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# 2023 Annual Report

Covering April 19, 2023 – December 31, 2023

Submitted: February 29, 2024

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## INTRODUCTION

Over the past three years communities nationwide have focused their attention on addressing a number of critical issues in policing, including race relations, community-oriented public safety, and police use of force. These communities have demanded action to address these issues and the well-documented racial disparities arising from prevailing police policies and practices.

To address requests from community members and start these conversations locally, the City of Petaluma (the “City”) hosted a community engagement and listening forum followed by community-led listening sessions. The City then hired a professional facilitator, Tracey E. Webb of Tracey Elizabeth Webb Associates, and established an Ad Hoc Community Advisory Committee (AHCAC) to discuss race relations in Petaluma. The AHCAC was tasked with making recommendations to the City Council to help unify the community and identify and pursue opportunities for meaningful, positive change and advancement of inclusion both within Petaluma City government and throughout the broader community.

The AHCAC consisted of 28 representatives from various groups, including many representing the City’s Black, Indigenous, and people of color (BIPOC) communities. The Committee began meeting in April 2021 and met monthly through October of that year. Over six sessions, the AHCAC identified issues and brainstormed ideas to make Petaluma more inclusive and welcoming, and published its final recommendations in a report dated December 2, 2021.<sup>1</sup>

In total, the Committee made 31 recommendations addressing four categories:

- Police and the Community
- Diversity in Schools
- Creation of Multicultural Center/Restorative Justice
- Diversity in City Hiring and Appointments

On December 13, 2021, Petaluma City Council reviewed and prioritized the AHCAC’s recommendations to give staff specific items to analyze for budgetary, legal, and policy implications and to bring back to Council for consideration. These included:

- Study current staff capacity to support existing City Commissions, Committee, and Boards in consideration of establishing a DEI Commission
- Hire DEI consultant(s) and/or establish an Office of Diversity and Equity
- Provide information on options for civilian police oversight

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<sup>1</sup> The full report, titled “City of Petaluma ADHOC Community Advisory Committee: Final Report on the ADHOC’s Work on Racism, “Otherism”, and Community Relations with the Police,” can be found at <https://cityofpetaluma.org/documents/ahcac-final-report/>.

On April 4, 2022, a group consisting of the Petaluma City Manager, the Chief of Police, the City Attorney, and the Director of Economic Development & Open Government presented the Mayor and City Council with a memorandum titled “Provide Direction for Implementation of the City Council’s Priorities in Response to the Recommendations of the [AHCAC],” which discussed the City’s capacity for implementing the AHCAC’s recommendations.<sup>2</sup>

On May 2, 2022, the Council responded by issuing its top 10 Goals and Priorities, which included the “Implementation of Hybrid Police Oversight Model and Citywide Diversity, Equity, and Inclusion Efforts.” The first project milestone related to police oversight was to develop and issue a request for proposal (RFP) for a new position, the Independent Police Auditor (IPA), which would be responsible for reviewing and evaluating complaints against City police officers, examining local policing policy, and conducting assorted audits related to the operations and activities of the Petaluma Police Department (“PPD” or the “Department”).

The IPA would also play a key role in assisting the City with the planning and implementation of a new Public Safety Advisory Group (PSAG), which would be made up of community members and would provide advice on how police-community relations can be strengthened. Additionally, the IPA would support the PSAG and community members by offering relevant training and addressing concerns related to police-community relations and policing policies and practices, and by providing informative annual reports and audits for the PSAG, including data and information on topics of interest to the group. The IPA and the PSAG would work closely together to ensure that community feedback is received and considered and that PPD policies and practices are developed and implemented to make policing more effective and accountable in the City of Petaluma.

After issuing a solicitation for candidates, the City Council selected IntegrAssure to serve as the City’s first Independent Police Auditor.

IntegrAssure officially assumed its role as IPA on April 19, 2023. We applaud the decision of the City to implement this form of oversight of its police department, not as a reaction to a specific critical incident, but rather through recognition that such oversight, when executed appropriately, holds significant benefits for the City. Moreover, we applaud the way in which the Petaluma Police Department has collaborated with the IPA, providing unfettered access to its systems and meaningfully engaging in discussions relative to the improvement of the Department.

