

# **San Leandro Community Police Review Board**

## **Annual Report, June 2025**

### **Introduction**

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

### **Highlights**

- \* This past year has been a time of transition and growth for the CPRB with two new Board members, a new Chief of Police, increased collaboration with the IPA, and the pending appointments of our two ex-officio Youth members.
- \* The CPRB completed five major policy reviews: Acquisition and Use of Military Equipment (annual review); De-escalation and Use of Force; Body worn cameras and Mobile Audio Visual (MAV aka “dash-cam”) devices; and Pretextual traffic stops.
- \* A significant development in the policy review process for Use of Force and Pretextual Traffic Stops was convening joint face-to-face working sessions involving CPRB ad hoc committee members, the IPA Jeff Schlanger, the Chief and her command staff, and the Deputy City Manager Eric Engelbart. This approach facilitated dialogue and enabled an iterative exchange of ideas to find common ground
- \* The IPA has improved transparency to its operations by reporting monthly to the CPRB on the status of its review of critical incidents, use of force, pursuits and complaints.
- \* With the assistance of the IPA, we arranged a training session for CPRB members on interpreting racial profiling (RIPA) data on traffic stops by Dr. Lorie Fridell (University of South Florida) to better understand the difficulty of attributing bias to the apparent racial disparities in which Persons of Color are stopped at a higher percentage than Whites.
- \* The CPRB had discussions with the Chief about her response to the Matrix Consulting police staffing report and about SLPD priorities for the next City budget cycle.
- \* With the assistance of the City Manager’s Office, the Board is developing a multi-lingual informational brochure to further spread the word about the CPRB.
- \* Chair Bailey again attended the annual NACOLE national conference and made a presentation to the Board. Board Member Chang attended the University of California Berkeley Law and Justice Center conference on Artificial Intelligence in law enforcement.

## **Background: Establishment of the CPRB and IPA**

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

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

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

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

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

### **CPRB's Formal Policy Reviews**

#### **1. De-Escalation and Use of Force (Lexipol Policy 300)**

On 12/2023 the Board unanimously approved initial recommendations which identified several core principles with sample language for SLPD consideration to modify the existing policy, and sought further coordination with the IPA. (See the 2023 annual report for details.) Last Spring new Chief Averiett asked for further clarification of the Board's recommendations and proposed a collaborative process involving both the CPRB ad hoc committee and the IPA. (See link to background documents: <https://sanleandro.legistar.com/View.ashx?M=A&ID=1278976&GUID=38158D40-3860-4788-B097-ACB82004D007>)

After several work sessions, the outcome of this process was SLPD adoption of a number of changes to Policy #300 which were consistent with many of the CPRB's core principles and better reflected community values and concerns. A summary of those changes follows:

<p>Section 300.1 Purpose &amp; Scope</p>	<p>The primary purpose of this directive is to ensure officers respect the sanctity of all human life, act in all possible means to preserve human life, do everything possible to avoid unnecessary uses of force and minimize the force that is used, while still protecting themselves and the public. Sworn members shall make every effort to respect and preserve human life and always uphold the value and dignity of all persons. The Department is committed to minimal reliance on the use of force by using rapport building communication, crisis intervention and de-escalation tactics before resorting to force, whenever feasible....</p> <p>Officers must strive to use the minimal amount of force necessary...</p> <p>Retaliation of any kind is strictly prohibited...</p>
<p>Section 300.1.1 Definitions</p>	<p><b>Intercede</b> - to intervene or to interfere with the outcome or course especially of a condition or process (as to prevent harm). Includes but is not limited to, physically stopping the excessive use of force, recording the excessive use of force, when equipped with a body worn camera, de-escalating the involved officer's use of excessive force, confronting the involved officer about the excessive use of force and immediately reporting the excessive use of force to a supervisor.</p> <p><b>Minimal amount of force necessary</b>- The lowest level of force within the range of objectively reasonable force that is necessary to effect an arrest or achieve a lawful objective without increasing the risk to others.</p> <p><b>Neurodiverse</b>- the range of differences in individual brain function and behavioral traits, regarded as part of normal variation in the human population (used especially in the context of autistic spectrum disorders).</p> <p><b>Proportionality</b> – Considers whether a particular use of force is proportionate and appropriate to the totality of the circumstances and requires officers to consider whether alternative lesser or non-force options are feasible and likely to be effective. Proportional force does not imply equal force; officers may use superior force, consistent with this policy.</p> <p><b>Recovery Position</b> - positioning the restrained individual on their side with one arm placed under their head for support and the opposite leg bent at the knee to prevent rolling. This position helps keep the airway open and reduces the risk of breathing difficulties while ensuring the individual remains stable.</p>

