- A detailed examination of incident reports, body-worn camera footage, witness statements, and any other relevant documentation as well as review and assessment of supervisory reviews.
- Determining whether all actions by law enforcement personnel are legally justified, ethical, and within policy guidelines.
- Application of established legal standards and departmental policies as benchmarks for evaluation.
- Documenting the findings from each of the IPA's 360-degree incident reviews and recommendations relative to both individual officer performance and wider-reaching issues. For each of the areas assessed in the 360-degree incident reviews, the IPA will indicate whether there is an "Issue or Notable Observation" or not.

V. OUTCOMES AND RECOMMENDATIONS

The outcomes of the IPA's 360-degree incident reviews are aimed at:

- Identifying areas where officers have excelled in their duties and those areas where improvements are needed.
- Recommending specific remediation for particular officers involved in an incident.
- Recommending changes or enhancements in training, policies, and practices to prevent future occurrences of any identified issues.
- Strengthening community relations by demonstrating a commitment to accountability and excellence in policing.
- Examining the role of supervisory actions and review in order to understand how supervisors and command staff respond to and manage situations involving uses of force, pursuits, complaints, and stops.

VI. COMMITMENT TO CONTINUOUS IMPROVEMENT

The IPA's 360-degree incident review process reflects its efforts to promote the PD's commitment to continuous improvement. Effective policing requires not only adherence to laws and policies but also responsiveness to the evolving needs and expectations of the community. Through these incident reviews, the IPA will require and assist the PD in its pursuit of upholding the highest standards of law enforcement and fostering a culture of integrity, respect, and professionalism. The philosophy of continuous improvement is a major focus in the discussion of each incident with PD in the context of determining whether anything could have reasonably been done differently to have potentially and reasonably achieved a better outcome.

VII. THE IPA'S 360-DEGREE INCIDENT REVIEW CRITERIA

The IPA's assessment criteria for its 360-degree incident reviews are detailed below.

A. BODY WORN CAMERA UTILIZATION

Proper use of body-worn cameras (BWCs) ensures that a clear and comprehensive record of events is maintained, which is invaluable for post-incident reviews, investigations, and building community trust. The IPA's assessment of BWC utilizations is therefore integral to ensuring that the benefits of BWC technology are fully realized relating to enhanced policing standards and practices. Key considerations for the BWC utilization assessment include:

- *Activation Compliance:* Were BWCs activated at the start of an incident or encounter, in accordance with departmental policies?
- *Continuation of Recording:* Did BWCs remain active throughout the duration of the incident, ensuring continuous and uninterrupted recording?
- *Termination of Recording:* Was termination of the BWC recording appropriately timed to capture the entire incident?
- *Muting and Audio Considerations:* Were there any instances where audio was muted or disabled?

B. PLANNING, INTERNAL COMMUNICATIONS AND DECISION-MAKING

Police actions at the inception and early stages of an incident often reflect the level of preparedness and situational awareness of the officers involved. Evaluating these actions offers insight into officers' readiness to handle unexpected situations and adherence to training and protocols. Specifically, reviewing these actions can reveal how well officers assess and manage risks before engaging in a situation. This includes understanding the environment, potential threats, and available resources, including appropriate communications with supervisors. Similarly, the making of sound decisions based on sound judgment and intelligence is a crucial skill for an officer which needs to be evaluated. Key considerations for the assessment of planning, internal communications and decision-making include:

- *Pre-Incident Information Gathering:* Did the officers gather sufficient information before the incident, when available, indicating their effectiveness in understanding the situation they were about to engage in?
- *Planning:* Were plans of an appropriate quality developed, when possible?
- *Pre-Incident Decisions:* Were the decisions made by officers before or in the early stages of the incident of an appropriate quality, in light of the available information and circumstances?
- *Internal Communications:* Did the officers communicate appropriately with each other and their supervisor before and in the early stages of an incident?

C. LEGAL PREDICATE FOR CONTACT WITH SUBJECT

Intrusive law enforcement interactions must be predicated on reasonable suspicion, probable cause, or other legal justification, such as fulfilling a caretaker function. By assessing whether there is an appropriate legal basis for the interaction, officers demonstrate a commitment to upholding legal standards and protecting the rights of individuals. This can enhance public trust in law enforcement agencies by reassuring the community that officers are acting within the scope of their authority and respecting citizens' rights. Key considerations for the assessment of legal predicate for contact with subject include:

- *Encounter Permissible:* Was the level of the encounter supported by objectively reasonable facts from the perspective of the involved officer so as to make the encounter constitutionally permissible?
- *Consensual Encounter:* With respect to a consensual encounter, was the individual free to leave and not answer any questions?
- *Terry Stop Reasonable Suspicion:* With respect to a Terry Stop, did the officer have a specific, articulable, and reasonable suspicion, not a mere hunch, that the person is, or is about to be, or was involved in criminal activity? This suspicion must be supported by specific facts or observations.

- *Terry Stop Brief and Focused:* In the case of a Terry Stop, was the stop brief and focused on confirming or dispelling the officer's suspicion?
- *Arrest Probable Cause:* In the case of an arrest, was there probable cause to make the arrest?

D. COMMUNICATION WITH SUBJECT(S)

Communication plays a critical role in law enforcement interactions, especially in high-stress situations like those involving use of force. Effective communication can de-escalate tensions, clarify intentions, and prevent misunderstandings, while poor communication can exacerbate a volatile situation. Key considerations for the assessment of officer communications with subject(s) include:

- *Clarity of Communication:* How clearly and effectively did the officer communicate with the subject? This includes the use of clear language, appropriate tone, and understandable instructions.
- *De-escalation Efforts:* Were attempts made by the officer to de-escalate the situation through verbal communication? This could include calming the subject, negotiating, or employing other crisis intervention techniques. It also includes active listening to understand the subject's concerns or state of mind, the use of empathetic and non-confrontational language, and the avoidance of language or gestures that could escalate tension.
- *Command Presence and Authority:* Did the officer balance assertiveness with respectfulness to maintain control of the situation without escalating tensions?
- *Use of Verbal Warnings:* Did the officer provide adequate verbal warnings or make the consequences of non-compliance clear to the subject?
- *Responsiveness to Subject's Communication:* Did the officer listen and respond appropriately to the subject's verbal and non-verbal cues?
- *Cultural and Linguistic Considerations:* Did the officer adapt their communication to accommodate any cultural or linguistic differences?

E. DE-ESCALATION

De-escalation is key to good policing, especially in situations where use of force is or may become involved. Even in non-use-of-force contacts with civilians, the level of an officer's de-escalation skills can affect the outcome of an encounter. Key considerations for the assessment of de-escalation include:

- *Verbal De-escalation:* Did officers use their verbal and non-verbal communication skills to de-escalate tension? This includes tone of voice, choice of words, and body language; providing clear and simple instructions or requests; actively listening in order to understand the subject's concerns or state of mind; acting empathetically and non-confrontationally; and

avoiding the use of language or gestures that could escalate tension, such as profanity or aggressive demeanor.

- *Efforts to Slow Down or Stabilize the Situation:* Did tactical decisions slow the pace of the encounter, allowing more time for a peaceful resolution? This includes avoiding rushing or forcing a resolution unless immediate action is necessary for safety; and creating a controlled environment where both the officer and the subject have time to think and communicate.
- *Attempts to Understand and Empathize with the Subject:* Did the officer empathize with the subject, considering their emotional, mental, and situational state? Did the officer recognize signs of mental illness, substance abuse, or emotional distress? Did the officer show compassion and understanding, which can help in gaining the subject's trust and cooperation?
- *Utilization of Space, Barriers, or Tactical Repositioning:* Did officers use physical space and positioning to reduce the immediacy of a threat and increase safety? This includes maintaining a safe distance to reduce perceived aggression, using barriers (like vehicles or furniture) as protection and to create a buffer zone and repositioning to avoid cornering or overwhelming the subject.
- *Decisions to Wait for Additional Resources or Specialized Units:* Did officers exercise appropriate judgment in deciding to wait for backup, specialized units, or crisis negotiators? Did the officers recognize when the situation was beyond their training or required specialized skills? Did the officers use the time before additional resources arrived to stabilize the situation as much as possible?

F. LEGAL JUSTIFICATION FOR USE OF FORCE

Assessing the legal justification for each use of force is a critical component of any comprehensive use of force review. This assessment determines whether force was used in compliance with legal standards, departmental policies, and ethical considerations. Key considerations for the assessment of legal justification for each use of force, include:

- *Alignment with Legal Standards:* Did the use of force comply with relevant legal standards, including constitutional guidelines and state law including §18-1-707 C.R.S.? Were each involved officer's actions objectively reasonable considering the circumstances, without the benefit of 20/20 hindsight? This means evaluating the situation from the perspective of a reasonable officer on the scene, rather than with the clarity often available after the fact, while considering: (1) the severity of the crime, if any; (2) any immediate threat to involved officers or others; and (3) whether the subject was actively resisting or evading arrest by flight.
- *Other Factors:* Were alternative methods of capture or restraint considered in light of other potentially relevant factors such as the number of suspects versus officers, and the size, age, and condition of the suspect versus the officers?

- *Consistency with PD Policies:* Did the use of force align with the specific policies and procedures of PD?
- *Proportionality:* Was the level of force used proportional to the threat presented and the subject's actions?
- *De-escalation:* Were de-escalation techniques properly employed?
- *Officer Training and Experience:* Did the officers' decision-making reflect the training and experience of the officer(s) involved?
- *Alternative Options:* Were other less intrusive options available that were not used?
- *Reporting and Supervisory Review:* Was the documentation of the use of force and the supervisory review thereof thorough, accurate and complete?

G. DUTY TO INTERVENE

The duty to intervene, as required by the law¹ and as trained on by PD in its participation in ABLE training, is a critical component of law enforcement accountability and ethics. It refers to the obligation of an officer to step in when they observe another officer engaging in excessive use of force or conduct that violates a person's rights, departmental policies, or laws. This duty is rooted in the principle of upholding justice, protecting civilians from harm, and maintaining the integrity of the law enforcement profession. The evaluation of this duty is essential to promote a culture of accountability and to assess whether all officers adhere to ethical standards and legal guidelines. Key considerations for the assessment regarding whether there was appropriate discharge of the duty to intervene, include:

- *Identifying the Need to Intervene:* Was there a clear and apparent need for an officer to intervene in the situation? The nature of the incident, the actions of the involved officers, and the level of force used are relevant to this assessment.
- *Officer's Response to the Situation:* Did officers at the scene respond in a timely and effective manner to any improper conduct? Did they take appropriate actions to prevent, stop, or report the misconduct?
- *Barriers to Intervention:* Were there any potential barriers that might have prevented an officer from intervening, such as hierarchical constraints, perceived peer pressure, or fear of retaliation?
- *Training and Policy Awareness:* Did the officers possess the knowledge and understanding of relevant policies and training regarding intervention duties? Did the situation reflect a need for enhanced training or clearer policies?
- *Reporting and Follow-up Actions:* Was the incident reported appropriately by the officers following the incident, in line with departmental policy? Were the actions taken by the PD

¹ California Government Code §7286

upon receiving the report appropriate?

H. MEDICAL RESPONSE AFTER A USE OF FORCE

The provision of medical response after a use-of-force incident is a fundamental duty of law enforcement officers. It involves assessing the medical needs of individuals involved in the incident and assessing whether appropriate medical care was provided promptly. This duty reflects a commitment to preserving life and health, even in situations where force was necessary. Evaluating this aspect is crucial for assessing whether policies and practices prioritize the well-being and rights of all individuals, align with humanitarian principles, and comply with legal obligations. Key considerations for the assessment of medical response after a use of force include:

- *Timeliness of Medical Assessment and Response:* Did officers assess the need for medical assistance in a timely manner after the use of force, and did they promptly provide and/or call for medical aid?
- *Adequacy of Medical Care Provided:* Was the first aid or medical care provided by the officers adequate, if applicable, and was the care appropriate for the injuries or conditions observed?
- *Training and Knowledge:* Did the officers' actions reflect their training and knowledge regarding medical response and first aid?
- *Escalation to Medical Professionals:* Was the officers' decision-making timely and appropriate regarding when to escalate to medical professionals, such as calling an ambulance or EMT?
- *Documentation and Reporting:* Did the officers' documentation of the medical response accurately and thoroughly reflect the medical care provided and the condition of the individual?
- *Policy Adherence:* Were the officers' actions in compliance with departmental policies and protocols related to medical response after the use of force?
- *Consideration of Special Medical Needs:* Did officers consider and appropriately respond to any known special medical needs or conditions of the individual?

I. RELIEF PROTOCOLS IN USE OF FORCE INCIDENTS

Relief protocols in use-of-force incidents typically mandate that an officer involved in a significant use of force should be relieved from direct contact with the subject at the earliest opportunity by an available officer. This protocol serves as post-force de-escalation of tension between a subject and officer involved in a use of force, allowing for decompression of the situation and the most professional handling of post-force police operations. Adhering to relief protocols is fundamental in assessing whether use-of-force incidents are managed with the utmost professionalism and consideration for all involved. Compliance with these protocols reflects the PD's commitment to

responsible and ethical law enforcement practices. Key considerations for the assessment of relief protocol include:

- *Timeliness of Relief:* Was the involved officer promptly relieved following the use of force incident? If not, were any delays reasonable in light of the circumstances?
- *Implementation of Relief:* Was relief implemented in a manner that maintained the dignity and rights of the subject while ensuring the safety of all parties?
- *Documentation and Reporting:* Was documentation regarding the relief process in the incident report accurate and complete, especially regarding the timeliness and description of the relief action?
- *Policy Adherence:* Did relief actions taken comply with the PD's relief protocols and policies? If not, were any deviations from the protocol justified in light of the circumstances?

J. PURSUITS

In incidents involving pursuits, it is critical for public and officer safety that pursuits align with departmental policies and legal standards, and that they prioritize public and officer safety at all stages of the pursuit, including the initiation, conduct, and termination of the pursuit. Key considerations in the assessment of pursuits include:

- *Justification for the Pursuit:* Was the pursuit initiated based on a clear and justifiable reason, and aligned with PD policies and legal standards?
- *Adherence to Pursuit Policies:* Did officers involved in the pursuit adhere to departmental policies regarding when to initiate or terminate a pursuit?
- *Risk Assessment:* Did the risk assessment conducted by officers before and during the pursuit, appropriately consider the safety of the public, the officers, and the suspect?
- *Decision-making and Communication:* Was the decision-making process and the communication among officers and with dispatch during the pursuit effective and appropriate?
- *Outcome of the Pursuit:* Was the conclusion of the pursuit, including any arrests, injuries, or property damage, handled appropriately?
- *Documentation and Supervisory Review:* Was the documentation relative to the pursuit complete and accurate and was the supervisory review appropriate in documenting the supervisor's assessment of the pursuit including lessons learned and any corrective actions to be taken?

K. COMPLAINT INVESTIGATION

For complaint investigations, the thorough and impartial assessment of how police departments investigate citizen complaints is a cornerstone of maintaining integrity and public trust in law

enforcement. Such evaluations are pivotal for assessing compliance with legal and ethical standards and for reinforcing a culture of accountability within police agencies. Reviewing the investigative processes and reporting mechanisms of complaints enables an assessment of whether each case was handled with the utmost diligence, fairness, and transparency. This type of review is essential in identifying strengths and areas for improvement in the department's approach to internal oversight. It serves as a critical mechanism for promoting organizational learning, enhancing community relations, and upholding the principles of justice and professionalism that are fundamental to the mission of law enforcement. In the pursuit of transparency and accountability, the PD has established a robust and accessible system for receiving citizen complaints to include a wide array of channels to accommodate the diverse needs and preferences of the community. Complaints can be submitted through the department's website, via email, by phone, through traditional US mail, or directly to an officer or at a police facility. Internally, complaints may originate from supervisors or fellow officers who observe conduct that warrants review. For each incident review involving a complaint, the IPA will note the origin of the complaint. Key considerations in the assessment of complaint investigations include:

Interviews:

- *Selection of Interviewees:* Were all potential witnesses properly identified and interviewed, including the complainant, the accused personnel, bystanders, and other relevant parties? Interviews are a pivotal component of the investigative process in resolving internal and citizen complaints within law enforcement agencies. They provide an opportunity to gather firsthand accounts, clarify details, and understand the perspectives of all involved parties.
- *Comprehensive and Impartial interviews:* Were the interviews conducted comprehensive and impartial? Effective interviews can illuminate the facts of the case, reveal inconsistencies, and contribute significantly to establishing the veracity of the complaint. Conducting comprehensive and impartial interviews is essential for assessing the thoroughness and fairness of the investigation.
- *Appropriateness of Questioning:* Was a structured approach employed in the interviews that established a conducive environment? Were open-ended, non-leading questions used to elicit detailed responses? Were the questions free of any bias or preconceptions on the part of the investigator? Were follow-up questions utilized to confirm that all relevant information was obtained? Were witnesses interviewed separately and in-person when practical and beneficial?
- *Interview Recording and Documentation:* Were all interviews recorded and was the documentation of such interviews accurate and complete?

Evidence Collection and Review:

- *Evidence Collection:* Were all relevant forms of evidence actively collected, including body-worn camera footage, any additional video from the scene, photographs, and diagrams of the incident location?

- *Documentation of Physical Scene:* Was the scene of the incident adequately documented when necessary, including the taking of photographs and creating diagrams when beneficial for understanding the case to capture a clear and detailed representation of the physical context in which the incident occurred?
- *Completeness of Documentary Evidence:* Were all documents pertinent to the matter gathered and reviewed including officer reports, witness statements, and any administrative paperwork related to the incident, or the individuals involved?
- *Review of Video Evidence:* Was body-worn camera footage and other video evidence reviewed to provide a clear and objective account of the events as they unfolded, including an analysis of actions, behaviors, and any verbal exchanges captured in the footage?
- *Evidence Preservation:* Was evidence integrity maintained throughout the process, with appropriate measures taken to preserve such evidence, including the safeguarding of digital data, maintaining a chain of custody for physical evidence, and ensuring that evidence is not tampered with or degraded?
- *Use of Video Evidence:* Was video evidence such as BWC footage appropriately utilized during interviews to clarify events, challenge inconsistencies, and corroborate statements?

Complaint Investigation Process:

- *Leads:* Did the investigator pursue all relevant and material leads during the investigation, including tracking down additional witnesses, seeking out further evidence, and exploring any new information that arose during the investigation?
- *Bias:* Was there any indication of bias or unfairness in the conduct of the investigation? This entails examining the investigator's approach to all parties involved, ensuring that actions and decisions were based on evidence and facts rather than preconceived notions or prejudices.
- *Comprehensiveness:* Was the investigation comprehensive and meticulous, covering all aspects of the incident? This includes a complete examination of the circumstances, context, and actions of all individuals involved.
- *Consideration of All Evidence:* Was there any minimization or disregard of any evidence that could impact the outcome of the investigation? All evidence, regardless of whether it supported or contradicted initial assumptions, was given appropriate consideration and weight.
- *Objective:* Did the investigator maintain an objective standpoint throughout the process, analyzing evidence and statements critically and without bias? This includes evaluating the credibility of all sources and cross-referencing information to confirm its accuracy.
- *Transparency:* Was the investigation conducted transparently, with clear and comprehensive documentation of each step and finding? Does such documentation comprehensively record the investigative process? And does such documentation support the conclusions reached?

- *Timeliness:* Was the complaint investigation completed in a timely manner from date of intake to the date of completion? The prompt resolution of internal and citizen complaints is crucial in maintaining the integrity and efficacy of police oversight mechanisms. Swift investigative action not only demonstrates the department's commitment to accountability but also helps in preserving the trust and confidence of the community. It is essential, however, to recognize that the time necessary to thoroughly investigate a complaint can vary widely, depending on the complexity of the complaint and the intricacies of the underlying incident. A balanced approach is required to assess whether investigations are conducted as expeditiously as possible, without compromising the thoroughness and fairness needed to reach just and accurate conclusions. Timely investigations can prevent the escalation of community concerns, reduce the potential for misinformation, and enable the timely implementation of corrective actions or disciplinary measures.

Investigation Report:

The creation of clear, concise, and unbiased complaint investigation reports is important as complaint investigation reports serve as the official record of the investigation and also as a testament to the department's commitment to transparency, accountability, and justice. A well-crafted report is essential for several reasons: it provides a trustworthy account for all parties involved, including the complainant, the subject of the complaint, and the community at large; it enables the investigative process to be documented in a manner that is easily understandable and free from ambiguity; and it upholds the integrity of the investigation by presenting facts and findings in an impartial and objective manner. The quality of these reports is a direct reflection of the department's dedication to upholding the highest standards of law enforcement practice and to fostering trust within the community it serves. Key considerations in the assessment of a complaint investigation report include:

- *Report Layout:* Was the report structured in a logical, coherent manner, facilitating clear understanding and ease of navigation through the document? Was the presentation of information, findings, and conclusions well organized?
- *Investigation Synopsis:* Did the report include a concise and accurate synopsis of the complaint, providing a clear understanding of the allegations and the context of the investigation?
- *Appropriate Discussion of Each Allegation:* Did the report thoroughly address each specific allegation made in the complaint? This involves an individual examination of the facts and evidence relevant to each allegation.
- *Appropriate Conclusions:* Were the conclusions in the report appropriate, based on evidence, sound reasoning and supported by the investigation's findings?

- *Avoidance of Unsupported Conclusory Statements:* Did the report refrain from making conclusory statements without proper evidentiary support? Were all conclusions and assertions backed by specific findings from the investigation?
- *Identification of Exculpatory Evidence:* Did the report identify and consider all exculpatory evidence that could suggest the innocence or mitigate the responsibility of the subject of the complaint?
- *Identification of Inculpatory Evidence:* Did the report identify and evaluate all inculpatory evidence that could indicate the culpability of the subject of the complaint?
- *Neutral Tone:* Did the report maintain a neutral tone throughout, devoid of any evident bias towards either party? Were the facts and findings presented in an impartial and objective manner?

L. CONSTITUTIONAL RIGHTS

The Constitution provides fundamental rights that must be respected in all law enforcement activities, and it serves as a safeguard against potential civil rights violation. Compliance with constitutional standards is paramount in upholding the rule of law in all encounters between police and the public, and in protecting the rights of individuals. It also reinforces the commitment of law enforcement agencies to ethical and lawful practices. Key considerations in the assessment of compliance with fundamental Constitutional rights include:

- *Frisk:* If the encounter involved a frisk, was the frisk legal and appropriate? Did the officers have reasonable suspicion to believe that the person was armed and dangerous, as required by Terry v. Ohio? Was such suspicion based on specific and articulable facts, not just a hunch? And was the frisk limited to a pat-down of the outer clothing for weapons?
- *Search:* If the encounter involved a search, was the search conducted in compliance with fourth amendment protections against unreasonable searches? Was there proper legal justification for the search, such as consent, a warrant, incident to arrest, inventory, or exigent circumstances? The warrantless search of a detained individual or his or her belongings is only permissible in the case of a detention if a legally permissible frisk has determined the presence of that which reasonably is felt to be a weapon.
- *Detention:* If the encounter involved a detention, was the detention legal and appropriate, based on reasonable suspicion or probable cause? Was the detention not unduly prolonged or unduly restrictive as to the place and condition to ensure the safety of officers or others and/or to prevent an escape or willful refusal to comply with an order of detention?
- *Handcuffing:* If the encounter involved the use of handcuffs or other restraints, was their use reasonable and necessary under the circumstances, and did the use of such restraint not constitute excessive or punitive restraint? Handcuffing is generally associated with an arrest, which requires probable cause to believe that the person has committed a crime. Officers may

also use handcuffs during a Terry Stop for safety reasons if they reasonably believe that their safety, or that of others, is at risk, or that the detainee is a flight risk. This must be justified by specific circumstances suggesting the individual may be armed, dangerous, or a flight risk. The use of handcuffs during a stop does not automatically turn the encounter into an arrest, but it does increase the level of scrutiny regarding the lawfulness of the police action.

- *Arrests*: If the encounter involved an arrest, was the arrest legally made, supported by probable cause and conducted in accordance with legal procedures?
- *Miranda Warnings*: If the encounter involved a Miranda warning, was it properly administered, and were suspects informed of their rights before any custodial interrogation, as mandated by the *Miranda v. Arizona* decision?
- *Protected Class Bias*: Was the encounter conducted in an unbiased manner in whole and in part, without any indication of protected class bias affecting the officer's enforcement actions? Protected class bias refers to bias based on race, ethnicity, gender, national origin, language preference, religion, sexual orientation, gender identity, age, or disability.
- *First Amendment Issues*: Did the officers fully respect individuals' exercise of freedom of speech and assembly, and their ability to record incidents?

M. PROFESSIONALISM

Professionalism in the context of law enforcement encounters refers to the conduct, demeanor, and adherence to the ethical and procedural standards expected of law enforcement officers. The professionalism of law enforcement officers is fundamental to maintaining public trust and confidence in the criminal justice system. It is essential for the fair and effective administration of justice and for fostering positive community relations. By continually evaluating and reinforcing professional standards, police departments evidence their commitment to the highest ideals of law enforcement and community service. Key considerations in the assessment of professionalism include:

- *Consistency with Training and Policy*: Was the officer's behavior consistent with the PD's training and policy guidelines?
- *Interaction with the Public*: Did the officers demonstrate courtesy, respect, and ability to effectively communicate in their interactions with the public?
- *Handling of Stressful Situations*: Did the officer effectively handle stress and maintain professionalism in challenging or high-pressure situations?
- *Impartiality and Fairness*: Were the officer's actions and decisions impartial and fair, free from bias or prejudice?

N. TACTICS

Effective and safe tactical execution is essential for the success of law enforcement operations and for the protection of officers and the public. Reviewing the tactics employed in various incidents can foster an environment of continuous tactical improvement, heightened safety, and professionalism in the PD's practices. Key considerations in the assessment of tactics include:

- *Appropriateness of Tactics:* Were the tactics used appropriate for the situation, considering factors such as the nature of the incident, the level of threat, and the available resources?
- *Officer Safety:* Did the tactics employed prioritize officer safety, including the use of protective equipment, adherence to safety protocols, and situational awareness?
- *Public Safety:* Was the impact of officers' tactics on public safety reasonable, including risk mitigation strategies to protect bystanders and prevent unnecessary harm or escalation?
- *Tactical Training and Preparedness:* Did the tactics employed align with the officers' training and preparedness, and did the officers apply tactical knowledge and skills effectively?
- *De-Escalation Techniques:* Did the officers use effective de-escalation techniques as part of their tactical approach, to enable the resolution of situations with minimal force and conflict?
- *Decision-Making and Judgment:* Did the officers exercise effective decision-making and judgment in choosing and implementing tactics?
- *Compliance with Policy and Best Practices:* Were the tactics employed in compliance with departmental policies and recognized best practices in law enforcement?

O. EQUIPMENT ISSUES

Various types of specialty equipment are used in policing. Malfunctioning or improper use of equipment can affect policing outcomes; accordingly, it is important to avoid such issues. Key considerations in the assessment of equipment issues include:

- *Equipment Malfunction and Failure:* Were there any instances of equipment malfunction or failure during the incident, and did such equipment malfunctions or failures affect the outcome of the incident?
- *Inappropriate Use of Equipment:* Was any equipment used inappropriately or contrary to training and protocols?
- *Training and Handling:* Did the officers' handling of equipment during the incident align with standard training and protocols?

P. OFFICER(S) DOCUMENTATION

Officer documentation of police incidents is a critical aspect in policing. The written and recorded accounts of incidents must be thorough, accurate, reliable, and timely, thereby supporting the principles of accountability, transparency, and continuous improvement in policing practices. Key considerations in the assessment of officer documentation include:

- *Completeness and Accuracy:* Did officer documentation thoroughly and accurately represent the events of the incident, with sufficient detail and clarity in the descriptions provided?
- *Consistency with Evidence:* Was officer documentation, including CDC form completion, consistent with other available evidence, such as video footage?
- *Timeliness and Procedure Compliance:* Was officer documentation completed in a timely manner following the incident?
- *Transparency and Objectivity:* Did officer documentation have any signs of bias, subjectivity, or omission of critical information?

Q. POLICY AND RELATED TRAINING IMPLICATIONS

Police work needs to adapt and evolve in response to changing environments, particularly relating to social evolution, technology, criminal trends, legal trends, and evolving citizen expectations. In order to keep pace with evolving challenges and remain responsive and relevant to the public safety needs of the community, periodic updates need to be made to law enforcement policies and practices and related training. Assessing the need for potential policy changes and training updates in the wake of a specific incident is an important component of ensuring that law enforcement practices remain responsive to evolving challenges. Key considerations in the assessment of policy and related training implications include:

- *Relevance and Effectiveness of Current Policies and Training:* Did the policies and related training implicated in the incident provide appropriate guidance for officers to follow under the circumstances of the incident?
- *Policy/Training Gaps or Deficiencies:* Did the existing controlling policies and related training relevant for the incident have any gaps or deficiencies that influenced the decisions and/or actions of officers and the outcome of the incident?
- *Best Practices and Benchmarking:* Are the current policies and related training aligned with best practices and standards considering any insights from other agencies or jurisdictions that have successfully implemented policies and training addressing similar issues?

R. SUPERVISORY REVIEW

Assessing the role of the supervisor in, and any supervisory review of, a specific police incident is crucial to determine whether oversight mechanisms are functioning effectively. A thorough, appropriate and effective supervisory review, including supervisory response, on-scene supervision and supervisory investigation (where required), is essential for ensuring accountability, transparency and fairness within law enforcement. It serves as a key mechanism for overseeing the decisions and conduct of officers and maintaining high standards of conduct in the handling of incidents. This standard serves to enhance public trust and fosters continuous improvement through applied coaching and mentoring when performance can be improved. Key considerations in the assessment of supervisory review include:

- *Comprehensiveness of the Review:* Was the supervisory review thorough, appropriate and effective? Did the supervisory review examine all aspects of the incident, including the decisions and actions of involved officers and the situational context? Did the supervisory review adequately consider all relevant evidence, including documentation, witness statements, and any available audio-visual material?
- *Adherence to Procedures and Standards:* Was the supervisory review conducted in accordance with established departmental procedures, industry standards, legal requirements and ethical obligations?
- *Objectivity and Impartiality:* Was the supervisory review conducted in an impartial manner, with no conflicts of interest or biases that could have influenced the outcome? Was the supervisory review conducted in an objective manner, free from external pressures or influences?
- *Timeliness and Responsiveness:* Was the supervisory review conducted in a timely manner, considering the urgency and seriousness of the incident, that allowed for prompt corrective action and response?
- *Outcomes and Recommendations:* Were the conclusions and recommendations made as a result of the supervisory review effective? Were the actions taken as a result of the supervisory review effective, including disciplinary measures, policy changes, or additional training?

S. CONTINUOUS IMPROVEMENT AFTER ACTION REVIEW

The question: "What could have been done differently to have reasonably achieved a potentially better outcome?" is an essential component of a continuous improvement philosophy in the assessment of police incidents. While this is an element of the assessment during its reviews, the intention is for PD officers to ask this question of themselves for all facets of their law enforcement activities, from pre-incident planning through supervisory review of the incident, leading to a refinement of incident response strategies and management practices, in turn leading to more effective and safer outcomes in future situations. Regularly questioning and

analyzing incident outcomes fosters a proactive mindset, emphasizing the importance of ongoing improvement and adaptation in law enforcement practices. When done properly, this process not only aids in identifying areas for growth and development but also reinforces a commitment to excellence, accountability, and progressive change in law enforcement. Key considerations in the assessment of different approach/better outcome include:

- *Alternative Approach/Better Outcome:* Could officers have executed alternative strategies, decisions, or actions to have reasonably achieved a potentially better outcome?
- *Alternatives to Arrest:* Were there opportunities where alternatives to arrest could have been employed, in line with a compassionate and community-focused approach to policing, in particular with respect to unhoused individuals and individuals with mental health and substance abuse issues?
- *Reflective Mindset:* Is there evidence that the officers used a reflective and analytical approach in their self-evaluation of the incident? Did the officers exhibit a mindset of learning and improvement?

VIII. THE IPA'S INCIDENT REPORTING

The IPA's findings from its 360-degree incident reviews will be fully documented and reported to command staff as soon as practical after the review. Thereafter, the IPA will discuss its findings with PD Command Staff at regular (typically twice-monthly) meetings and collaborate with the PD command staff regarding what, if any, actions should be taken in light of the findings. The IPA will track recommendations and remediations that have been mutually agreed upon. These recommendations will fall into two major buckets: those that are specific to an individual officer and those that have broader applicability to specific units or the PD as a whole.

A. SUMMARY OF INCIDENT REVIEW AND ITEMS FOR DISCUSSION

When the 360-degree incident review is complete for each incident, the IPA will prepare a consolidated summary of the key issues and unresolved questions identified during the incident review and summarize any exemplary conduct identified in the incident using the report template included as Attachment 1. The aim is to provide a clear and concise overview of the areas that require further attention, resolution, or action; and to recognize any exemplary conduct identified. This summary serves as a guide for prioritizing efforts in addressing the challenges uncovered and in formulating strategies for improvement and a roadmap for emulating exemplary conduct.

The purpose of this summary is to:

- Highlight critical issues that emerged during the review.
- Outline significant questions that remain unresolved or require deeper investigation, thereby setting the agenda for subsequent analysis, discussion, and decision-making.
- Highlight any exemplary conduct that was identified in the review.