## FOUNDATIONAL PHILOSOPHY OF THE INDEPENDENT POLICE AUDITOR

IntegrAssure embraces the notion that effective policing must be rooted in a philosophy of continuous improvement. The firm has subject matter experts drawn from policing, law, public policy and academia, all bringing their individual expertise to the City of Petaluma. The team

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<sup>2</sup> The memorandum can be found at [https://petaluma.granicus.com/MetaViewer.php?view\\_id=31&clip\\_id=3598&meta\\_id=522855](https://petaluma.granicus.com/MetaViewer.php?view_id=31&clip_id=3598&meta_id=522855).

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 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, arising from failures of policy and training, to police officers, the vast majority of whom want only to do the right thing and who crave the guidance to do it.

The City of Petaluma, through the creation of the IPA and the soon-to-be-created PSAG, is addressing these issues by providing a mechanism of police oversight rooted in Robert Peele’s principles and oriented toward building public trust and creating a healthy ecosystem of public safety, fairness, transparency, and officer and community 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, which, in turn, yields better collaboration with the community and greater crime reduction; which, in turn, makes officers feel better about themselves; which, in turn, enhances officer safety; and which, in turn, makes the Petaluma Police Department a more attractive place to work, easing the burden of recruitment and hiring.

The goal of the IPA’s oversight is to ensure that policies, training, operational integrity, and accountability all reflect best policing practices. Our approach to oversight is collaborative and toward that end we have been and will continue to work with the police department and the City to ensure that best practices are employed in every aspect of policing.

## IPA TEAM

The IPA team consists of five members with Jeff Schlanger designated as the Independent Police Auditor. The IntegrAssure team draws on Mr. Schlanger’s experience in both the public and private sectors, bringing a process of continuous improvement, risk management, and integrity assurance. The IntegrAssure team’s biographies appear below.

### JEFF SCHLANGER

**Jeff Schlanger** is the founder, and CEO of IntegrAssure LLC and has a deep understanding of institutional change management with more than four decades of experience at the highest levels of law, law enforcement, independent investigations, and monitorships. Mr. Schlanger, who began his career as a prosecutor in the Manhattan DA’s Office, served almost nine years as the First Deputy Monitor for the LAPD Monitorship. During that same time period, Mr. Schlanger performed a number of significant independent investigations at the request of large police departments throughout the country, including the Tennessee Highway Patrol (an investigation into corruption in the hiring and promotion process), the San Francisco Police Department (an

investigation into an internal affairs investigation probe involving the son of a Chief in the Department), and the Austin Police Department (investigative reviews of two separate fatal officer-involved shootings). He also served on the Executive Committee of the Working Group for National Guidelines for Monitors, which developed the National Guidelines for Police Monitors. In 2014, Mr. Schlanger left the private sector, to re-join the public sector as the Chief of Staff to Manhattan District Attorney Cyrus Vance, where, among other responsibilities, he developed and oversaw the process of “Extreme Collaboration” with the NYPD and its then-Commissioner, William Bratton. In 2015, Mr. Schlanger returned to the private sector and in 2016, assembled and led a team of policing professionals, to review and ultimately monitor the University of Cincinnati Police Department (UCPD) following a fatal officer-involved shooting (more details below). In 2018, Mr. Schlanger joined the NYPD as Counsel to the Police Commissioner and was then asked to take on the position as the first-ever Deputy Commissioner for Risk Management. This position was the “tip of the spear” in terms of Department improvement efforts. Mr. Schlanger pioneered a true risk management and continuous improvement approach to police re-engineering, re-imagination, and reform, and served in this capacity until March 19, 2021, helping to guide the Department through its most tumultuous period, implementing reforms brought about by both the federal monitorship arising out of stop and frisk abuses and the tragic murder of George Floyd. He served on the NYPD’s Discipline Committee, Force Review Board, and established and chaired the Use of Force and Tactics Workgroup.

He currently leads an IntegrAssure team of nine experts as the Independent Consent Decree Monitor for City of Aurora (CO). Mr. Schlanger and IntegrAssure also currently serve as the Independent Police Auditor (IPA) for the City of San Leandro, making recommendations for reform and ensuring compliance with best policing practices in those jurisdictions and providing annual reports to the City management, Police Chief, and the City Council on all of its work and findings and recommendations. Mr. Schlanger is a graduate of the State University of New York at Binghamton (now Binghamton University) and the New York University School of Law.