	<p><b>Relief Officer</b> - an officer who was not directly involved in the use of force incident.</p> <p><b>Vulnerable populations</b> - include individuals whose physical, mental or developmental conditions may require officers to use alternative approaches such as specialized communication or de-escalation techniques.</p>
Section 300.2 Policy	<p>Officers shall continually assess each situation and alter their response as the situation evolves, as use of force situations are tense, uncertain and rapidly evolving...</p> <p>Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose. Officers must strive to use the minimal amount of force necessary...</p>
Section 300.2.1 Duty to Intercede	<p>A use of excessive force by law enforcement personnel is a matter of serious concern to the community, and even a single instance of excessive force may critically undermine public trust in the Department. The duty to intercede is not only a legal requirement in certain circumstances, but it also reflects the department's commitment to accountability and integrity...</p> <p>Employees have a duty to stop and report unlawful, inappropriate and excessive uses of force by other officers...</p> <p>Failure to intercede may result in disciplinary action up to and including termination, in accordance with department policy and applicable legal statutes.</p>
Section 300.2.2 Fair & Unbiased Use of Force	<p>Officers are prohibited from using force to punish, retaliate against or interrogate individuals. Officers shall not use force based upon bias against an individual's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic.</p>
Section 300.2.3 Duty to Report Excessive Force	<p>This section shall also to apply all members of the department.</p>
Section 300.2.5 De-Escalation	<p>This policy is intended to ensure that de-escalation techniques are used whenever feasible, that force is used only when necessary, and that the amount of force used is proportional to the situation that an officer encounters...</p>

	... to prevent injuries to the subject, the public, members of the department
Section 300.3 Use of Force	... Members must strive to use the minimal amount of force necessary.
Section 300.6 Medical Considerations	<p>When practical, officers should consider use of a “relief officer” to monitor any person injured or claiming to have been injured during a use of force encounter.</p> <p>Members shall ensure that any restrained subject is placed in the recovery position as soon as it is safe and practical to do so. This measure is necessary to minimize the risk of positional asphyxia and ensure the subject’s well-being while in custody.</p> <p>Members should pay particular attention to vulnerable populations, including but not limited to, children, elderly person, pregnant individuals and individuals with physical, mental and developmental disabilities, whose vulnerabilities could exacerbate the impact or risk of injury.</p>
Section 300.9 Training	...including but not limited to Active Bystandership for Law Enforcement (ABLE), Integrated Communications and Tactics (ICAT),

## 2. **Racial profiling (RIPA) data analysis and Pretextual Traffic Stops**

Each year the IPA provides the CPRB an analysis of SLPD’s annual State-mandated RIPA reports that document the racial, ethnic and gender characteristics of all persons subject to traffic (and pedestrian) stops, cite the lawful purpose for each stop, and the outcome (including any searches, detention, use of force, arrests, citations or warnings). In both 2022 and 2023, the data showed substantial racial disparities in who gets stopped - especially when compared to the demographics of our city. The CPRB’s concern was the extent to which the disparities may indicate impermissible racial profiling and biased policing. The IPA also expressed concern about the disparities, but while not ruling out the possibility of bias influencing the numbers, cited a number of other factors that could explain the differences (such as high crime areas, deployment patterns of patrol officers, and the amount of non-resident traffic). The CPRB followed up with a training session on analysis of RIPA data, conducted by Dr. Lorie Fridell from the University of South Florida, which reinforced the IPA’s assessment.

An ad hoc committee of the CPRB also conducted research to learn about what other city police departments were doing to mitigate racial disparities by reducing the number of “pretextual” traffic stops (e.g., restricting some stops that ostensibly were for a minor MV violation like a broken tail light, where the officer may actually have an additional investigative intent for an unrelated suspected crime) - a reform advocated by the California State Racial and Identity Profiling Advisory Board. The committee issued a memorandum with a series of questions for the Chief about SLPD’s current practice to which the Chief provided a detailed written response. As was done with the review of the

use of force policy, the Chief invited the committee to a joint session with SLPD command staff, the IPA and the Board Secretary to discuss further. [See link to background documents: <https://sanleandro.legistar.com/View.ashx?M=A&ID=1278976&GUID=38158D40-3860-4788-B097-ACB82004D007>]

The main thrust of the discussion revolved around reaching agreement on what the police and the ad hoc committee refer to as Pretextual stops. Then it was established that while Pretextual stops occur, they are completed in a lawful matter consistent with the US Supreme Court decision in *Whren v. United States*. The Chief defended these stops as a useful tool of law enforcement, and rather than give officers mixed messages about which traffic infractions to enforce (especially in the face of prevailing community sentiment calling for more traffic enforcement), preferred relying on training, supervision and oversight.