While this summary is specific for each incident reviewed, it is also forward-looking, intending to inform future policy decisions, training programs, and operational strategies. It is designed to address the specifics of the incident and contribute to the broader goal of continuous improvement.

B. RECOMMENDATIONS

After completion of the incident review summaries, the IPA will outline its recommendations from its comprehensive 360-degree incident review. These recommendations are designed to address specific issues and exemplary conduct identified during the review and to promote overall improvement in law enforcement practices. The aim is to provide targeted guidance for remedial actions, policy enhancements, and training initiatives. The IPA's recommendations are broken down into three major categories: Specific Officer Remediation; General Departmental Recommendations; Specific Officer Commendation.

1. *Specific Officer Remediation:* The IPA will detail any recommendations for individual officers involved in the incident, focusing on areas such as additional mentoring, coaching, training, counseling, or disciplinary actions, as warranted by the findings of the 360-degree incident review.² Each recommendation will be tailored to the circumstances and actions of the specific officers, ensuring a personalized and effective response to the issues identified.
2. *General Departmental Recommendations:* The IPA will propose any broader training, policy and equipment recommendations that extend beyond the scope of the individual officers involved as raised by the specific incident under review. Recommendations focus on enhancing overall departmental preparedness, responsiveness, and adherence to best practices and could include updates to existing policies, introduction of new training modules, and leveraging technology for education purposes.
3. *Recommendations for Officer Recognition:* The IPA will recognize exemplary conduct of officers in any of the areas assessed as it is just as important to recognize model conduct and use it as a teaching tool as it is to address and use potential issues.

² It will be incumbent on the supervisory and chain of command of any individual officer to ensure that recommended remediations are, in fact, completed.

C. POST-REVIEW CONFERENCE WITH THE POLICE DEPARTMENT

Documentation of each 360-degree incident review will be shared with the PD. In regular (typically twice-monthly) post-assessment meetings with the PD Command Staff and relevant personnel, the IPA will review all issues and notable observations relating to each incident. These meetings are a cornerstone of the IPA's collaborative review process, designed to comprehensively discuss the findings and recommendations emanating from the 360-degree incident reviews in order to remediate any issues found. These meetings are called RISK meetings; RISK is an acronym for the Remediation of Identified Situations Key to Success.

- *Documentation of Findings:* For each incident reviewed, the IPA will present documentation relating to its review, including any issues and notable observations regarding exemplary conduct in any of the assessment areas. The documentation is structured to facilitate a clear understanding of the IPA's observations and the underlying data supporting them.
- *Discussion of Recommendations:* The IPA will discuss its recommendations regarding actionable steps for improvement and the rationale behind each recommendation. During these meetings, the IPA will encourage open dialogue, allowing the PD representatives to provide context, ask questions, and express concerns.
- *Collaborative Action Planning:* The core of each RISK meeting involves collaboratively developing an action plan to address any notable observations. This process ensures that the recommendations are feasible and aligned with the PD's operational capabilities and strategic goals.
- *Accountability:* The IPA has established a mechanism for follow-up and accountability, to confirm that agreed upon timelines for implementing the action plan are met.

ATTACHMENT 1: The IPA's 360-Degree Incident Review Report Template

Incident Review

Attorney-Client Privileged Correspondence – Not for Distribution

THE INCIDENT

The following incident was reviewed by the Independent Police Auditor:

Incident number:	
Date of incident:	
Time of incident:	
Place of incident:	
Incident summary:	
Incident initiated by:	

REVIEW DETAILS

The details of the review are as follows:

Date of Review:	
Reviewer(s):	
Reason For Review:	
Documents Reviewed:	

INVOLVED OFFICER(S) AND SUBJECT(S)

The following were involved in this incident:

Involved Officer(s):	
Involved Subject(s):	

BODY WORN CAMERA ASSESSMENT

BWC was reviewed as follows: (Note: The listing of a review does not necessarily mean that the entire BWC video of that officer was reviewed.)

BWC Officers Reviewed:	
BWC Assessment:	
BWC Comment:	

IMPLICATED POLICIES

The following policies are implicated in this incident and review:

Applicable Policies Implicated:	
--	--

Incident Review

Attorney-Client Privileged Correspondence – Not for Distribution

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PRE-INCIDENT ACTIONS ASSESSMENT

The assessment of each of the following pre-incident (pre-UOF):

Pre-Incident Info Gathering, Planning and Decision Making Evaluation:	
Pre-Incident Info Gathering, Planning and Decision Making Evaluation Comment:	

LEGAL PREDICATE FOR CONTACT WITH SUBJECT

The following is the assessment of the legal predicate for contact with the subject:

Level of Initial Contact:	
Assessment of Legal Predicate for Contact with Subject:	
Legal Predicate for Contact with Subject Comment:	

COMMUNICATIONS WITH SUBJECTS ASSESSMENT

The following is an assessment of officer-subject communication:

Communications Assessment:	
Communications Assessment Comment:	

Incident Review

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DE-ESCALATION ASSESSMENT

The following is a general assessment of de-escalation techniques utilized by officers:

De-escalation and Alternative Assessment:	
De-escalation and Alternative Comment:	

USE OR DISPLAY OF FORCE ASSESSMENT

The following areas involving any uses or displays of force were assessed as follows:

UOF Displayed or Employed:	
UOF Other (if checked)	
UOF Description:	
Legal Justification of Use of Force:	
Legal Justification of Use of Force Comment:	
Duty to Intervene Assessment:	
Duty to Intervene Comment:	

Incident Review

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Medical Response Assessment:	
Medical Response Comment:	
Relief Protocols Assessment:	
Relief Protocols Comment:	

PURSUIT ASSESSMENT

The following relates to the assessment of the pursuit:

Pursuit Assessment:	
Pursuit Comment:	

COMPLAINT INVESTIGATION REVIEW ASSESSMENT

The following areas are relative to the assessment of the complaint investigation:

Complaint ID:	
Complaint Date:	
Intake Method:	
Complainant Info:	
Complaint Investigation to IPA:	
Time from Receipt to IPA Review:	
Complaint Timeliness:	
Timeliness Comment:	

Incident Review

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Investigative Issues:	
Investigative Issue Comments:	
Evidence Collection and Review:	
Evidence Collection Comment:	
Other Investigative Issues:	
Other Investigative Issues Comment:	
Report Issues:	
Report Issues Comment:	
Preliminary Resolution of Complaint:	
Preliminary Resolution Comment:	

OTHER CONSTITUTIONAL RIGHTS ASSESSMENT

The following assessment relates to whether there were any potential constitutional rights violations by the involved officers:

Constitutional Rights Assessment:	
--	--

Incident Review

Attorney-Client Privileged Correspondence – Not for Distribution

Constitutional Rights Comment:	
---------------------------------------	--

PROFESSIONALISM ASSESSMENT

The following assessment relates to the professionalism of the involved officers:

Professionalism Assessment:	
Professionalism Comment:	

TACTICAL ASSESSMENT

The following assessment relates to an assessment of tactics of involved officers:

Tactical Assessment:	
Tactical Comment:	

EQUIPMENT ASSESSMENT

The following relates to any equipment issues noted in the assessment of this incident:

Equipment Issue Assessment:	
Equipment Comment:	

Incident Review

Attorney-Client Privileged Correspondence – Not for Distribution

DOCUMENTATION ASSESSMENT

The following relates to any documentation issues noted by involved officers:

Assessment of Officer(s) Documentation:	
Assessment of Officer(s) Documentation Comment:	

POLICY ASSESSMENT

The following relates to any need for policy review as brought to light by this incident:

Policy Issue(s) Assessment:	
Policy Issue(s) Comment:	

SUPERVISORY REVIEW ASSESSMENT

The following areas involving the supervisory review of any uses of force were assessed as follows:

Overall Assessment of Supervisory Review:	
Assessment of Supervisory Comment:	

CONTINUOUS IMPROVEMENT AFTER ACTION REVIEW

Incident Review

Attorney-Client Privileged Correspondence – Not for Distribution

The following is our assessment of whether a different approach could have potentially and reasonably yielded a better outcome:

Different Approach/Better Outcome:	
Different Approach/Better Outcome Comment:	

SUMMARY OF ASSESSMENT ISSUES FOR DISCUSSION AND RECOMMENDATIONS

The following section summarizes our assessment of this incident.

Summary Assessment and Observations and Issues:	
Recommendations Comment:	

APPENDIX B – RIPA DATA



San Leandro PD RIPA Data 2023



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Total Stops



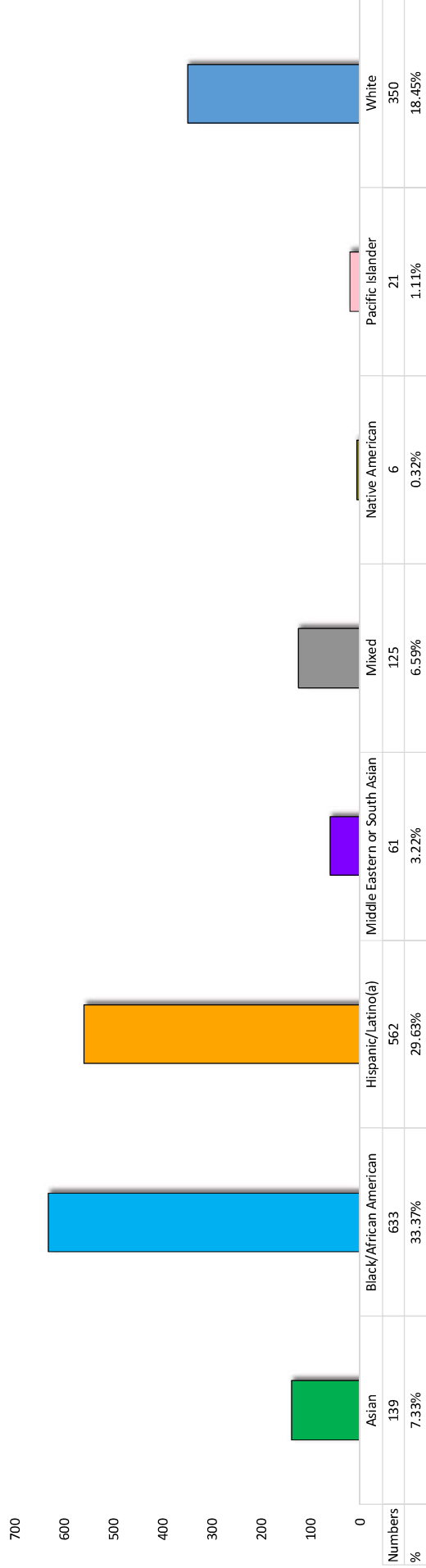
IntegrAssure

OFFICE OF THE INDEPENDENT POLICE AUDITOR FOR THE CITY OF SAN LEANDRO

Total Number of Stops

Total Number of Stops

Total : 1,897



IntegrAssure
OFFICE OF THE INDEPENDENT POLICE AUDITOR FOR THE CITY OF SAN LEANDRO

Reason for Stops



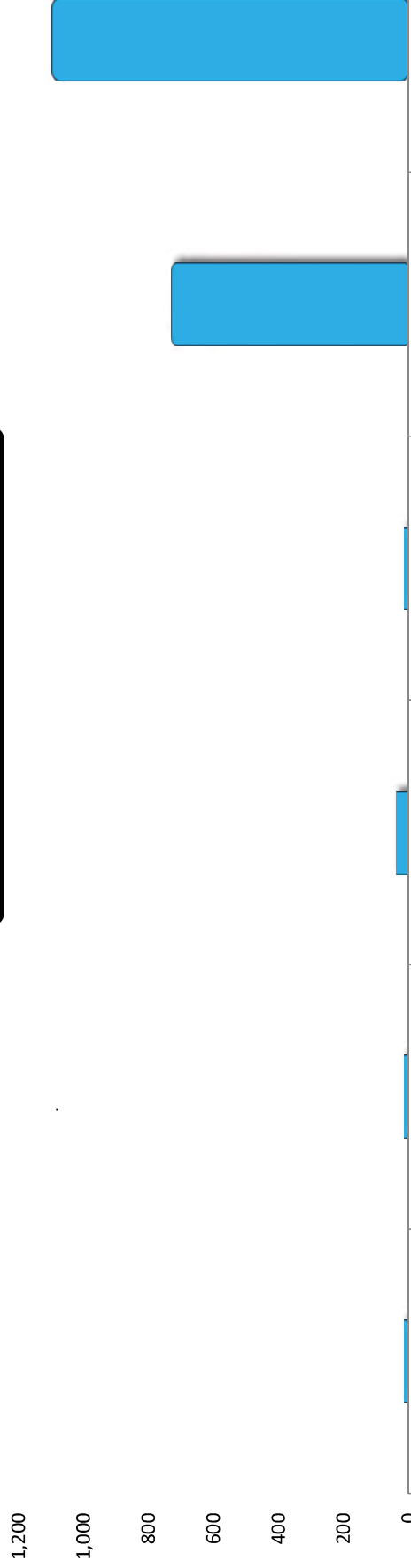
IntegrAssure

OFFICE OF THE INDEPENDENT POLICE AUDITOR FOR THE CITY OF SAN LEANDRO

Reason for Stop

Reason for Stop

Total : 1,897



	Consensual encounter resulting in search	Investigation to determine if person is truant	Knowledge of outstanding arrest warrant/wanted person	Known to be on parole/probation, PRCS, mandatory supervision	Reasonable suspicion that person was engaged in criminal activity	Traffic violation
Numbers	11	11	37	10	730	1098
%	0.58%	0.58%	1.95%	0.53%	38.48%	57.88%

2023



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Reason for Stop in Numbers

Reason for Stop in Numbers

Total : 1,897



	Consensual encounter resulting in search	Investigation to determine if person is truant	Knowledge of outstanding arrest warrant/wanted person	Known to be on parole/probation, PRCS, mandatory supervision	Reasonable suspicion that person was engaged in criminal activity	Traffic violation
Asian						
Black/African American	2	2	5	1	38	92
Hispanic/Latino(a)	3	2	13	3	289	325
Middle Eastern or South Asian	4		9		211	335
Mixed			2		19	40
Native American			2		24	99
Pacific Islander		1			1	5
White	2	6	6	6	142	14
						188

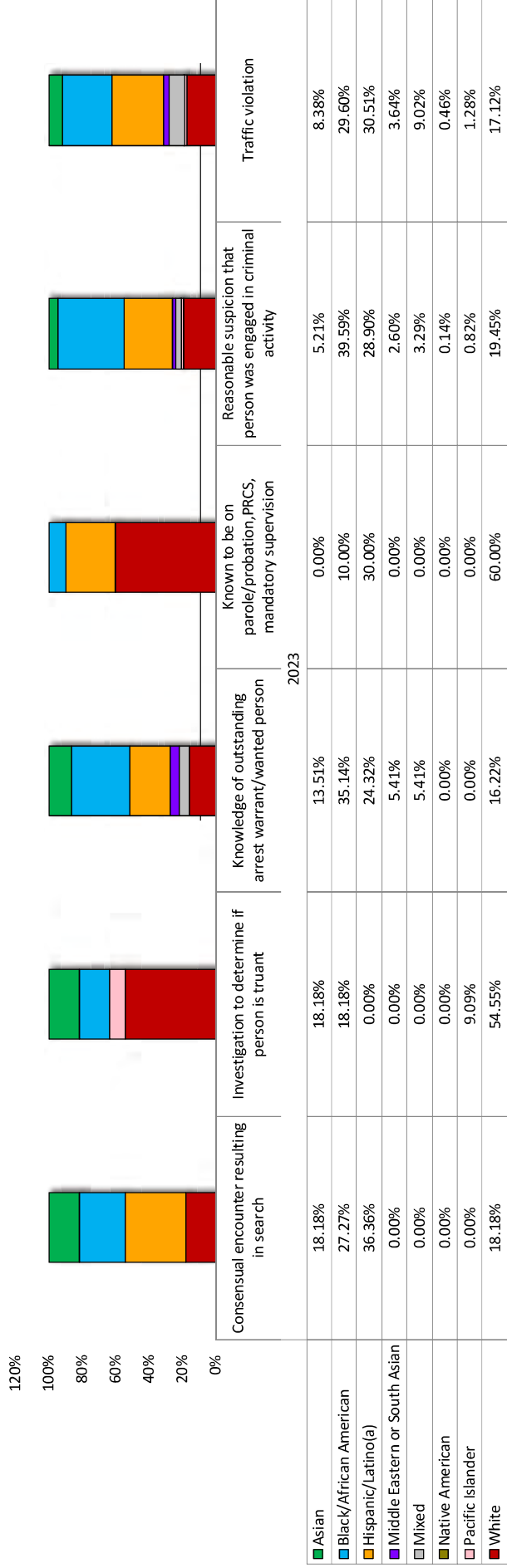


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Reason for Stop in Numbers %

Reason for Stop in Numbers %



Traffic Violation Stops



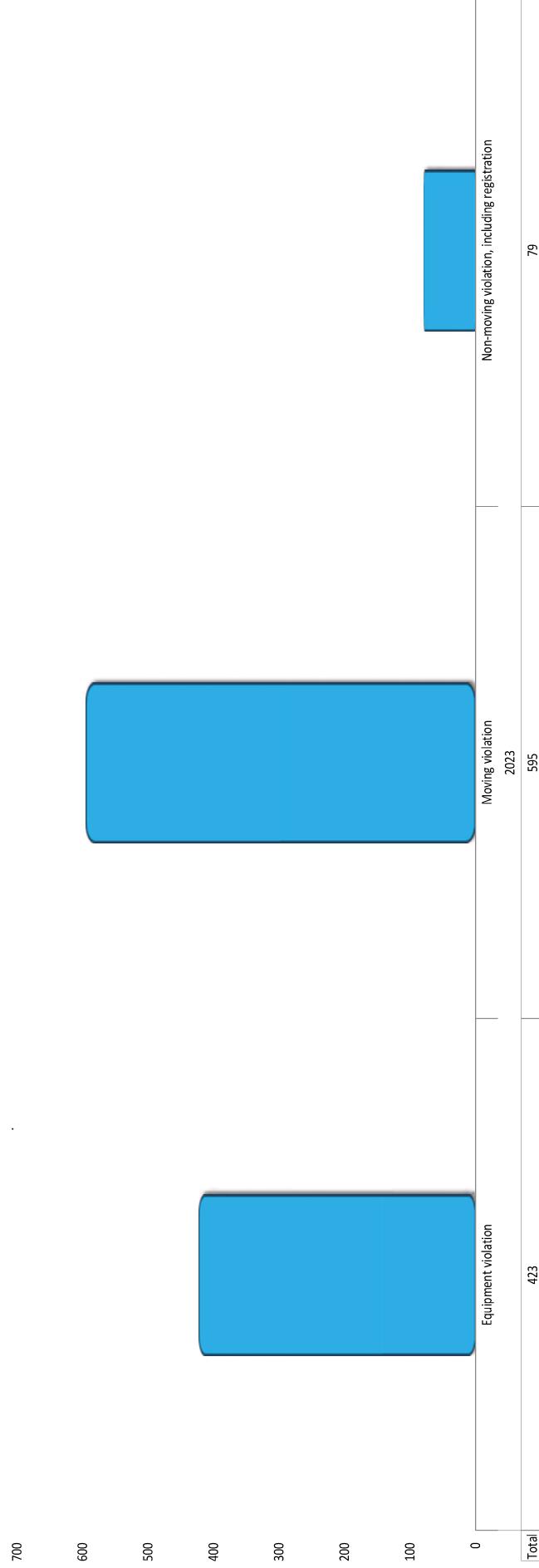
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Traffic Violation Type

Traffic Violation Type

Total : 1,097



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Traffic Violation Type By Race

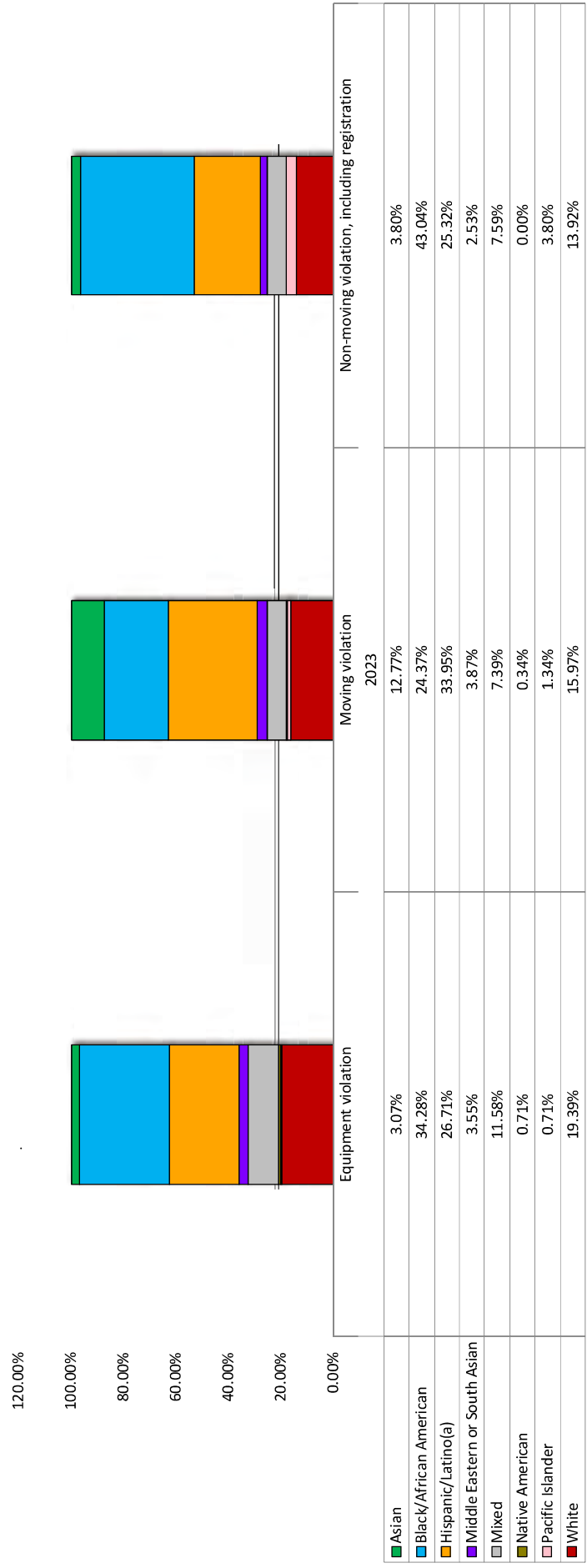
Traffic Violation Type By Race

Total : 1,097



Traffic Violation Type By Race %

Traffic Violation Type By Race %



Stops for Suspicious Activity



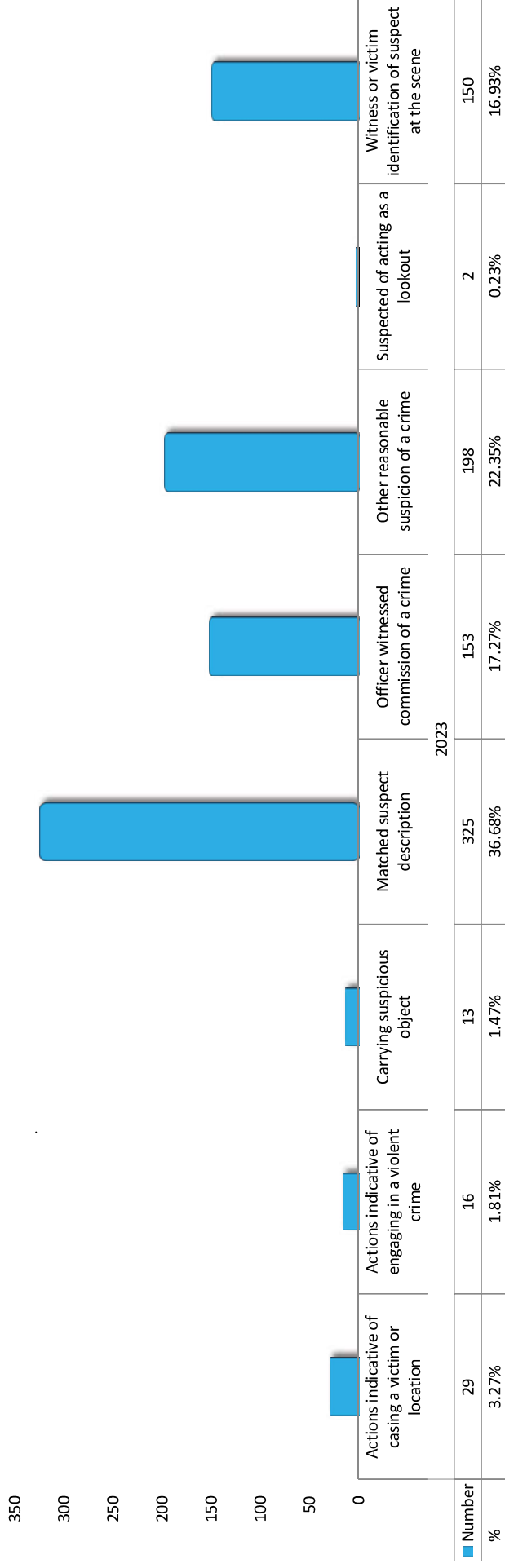
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Suspicion Sub Type

Suspicion Sub Type

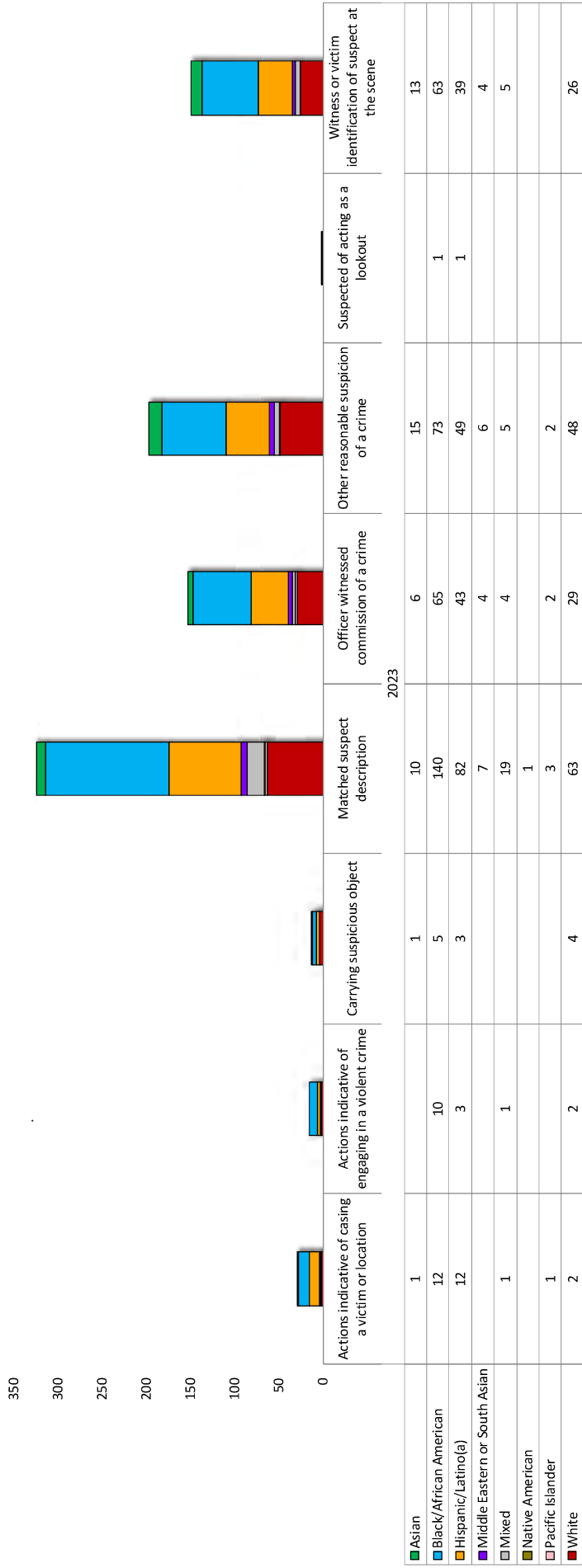
Total : 886



Suspicion Sub Type By Race

Suspicion Sub Type By Race

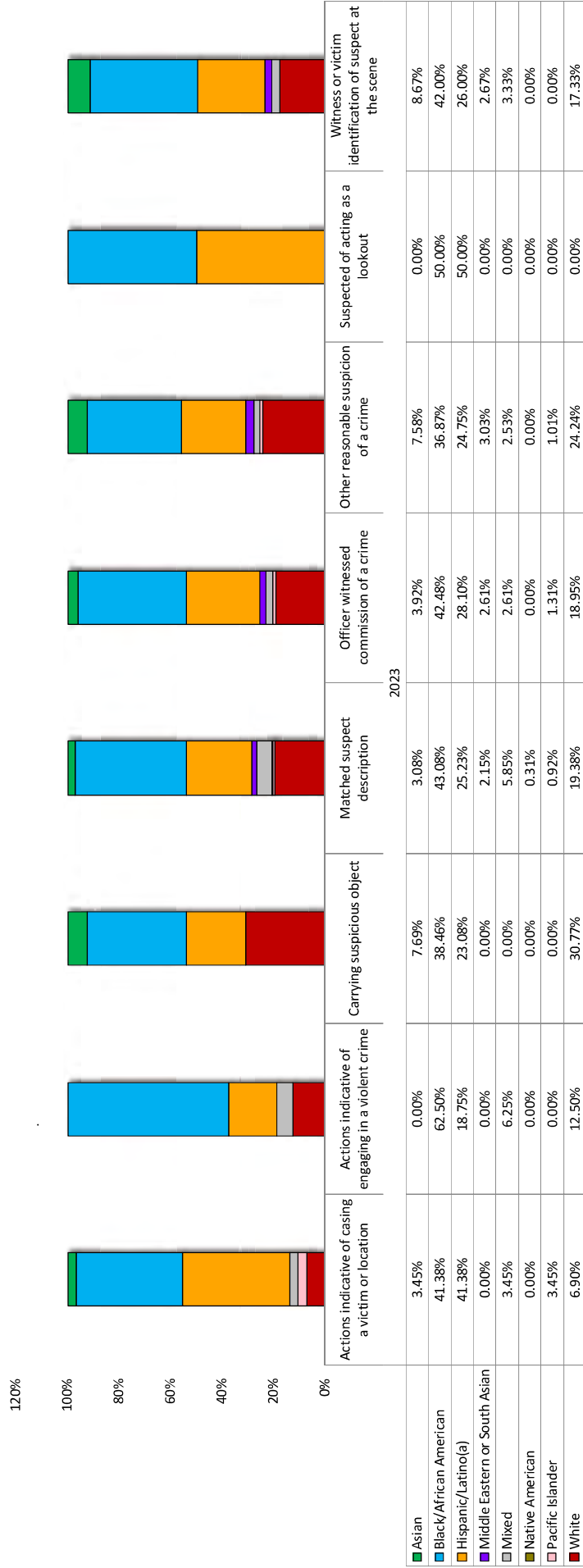
Total :- 886



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Suspicion Sub Type By Race In %

Suspicion Sub Type By Race In %



Actions Taken



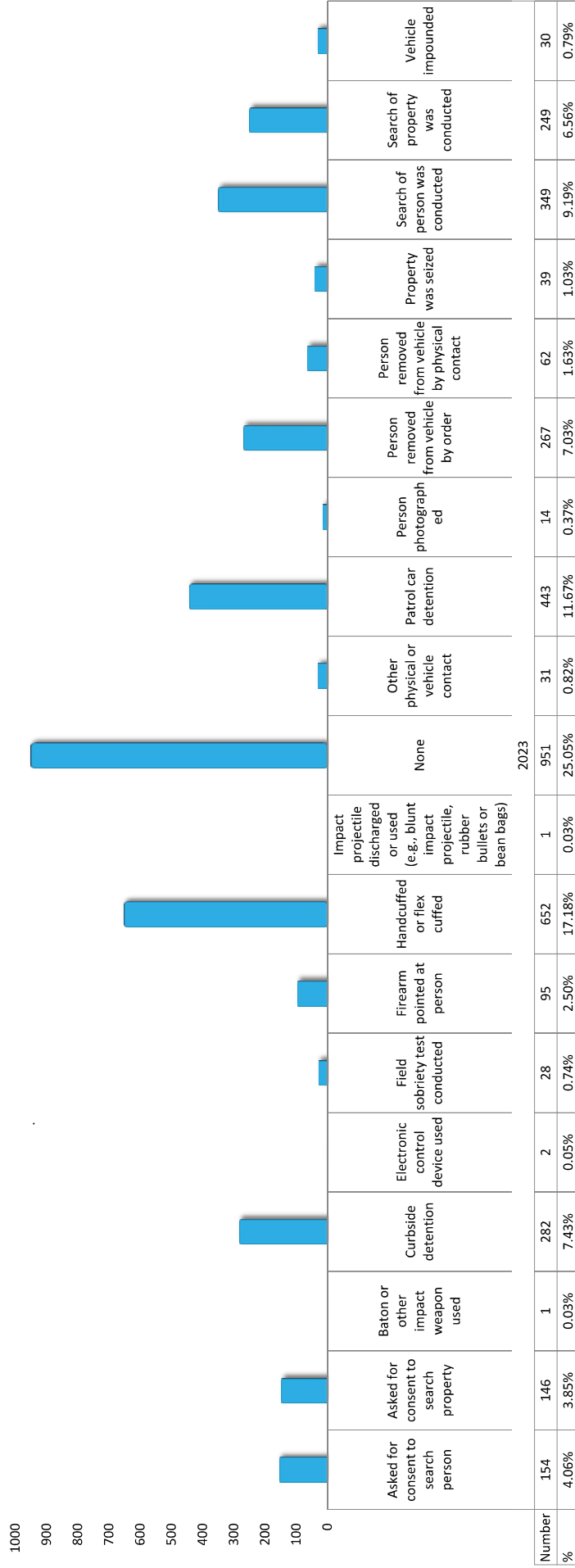
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Action Taken