#### ERIN PILNYAK

**Erin Pilnyak** has served in a variety of public sector positions overseeing projects and driving results in each. Ms. Pilnyak began her career at the Manhattan District Attorney’s Office (DANY), where she spent 10 years and was a member of the Sex Crimes and Crime Strategies Unit among other units. After DANY, she served as the Deputy Director of Crime Strategies at the New York City Mayor’s Office of Criminal Justice (MOCJ) where she oversaw all criminal justice strategies in New York City and devised and implemented criminal justice reform initiatives for the City. During her tenure, she worked closely with senior leadership for the New York State court system, public defenders, prosecutors, NYPD, Department of Correction, other law enforcement partners, elected officials, and community groups to implement major criminal justice reform efforts, such as significant changes to the juvenile justice system, lightening the touch of low-level enforcement, and community-based solutions to reframe the concept of public safety. Ms. Pilnyak left MOCJ to join Mr. Schlanger at NYPD where she served in the two-star position of Assistant Deputy Commissioner at the Risk Management Bureau. She worked with Mr. Schlanger on developing policies and programs to guide the Department on implementing reforms and running the day-to-day operations of the approximately 200-person Bureau. She currently serves

as the Chief Operating Officer of IntegrAssure and the Deputy Monitor for the City of Aurora. She also serves as the Deputy Independent Police Auditor for San Leandro. Ms. Pilnyak is a graduate of the University of California at Berkeley and Cornell University School of Law.

#### KENTON RAINEY

**Kenton Rainey** has over four decades of public safety experience. He has served as Chief of Police of three different law enforcement agencies: the University of Chicago Chief of Police from 2017 – 2021; San Francisco Bay Area Rapid Transit (BART) Chief of Police from 2010 – 2016; and the Fairfield (CA) Chief of Police from 2007 – 2009. Under his leadership, BART police department was Awarded the Transit Security Administration (TSA) "Gold Standard" for Baseline Assessments for Security Enhancement. Mr. Rainey began his law enforcement career in 1979 as a Deputy in the Ventura County Sheriff's Department. Over his four-decade career, Chief Rainey has worked for seven different law enforcement agencies in four states. He has the distinct and unique perspective of having worked for city, county, airport, transit, and higher education law enforcement agencies. He has a deep commitment to Community Oriented Policing & Problem Solving (COPPS) which he has successfully implemented in five different law enforcement agencies while utilizing geographical team policing structures. In 2018, he was the City of Chicago National Alliance on Mental Illness (NAMI) Officer of the Year. He also served on the Board of Directors of the National Alliance on Mentally Ill (NAMI) for California from 2013 to 2016) and on for the City of Chicago from 2018 to 2021. He also served as a Fellow for National Organization Black Law Enforcement Executives. He is also the former President of Southern California Chapter of the National Organization of Black Law Enforcement Executives (NOBLE) and the former Board of Directors of Peace Officers Research Association of California (PORAC) & Legal Defense Trustee for PORAC. Mr. Rainey earned his B.A. in Criminal Justice from California State University Long Beach and his Master's degree in Organizational Leadership from the University of Phoenix. He also earned leadership certificates from UCLA and various other recognized entities which include the California Commission on Police Officers Standards and Training (POST), National Organization Black Law Enforcement Executives (NOBLE), and Police Executive Research Forum (PERF). He currently serves on the Independent Police Auditor team for the City of San Leandro.

#### DENISE LEWIS

**Denise Lewis** has spent over 30 years developing and honing her expertise in the areas of law enforcement, internal and external investigations of police agencies, and most notably, the independent monitoring of police organizations. She held a variety of patrol and supervisory assignments conducting both criminal and internal investigations before retiring from the LAPD. In 2000, then-Sergeant Lewis was assigned to the internal investigation team reviewing the causal factors of the LAPD's Rampart CRASH corruption incident – a scandal that led to the Department of Justice investigation of that organization, and eventually LAPD's agreement to a Federal Consent Decree. During her tenure with the LAPD, Ms. Lewis led the newly created Audit Unit, which was mandated by the Consent Decree. Ms. Lewis and her staff received audit training from the Independent Monitor's team on how to develop formal audit work plans based on management objectives, policies and procedures, and applicable state and federal laws in order