The ad hoc committee offered some alternatives to reduce the number of these stops that they had learned from their research some other communities were doing to change their Pretextual stops practices. However, the Chief did not consider these alternatives viable for SLPD or appropriate for a city of our size. While not in favor of changing the criteria for traffic stops and reducing officer discretion, the Chief did commit to annual implicit bias training for all officers. She also agreed with the need to continue to monitor the RIPA data collection and to partner with the IPA on analysis of that data to continuously improve police performance and improve their relationship with the community. Accordingly, the committee made no recommendations to change the policy.

At its 5/21/25 meeting, the CBRB unanimously approved the following action:

- “1. That the CPRB supports and endorses the Chief’s commitment to Constitutional policing and ongoing implicit bias training; and
2. That the CPRB recommends continued review and analysis of SLPD reports and RIPA data by the IPA, with a focus on -
  - (a) examining any racial disparities in the outcomes of traffic stops for minor non-moving motor vehicle violations, especially with respect to the use of handcuffs, detention in patrol vehicles, searches and use of force;
  - (b) comparing the treatment of San Leandro residents vs. other (out-of-town) drivers; and
  - (c) looking at the % of stops of Blacks and Hispanics that result in no action as compared to Whites (one of the indicators suggested by Dr. Fridell to determine if bias is a factor in the stops).”

### 3. Other policy reviews:

- **BWC and MAV (dash cam) policy reviews:** In the past year, SLPD made significant investments to upgrade their technology including purchases of Body-Worn cameras and mobile audio-visual cameras (MAV) mounted in all patrol vehicles. Accordingly, the Chief requested that the CPRB review the Department’s relevant policies. These devices are not only important investigative tools, they can enhance officer safety and accountability and help de-escalate some encounters with the public. In its reviews, the CPRB focused on data retention and sharing; privacy protections, IPA audits; and mandated uses.

- **Annual review of Military Equipment Acquisition and Use policy:** In previous years the CPRB made significant recommendations on the policy that were accepted, including adding provisions to explicitly

exclude certain types of military equipment from future acquisition (e.g., tracked vehicles, weaponized robots and drones, etc.). The Board's focus this year was on review of the mandated annual report of the uses of military equipment.

## **Community Outreach Plans**

The CPRB continues its community outreach efforts. In addition to updating our website, we routinely attend police department community engagement events (e.g., "Coffee With the Cops"; Ulnited4Safety; SLPD Swearing In & Recognition Ceremony), hold informational booths at community events like the Cherry Festival and Farmers' Markets, and make presentations to the City's Youth Advisory Commission. We are considering reaching out to neighborhood associations and considering hosting our own "meet and greet" social event with the public. Lastly, while we have multi-lingual flyers to introduce who we are and what we do, we are beginning to develop a multi-lingual informational brochure for broader distribution.

## **Board Appointments, Attendance, and Vacancies**

The CPRB is comprised of one board member from each of the six Council districts, one at-large member appointed by the Mayor, and two at-large ex-officio youth members (14-22 years old).

There are currently seven voting board members, with two ex-officio youth appointments pending..

The CPRB members as of this date are:

- Bob Bailey, District 5, Chair
- A. Keith Gibbs, District 4, Vice Chair
- Jennifer Chang, District 2
- Peter Franco, Mayor at-large
- Pcyeta Stroud, District 1
- Joseph Trujillo, District 3
- Timothy Zimmermann, District 6

Ex-officio Youth at large positions, both appointed in June 2025, with terms expiring 12/31/26.

- Jason Fang
- Kacey Guo

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

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

- \* No absences: Board members Chang, Trujillo and Zimmermann.
- \* One excused absence: Board member Bailey
- \* Three excused absences: Board member Stroud
- \*.Two excused and one unexcused: Board member Franco
- \* Three excused and one unexcused: Board member Gibbs

Terms of Current Members

Expires 12/31/26: Bailey, Trujillo, Stroud, Franco

Expires 12/31/28: Gibbs, Chang, Zimmermann

In March, 2025 Board Member Bailey was re-elected as Chair and Board Member Keith Gibbs was elected Vice Chair. Deputy City Manager Eric Engelbart continues to serve as the CPRB Secretary.