Action Taken

Total : 3,796



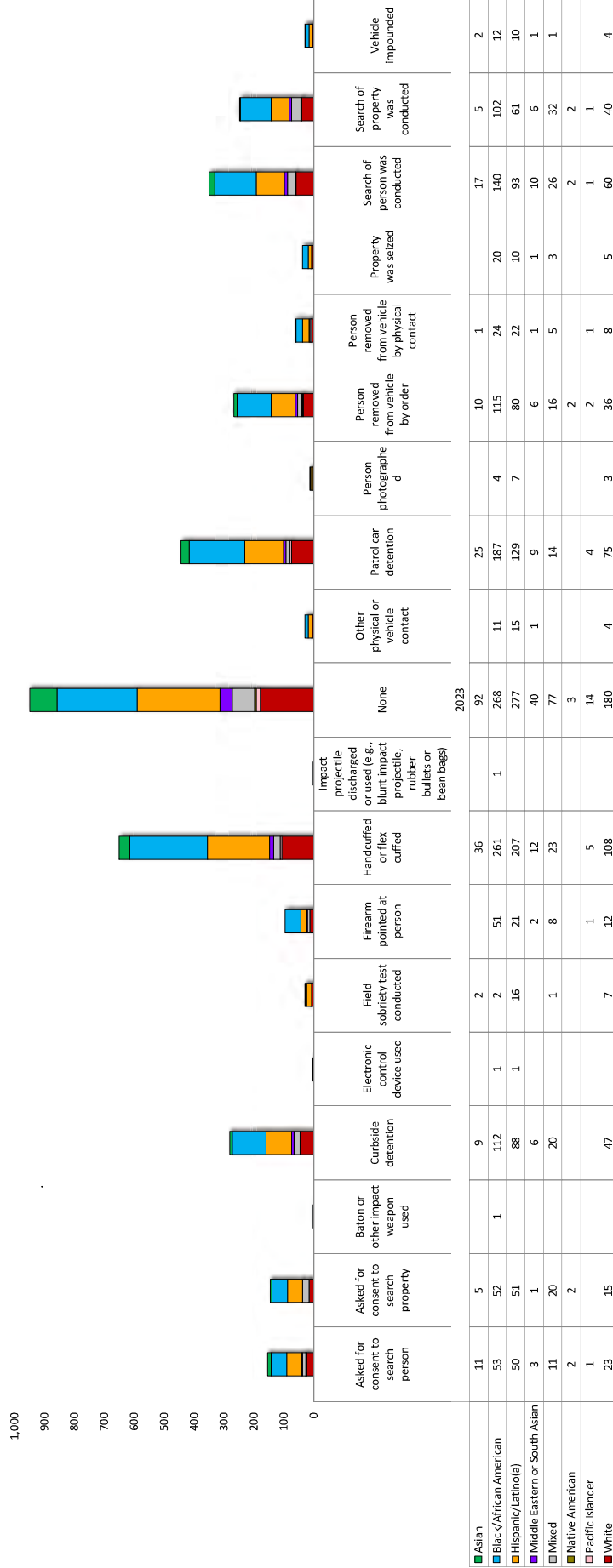
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Action Taken By Race

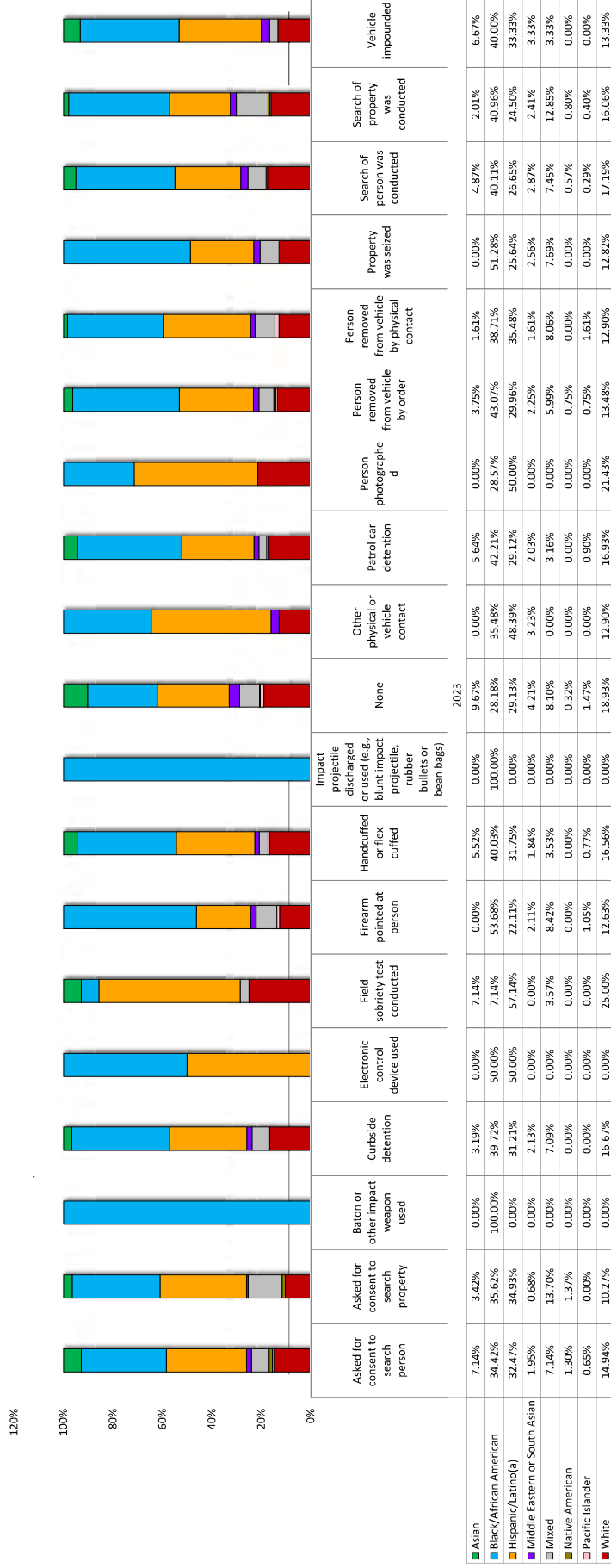
Action Taken By Race

Total : 3,796



Action Taken By Race %

Action Taken By Race %



Result of Stops

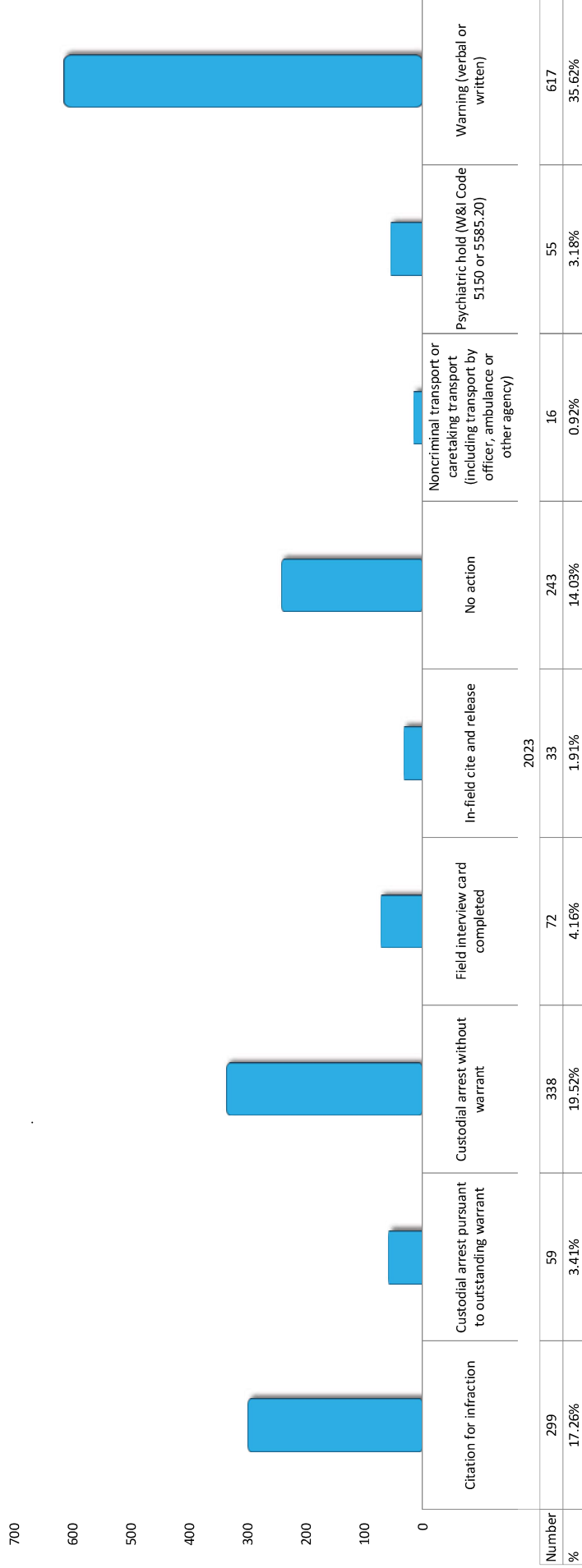


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Result of Stop

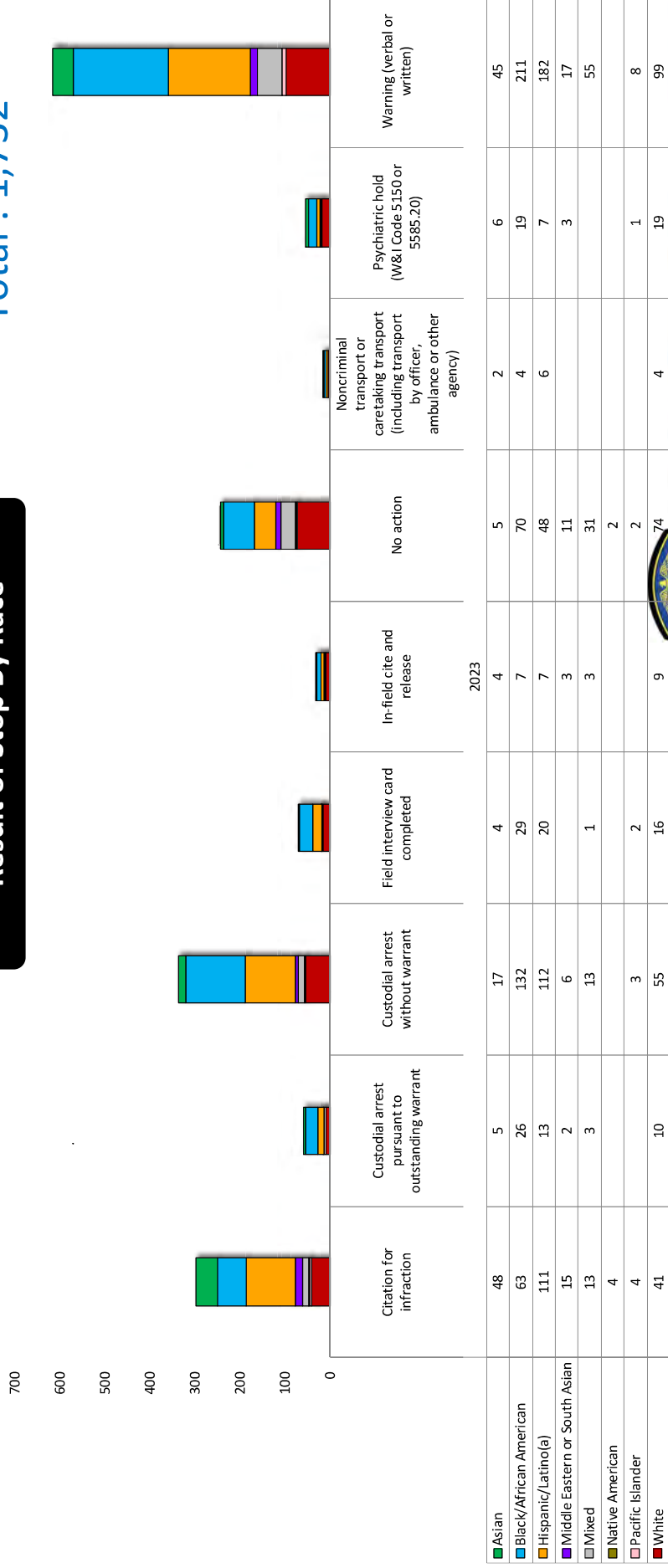
Result of Stop



Result of Stop By Race

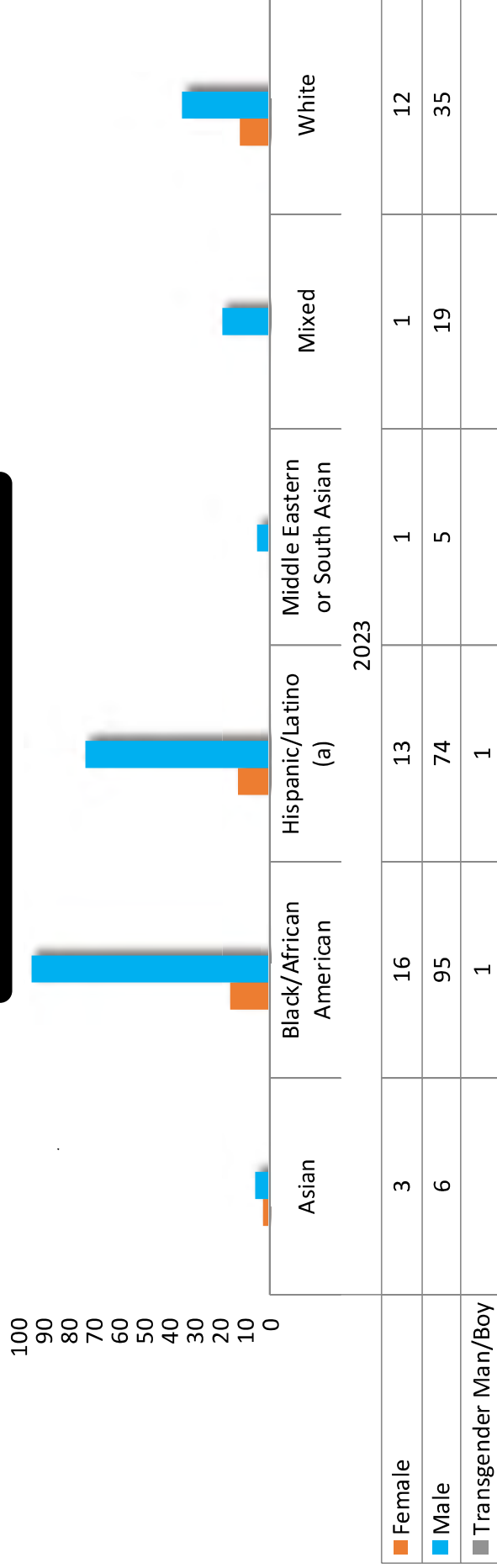
Result of Stop By Race

Total : 1,732



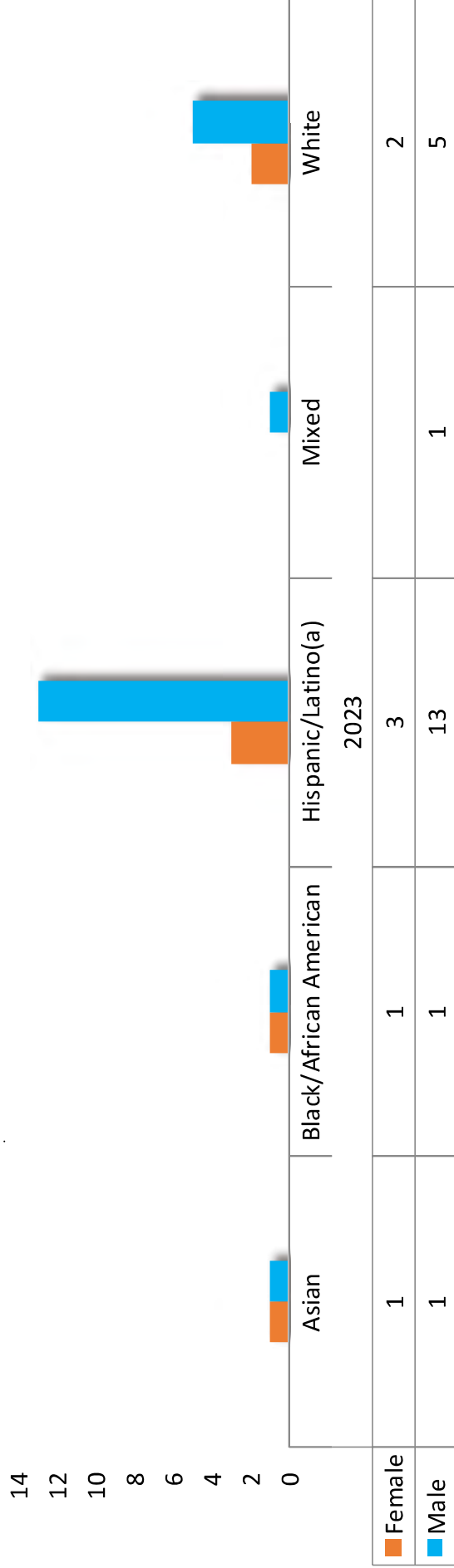
Curbside detention

Curbside detention



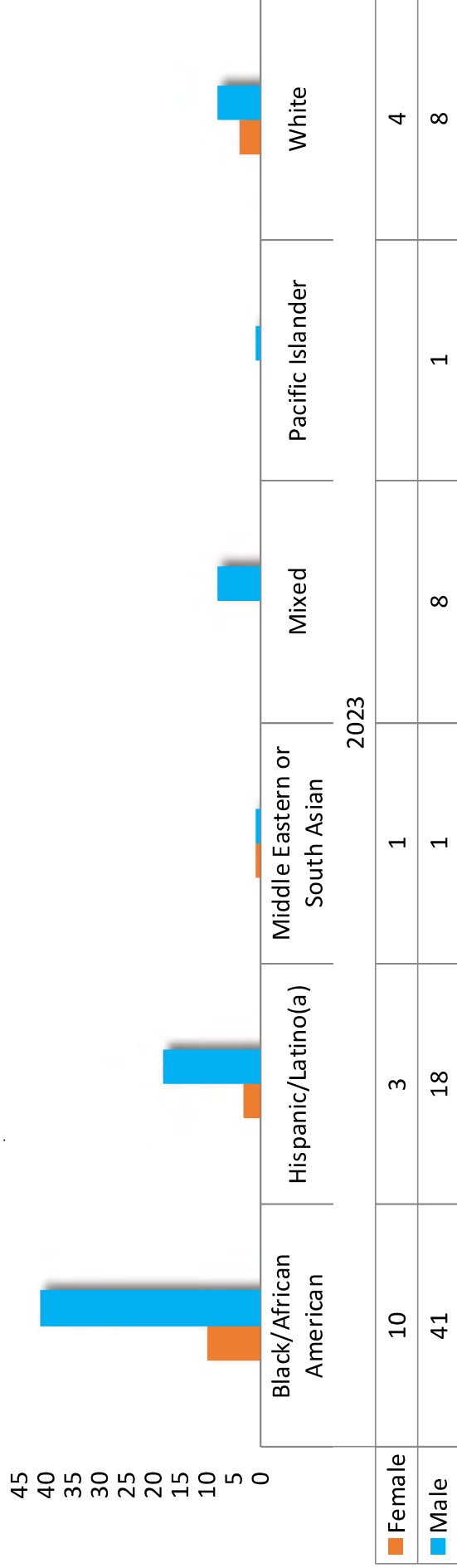
Field sobriety test conducted

Field sobriety test conducted



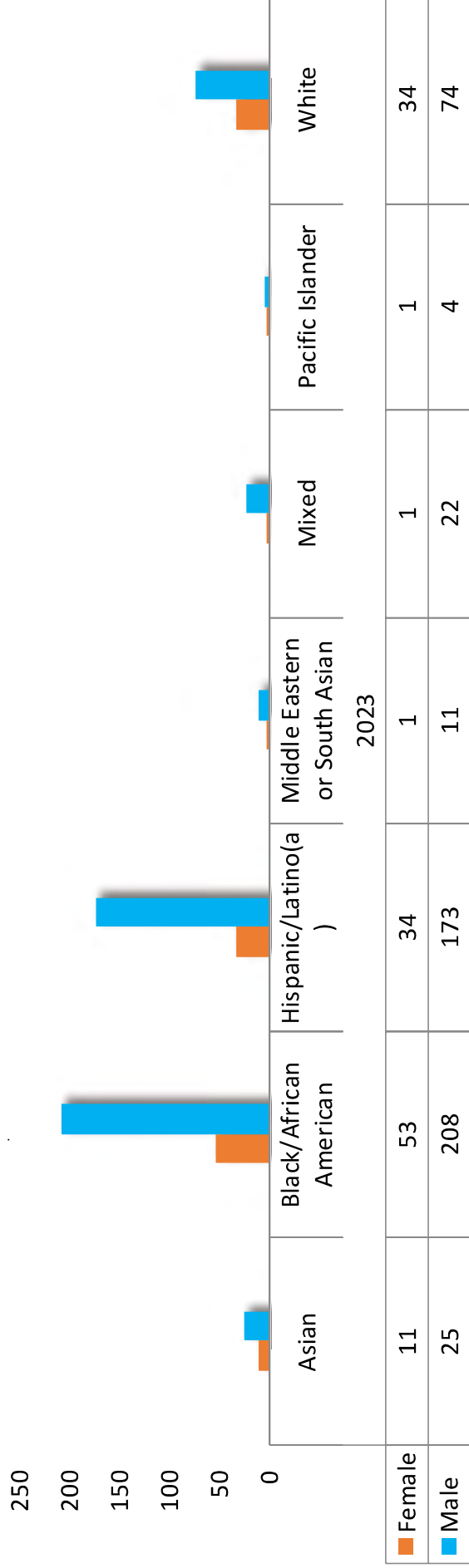
Firearm pointed at person

Firearm pointed at person



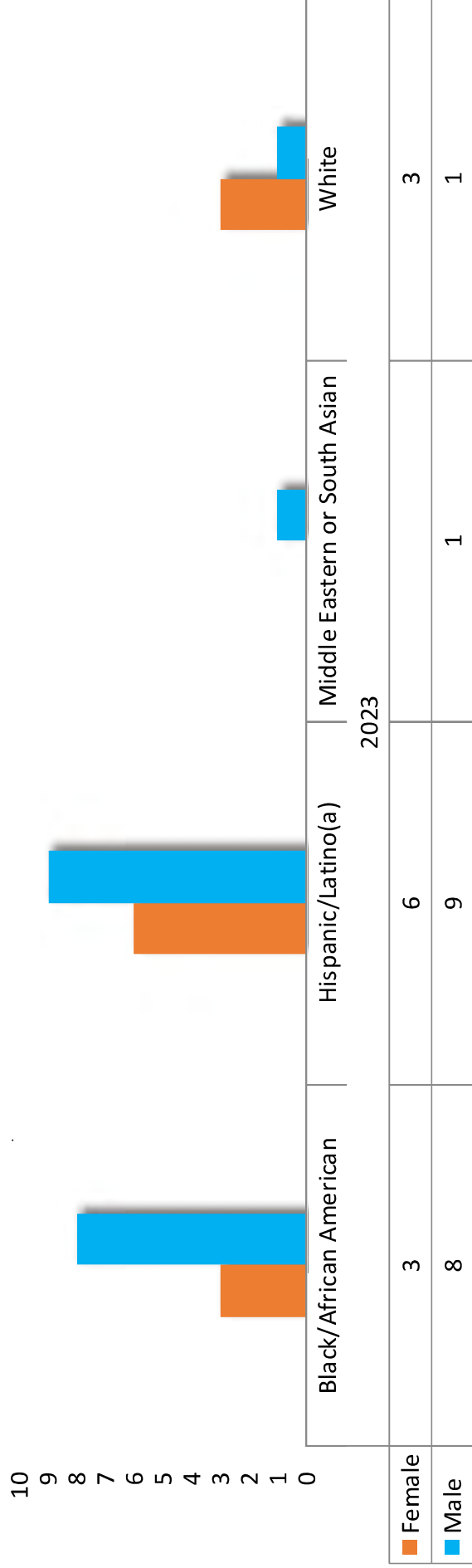
Handcuffed or Flex cuffed

Handcuffed or Flex cuffed



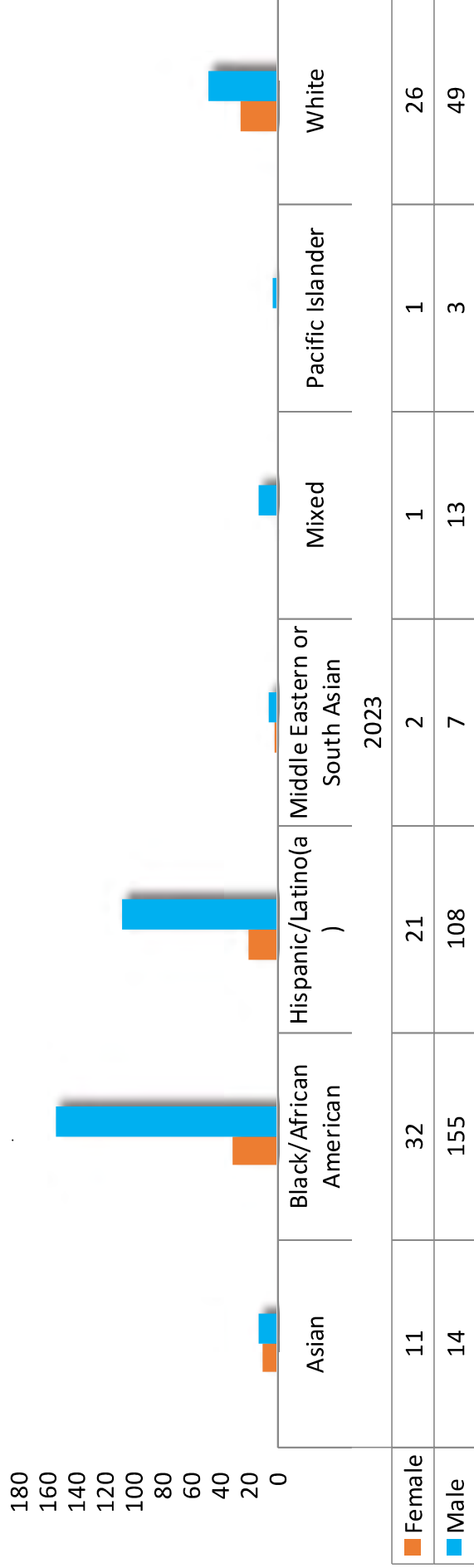
Other physical or vehicle contact

Other physical or vehicle contact



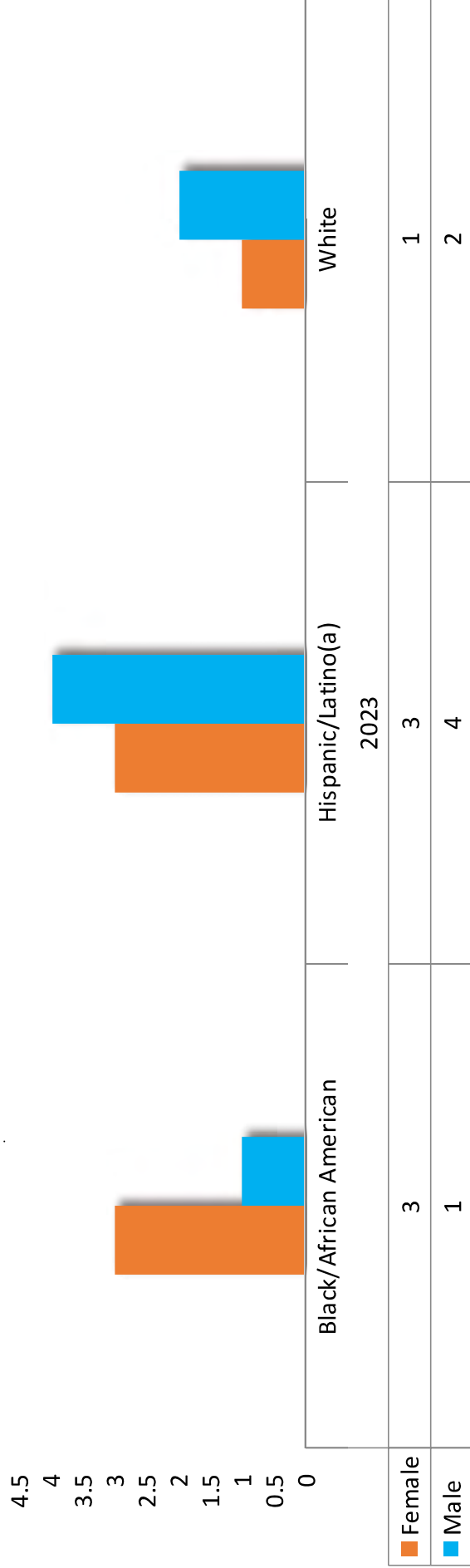
Patrol Car Detention

Patrol Car Detention



Person photographed

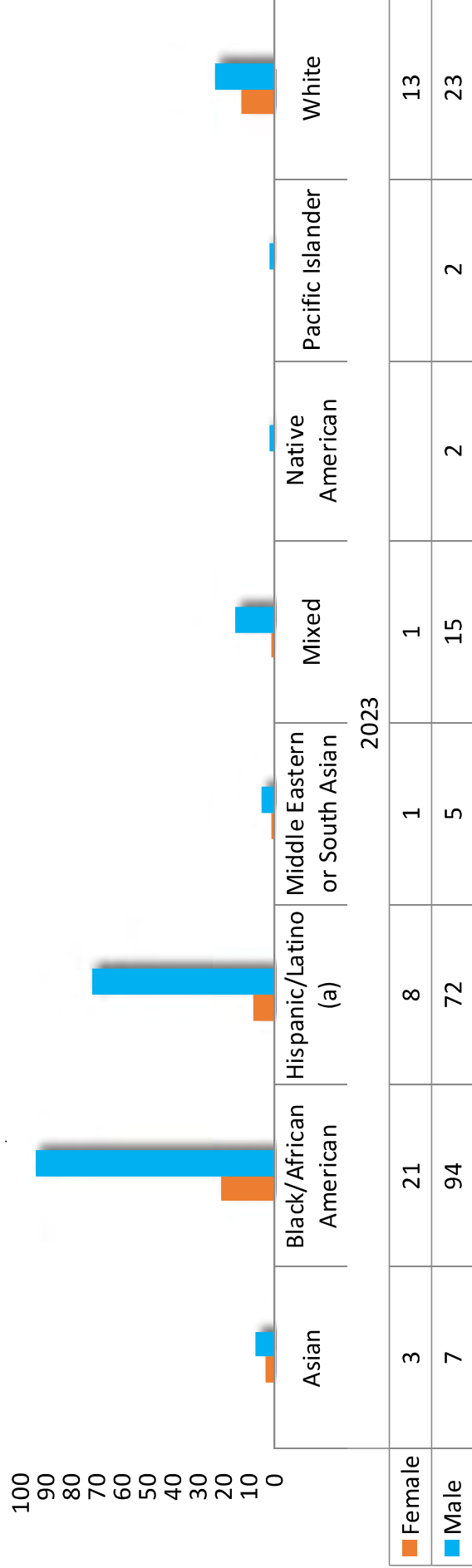
Person photographed



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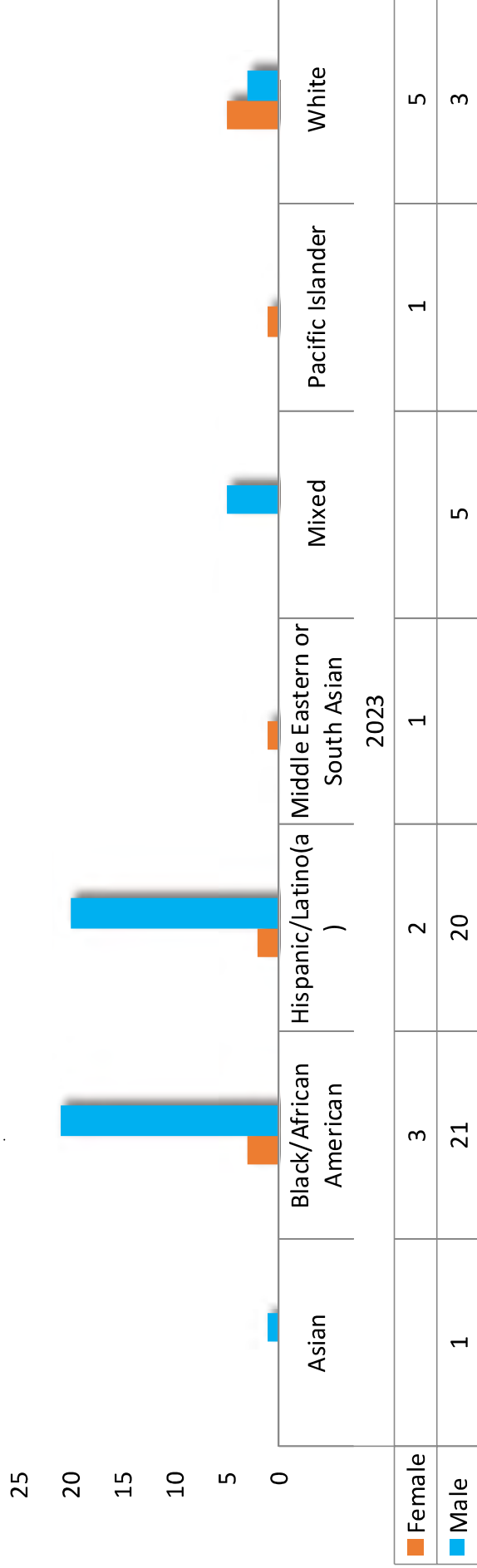
Person Removed from Vehicle by Order