to ensure compliance and identify risk management issues. In the Audit Unit, she supervised both sworn and civilian staff in completing on-going audits designed to determine the department's level of compliance with Consent Decree mandates. Audit findings included not only the status of compliance, but more importantly, recommendations to remedy barriers to success. At least in part, as a result of her work in this area, the LAPD successfully implemented the required reforms, and the Consent Decree was deemed to be a resounding success. Since retiring from the LAPD, for almost six years, starting in 2003 Ms. Lewis was a member of the Independent Monitoring team of the Detroit Police Department (DPD) where she provided DPD with the Technical Assistance to stand up their internal audit unit. In addition to training the DPD audit staff, Ms. Lewis also conducted compliance assessments of DPD's various reform efforts including best practices and applicable standards for investigations, uses of force, training, holding cell facilities, and assessment of the audits completed by DPD. Ms. Lewis has assisted numerous police departments, including the Los Angeles Airport Police Department and the San Jose Police Departments in establishing and institutionalizing the internal audit function, including the development of the requisite audit protocols, policies, procedures to help manage the many risks associated with law enforcement activities. In addition, she has provided training to police departments on the evaluation of policies and procedures related to use of force, arrest, and detention. Most recently, Ms. Lewis served as Deputy Monitor of the University of Cincinnati's Police Department (UCPD) during its voluntary monitorship that resulted from a fatal officer involved shooting. Following that event, the UCPD underwent a comprehensive review and subsequently agreed to implement 276 recommendations over a three-year period. Through the department's resolve and determination, and with the assistance and expertise of the monitoring team, the UCPD was able to achieve compliance in only two years, successfully complying with all the recommendations. Ms. Lewis is currently serving as part of the Independent Consent Decree Monitoring Team for Aurora and as part of the Independent Police Auditor Team for the City of San Leandro.

## CHRIS WATERS

Chris Waters has worked a variety of assignments and locations including Patrol, Central Traffic Division, Detectives, Vice, Office of Operations and Civil Rights Integrity Division-CRID and Internal Affairs during her 35-year career with the Los Angeles Police Department. She has had the distinction of being the Adjutant to three Deputy Chiefs while assigned to Operations-South Bureau. She has been a Watch Commander, Vice Officer-in-Charge (OIC), Homicide Detective and the Commanding Officer of Commission Investigation Division (CID). The CID is the regulatory arm of the Police Commission. In 2016, she was promoted to Patrol Commanding Officer at Newton Division. She later became the Patrol Commanding Officer at Northeast Division. In 2020, she was promoted to Captain II, Commanding Officer of Juvenile Division. In 2021, she returned to Northeast Division as Captain III, Area Commanding Officer. She is a graduate of Loyola Marymount University and obtained her Bachelor of Arts degree in Business Administration; received a Master of Arts degree from California State University at Dominguez Hills in Behavioral Science; a degree in Biblical Studies from Cottonwood Leadership College and most recently, received her Doctorate in Criminal Justice from California University of Pennsylvania. She holds California State Police Officer Standards in Training (POST) Certificates



for the Basic, Advanced, Supervisory and Management levels. She has also completed and graduated from LAPD's Command Development School, West Point Leadership School, the Sherman Block Leadership Institute and the FBI National Academy Class #255. She is a past member of the Executive Board of Directors for Challengers Boys and Girls Club, and Association of Black Law Enforcement Executives. She is the current President of the Southern California Chapter of National Organization of Black Law Enforcement Executives, and Past Region VI Vice-President (NOBLE). She is an active member of other employee organizations such as: OJB, LA-LEY, LAPOWA, PERF, IACP, and FBINA.

## PPD LEADERSHIP CHANGE

On November 16, 2023, Police Chief Ken Savano retired after over 30 years of service to Petaluma. His leadership was pivotal in establishing a firm foundation for the collaborative relationship between PPD and the IPA. Deputy Chief Brian Miller has been serving as the Interim Police Chief since Chief Savano's departure and the transition has been seamless as Interim Chief Miller has worked with the IPA since day one, prioritizing collaboration and continuous improvement.

## THE ROLE OF THE IPA

The role of the IPA is laid out in the City's contract with IntegrAssure. The IPA's role includes:

- Stakeholder Engagement
- Review of all complaint investigations undertaken by the police department, including both internal and citizen complaints
- Direct Receipt of Complaints
- Review of Critical Incidents, Uses of Force and Pursuits
- Audits of Complaints and Discipline
- Audits of Policies and Training
- Development of a Mediation Program
- Audits of Background Investigations
- Interfacing with PSAG
- Public Reporting

Each of these aspects of the role of the IPA is detailed below.