### **CPRB and IPA Estimated Expenditures FY24-25**

SL times ad promoting youth appointment opportunities (placed in 12/5/24 edition).	\$660.00
NACOLE Annual membership	\$600.00
Travel/Training costs for Bd Member Chang to attend UC Berkeley conference	\$27.56
NACOLE Webinar: Understanding Civilian Oversight's Fast-Changing Legal Landscape	\$25.00
NACOLE webinar registration fee: The New World of Artificial Intelligence: Opportunities for Civilian Oversight Practitioners?	\$25.00
Cherry Festival swag	\$50.00
IPA annual services	\$192,500.00
Grand-total	\$193,787.56

### **Annual Workplan**

As required by the Ordinance, attached is the CPRB's 2025 workplan and preliminary calendar (see Appendix)

### **Independent Police Auditor Summary Report**

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

### **SLPD Commendations **TBD****

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## **APPENDIX**

### **A. CPRB 2025 Annual Workplan**

### **B. IPA Summary for FY 24-25**



## CPRB 2025 Workplan – As prepared by CPRB Ad Hoc Committee

Month	Workplan for 2025	Community Outreach	Police Policy Review	CPRB Training	CPRB Annual Report	Other
Jan	Review draft workplan		PRETEXTUAL TRAFFIC STOPS - research			Elections/Re-appointments pending; IPA 2024 annual report - info requests; CPRB 2025 expenditures input
Feb			Annual Military Equipment inventory report & policy review			SLPD FY25-27 budget input  CPRB FY25-27 expenditures input
Mar		Establish new ad hoc committee	PRETEXTUAL TRAFFIC STOPS - research cont.			Elections (Chair/Vice-Chair)
April	Adopt Workplan	Outreach re Youth ex-officio positions		Training session #1 - RIPA data analysis & Pretextual traffic stops (Dr. Lorie Fridell)		
May		Reach out to neighborhood associations and other community orgs	Follow up re RIPA data review and related policy on pretextual traffic stops (in coordination with the IPA)		Establish ad hoc committee to draft report; coordinate with IPA	
June		Cherry Festival booth			Approve & submit annual report to the City Council by 6/30	Appointments of ex-officio Youth members; prep for their training and orientation
July		Farmers' Market & other community events; Revise/update website			Publicly post annual report	
Aug		United4Safety community event Develop an informational brochure				Recess; No monthly mtg.  NACOLE Bay Area Regional Conference
Sept		Farmer's Market	Policy review TBD	Training session #2 (eg, Refresher - CPRB Ord. and Admin Procedures)		
Oct		Plan a social public event (?)				NACOLE Conference Minneapolis, MN (Oct 26-30)
Nov	\					Review IPA Annual Report
Dec						Training prep for any new CPRB appointees

How did we do on our 2024 Workplan? Here's a snapshot:

- Conducted 5 major SLPD policy reviews with recommendations (Military equipment-annual review, ALPR's, MAV, BWC, Use of force)
- Onboarded two new Bd. members
- City Council amended Ordinance re student/youth representation (change to ex-officio; expanded age range)
- Completed 2<sup>nd</sup> CPRB Annual Report and submitted to City Council
- Provided City Manager input on criteria for selection of new Police Chief
- Updated CPRB webpage; produced informational handout in Spanish and Mandarin
- Expanded Community Outreach with presentations to the Youth Advisory Commission (2X) and the Rotary
- Not completed: Recruitment for ex-officio youth positions; Budget input to City Manager re SLPD and CPRB budgets; Outreach to neighborhood associations

## THE ROLE OF THE IPA

The role of the IPA is set in place and explained in both the enabling legislation and the City's contract with IntegrAssure. As described in prior reports, the IPA's role includes:

- Review of all Complaint investigations undertaken by the police department, including both internal and citizen complaints
- Review of Discipline
- Direct Receipt of Complaints
- Review of Critical Incidents
- Review of Uses of force and pursuits
- Audits of Policies and Training
- Independent Investigations
- Public Reporting

## SIGNIFICANT ACHIEVEMENTS

Over the past year<sup>1</sup> the Independent Police Auditor (IPA) has worked to deepen collaboration with the Chief of Police, her command staff, and the Civilian Police Review Board (CPRB), resulting in a more integrated and transparent oversight process. This strengthened relationship has been particularly evident in joint efforts to review and refine major departmental policies, including those governing the use of force and pretextual traffic stops. These reviews have not only incorporated input from the IPA and CPRB but have also fostered a constructive dialogue with Department leadership aimed at aligning policies with constitutional standards, best practices, and community expectations.