Person Removed from Vehicle by Order



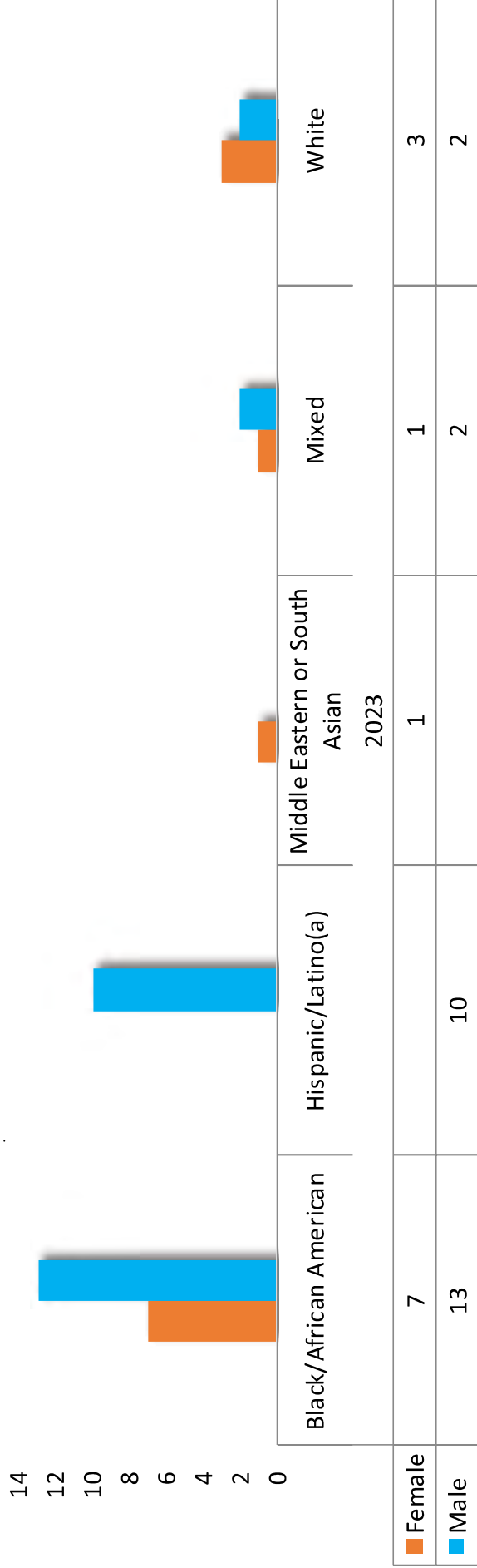
Person Removed from Vehicle by Physical Contact

Person Removed from Vehicle by Physical Contact



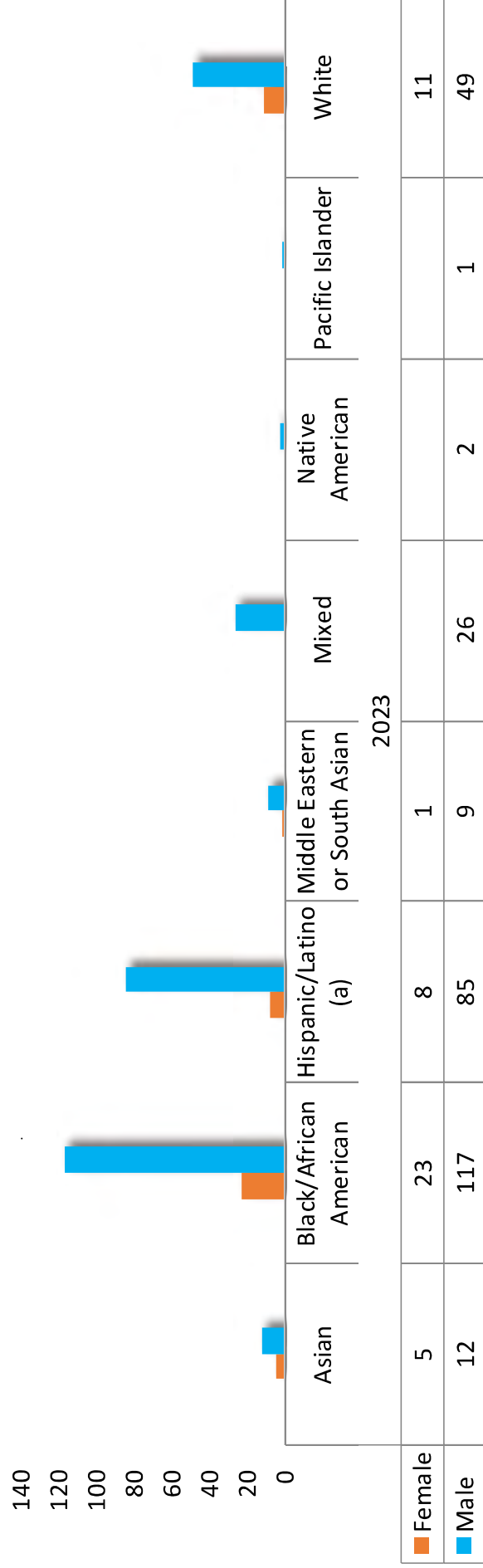
Property was seized

Property was seized



Search of person was conducted

Search of person was conducted

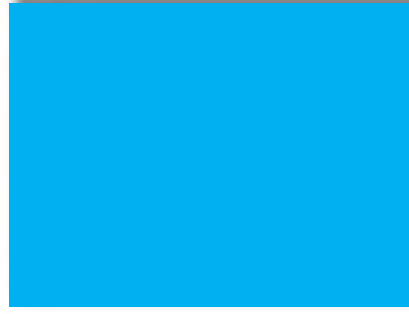


Impact Projectile Discharged or Used

Impact projectile discharged or used

1.2
1
0.8
0.6
0.4
0.2
0

1



Black/African American

2023

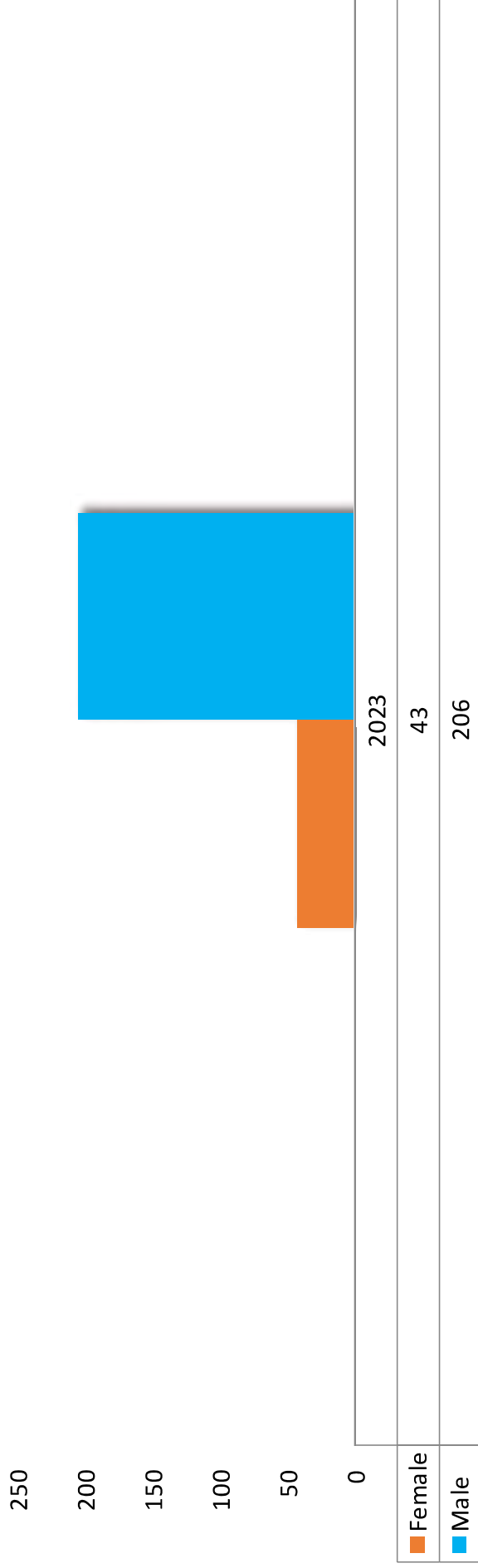


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Search of property was conducted

Search of property was conducted

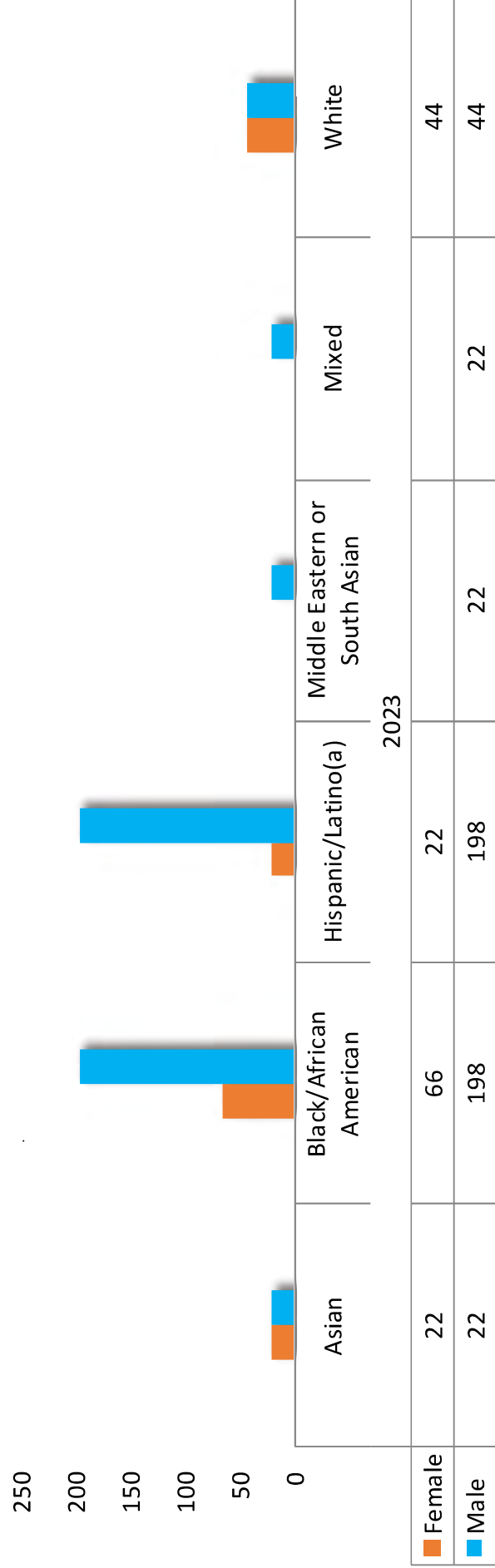


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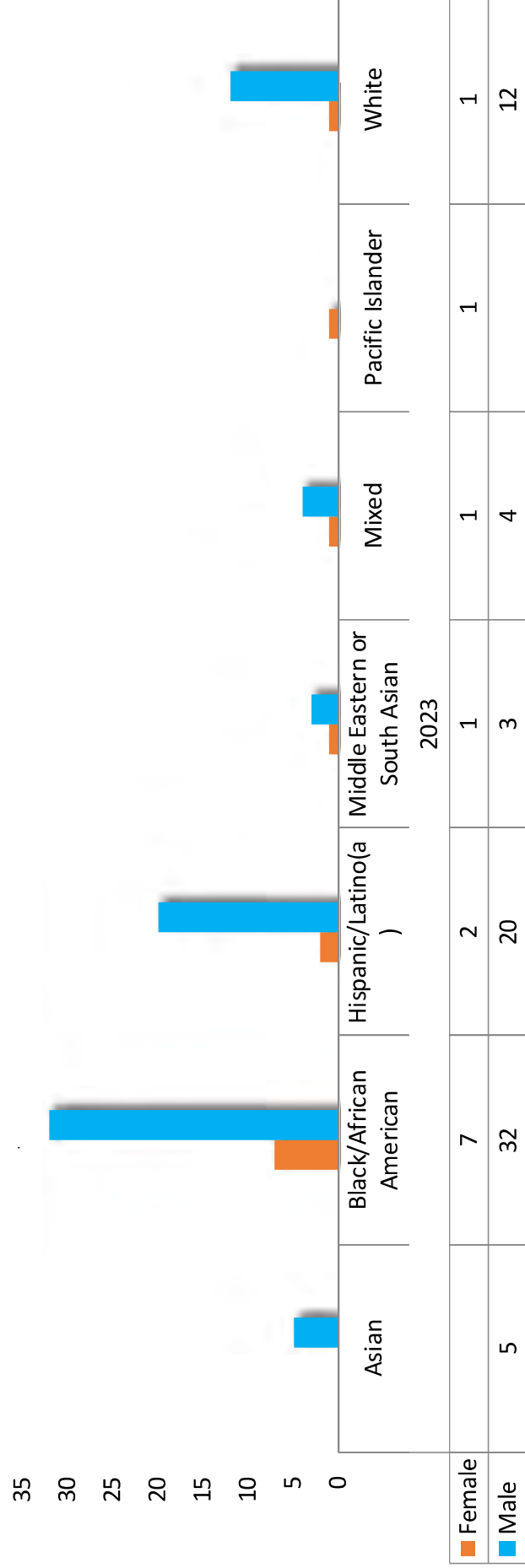
Vehicle impounded

Vehicle impounded



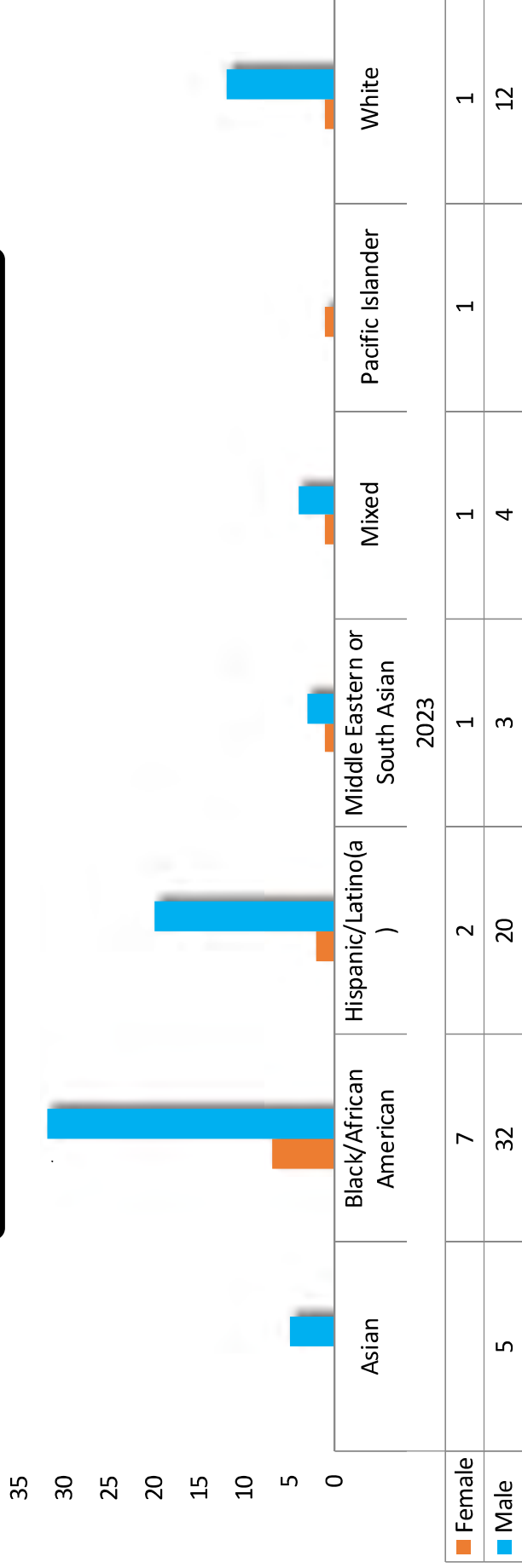
Custodial arrest pursuant to outstanding warrant - Result of Stop

Custodial arrest pursuant to outstanding warrant - Result of Stop



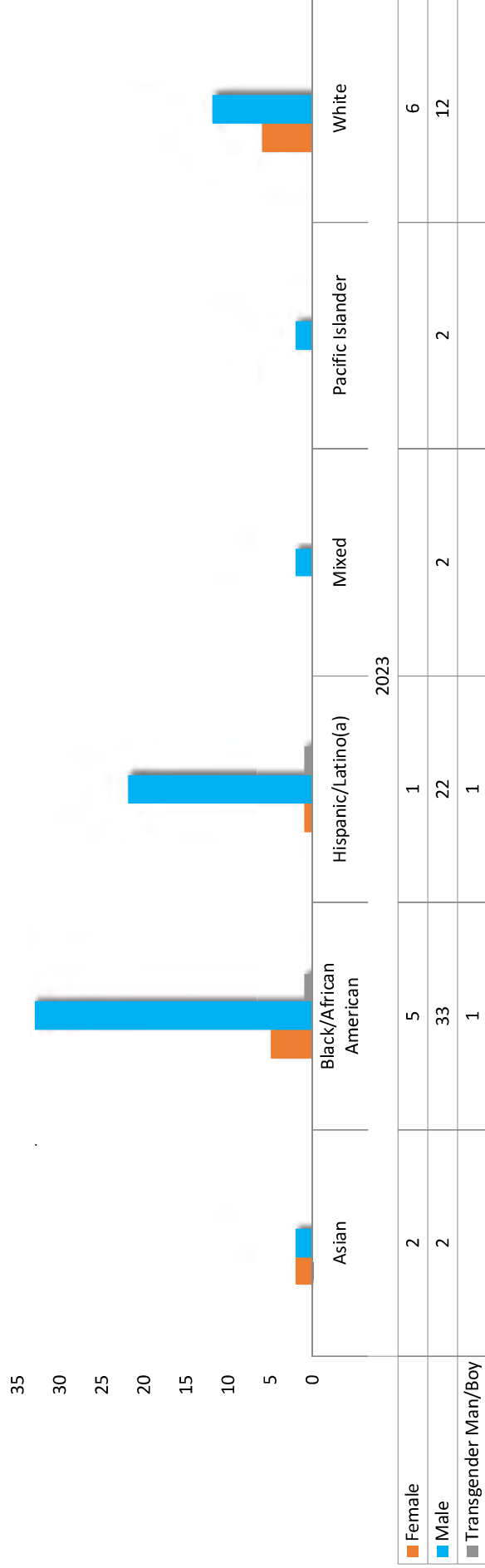
Custodial arrest without warrant - Result of Stop

Custodial arrest without warrant - Result of Stop



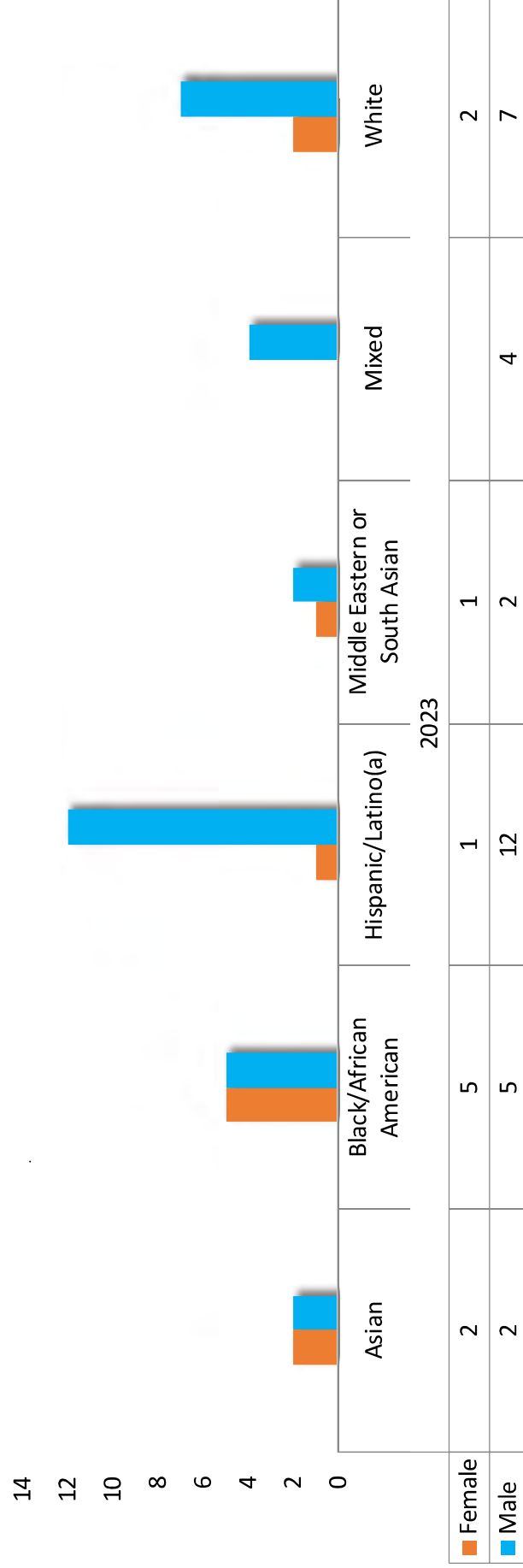
Field interview card completed - Result of Stop

Field interview card completed - Result of Stop



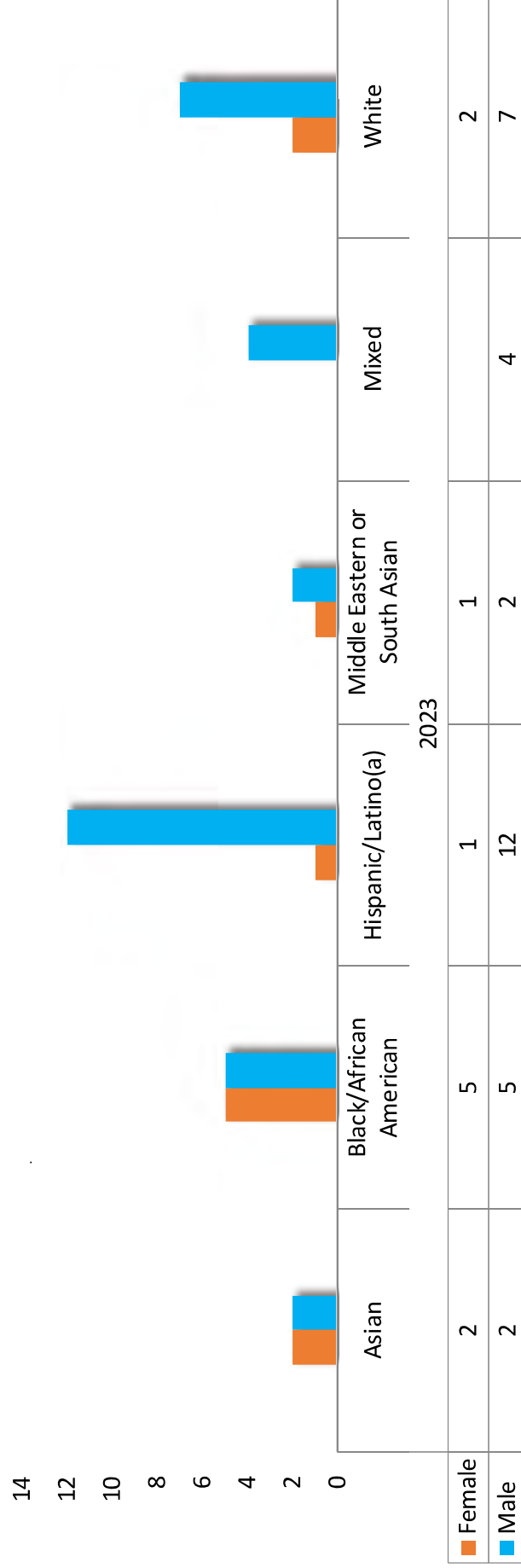
In-field cite and release - Result of Stop

In-field cite and release - Result of Stop



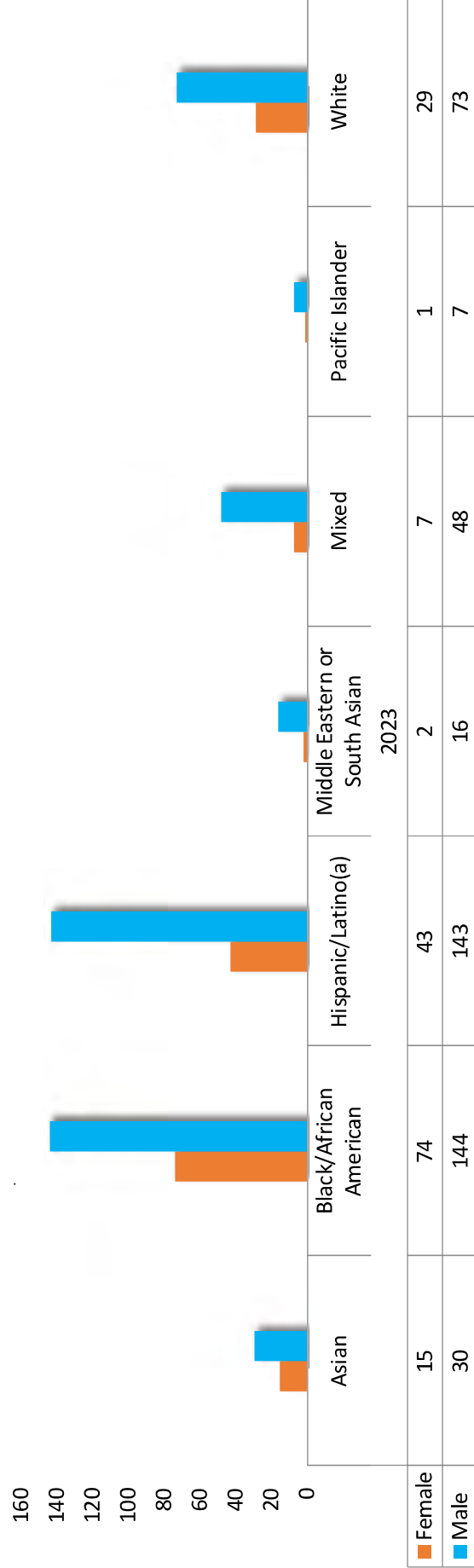
No Action - Result of Stop

No Action - Result of Stop



Warning (verbal or written) - Result of Stop

Warning (verbal or written) - Result of Stop



Searches Conducted



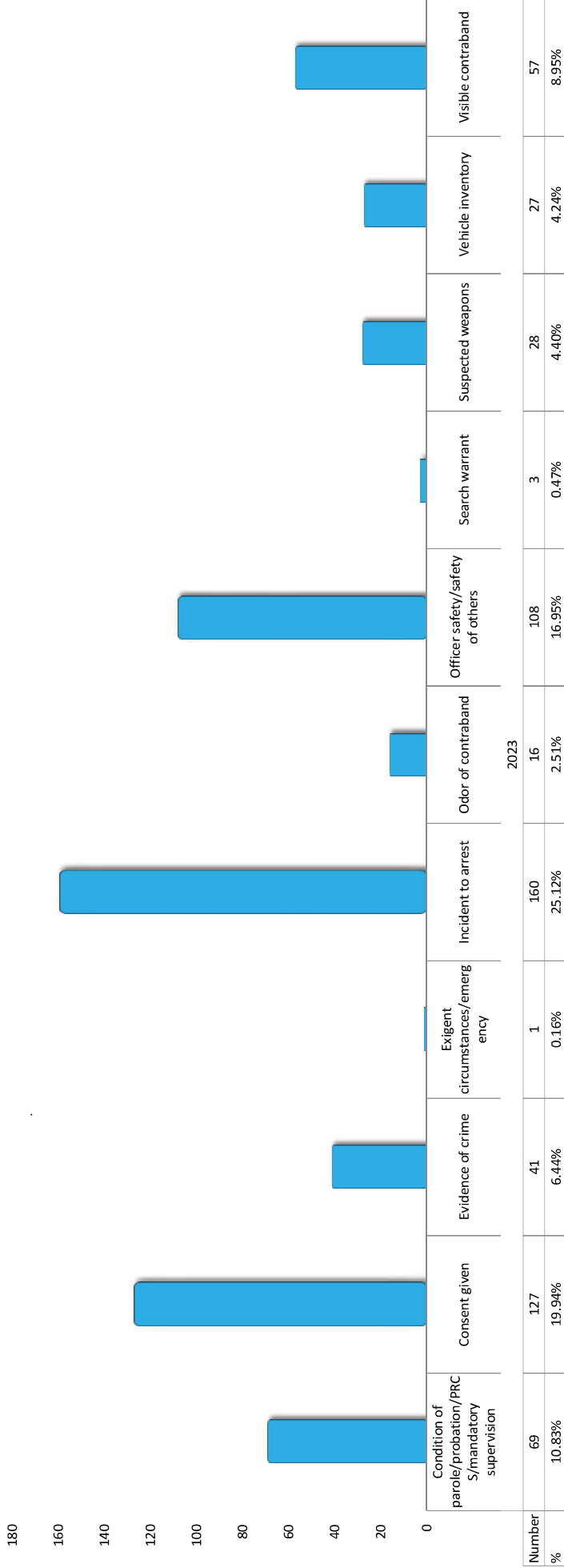
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Basis for search