## STAKEHOLDER ENGAGEMENT

The IPA team spent significant time in the first 30 days of the IPA's tenure to establish collaborative relationships and familiarity with stakeholders, including the City Manager's Office, the City Attorney's Office, and PPD, including representatives of the Peace Officers Association of Petaluma (POA). During the first on-site visit in April, the IPA met with the City Manager's Office, the City Attorney's Office, and PPD. The IPA attended PPD roll call and participated in ride-alongs. Interaction with City officials and executive staff of PPD has continued regularly since the first days of the IPA's tenure.

During the second on-site visit in August, in addition to meeting with City officials and meeting with rank-and-file members of the department and participating in ride-alongs, the IPA met with the SAFE (Specialized Assistance for Everyone) team. The SAFE team is a mobile crisis response team modeled after the successful and nationally recognized Crisis Assistance Helping Out on the Streets program in Eugene, Oregon. The SAFE team aims to achieve more efficient and successful outcomes for crisis response, intervention, and treatment for long-term improvement of Petaluma community and individual quality of life. Calls for service involving mental health, addiction, and homelessness account for a significant number of calls the PPD and fire department respond to annually. Through the SAFE program, these calls are responded to by a team with the tools, resources, and knowledge to address the unique needs of the community members more effectively.

Moreover, the IPA presented at the Leadership Training that PPD held for its supervisors in September of 2023 and at two platoon trainings in November of 2023. During these presentations, the IPA discussed the role of the IPA and answered any questions or concerns PPD officers had regarding the IPA and its responsibilities.

For the past year, the IPA has enjoyed complete cooperation from and collaboration with the City and PPD, both of whose leadership, have stated that their goal is to make PPD all that it can and should be. In order to assist with achieving the most efficient workflow for PPD and IPA, PPD provided IPA with unfettered access to its systems and databases. This access has made it possible for IPA to review use of force incidents, pursuits, and complaints and provide real-time feedback and discussions with PPD. This access and real-time discourse has allowed IPA and PPD to identify potential risks and remediate them appropriately in a timely manner (as discussed more in detail below).

To facilitate open communication and further collaboration, the IPA instituted weekly meetings with PPD leadership to review and discuss IPA assessments of officer-involved pursuits, civilian complaints, and uses of force. These meetings have also focused on policy recommendations from the IPA and current events within PPD. During these meetings, the IPA team presented their preliminary assessments and recommendations to PPD and listened to any concerns expressed by the Department in response, before finalizing recommendations. The City Attorney's Office joined these weekly meetings beginning in August of 2023.

The IPA also appeared before the City Council on August 7, 2023, when PPD reported on its FY23 Annual Military Equipment Use Report. During this meeting, the City Council also held a hearing regarding Ordinance No. 2818 N.C.S, relating to PPD's military equipment funding, acquisition, and use policy, in compliance with California Assembly Bill 481. During this hearing, the IPA was available to offer its guidance and expertise to the City Council on the subject matter addressed by the ordinance and to respond to questions posed by Council members.

Stakeholder engagement will continue with weekly meetings with PPD executive staff and legal counsel, regular meetings with other City officials, and regular on-site visits. Additionally, we intend, in the upcoming months, to meet with community members to collaborate on the development of the PSAG.

## RECEIPT OF COMPLAINTS

The IPA is empowered to directly receive complaints from the community regarding the conduct of PPD officers. The IPA has established three different ways to receive complaints from the community. The first is through a multilingual public website ([www.petalumapoliceauditor.org](http://www.petalumapoliceauditor.org)) with information about the IPA and a form the community can use to submit any complaints about PPD directly to the IPA. The second is through an email address ([policeauditor@cityofpetaluma.org](mailto:policeauditor@cityofpetaluma.org)) that community members can use to directly submit a complaint to the IPA. In addition, the IPA has a phone number of (707-927-0727) for the members of the community to call to report any complaints. The IPA is also empowered to receive complaints that have been received by the City Manager's Office.

Between April 2023 and December 2023, IPA received no complaints directly from the community and was forwarded two complaints from the City Manager's Office. Both of the complaints were reviewed and forwarded to PPD for investigation.

