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Staff Report for a City of San Leandro City Council Resolution Authorizing a Consulting Services Agreement with OIR Group for Internal Affairs Investigation Services, Training Review Report, and Presentation of Police Oversight Models, in an Amount Not to Exceed \$55,000

**SUMMARY AND RECOMMENDATIONS**

Staff recommends the City Council review this staff report and approve the proposed resolution authorizing the City Manager to execute an agreement with OIR Group for internal affairs investigation services, a training review report, and a presentation at a future City Council work session of police oversight models. The total cost of the proposed agreement would not exceed \$55,000.

**BACKGROUND & ANALYSIS**

Over a significant portion of the past year, the City Council has engaged in an ongoing public dialogue regarding a variety of public policies related to community policing, use-of-force practices and other law enforcement-related topics. This dialogue follows a number of events that have taken place across the United States and in San Leandro, including the death of George Floyd in Minneapolis and the officer-involved shooting (OIS) that took place at the Hesperian Boulevard Walmart in San Leandro on April 18, 2020, among others.

In order to help the public, the City Council, and the San Leandro Police Department appropriately assess the above-referenced OIS and to inform any appropriate follow-up actions, the City Council directed City staff to move forward with an independent internal affairs investigation of this event. The Council also directed staff to seek out the development of an independent training review report to determine whether training would likely improve future outcomes or otherwise reduce or prevent

recurrence.

In addition to the above work, the City Council also directed staff to bring forward for the Council's consideration and discussion an overview of various types of civilian police oversight models. That discussion is currently envisioned to take place at a future City Council Work Session. Staff also welcomes feedback from the City Council regarding the appropriate timing to conduct that Work Session in light of upcoming meeting commitments and the November 2020 election which will impact the composition of the City Council.

Following extensive research and discussions with a number of firms across the United States that have the appropriate level of subject-matter expertise to assist the City in developing the above deliverables, staff recommends entering into contract with OIR Group to perform the tasks outlined below.

### **About the OIR Group**

OIR Group works with local governments, communities and police agencies to address contemporary public safety challenges and collaborate on sustainable reforms. Led by Michael Gennaco, a veteran former federal civil rights prosecutor, the OIR Group team includes highly experienced police practices and oversight professionals. They provide rigorous review of law enforcement practices and assist public agencies in ensuring that law enforcement departments are more effective and more accountable to the public.

OIR Group also has a track record of success supporting other public agencies in California. Examples of such work include: providing independent audits of police department internal affairs investigations for the Cities of Oakland and Davis, and a detailed independent evaluation of the structure of the Bay Area Rapid Transit (BART) police oversight model.

### **Proposed Scope of Work for the City of San Leandro**

The draft consulting services agreement with OIR Group that is recommended for authorization by the City Council includes the following three key components:

- 1) Conduct an internal affairs investigation of current San Leandro Police Department peace officers and staff who were involved in the officer-involved shooting (OIS) incident that occurred on April 18, 2020 at 15555 Hesperian Boulevard.
- 2) Conduct a training review as an "alternative" to the Police Department Training Committee's review of the April 18, 2020 OIS, as outlined in the San Leandro Police Department's Training Committee Policy, currently codified within Section 204.6. This policy provides that the Training Committee review certain incidents to determine whether training would likely improve future outcomes. The purpose of using this alternative method is to expedite the review process in recognition of the need for a swift collection and dissemination of learning points to the entire department, while also providing third-party objective independence to the process.

The Training Review will independently evaluate the April 18, 2020 critical incident and the actions of San Leandro Police Department (SLPD) personnel, leading up to and during that incident, in order to identify potential ways to make improvements in SLPD training, policies, and equipment. The training review will also make recommendations to improve performance and responses to future critical incidents. It is anticipated that, at a minimum, the independent training review will examine reports, video footage, and involved officer interviews.