Basis for search

Total : 637

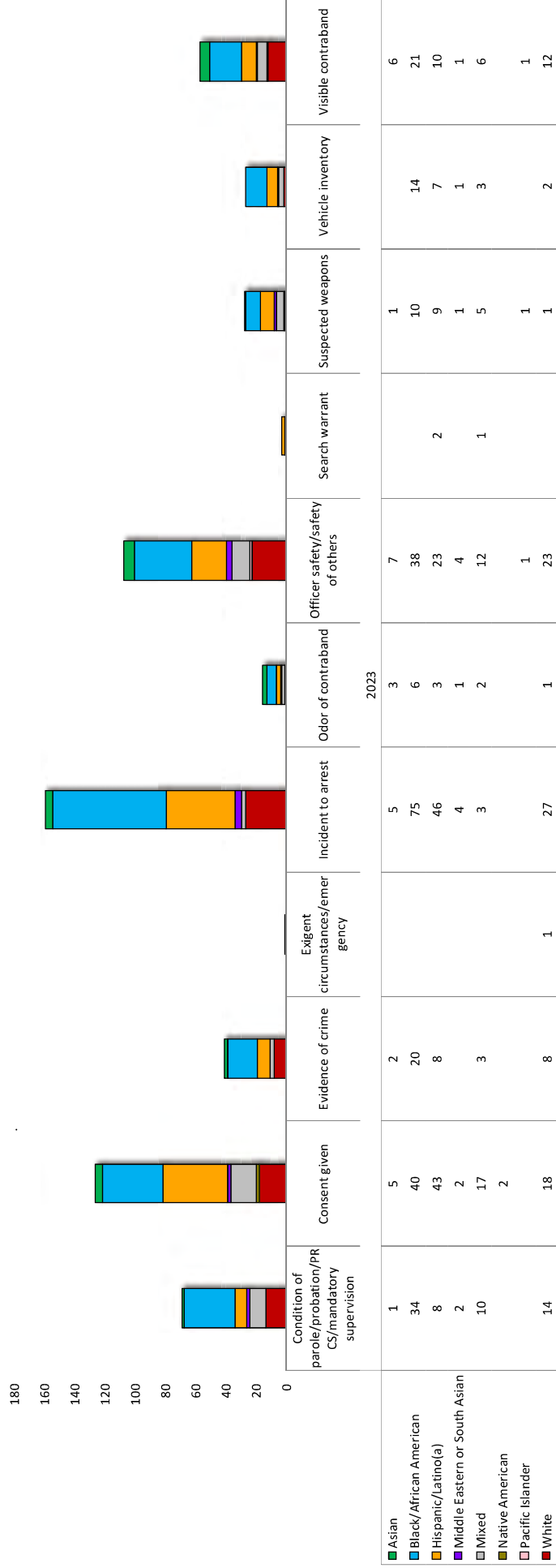


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Basis For Search By Race

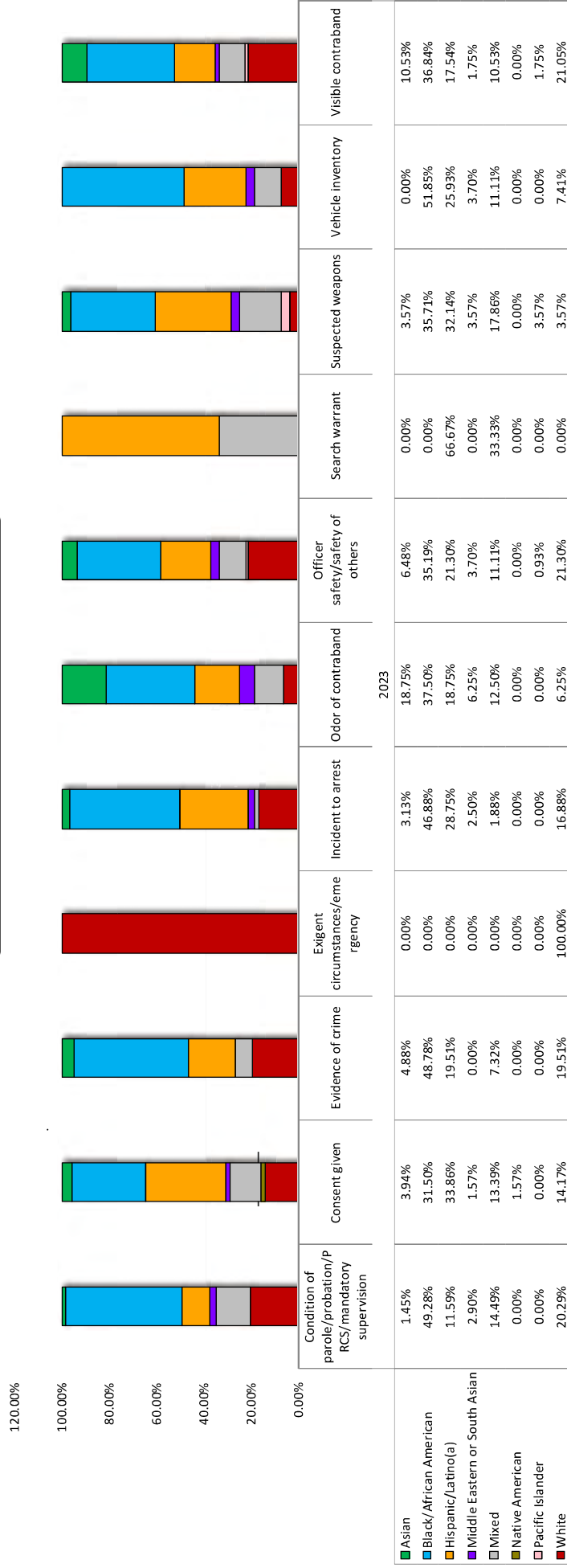
Basis For Search By Race

Total : 637



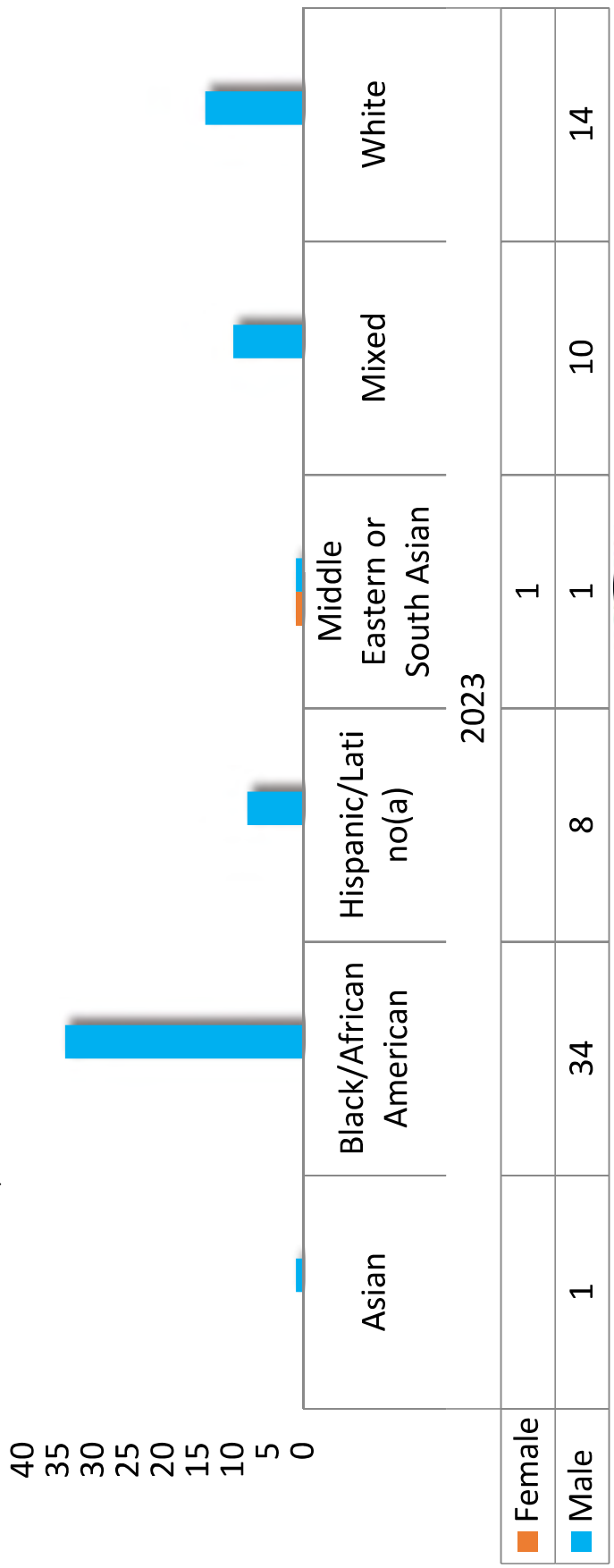
Basis For Search By Race %

Basis For Search By Race %



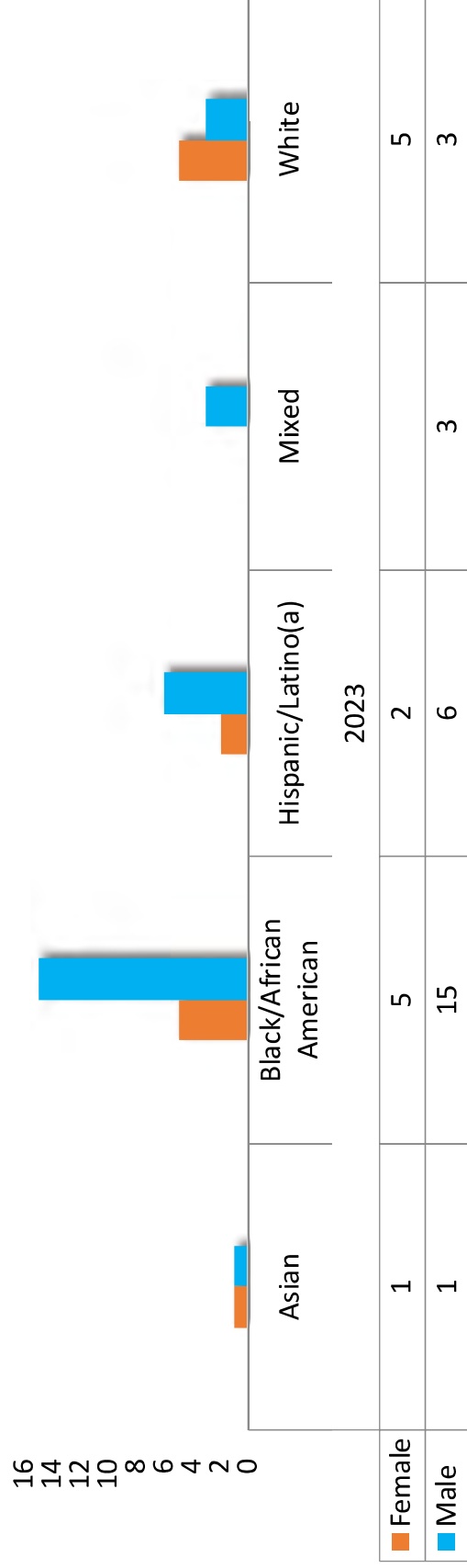
Condition of parole/probation/PRCS/mandatory supervision

Condition of parole/probation/PRCS/mandatory supervision



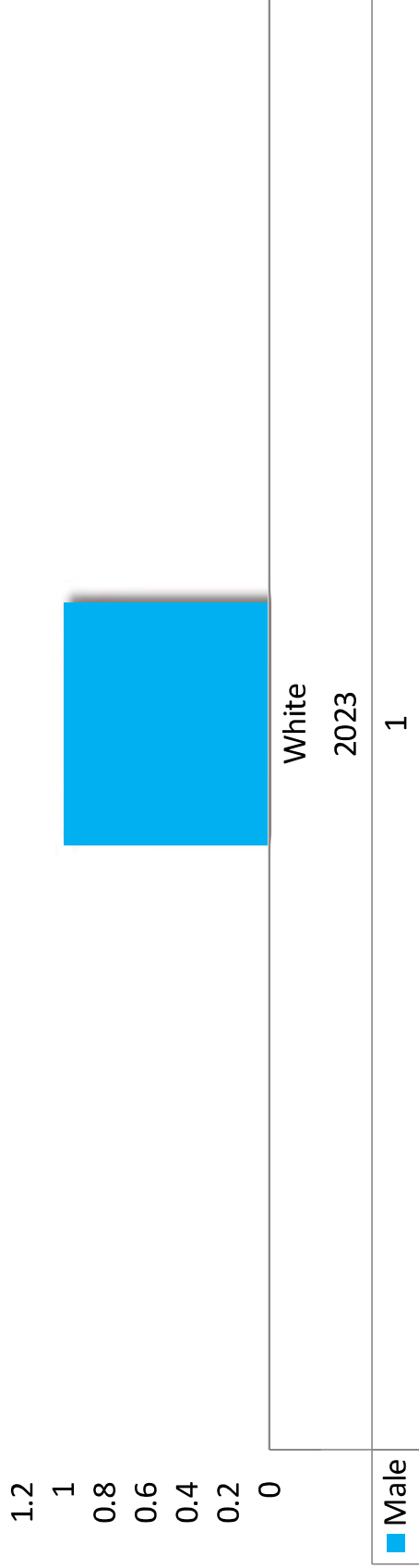
Evidence of crime

Evidence of crime



Odor of contraband

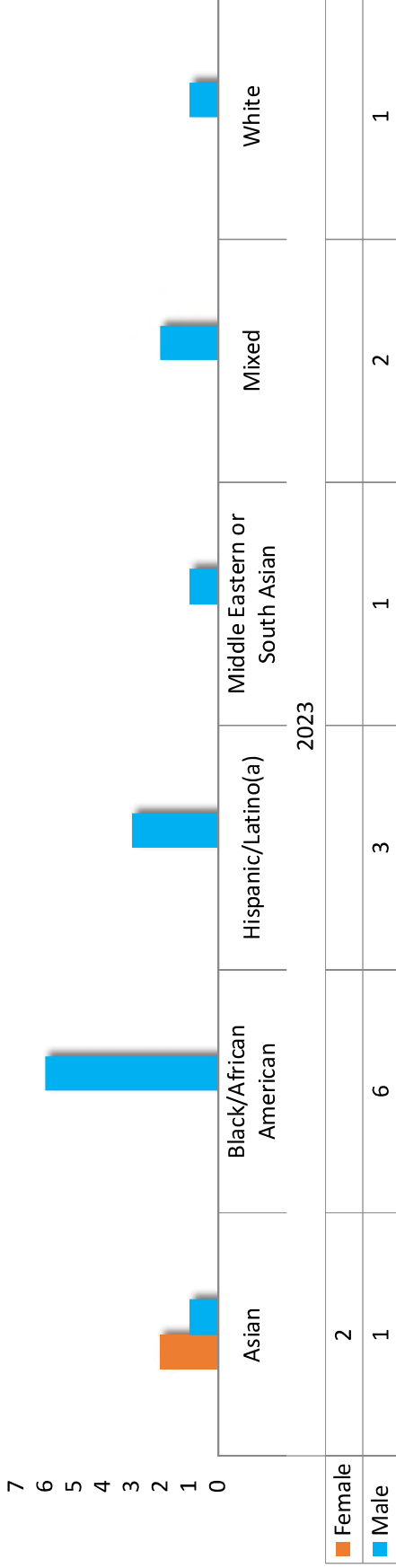
Odor of contraband



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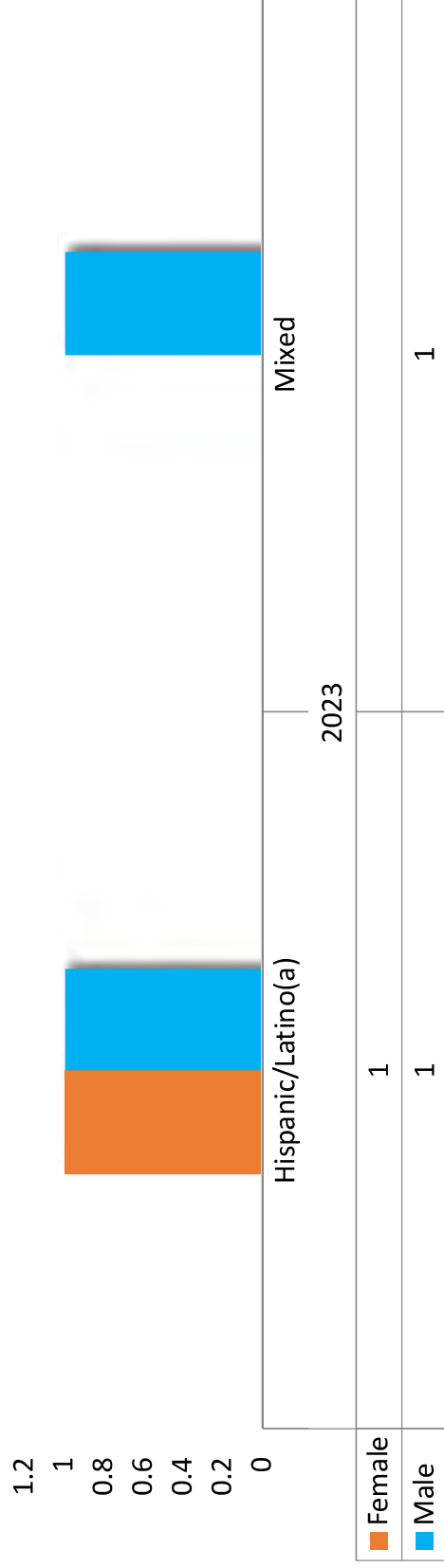
Officer safety/safety of others

Officer safety/safety of others



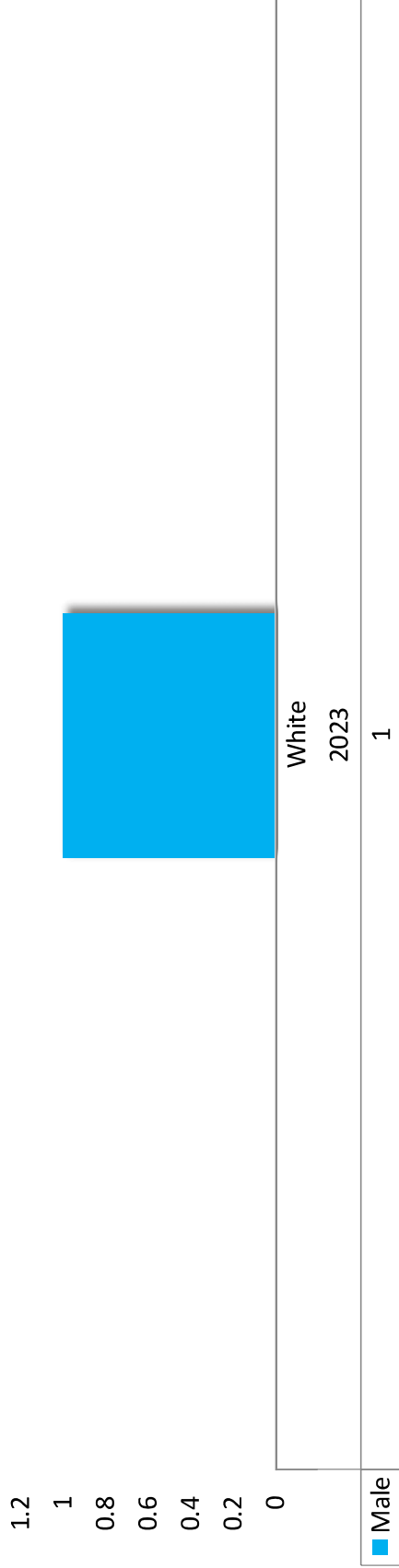
Suspected weapons

Suspected weapons



Incident to arrest

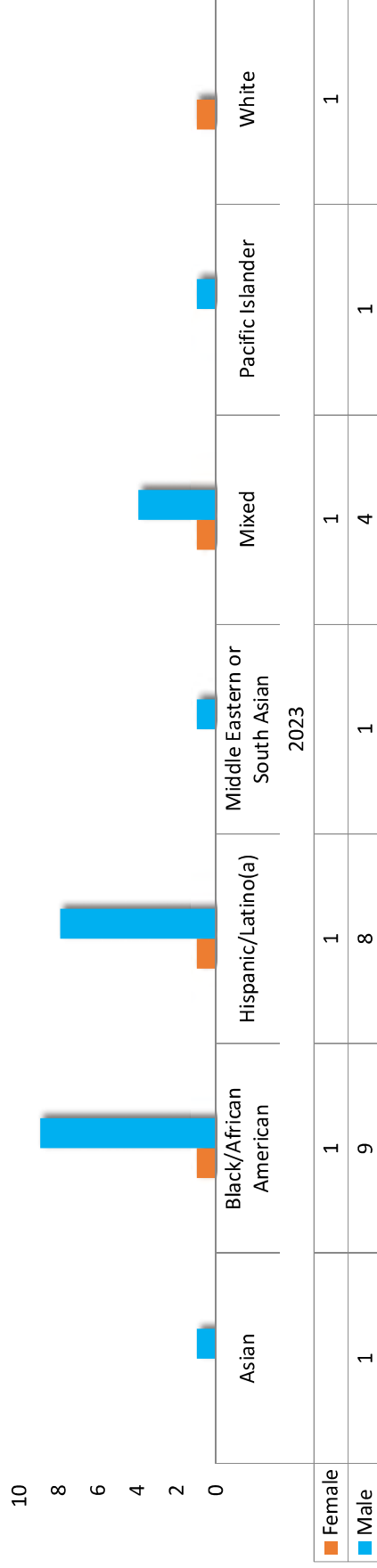
Incident to arrest



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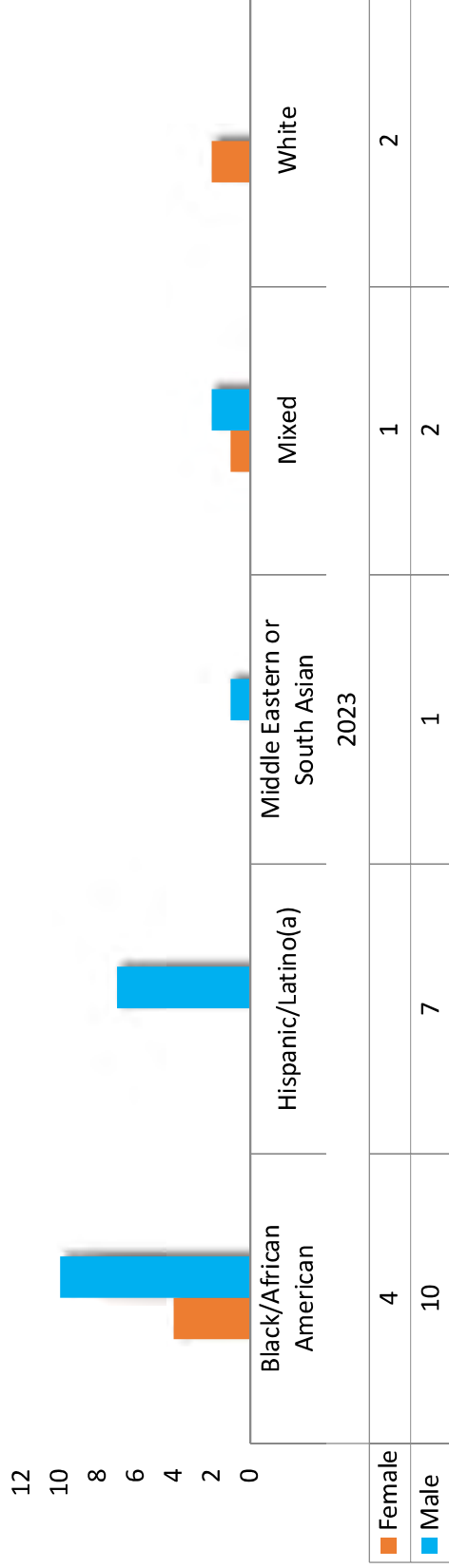
Vehicle inventory

Vehicle inventory



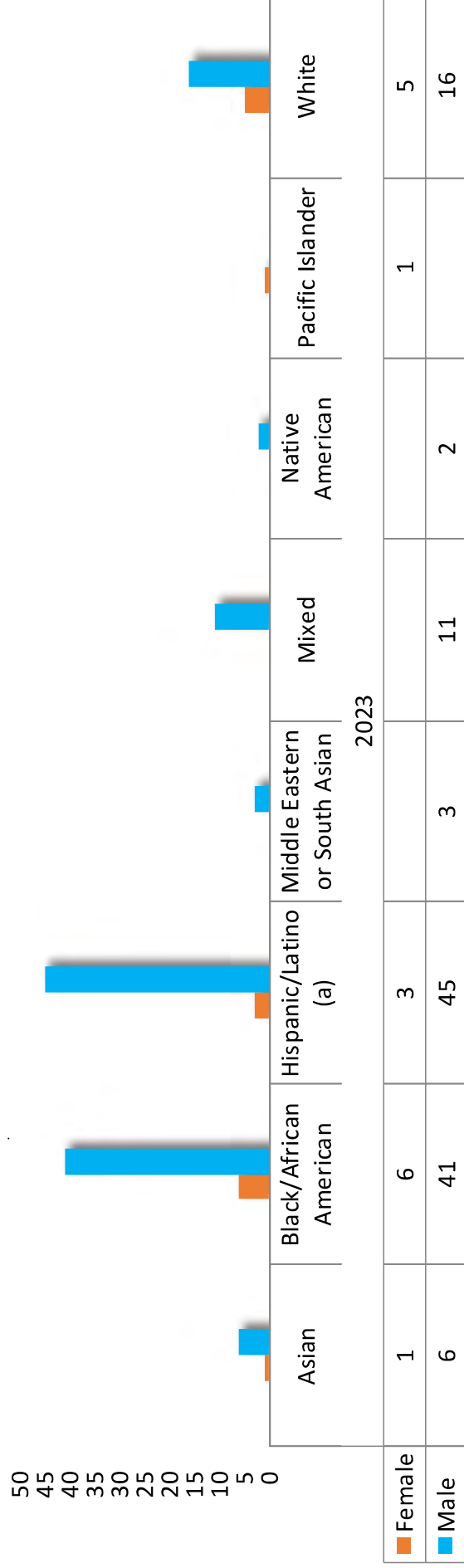
Visible contraband

Visible contraband



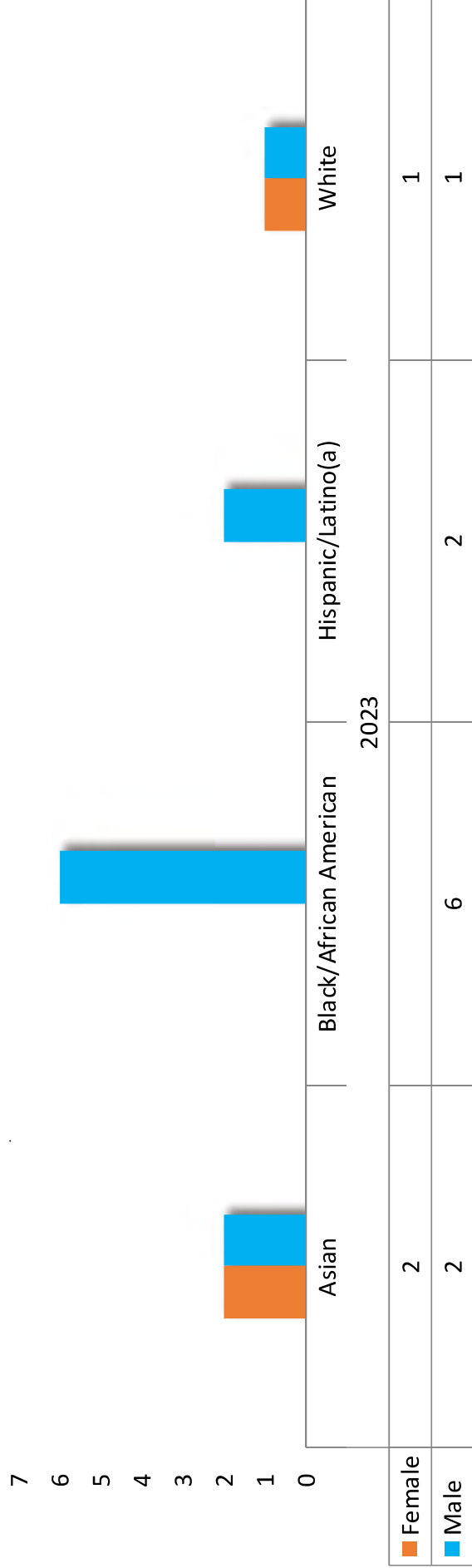
Asked for consent to search person - Granted

Asked for consent to search person - Granted



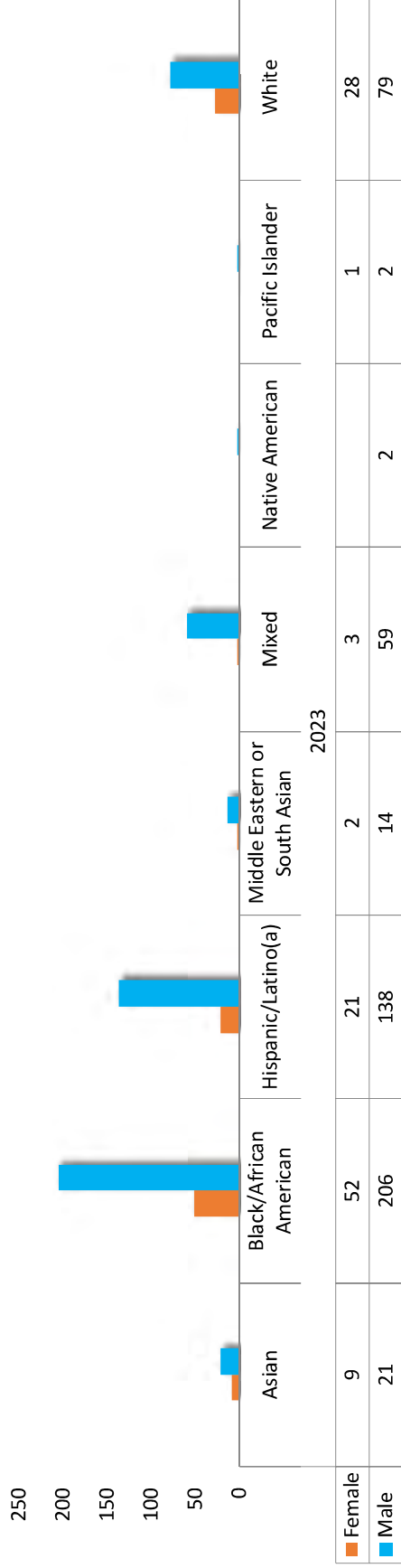
Asked for consent to search person - Refused

Asked for consent to search person - Refused



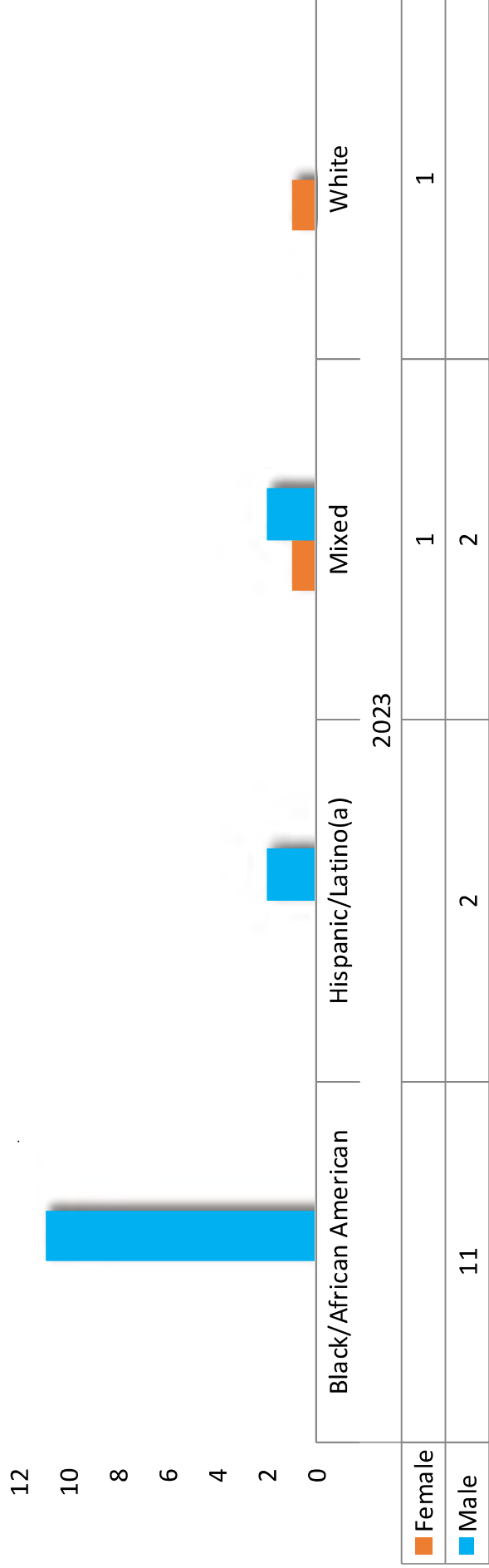
Consent given

Consent given



Asked for consent to search property - Refused

Asked for consent to search property - Refused



Property Seizures



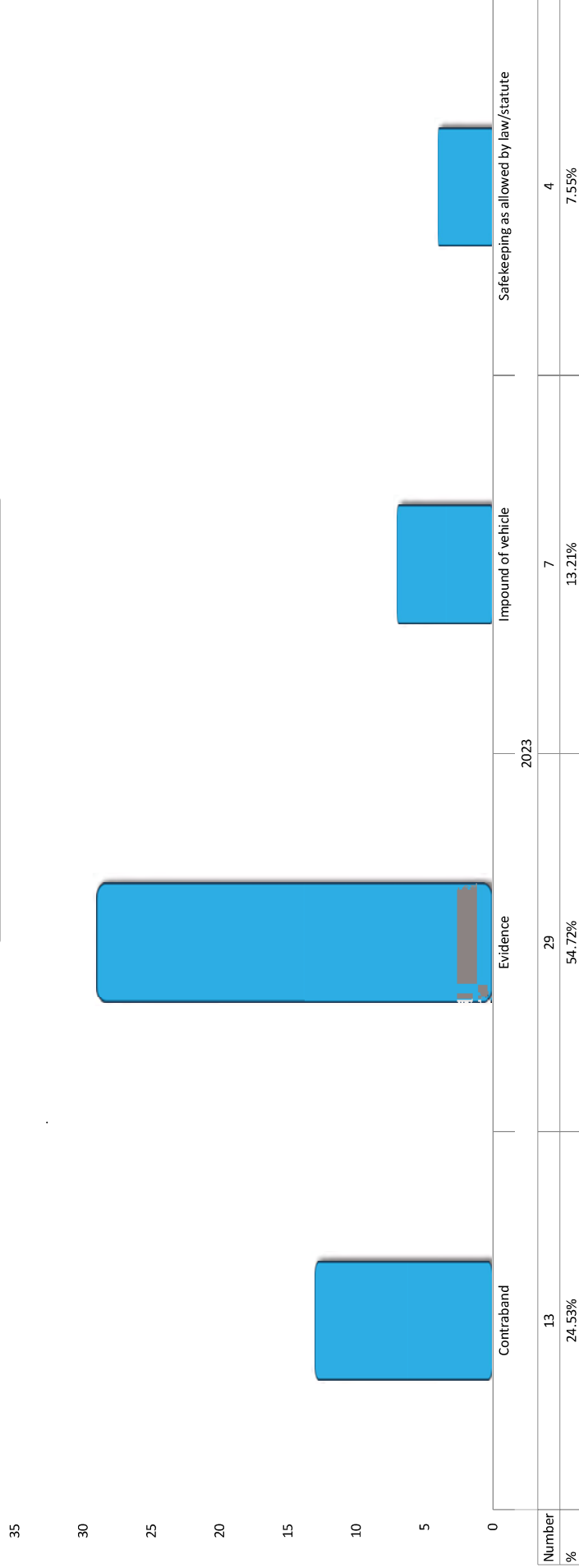
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Basis For Property Seizure