The first complaint was directed against a PPD staff member who worked at the lobby of PPD headquarters. The second complaint was directed against a PPD officer who had responded to investigate a complaint. Both of the complaints were forwarded by the City Manager's Office to IPA with the understanding that the IPA would reach out to the complainant to conduct the initial preliminary intake to best understand the circumstances surrounding the complaint as well as use the opportunity to explain the process to the complainant. For both of these incidents, the IPA had lengthy discussions with both complainants and conducted a warm hand-off to PPD so PPD could investigate the matter. The PPD investigated both of the matters immediately, kept the IPA updated with respect to the investigations, and forwarded them to IPA for review. During the investigation, the IPA made contacts with the complainant to ensure that the complainant did not have any questions during the investigative process. The IPA agreed with the outcome of PPD's internal investigation in each case (see below in Audits of Complaints and Discipline section).

## REVIEW AND ASSESSMENTS OF CRITICAL INCIDENTS, USES OF FORCE AND PURSUITS

### OUR METHODOLOGY OF REVIEW AND ASSESSMENTS

Our review and assessment of incidents of use or display of force have a 360-degree field of view. This means we examine not only whether the use or display of force or pursuit was within policy, but whether collateral aspects of the incident meet with operational best practice. Our review looks at pre-incident planning by officers, legal predicate for contact, de-escalation, communication with subjects, other implicated constitutional issues, tactics, officer conduct and professionalism, and officer's documentation. We also review the supervisor's investigations both in terms of completeness and conclusions. With respect to each assessment, we make relevant findings and recommendations and note any exceptional conduct. We also opine on whether anything could have been done differently to have potentially achieved a better outcome.

While these reviews are not specified in the scope of work for the IPA, the scope includes language allowing for broad latitude for the IPA to assess the work of the Professional Standards Division. After much discussion with the stakeholders, PPD thought having the IPA review all of the uses of force and pursuits would provide the most comprehensive auditing plan to give the best insight into the operations of PPD and PSD's work.

Our reviews utilize body-worn camera video to the greatest extent possible. Body-worn cameras have become an essential tool in modern policing, offering an objective viewpoint of officers' interactions and encounters. In order to utilize BWCs to their fullest potential it is imperative that there is full compliance with PPD policy relative to mandatory activation and continued recording of police encounters. In our review and assessment process, we first review BWC footage to ensure compliance with those departmental policies and procedures including: the timeliness of camera activation, continuous recording, appropriate termination of recording, and adherence to audio guidelines. Our goal is to ensure that BWCs are used effectively to capture a clear and comprehensive record of events, which, as noted, is crucial for accountability and transparency.

When we have BWC footage from officers involved in a particular incident, which there has been in the vast majority of incidents, we employ our 360-degree review methodology as described above. This holistic approach ensures a thorough examination of incidents from multiple angles, considering not only the level of compliance with each implicated policy, but also the question of whether a particular incident might have been handled in a different way to have potentially obtained a better result.

Specifically, we examine the following:

- Compliance with BWC policy
- How the incident arose (self-initiated or dispatched or direct citizen complaint)
- Pre-incident Planning and Decision Making
- Legal predicate for initial contact with subject
- Communication with subject
- De-escalation of contact
- Evaluation of any Use or Display of Force (including de-escalation, duty to intervene, medical response, relief protocol adherence)
- Evaluation of any Pursuit
- Evaluation of any Complaint (including the incident itself and the investigation of the complaint)
- Evaluation of Fourth Amendment issues including any restraint, frisk or search
- Evaluation of any first amendment issues including freedom of speech and assembly
- Professionalism of Officers
- Tactics of Officers
- Policy implications of incident
- Equipment implications of incident
- Documentation by officers including completion of RIPA form when required

- Supervisory review of incident
- Any exceptional conduct by any involved officer

Each review is grounded in objectivity, thoroughness, and a commitment to best practices. Our review of each incident is fully documented with recommendations for improvement, and in cases of exceptional conduct, for commendation. Any issues identified are thoroughly discussed with command staff of PPD for coaching, mentoring and training, and, in rare instances, discipline.

By integrating BWC and 360-degree reviews, our review and assessment process aims to provide a comprehensive picture of police operations, highlighting areas of excellence and identifying opportunities for improvement. This approach aligns with our commitment to continuous improvement in law enforcement, ensuring that officers not only adhere to laws and policies but also respond effectively to the evolving needs and expectations of the communities they serve.