The IPA also played a leading role in arranging a specialized training session by Dr. Lorie Fridell, a nationally recognized expert in the analysis of racial and identity profiling data. The session provided CPRB members, the Department, and City stakeholders with an understanding of the issues regarding interpretation and utilization of RIPA data in assessing traffic stop practices and identifying potential disparities. Additionally, the IPA has introduced monthly reporting to the CPRB that provides timely updates on the status of IPA reviews of critical incidents, use of force events, vehicle pursuits, and citizen complaints. These reports have improved transparency and accountability, enabling CPRB members to remain informed and engaged in real time as oversight work progresses.

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<sup>1</sup> The IPA activities in this report are those occurring from July 1, 2024 through June 10, 2025.

## STAKEHOLDER ENGAGEMENT

The IPA team continues to collaborate with stakeholders, including the City Manager's Office, the City Attorney's Office, SLPD, and CPRB. The relationship and cooperation over the past year between CPRB, SLPD leadership and the Independent Police Auditor (IPA) continues to grow stronger and is producing positive results through collaboration.

Regarding the IPA's review of uses of force, pursuits and complaint investigations; the IPA team continued to meet bi-weekly with SLPD executive leadership to discuss the results of our reviews and any significant SLPD-related events. At these meetings, the IPA team shares their findings and recommendations, considers feedback from the Department, and finalizes recommendations.

Furthermore, the IPA engages in monthly strategy meetings with representatives from the City Manager's office, City Attorney's Office, City Clerk's office, and SLPD. These meetings aim to keep all pertinent parties informed about the IPA's activities, plan for upcoming CPRB sessions, and address interim tasks required by the Board.

Additionally, the IPA attends and provides monthly updates at the CPRB meetings, outlining progress and ongoing efforts. Most recently the IPA introduced a documented statistical account of its activities to its monthly presentations at the CPRB meeting which includes the number of uses of force, pursuits, and complaints reviewed, and a summary of the IPA's recommendations related to those reviews. The report also indicates the number of incidents occurred during the month reported and illustrates any backlog of reviews.

## REVIEW OF COMPLAINTS

One of the duties of the IPA is to review all complaint investigations conducted by, or on behalf of, the San Leandro Police Department and related discipline, if issued. In some instances, the City has chosen to have allegations of misconduct conducted by an outside vendor. In other instances, the investigation is completed in-house utilizing SLPD investigators. In either instance, it is the responsibility of the IPA to review the investigation, and to determine whether they are complete, thorough, objective and fair, and whether there are any aspects of the investigation with which the IPA disagrees, and if so, work with the 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.

There are several ways complaints can be filed directly with the Police Department 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 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)<sup>2</sup>.

There are four potential findings for a complaint: unfounded, exonerated, sustained, and not sustained. An unfounded complaint is one where the alleged acts did not occur or did not involve Department members. Complaints that are determined to be frivolous will fall within this classification. An exonerated complaint is one where the alleged act occurred but was justified, lawful, or otherwise proper. A sustained complaint is one where the actions of an accused officer were found to have violated the law, department policy, or both. Finally, a complaint is not

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<sup>2</sup> 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.

sustained when there is neither sufficient evidence to sustain the complaint nor enough evidence to exonerate the subject officer.

Once SLPD or the outside entity concludes its investigation and issues associated discipline, the entire case is forwarded to the IPA for the IPA to conduct its review. Modern policing demands the development and implementation of multiple systems of accountability within a police department, including a transparent and responsive complaint investigation protocol for alleged officer misconduct. Ideally, members of the public should be able to navigate the complaint process easily, from intake through resolution. Achieving this goal requires departments to provide clear and conspicuous instructions for submitting complaints and to make efforts to keep complainants updated on the status and progress of the complaint's investigation. Complainants should further be provided with reasonable timeframes during which they can expect their complaint to be resolved and explanations of the basis for any resolution, regardless of outcome, or delay.