Basis For Property Seizure

Total : 53

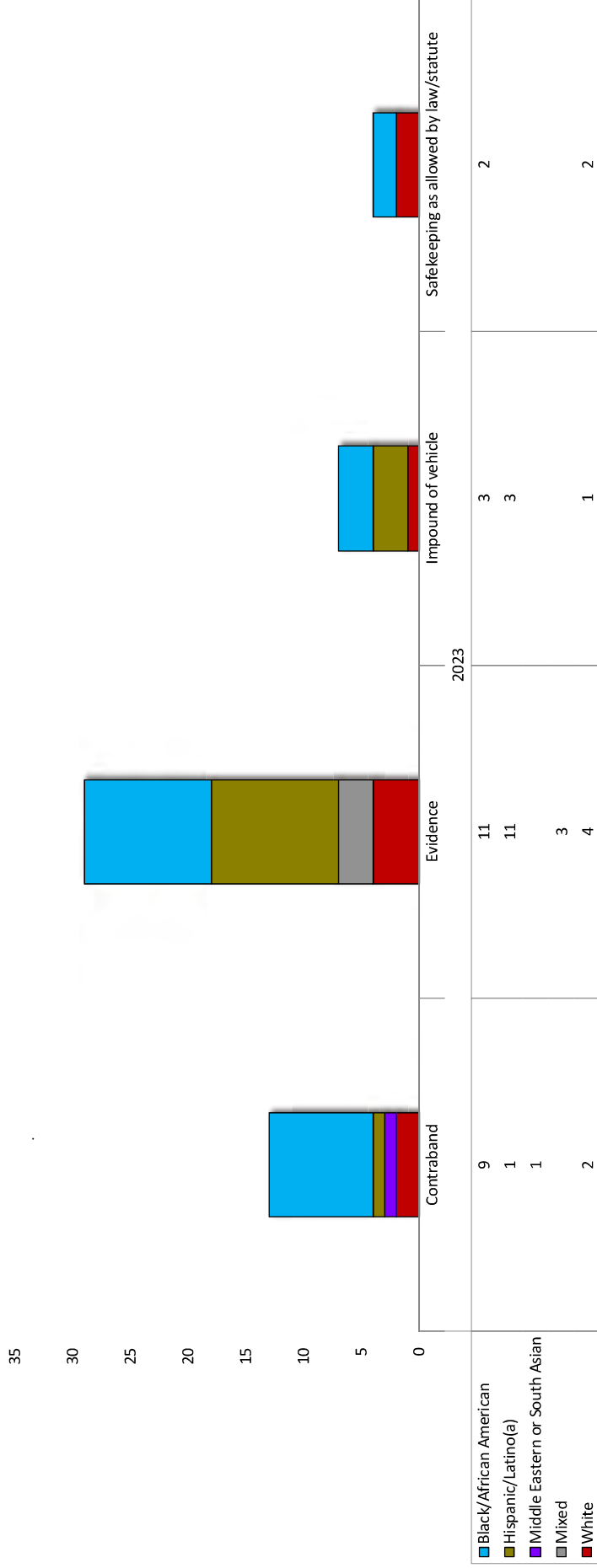


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Basis For Property Seizure By Race

Basis For Property Seizure By Race

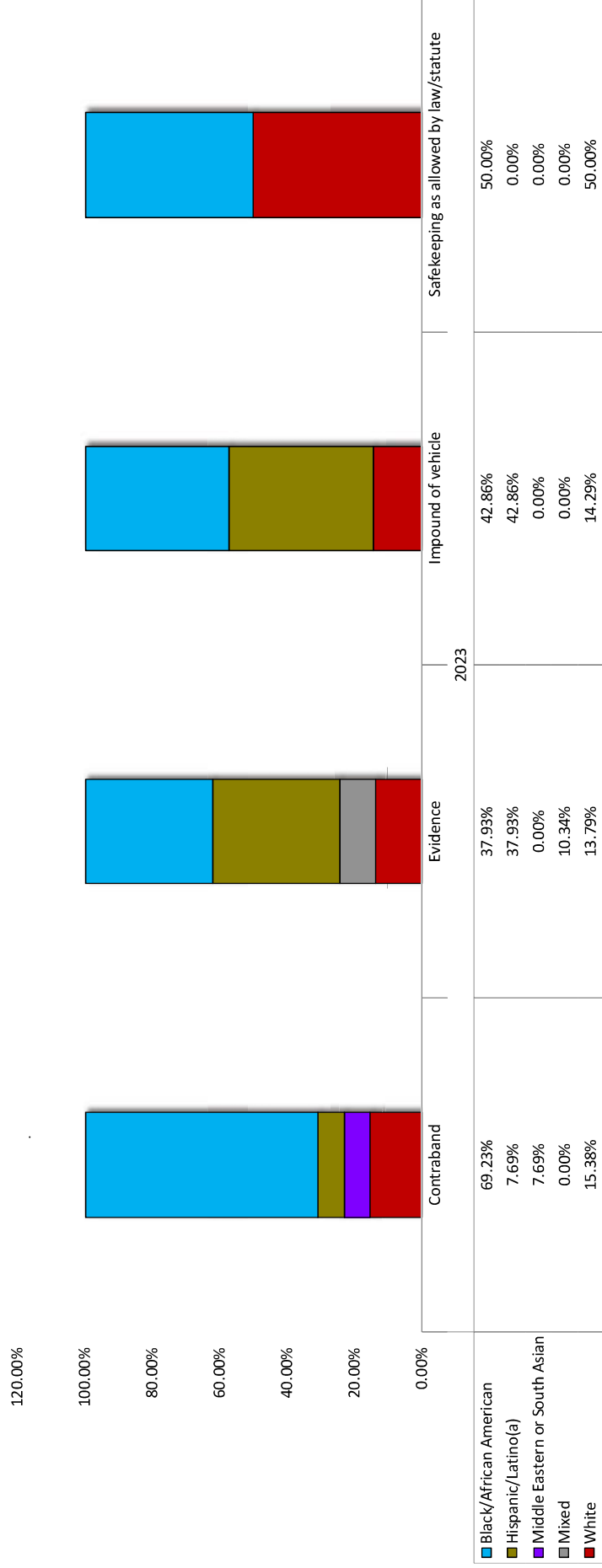
Total : 53



Basis For Property Seizure By Race %

Basis For Property Seizure By Race %

Total : 53



Type of Property Seized



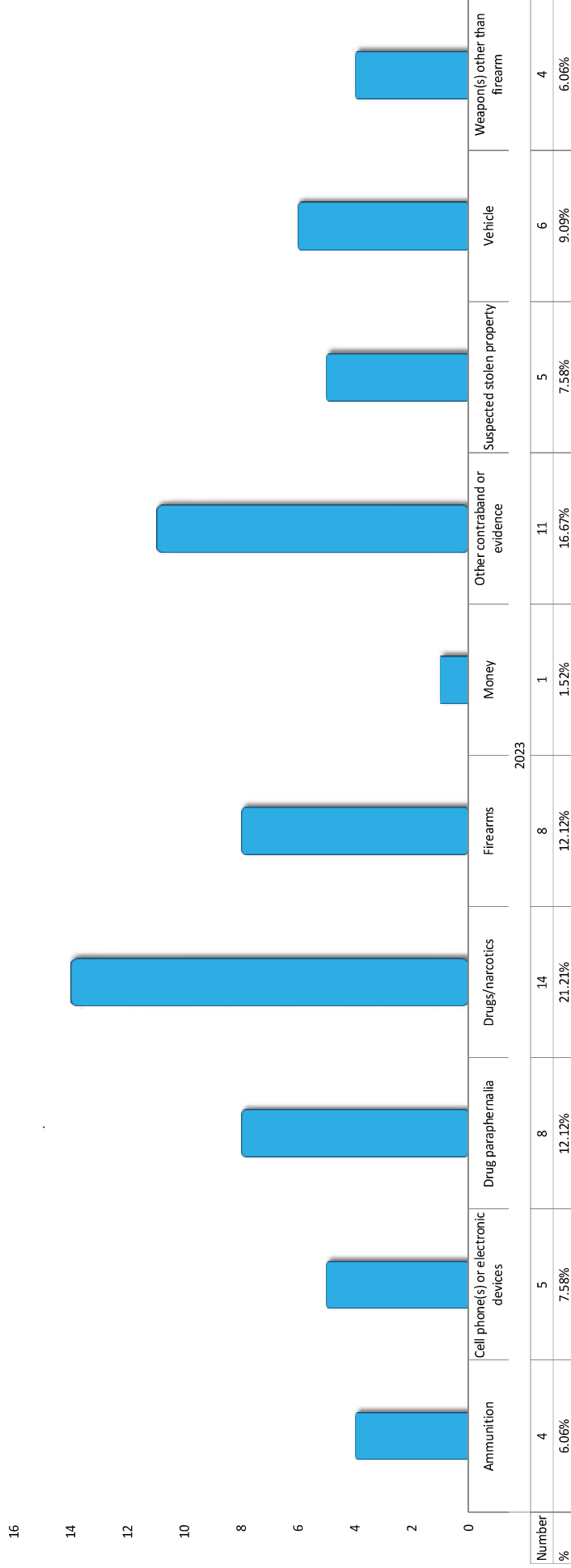
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Type of Property Seized

Type of Property Seized

Total : 66



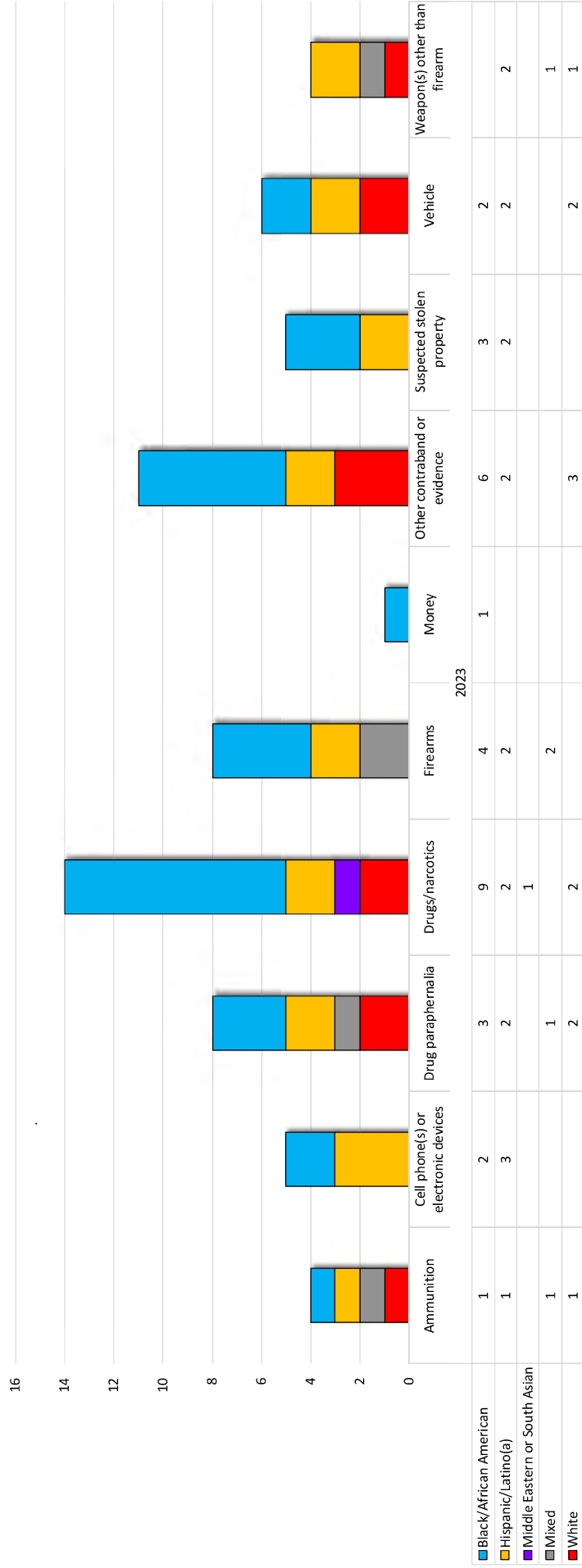
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Type of Property Seized By Race

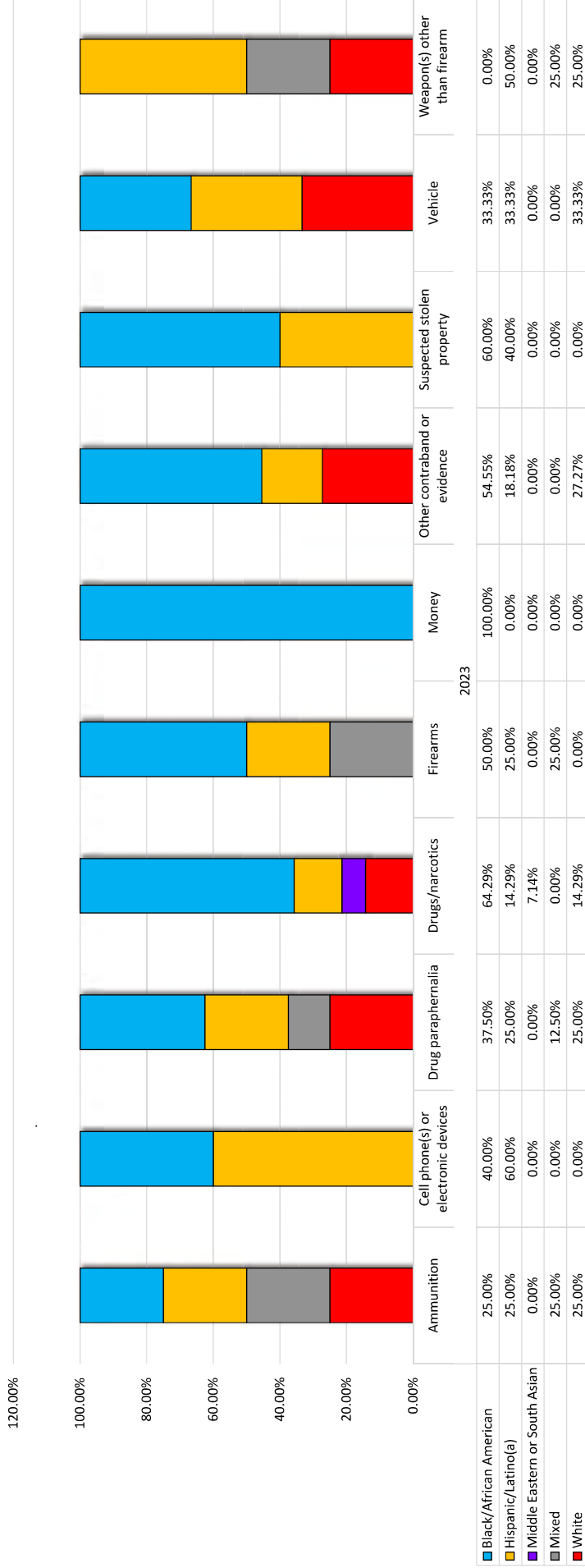
Type of Property Seized By Race

Total : 66



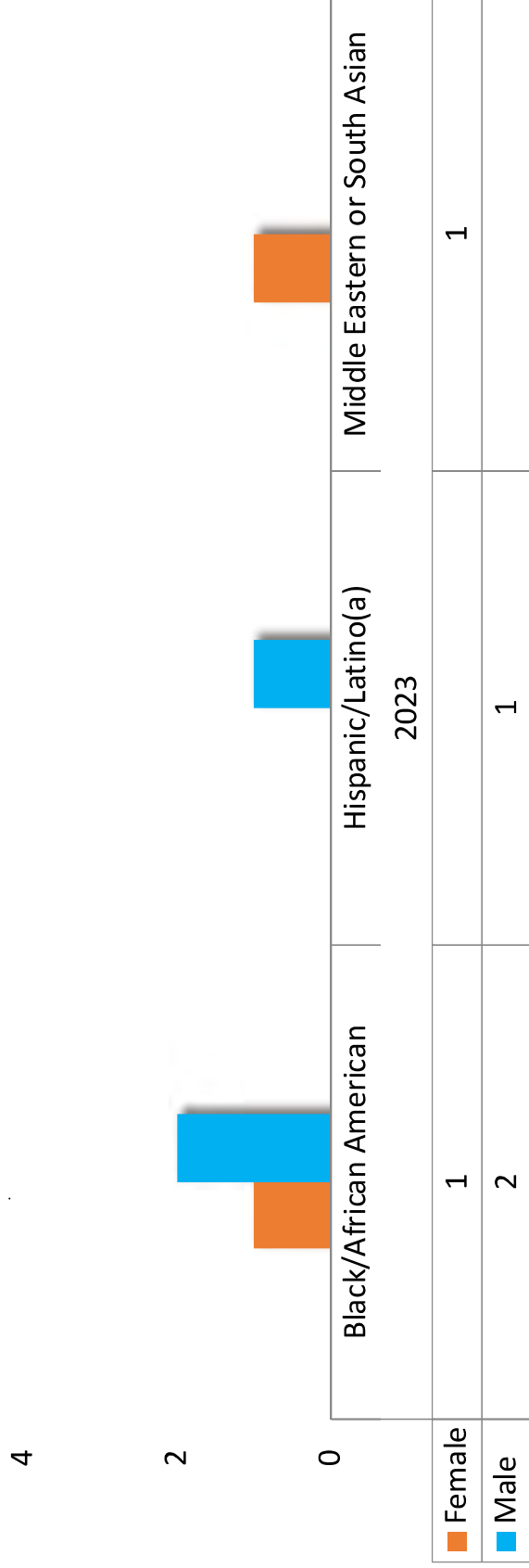
Type of Property Seized By Race %

Type of Property Seized By Race %



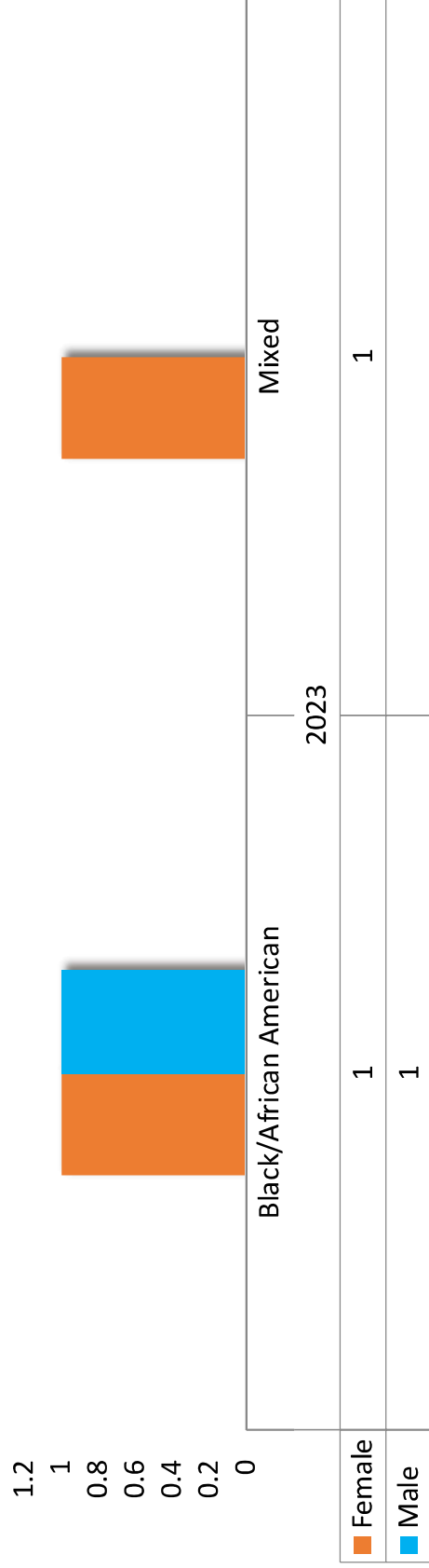
Drugs/narcotics - Type of Property Seized

Drugs/narcotics - Type of Property Seized



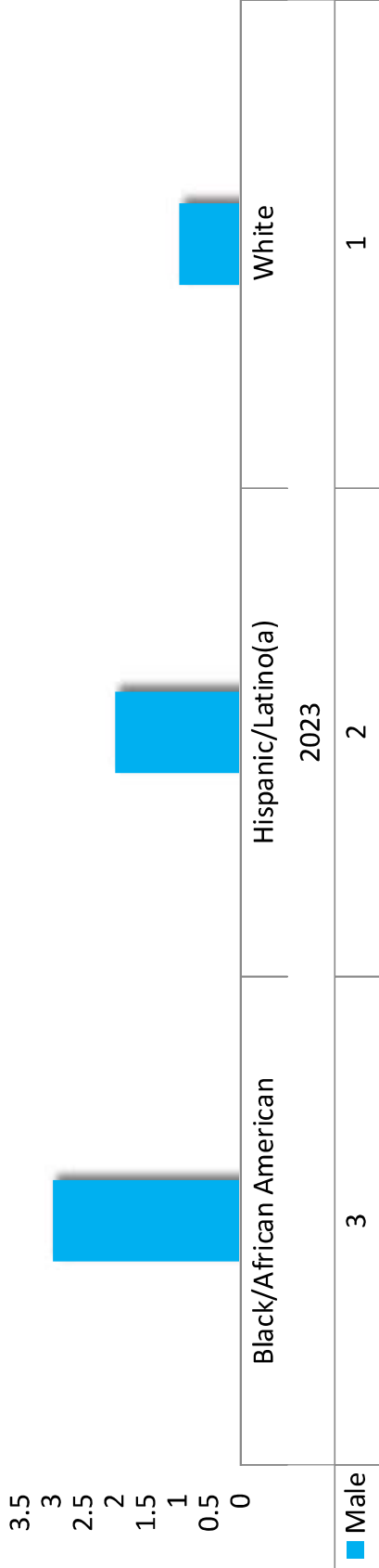
Firearms - Type of Property Seized

Firearms - Type of Property Seized



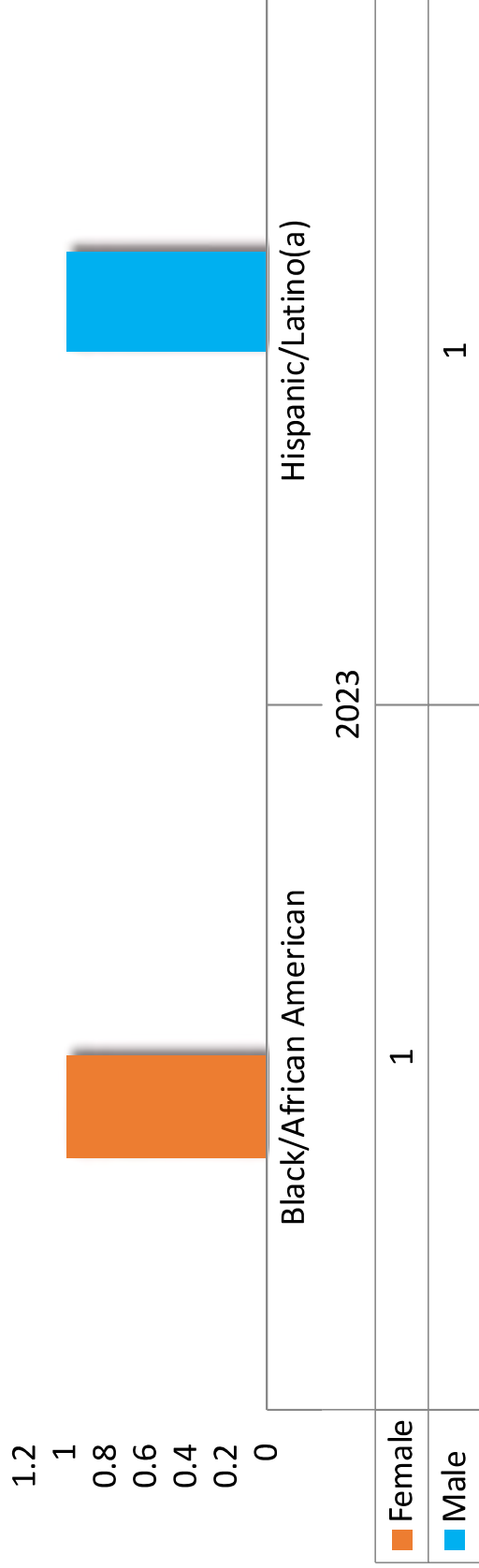
Other contraband or evidence - Type of Property Seized

Other contraband or evidence - Type of Property Seized



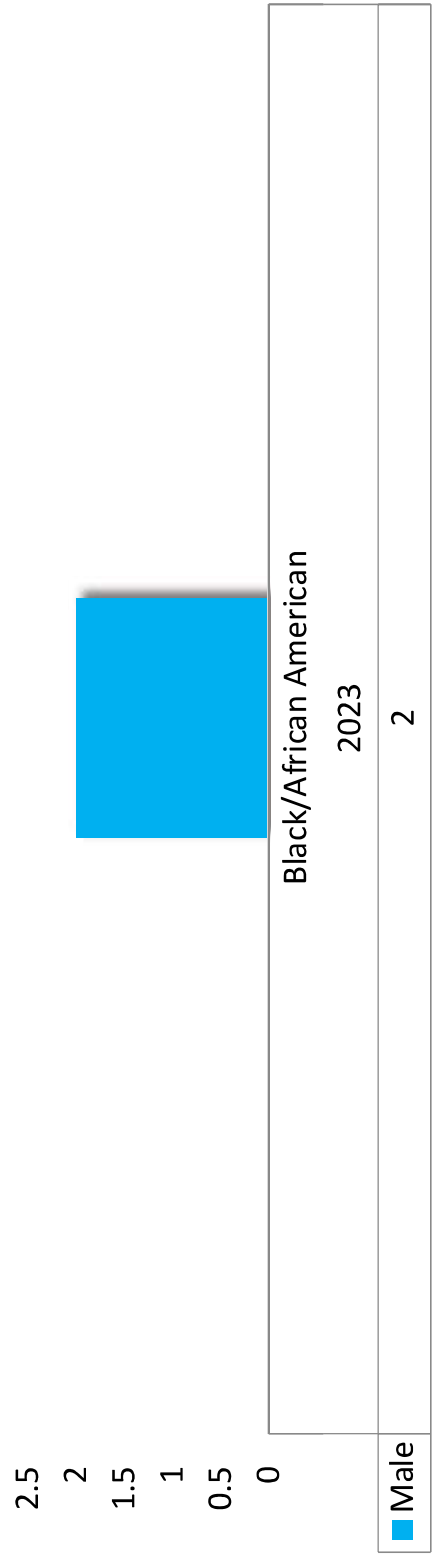
Suspected stolen property - Type of Property Seized

Suspected stolen property - Type of Property Seized



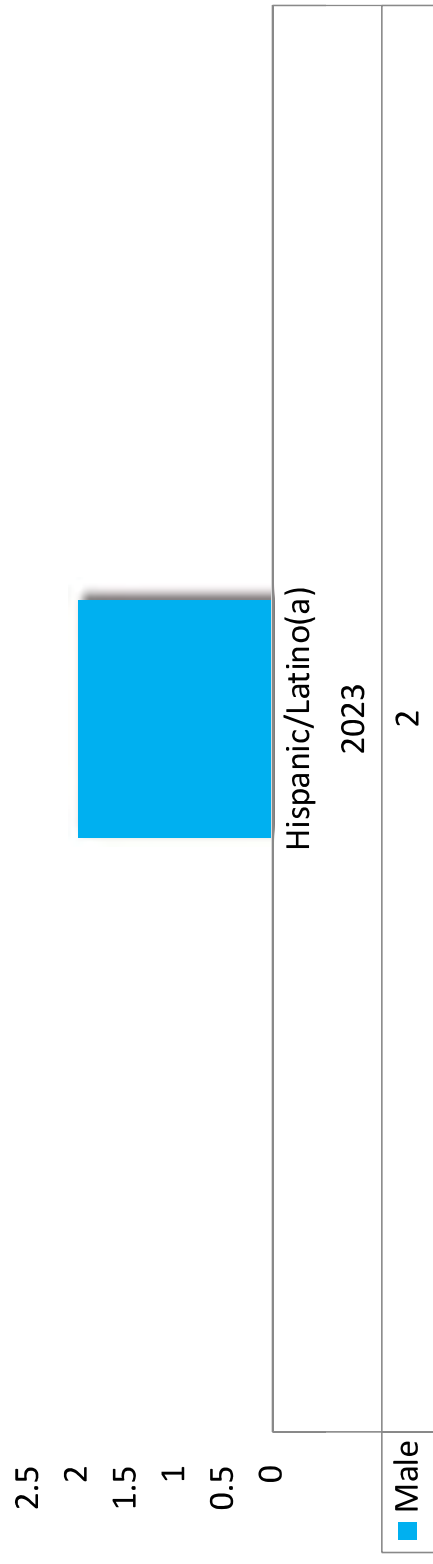
Vehicle - Type of Property Seized

Vehicle - Type of Property Seized



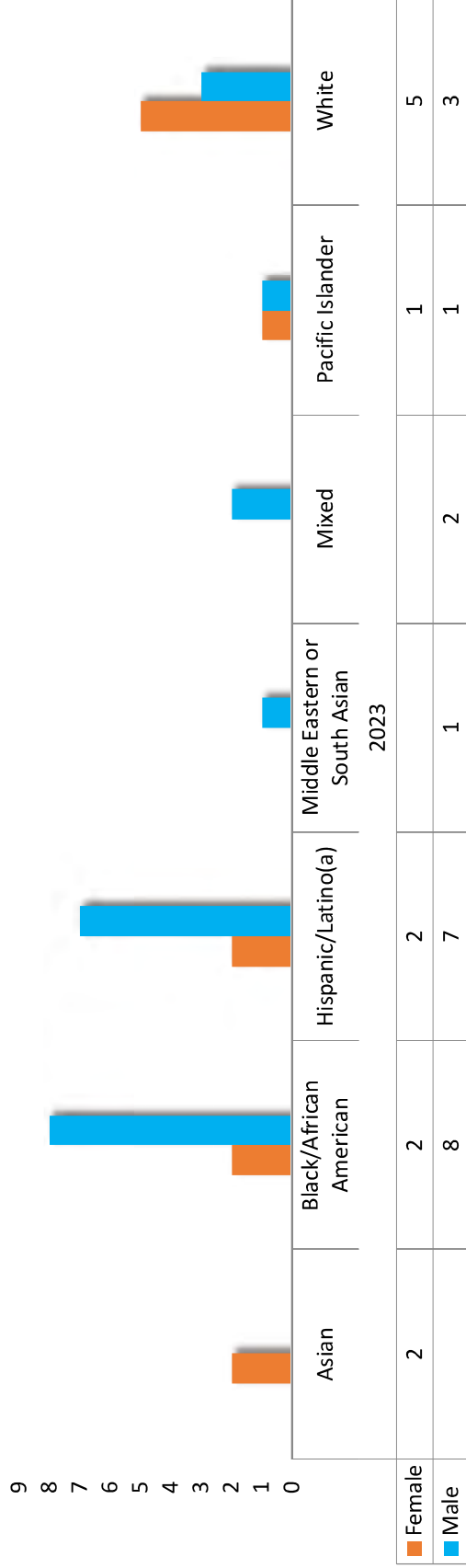
Weapon(s) other than firearm - Type of Property Seized

Weapon(s) other than firearm - Type of Property Seized



Alcohol - Contraband or Evidence

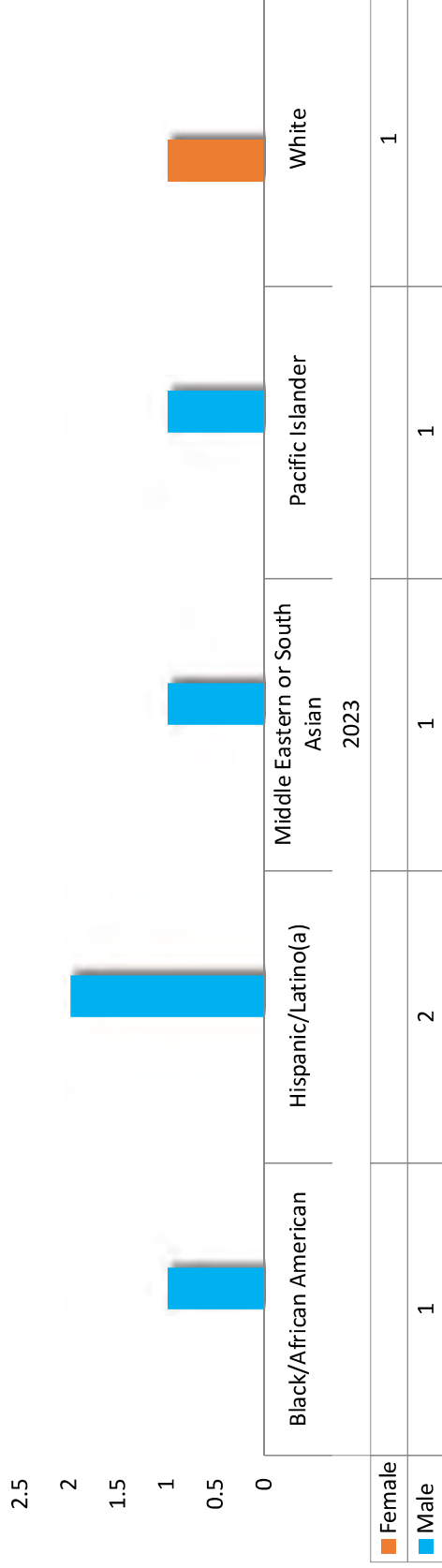
Alcohol - Contraband or Evidence



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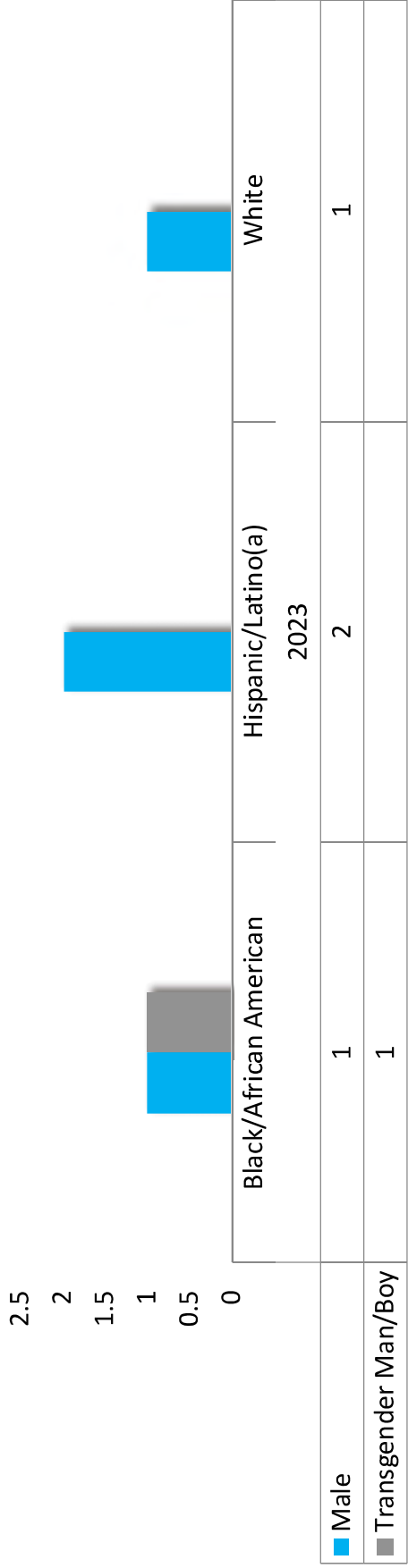
Ammunition - Contraband or Evidence