Indeed, the aspiration is that the process which we employ, of critical self-evaluation, becomes a cornerstone of the Petaluma Police Department's culture and becomes integrated in both supervisory reviews and self-assessments by officers. Such integration holds the potential to foster a continuous learning environment where officers reflect on their actions, particularly considering alternative approaches to incidents, thereby cultivating a mindset geared towards growth and improvement. This kind of introspection is invaluable; it leads not only to enhanced individual officer performance but also contributes significantly to the department's overall evolution. The process underscores a commitment to excellence in policing, encouraging officers to consistently evaluate and elevate their approach to law enforcement, thereby driving departmental progress and reinforcing community trust.

## CRITICAL INCIDENTS

Critical incidents are defined to include all officer-involved shootings, regardless of whether someone 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 people in police custody. The IPA is responsible for reviewing all critical incident investigations to determine if the investigation was complete, thorough, objective, and fair. Additionally, PPD is obligated to provide the IPA with timely notification of all critical incidents in order to allow the IPA to observe the scene of the incident at the IPA's discretion.

In support of these important responsibilities, PPD and the IPA have established a mechanism for PPD to notify the IPA in a timely manner when a critical incident occurs. During the reporting period covered in this report, there were no critical incidents involving PPD.

In the current reporting period, there were no critical incidents.

## USES AND DISPLAYS OF FORCE

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 the police 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 protests 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. It's centrality to both public perception and police identity and authority requires police departments to carefully create policies and train on how their officers may use force and to ensure that all uses of force comport with established standards.

As part of its designated responsibilities, the IPA conducted reviews and assessments of PPD's uses and displays of force in order to ensure that PPD officers are using their authority consistently 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 the use or display of force was necessary or advisable, and whether less forceful means could have been used to achieve a similar—or better—result.

For each use of force assessment, the IPA evaluated both the incident itself and the supervisory review of the incident relying on police documentation and body worn camera footage of the incident. The IPA then determined whether the incident comported with policy, procedures, and state and federal law, as well as whether the supervisory investigation was conducted appropriately and reached the right conclusions. Specifically, the IPA determined whether the use of force was justified and within policy and whether the action of the involved officers comported with best practice in a number of different areas.

Assessing police use of force is a critical aspect of ensuring accountability and maintaining public trust. While the justifiability of any police action depends on multiple 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 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 detention, and the reason the officer believed that the degree of force used was necessary to overcome the resistance.
2. **Reasonable Belief and Objectivity:** The officer's use of force must be based on a reasonable belief that such force was necessary under the circumstances as they appeared at that moment. Any assessment of the use of force is made objectively, from the perspective of a reasonable police officer taking into account the information available to the officer at the time.
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, including tactical withdrawal.
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 the case of *Graham v. Connor*, the United States Supreme Court established a standard for evaluating the reasonableness of police use of force under the Fourth Amendment. The case involved an incident where Dethorne Graham, a diabetic, was forcefully detained by a police officer outside a convenience store. Graham sued the officer, alleging excessive force.

The Court's ruling in 1989 emphasized that the use of force should be evaluated based on the perspective of a reasonable officer on the scene, rather than through the lens of hindsight. The court stated that the "reasonableness" of a particular use of force should be judged from the perspective of an objectively reasonable officer facing the same circumstances, taking into account the facts and information available at the time.

The Court established several factors to consider when determining the reasonableness of force, including the severity of the crime or suspicion, the immediate threat posed to officers or others, and whether the suspect is actively resisting or attempting to evade arrest. The Court also recognized that officers must make split-second decisions in tense and rapidly evolving situations, allowing for some leeway in their judgment. This ruling has since been widely cited and serves as a guiding principle in evaluating claims of excessive force by law enforcement.

In 2023, the officers responded to **61,753 Calls for Service**. This is an **8.4% increase** from last year. Out of those 61,753 CFS, there were **4,803 police reports** taken by officers. A police report is a written document prepared after a crime or traffic collision is reported to law enforcement. Reports typically name the victim of the crime, witnesses who might have information needed to investigate the matter, classification of the offense, and other pertinent data.

In 2023, the Department made **2,058 arrests**. Arrests include felony and misdemeanor arrests and citations which are classified as arrests. This is a **6.1% increase** over the previous year. The

increase is partially due to an increase of police officers coming out of training and conducting solo patrols.