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

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

The IPA conducts its review of the investigation to determine the thoroughness, adequacy, and lack of bias of the investigation. In order to make a determination with respect to these benchmarks there are a number of different and specific areas that are evaluated for every case the IPA reviews. Some examples of the areas that are assessed for each review include:

whether or not all relevant witnesses are interviewed, the quality of witness interviews, inspection of all relevant evidence including the body-worn camera footage, and whether the investigation was conducted fairly. In addition to assessing whether the investigation was conducted appropriately, the IPA also assesses whether the investigation be properly documented. The IPA also assesses whether there were appropriate internal quality controls with respect to the investigation and the report. Lastly, the IPA assesses whether the proposed discipline is fair and appropriate.

In the period covered by this report, the IPA reviewed a total of 12 investigations with recommendation(s) made in each case in which one was appropriate with respect to those reviews.

## **DIRECT RECEIPT OF COMPLAINTS**

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

The IPA received one complaint directly from its website; however, the nature of complaint turned out to not be in connection with the San Leandro Police Department.

## **REVIEW OF CRITICAL INCIDENTS**

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

SLPD and the IPA established a mechanism for SLPD to notify the IPA in a timely manner when a critical incident occurs. There was one critical incident that occurred during the time period but had not yet been completed or provided to the IPA for review as of the time of this report. Once complete, the results of the IPA's review will be shared with the Department, with any recommendations for improvement upon completion.

## **REVIEW OF USES OF FORCE AND PURSUITS**

In addition to complaints and critical incidents, the IPA, as of April 2023, also reviews all pursuit investigations and investigations of officers using force. The IPA review determines if the investigations are complete, thorough, objective, and fair. During the time-period of this report, the IPA reviewed a total of 114 pursuit investigations, ten of which also involved a use of force. A total of 70 use of force investigations were also reviewed during the current period.

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

## **REVIEWS OF COMPLAINTS AND DISCIPLINE**

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

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

While the IPA agreed with the conclusions or outcomes of the investigations the IPA provided feedback in the quality of the investigations for areas of improvement, mainly in relation to report clarity.

Once the IPA concluded its review of the above investigations, the findings were shared in draft form with SLPD to ensure there were no issues over accuracy. The IPA then discussed the findings with SLPD including its recommendations to improve the investigative process, revisions to



relevant policies and procedures to comport with best practices, and suggested coaching, mentoring, or training of individual officers and supervisors, when appropriate.

## REVIEW OF POLICIES AND TRAINING

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

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

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

The IPA has been committed to a collaborative process in improving the policies. As mentioned above, during this time period the IPA has worked with both the police department and the CPRB in reviewing and making recommendations to the Use of Force policy and contributed to discussions between the SLPD and an ad hoc committee of the CPRB related to the concepts of pretextual stops.

## ALL OPERATIONAL AUDIT

The IPA recently conducted its second all-purpose operational audit, designed to assess the Department's compliance with policies governing use of force, RIPA reporting, arrest protocols, personnel complaints, vehicle pursuits, and body-worn camera (BWC) usage. This latest audit revealed significant improvement in the Department's compliance with both BWC requirements and RIPA obligations, when compared to the findings from last year's review.

As with the prior audit, the goal was to provide the Department with a comprehensive snapshot of compliance across key operational areas, accompanied by actionable recommendations for any issues identified. The IPA team views this audit as a valuable tool for identifying areas in need of immediate remediation, while also highlighting potential subjects for deeper examination.

Findings from last year's audit helped frame important departmental discussions, and the results of this year's audit have been shared with SLPD and the City to further support the Department's ongoing efforts toward continuous improvement.

## **ASSISTANCE TO THE CPRB**

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

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

During the past year, the IPA has been meeting regularly with the Board's chair in advance of the monthly CPRB meetings. The meeting with the Board's chair is aimed at understanding the matters that will be coming before the Board and discussing the role that the IPA may play in addressing those matters.

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

## **ANALYSIS OF RIPA DATA**

During this period, the IPA provided the CPRB with an analysis of RIPA data from 2024 compared it to the prior year's analysis. As a result of the conversations with regard to interpreting that data, as mentioned above, the IPA assisted SLPD in arranging a presentation to the CPRB by a nationally recognized expert in the field of bias policing and "Fair and Impartial Policing", Dr. Lorie Fridell to explain how to understand where meaning can and cannot be gleaned from RIPA data. The presentation and information was well received by the CPRB members.