Ammunition - Contraband or Evidence



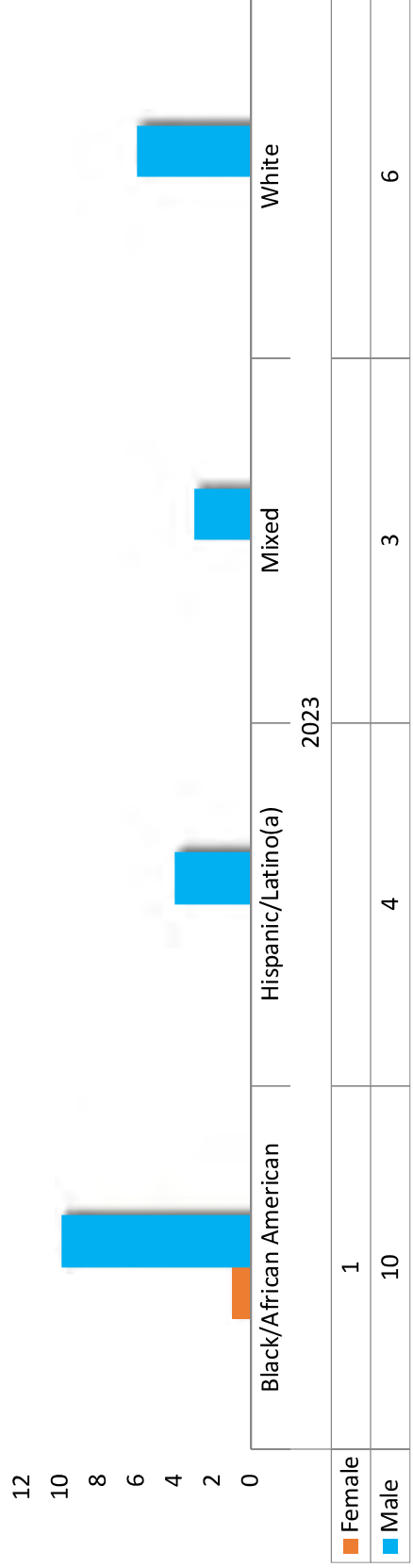
Cell phone(s) or electronic device(s) - Contraband or Evidence

Cell phone(s) or electronic device(s) - Contraband or Evidence



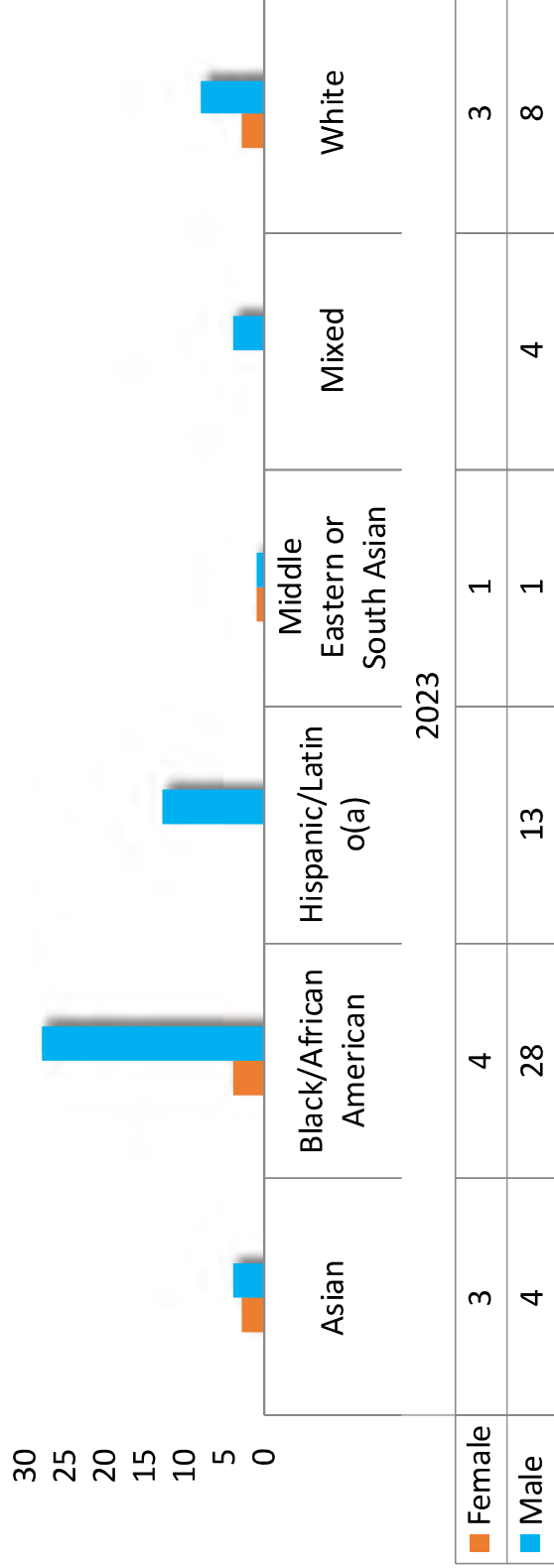
Drug paraphernalia - Contraband or Evidence

Drug paraphernalia - Contraband or Evidence



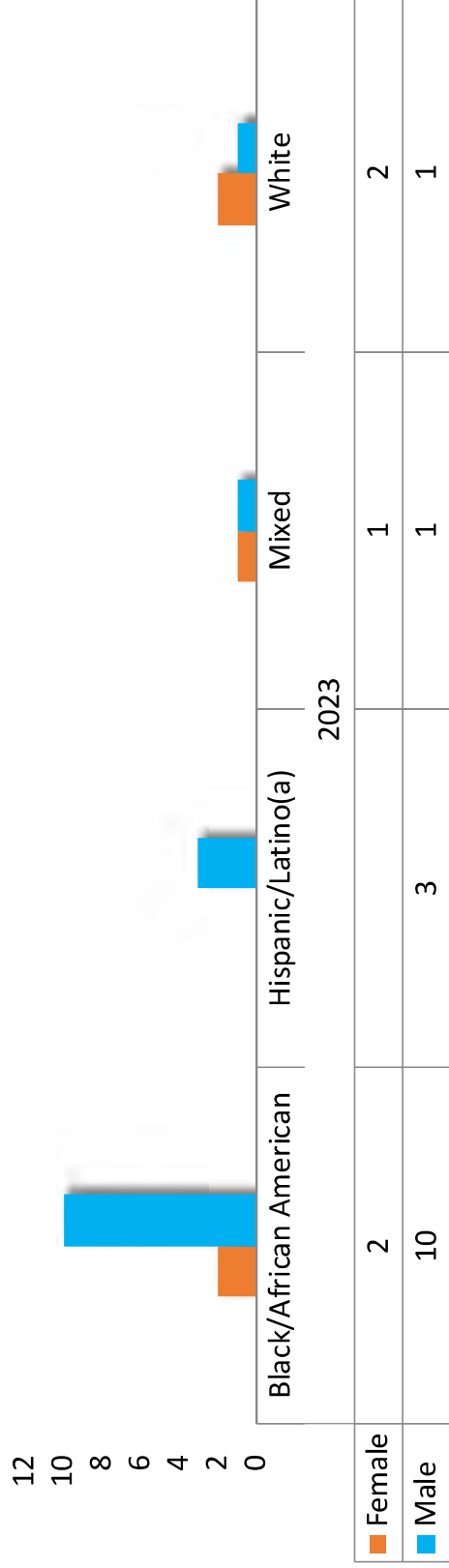
Drugs/narcotics - Contraband or Evidence

Drugs/narcotics - Contraband or Evidence



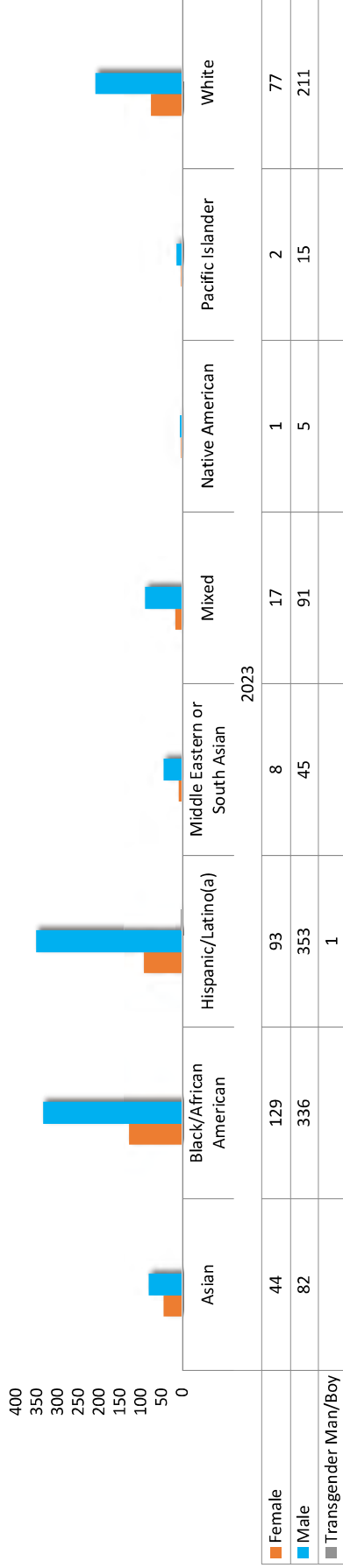
Firearm(s) - Contraband or Evidence

Firearm(s) - Contraband or Evidence



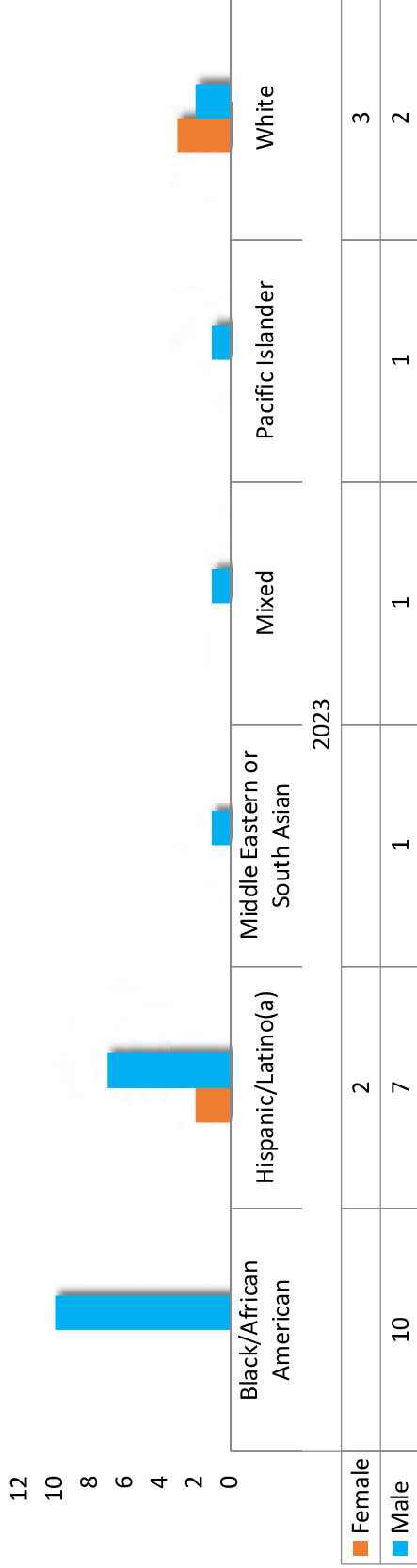
None - Contraband or Evidence

None - Contraband or Evidence



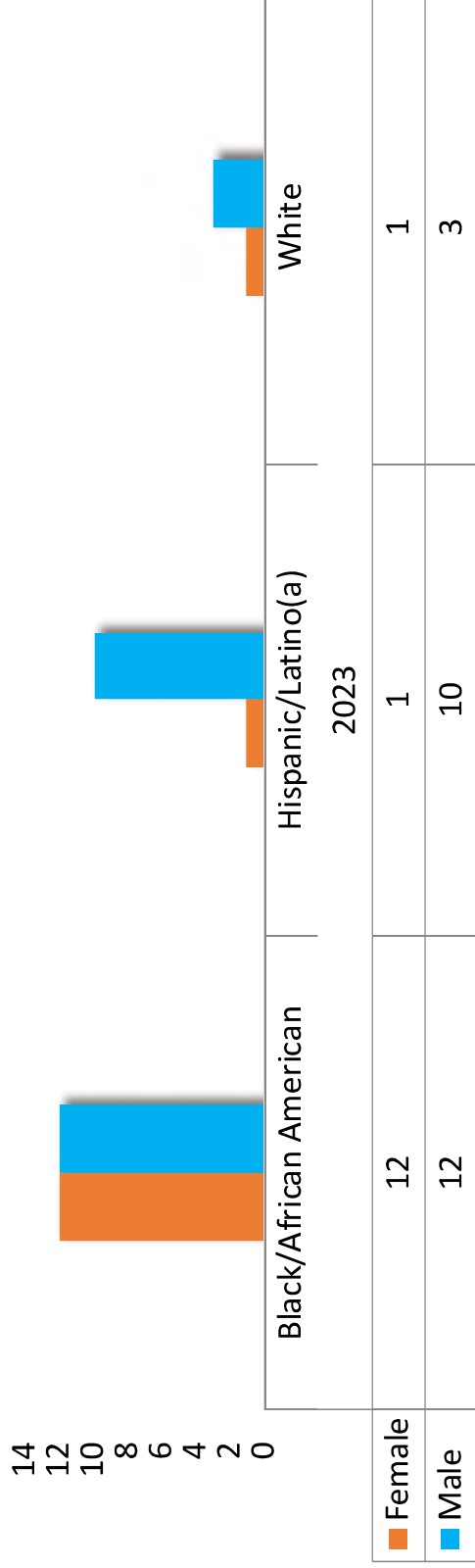
Other contraband or evidence - Contraband or Evidence

Other contraband or evidence - Contraband or Evidence



Suspected stolen property - Contraband or Evidence

Suspected stolen property - Contraband or Evidence



Questions



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Contact Information



- The IPA website can be found at:
www.sanleandro-ipa.com
- The IPA can be contacted at:
info@integrassure.com



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San Leandro PD RIPA Data Time of Day Breakdown 2022 and 2023



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Daytime versus Nighttime

- **Objective:** To categorize stops based on whether they occurred during daylight hours or nighttime.
- **Methodology:**
 - **Line of Demarcation:** We used **sunset** as the boundary between daytime and nighttime.
 - **Categories:**
 - **Daytime:** All stops occurring **between sunrise and sunset**.
 - **Nighttime:** All stops occurring **after sunset** until sunrise the next day.
- Stops were grouped into one of these two categories based on the exact time of each stop and the respective day's sunset time.



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Veil of Darkness

- **Objective:** To analyze stops during the evening hours by distinguishing between daylight and darkness.
- **Methodology:**
 - **Timeframe:** Analysis focused on stops between **5:00 PM and 9:11 PM**.
 - **Sunset-Based Categorization:**
 - **Darkness:** Stops occurring between **sunset + 35 minutes and 9:11 PM**.
 - **Daylight:** Stops occurring between **5:00 PM and sunset**.
 - **Out of Range:**
 - Stops occurring within the **35 minutes after sunset** were **out of range**.
 - Stops occurring **before 5:00 PM or after 9:11 PM** were also **out of range**.
- This breakdown allows us to isolate the influence of visibility based on natural light.



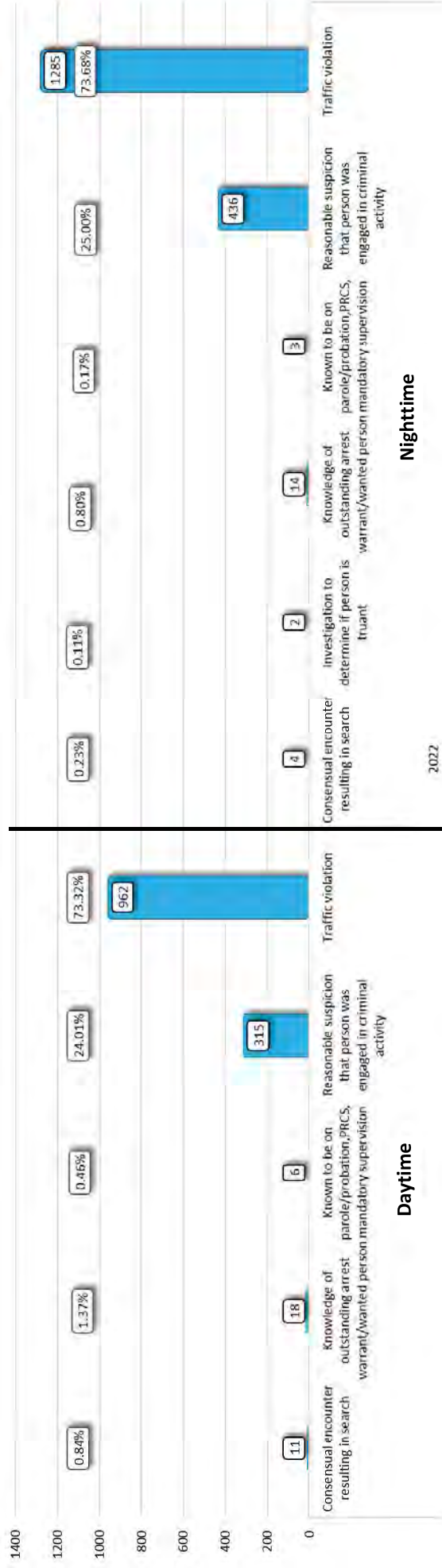
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Reason of Stops in 2022

Reason of Stops

Total : 3,056



Daytime

Nighttime

2022



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Reason of Stops in 2022

Reason of Stops

Total : 3,056



Nighttime



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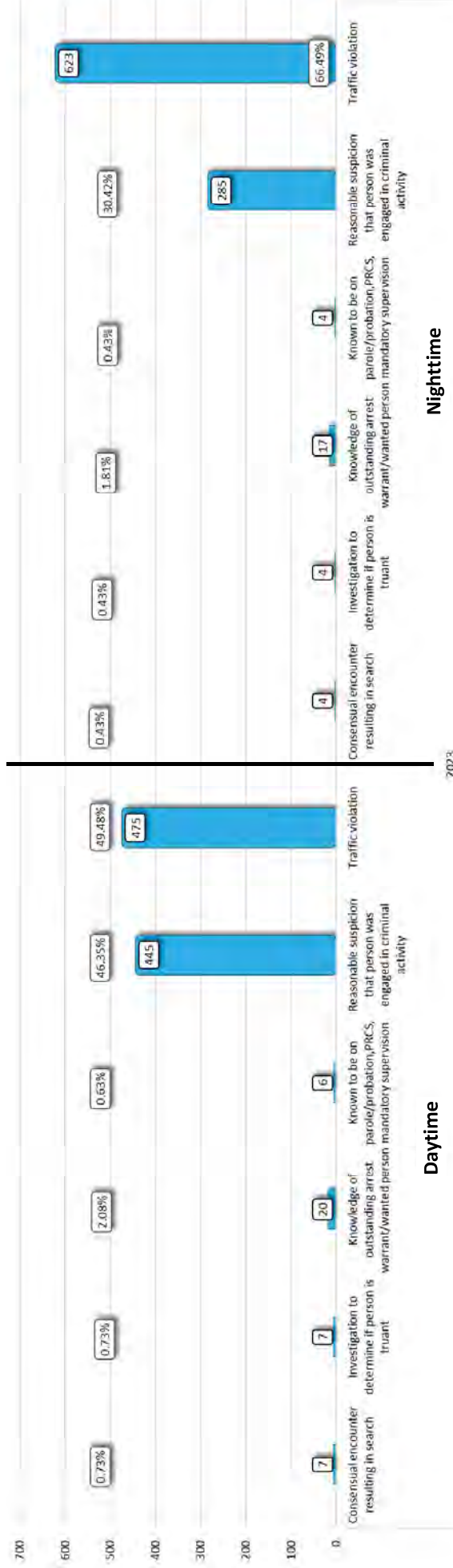
Daytime

■ White
 ■ Pacific Islander
 ■ Native American
 ■ Mixed Race
 ■ Middle Eastern or South Asian
 ■ Hispanic/Latino(a)
 ■ Black/African American
 ■ Asian

Reason of Stops in 2023

Reason of Stops

Total : 1,897



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Reason of Stops in 2023

Reason of Stops

Total: 1,897



Daytime

Nighttime

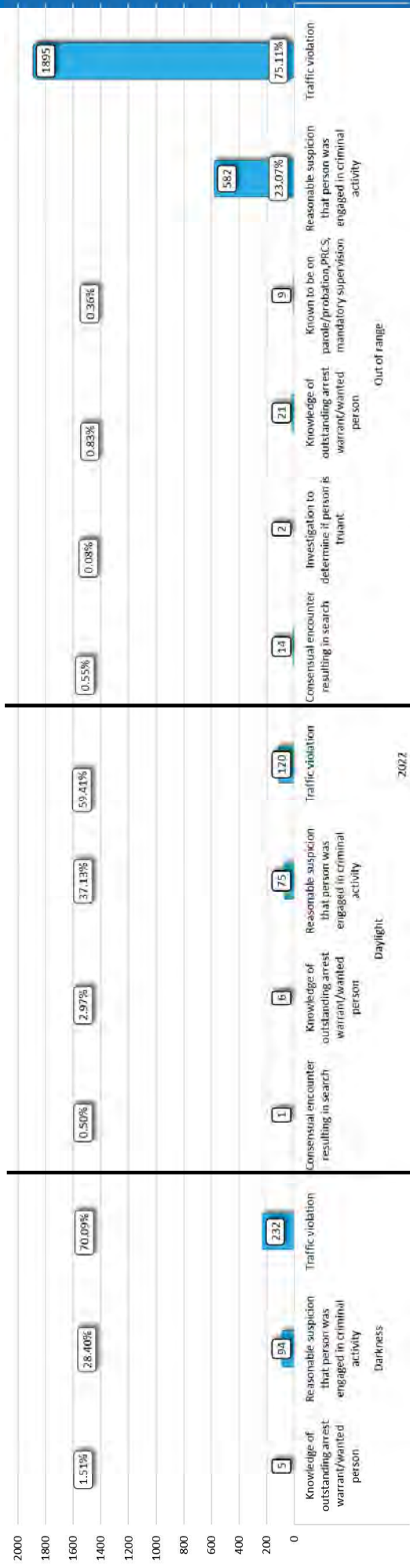


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Reason of Stops in 2022

Reason of Stops

Total : 3,056



Darkness

Daylight

Out of Range



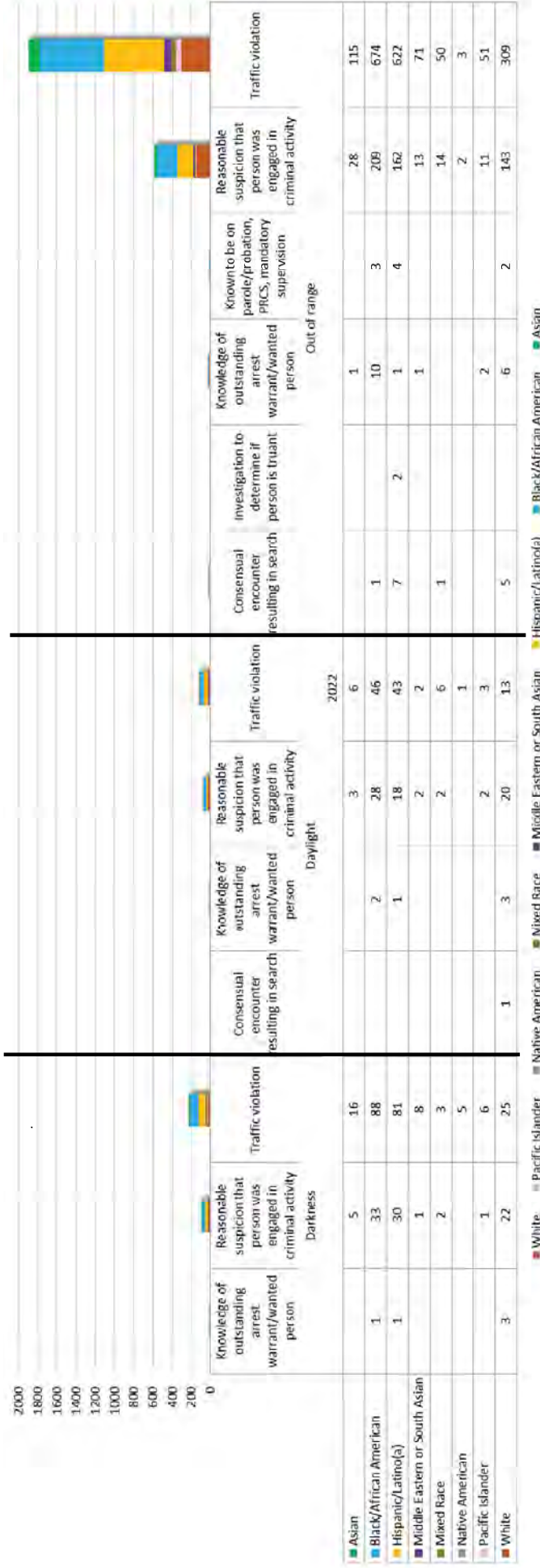
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Reason of Stops in 2022

Reason of Stops

Total : 3,056



Darkness

Daylight

Out of Range



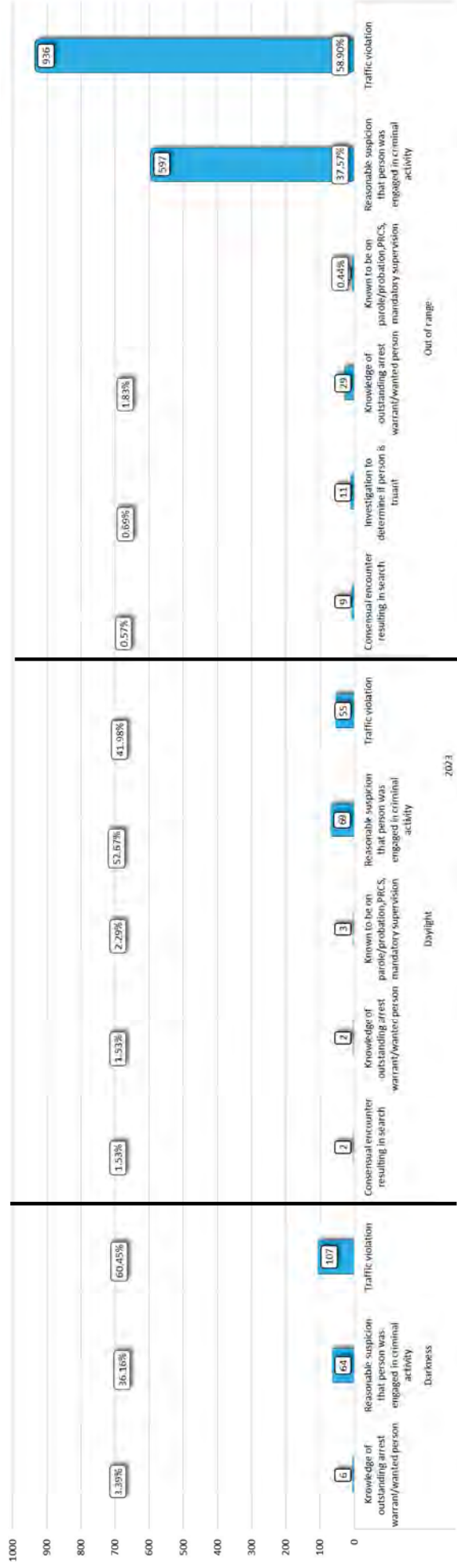
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Reason of Stops in 2023

Reason of Stops

Total: 1,897



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Out of Range

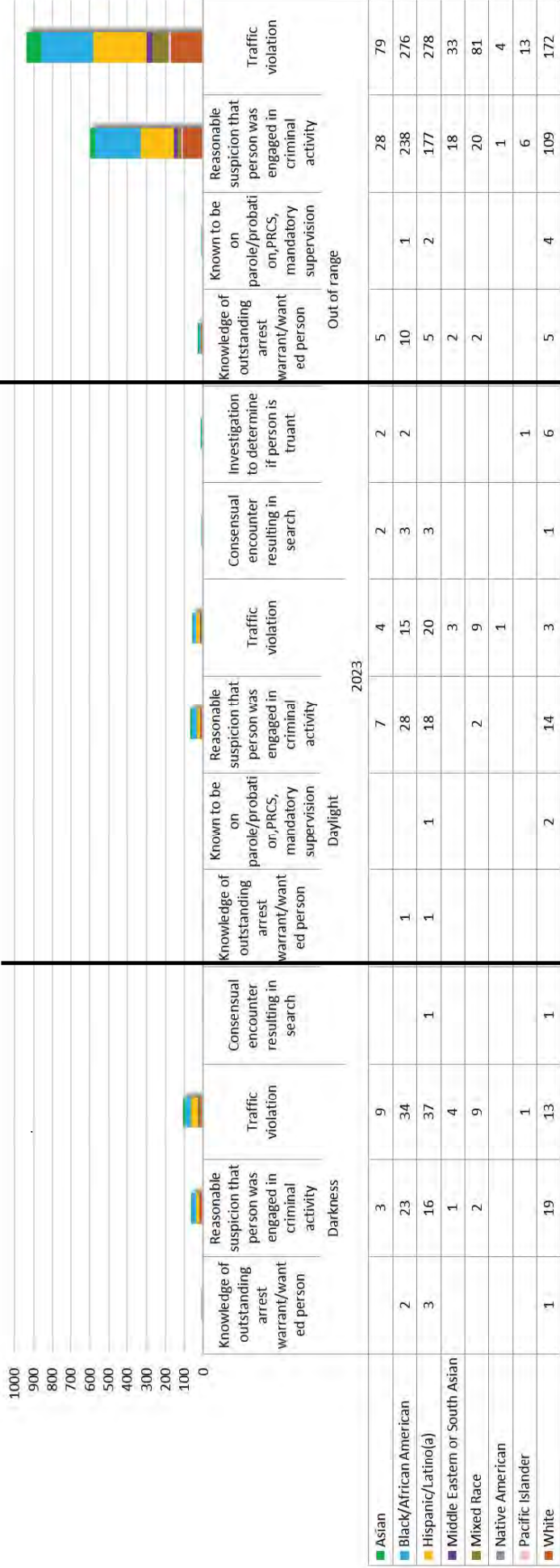
Daylight

Darkness

Reason of Stops in 2023

Reason of Stops

Total: 1,897



Out of Range

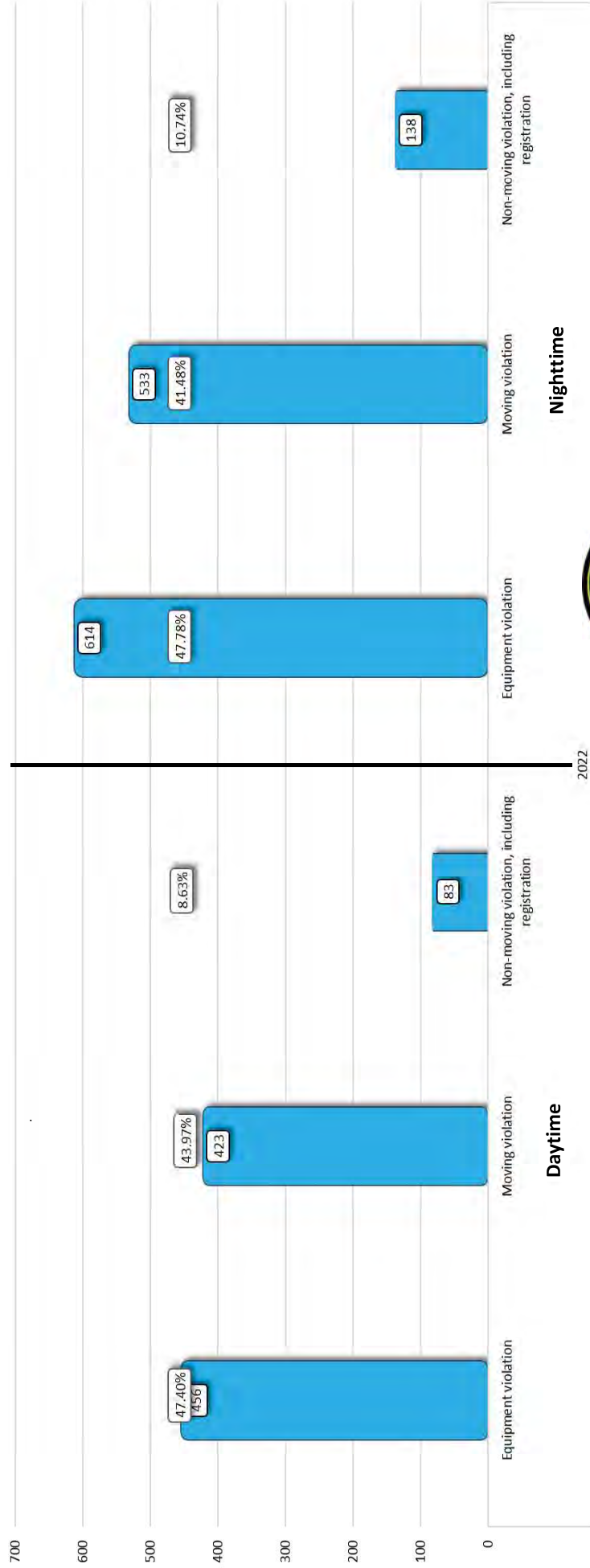
Daylight

Darkness

Traffic Violations in 2022

Traffic Violations

Total : 2,247

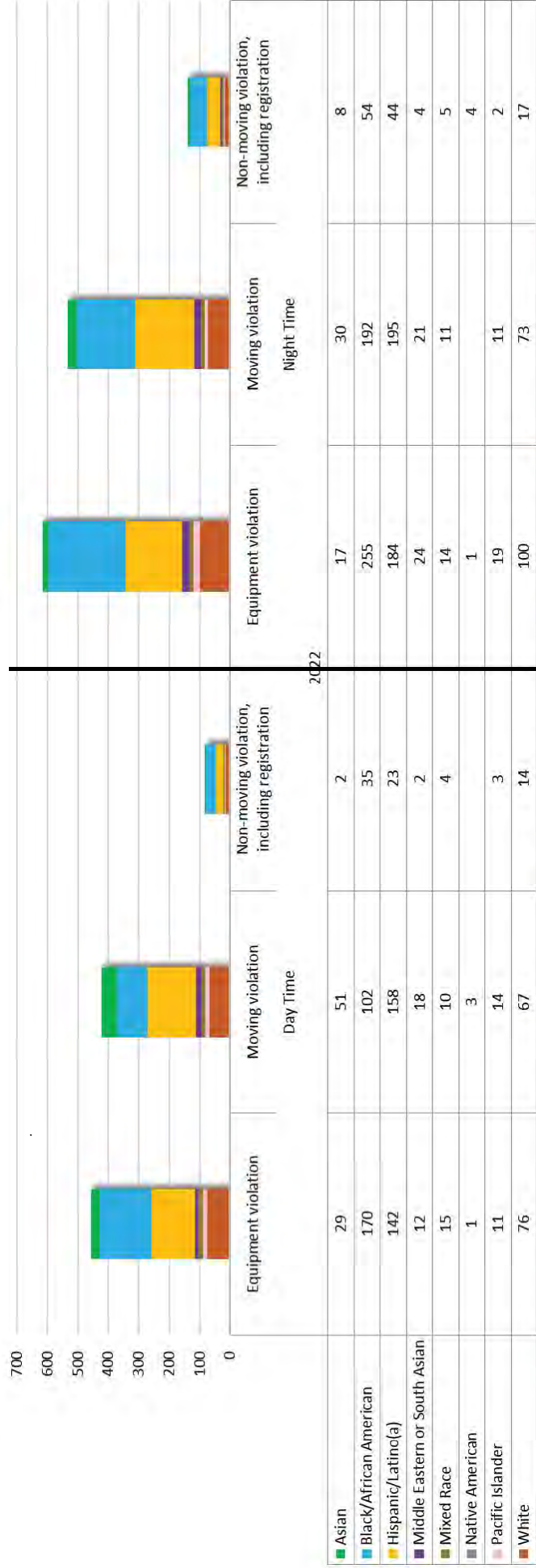


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Traffic Violations in 2022

Traffic Violations

Total : 2,247



■ White
 ■ Pacific Islander
 ■ Native American
 ■ Mixed Race
 ■ Middle Eastern or South Asian
 ■ Hispanic/Latino(a)
 ■ Black/African American
 ■ Asian

Daytime

Nighttime

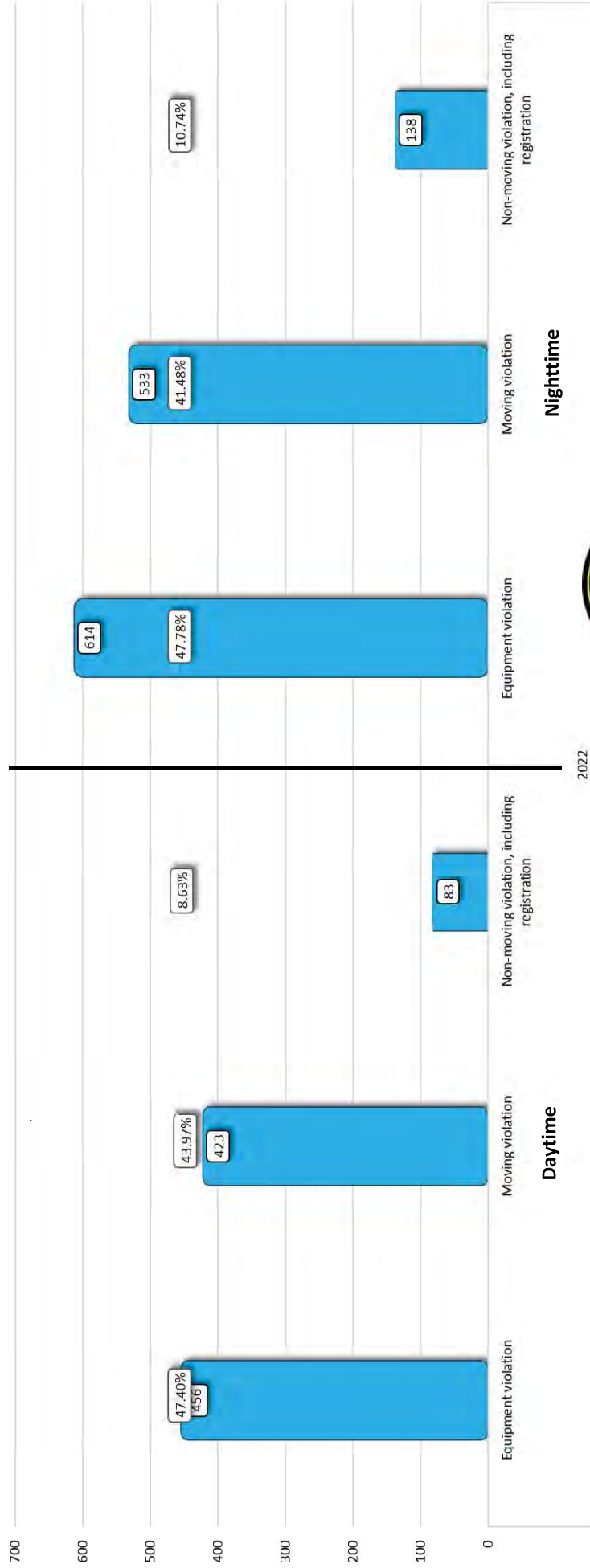


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Traffic Violations in 2023

Traffic Violations

Total : 1,097

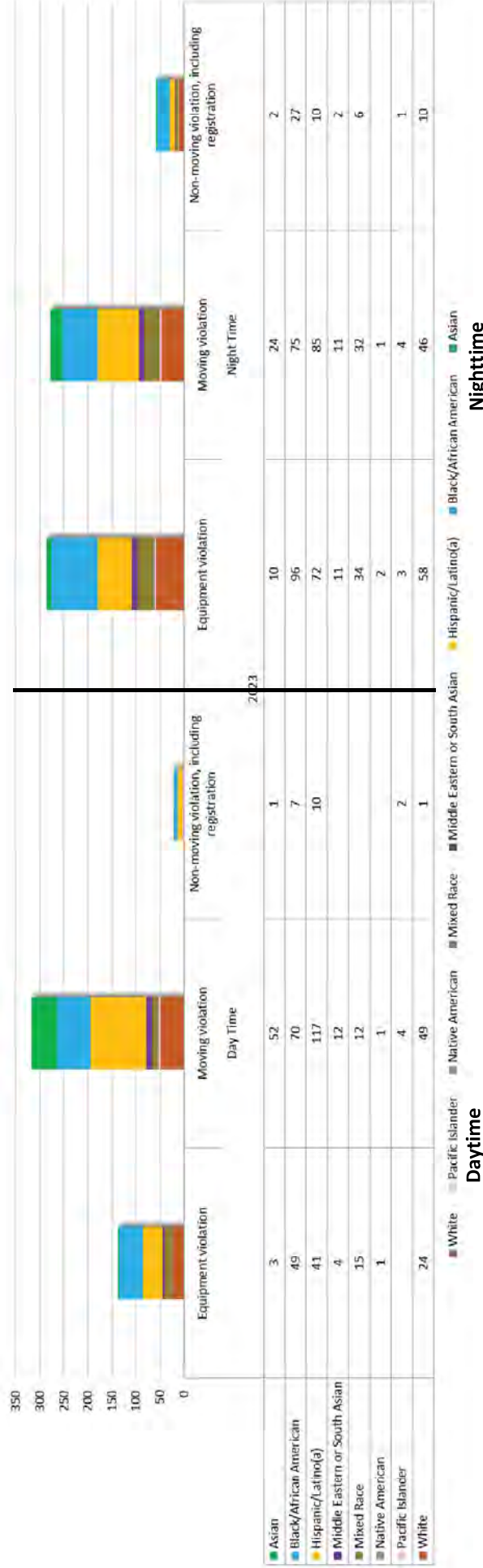


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Traffic Violations in 2023

Traffic Violations

Total : 1,097

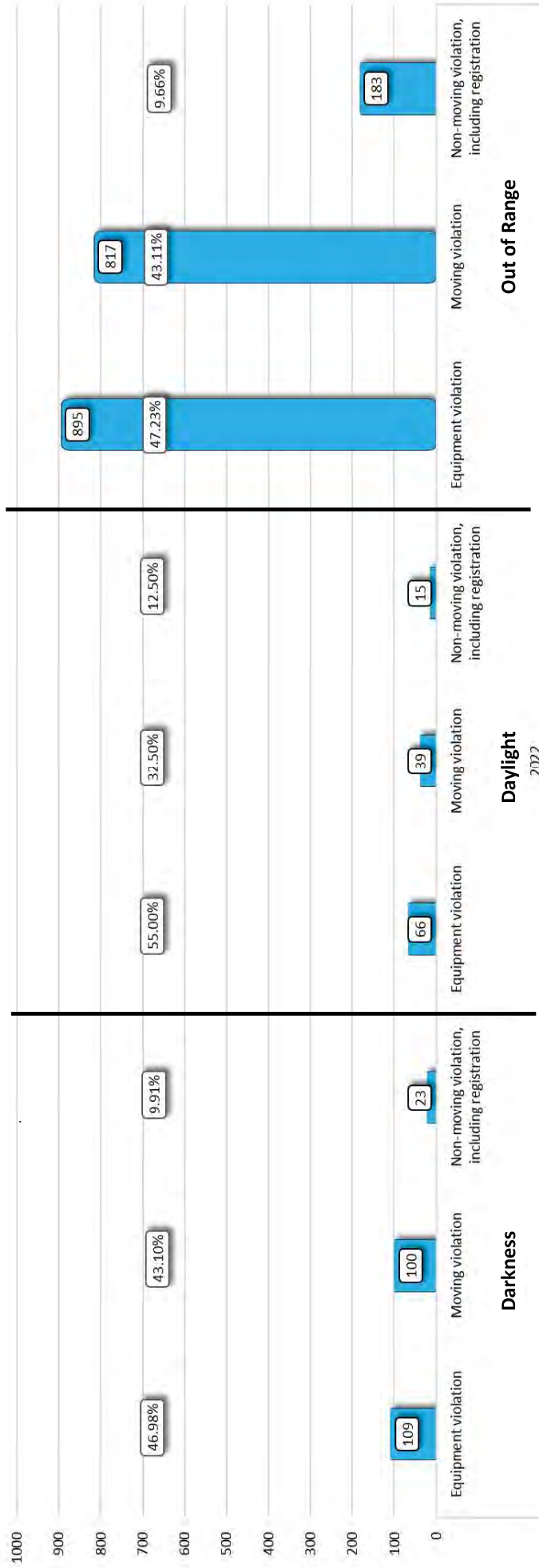


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Traffic Violations in 2022

Traffic Violations

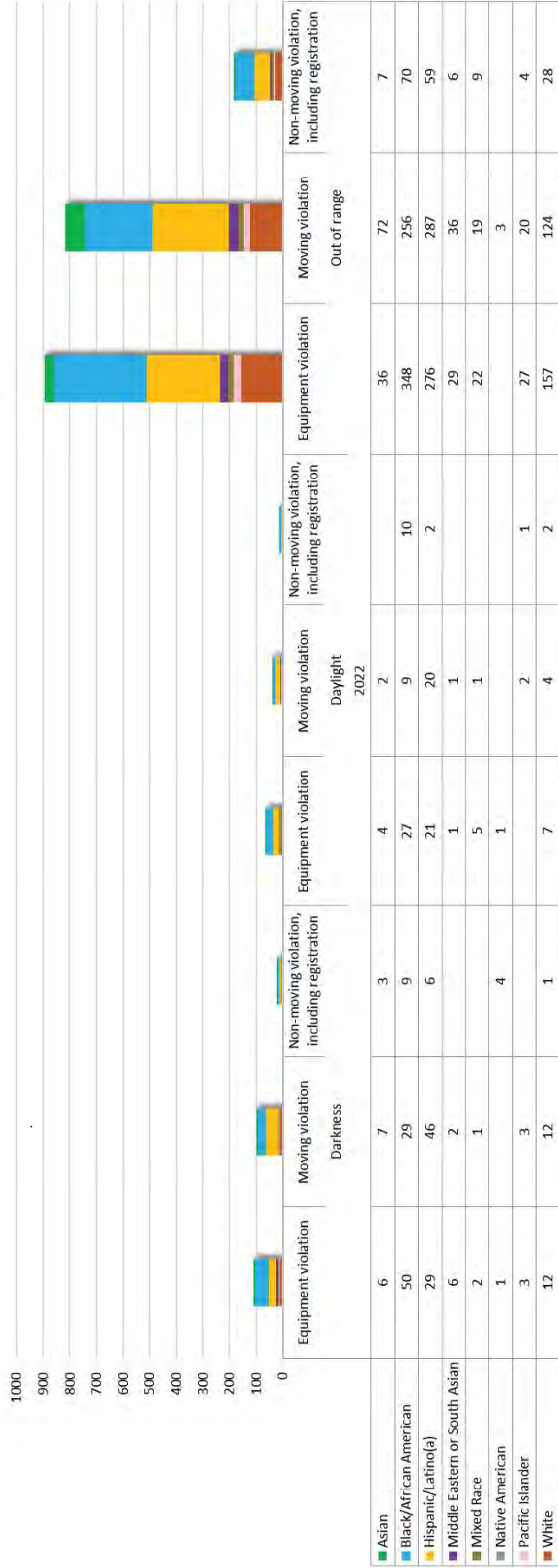
Total : 2,247



Traffic Violations in 2022

Traffic Violations

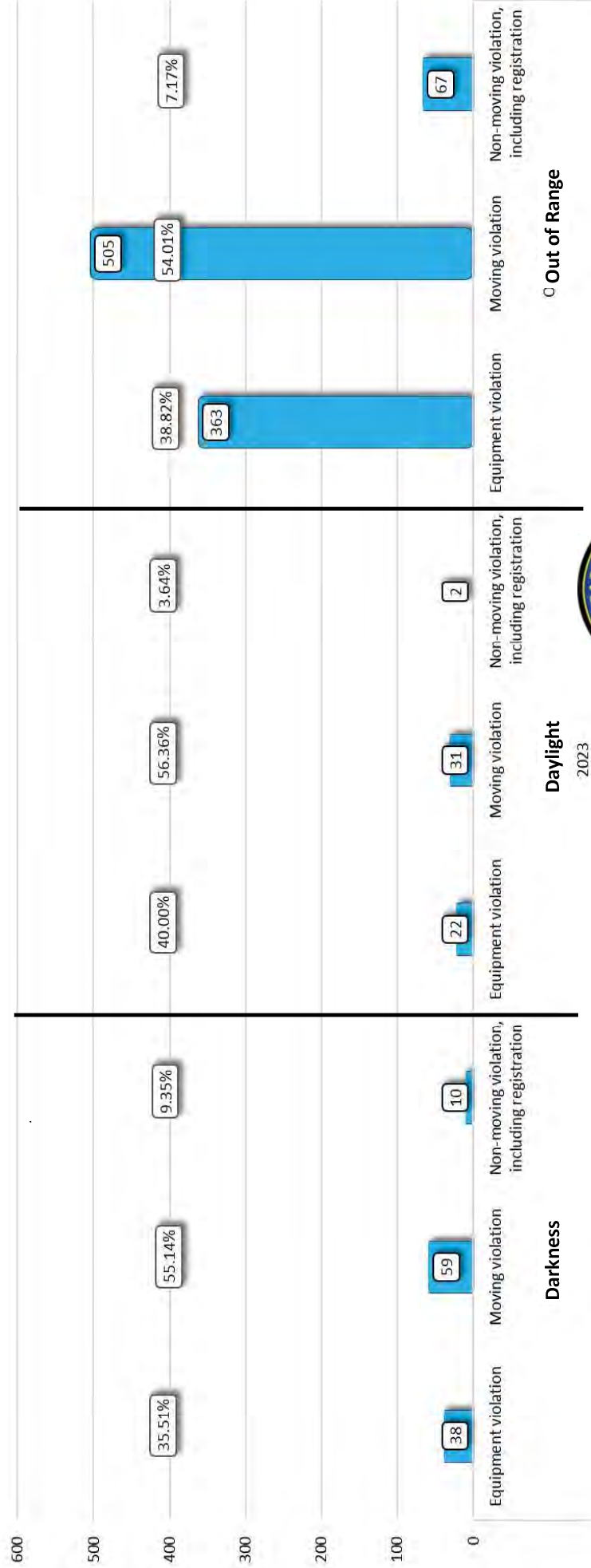
Total : 2,247



Traffic Violations in 2023

Traffic Violations

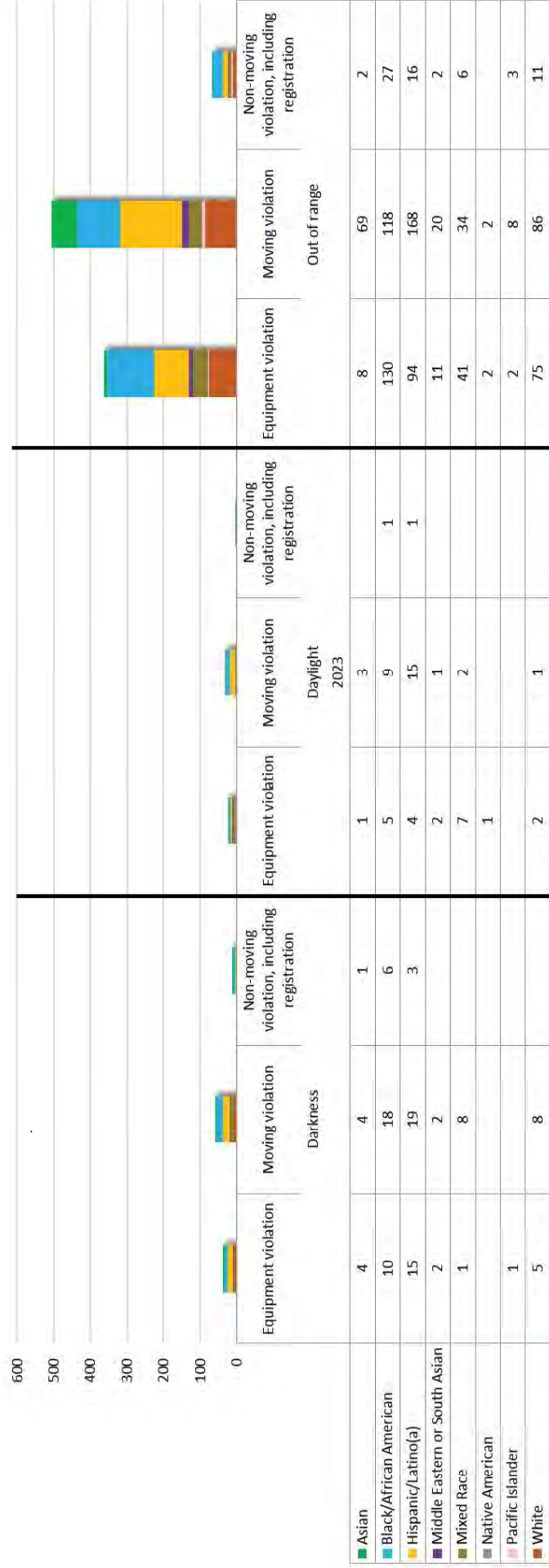
Total : 1,097



Traffic Violations in 2023

Traffic Violations

Total : 1,097



Daylight

Darkness

Out of Range



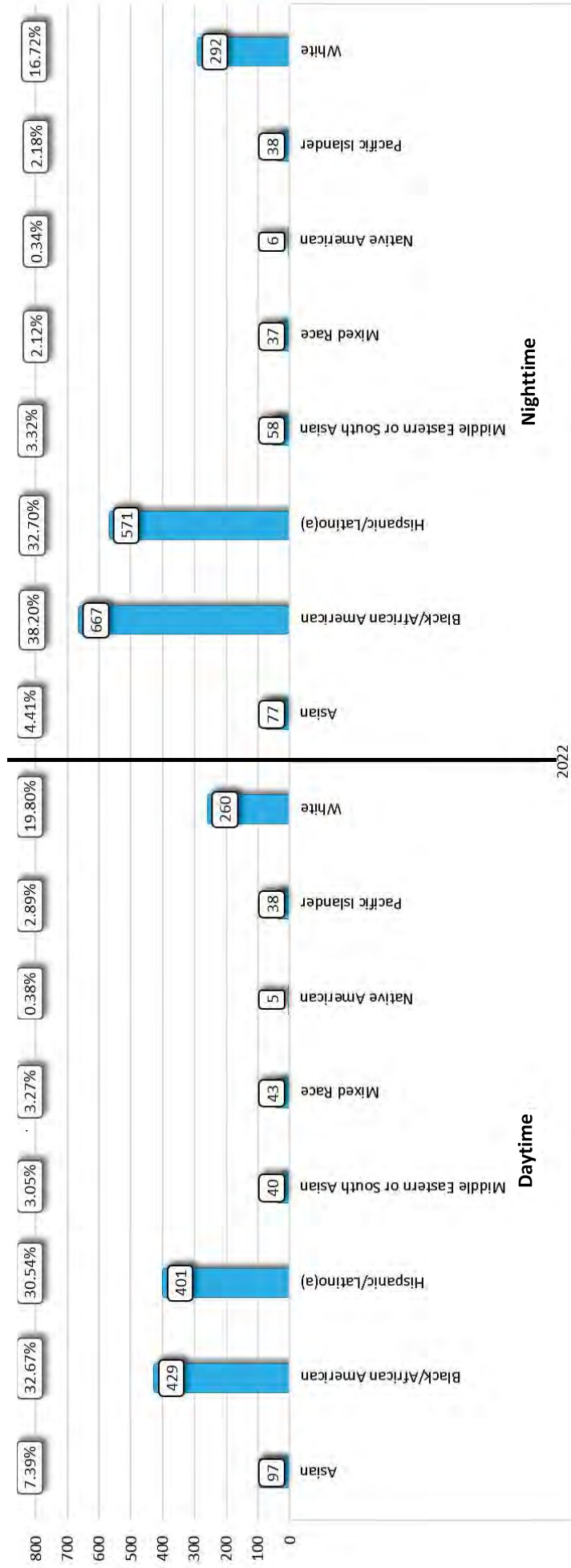
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Stop By Race in 2022

Traffic Violations

Total : 3,059

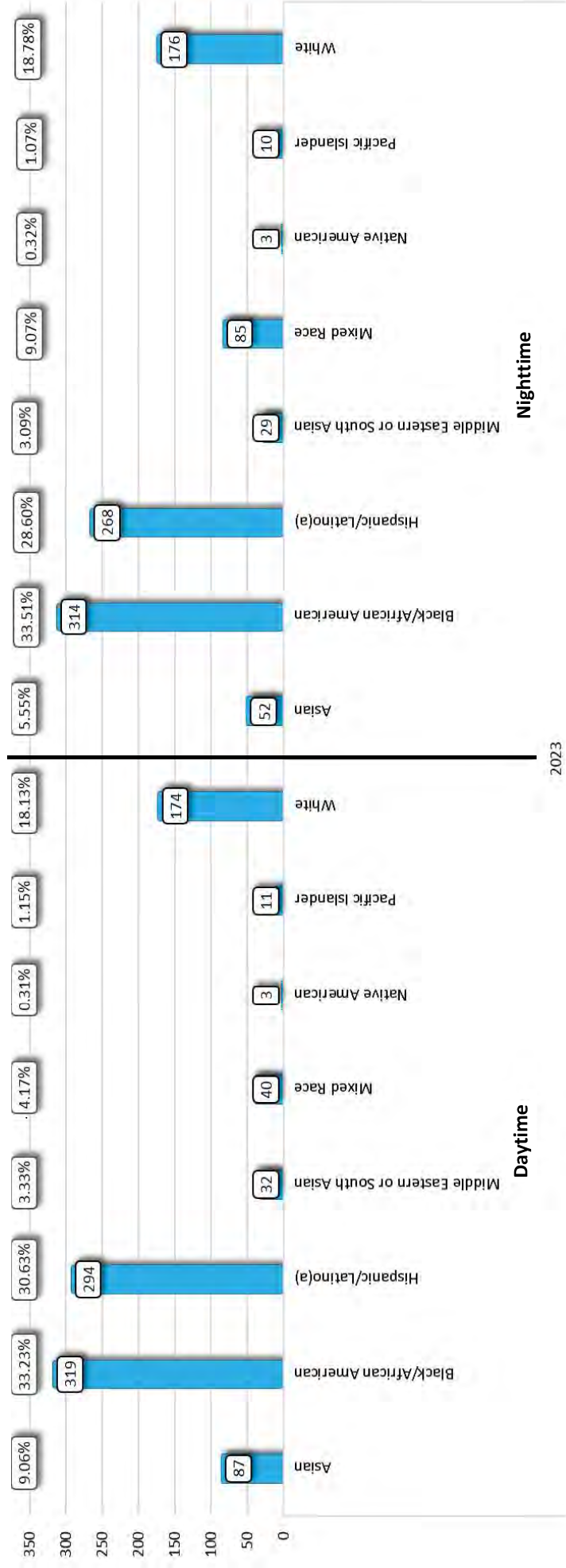


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Stop By Race in 2023

Traffic Violations

Total : 1,897

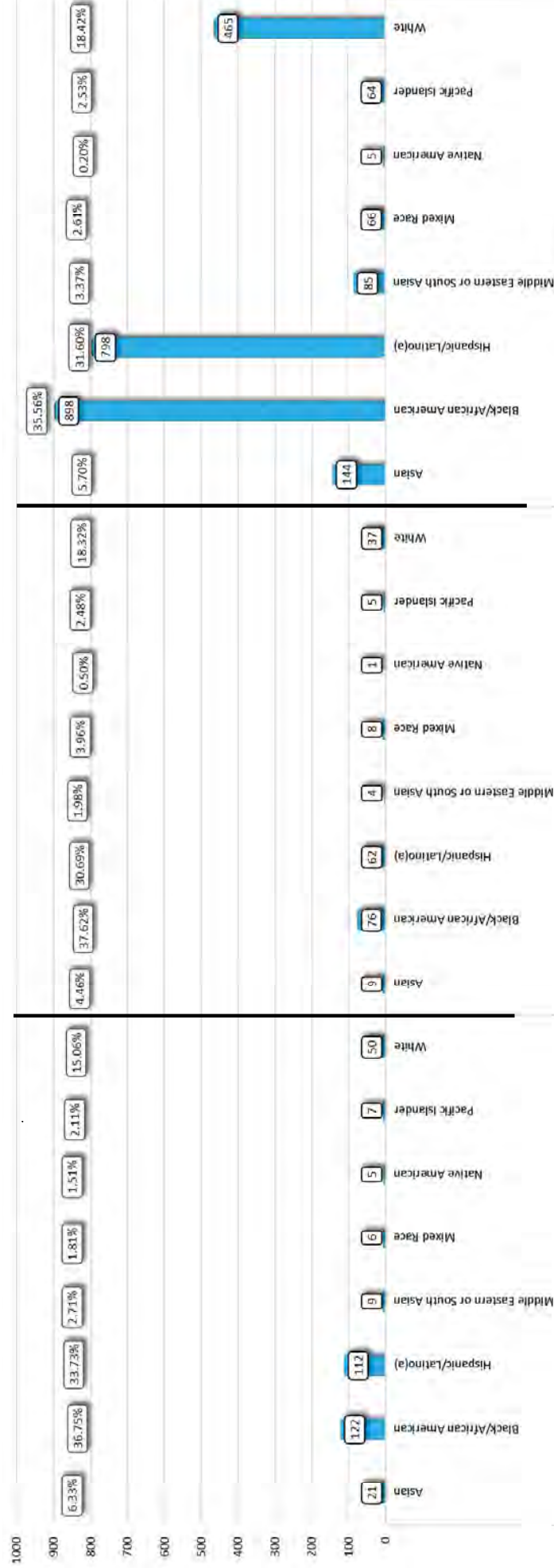


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Stop By Race in 2022

Traffic Violations

Total : 3,057



Daylight

Darkness

Out of Range

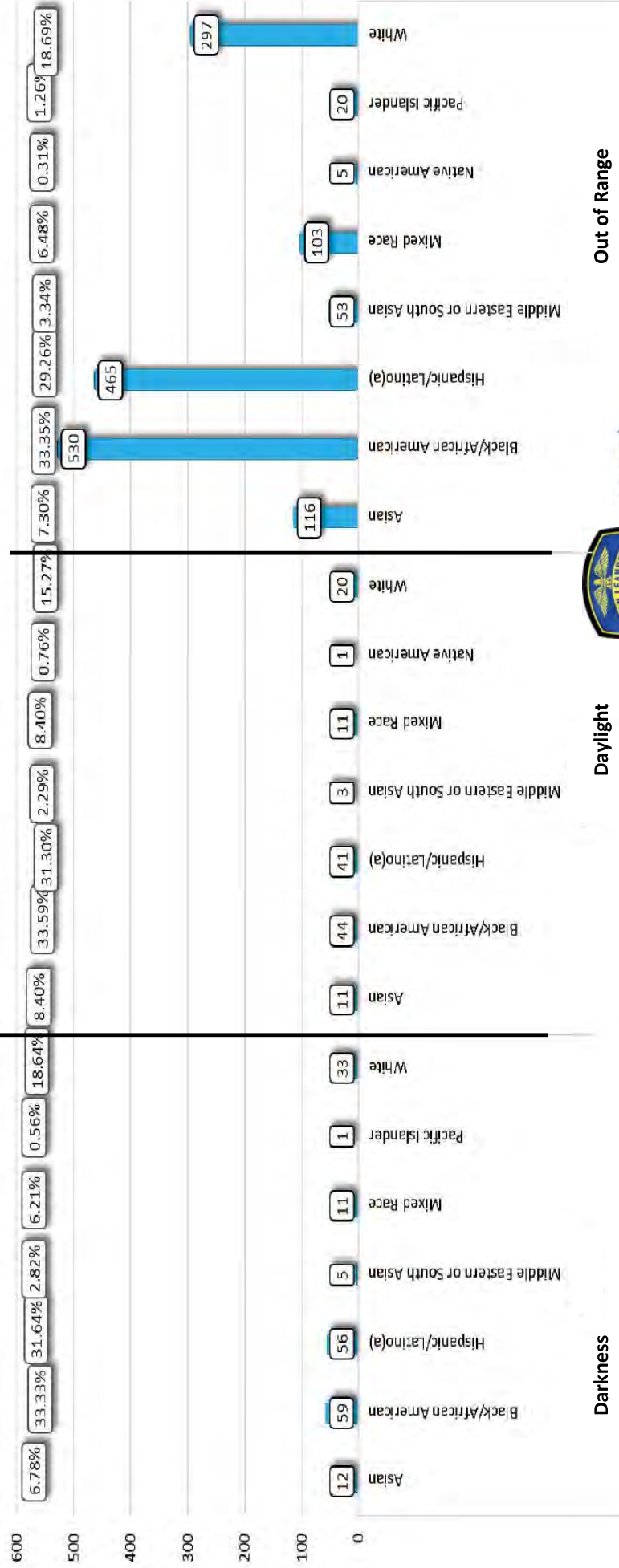


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Stop By Race in 2023

Traffic Violations

Total: 1,897



Daylight

Darkness

Out of Range



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Questions



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