In 2023, there were 119 total incidents involving an application or show of force by the involved officers. Of the 119 total incidents, only 61 incidents involved an actual application as opposed to show of force. Thus 0.2 % of calls for service resulted in an application or show of force and less than 0.1% of calls resulted in an actual application of force, and applications of force occurred in approximately 2.9% of arrests. A reportable use of force is force beyond mere handcuffing of a passive individual.<sup>3</sup>

Of the total of 119 incidents with either a display or use of force, there were a total of 129 individuals against whom force was used or displayed. The ethnic breakdown of these 129 individuals is as follows:

<i><b>Ethnicity/Race</b></i>	<i><b>Total Use or Display of Force</b></i>
<i><b>Hispanic or Latino</b></i>	<i><b>43</b></i>
<i><b>Black</b></i>	<i><b>17</b></i>
<i><b>Asian</b></i>	<i><b>3</b></i>
<i><b>White</b></i>	<i><b>63</b></i>
<i><b>Other</b></i>	<i><b>3</b></i>

Of these 119 uses of force, the IPA reviewed 68 incidents through December 31, 2023<sup>4</sup>. The incidents reviewed are those which were reviewed by PPD after the start of the IPA's work and those which had completed the internal review process by the end of 2023. The IPA believes

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<sup>4</sup> Again, the IPA started its assignment in April of 2023 and did not review use of force incidents that were reviewed before its inception. Some of the incidents from 2023 are still under review by PPD and those have not yet been reviewed by the IPA and they are not included in the total number of incidents reviewed by the IPA. However, they will be reported in the next annual report.

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.

While there was no incident that IPA found to be out of policy, there were certain incidents where the IPA made findings and recommendations on how the incidents could have been handled differently to have achieved a potentially better outcome. Specifically, there were recommendations about coaching and mentoring officers regarding tactics (12 recommendations), response protocols (11 recommendations), documentation (4 recommendations), body-worn camera policy compliance (14 recommendations), handcuffing procedures (7 recommendations), communication/de-escalation (10 recommendations), and stops and searches (9 recommendations).

The reviews revealed that, in general, 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 different tactics could have resulted in better outcomes, and several incidents where remedial training in certain aspects of constitutional policing was suggested. Specifically, the IPA identified and advised the PPD to better utilize de-escalation techniques and to avail itself more of the City’s Specialized Assistance for Everyone (SAFE) team. Lastly, the IPA also urged better officer compliance with the Department’s body-worn camera policy.

PPD leadership expressed its commitment to the continued improvement through coaching and mentoring of officers and supervisors. Our reviews will be 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. PPD leadership expressed its commitment to having supervisors include in their investigations the question of what could have been done differently to potentially have achieved a better outcome. This holistic review approach has been utilized by many supervisors to better identify opportunities for de-escalation and generally more critically review incidents with an eye toward what could have done been better even if the incident is within the policy. These reviews have resulted in training bulletins and coaching and mentoring of the officers to address the issues identified in the reviews.

## PURSUIT

In 2023, there were total of 32 vehicular pursuits. 21 of these pursuits were terminated, 10 resulted in arrests, and one resulted in the individual being released. Spike strips were utilized in six of these pursuits impeding or stopping the movement of vehicles by puncturing their tires.

In this first year of operation the IPA reviewed 16 vehicular pursuits through the end of 2023 utilizing the same philosophy and methodology as the use of force incident review process. Our

findings and recommendations from these reviews were shared and discussed at length with PPD leadership, just like the use of force incidents. There were no disagreements relative to those findings and recommendations. The reviews revealed that, in general, 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 different tactics could have resulted in better outcomes, and several incidents where remedial training in certain aspects of constitutional policing, body-worn camera activation, and supervisory control were suggested. Additionally, recommendation to review policy relative to spike strips in line with best practices was made.

There were also two incidents that IPA found to be out of policy for having too many cars involved in the pursuit and late termination of the pursuit. PPD leadership expressed its commitment to the continued improvement through coaching and mentoring of officers and supervisors and agreed with the IPA on two of the pursuits the IPA found to be out of policy and remedial steps. As discussed in more detail below, PPD proactively updated its vehicular pursuit policy due to their own assessments. More impressively, their updated policy was aligned with best practices that was published a month after their policy was updated.<sup>5</sup> The IPA applauds this proactive continuous improvement effort of PPD. Our reviews will be 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.

## AUDITS OF COMPLAINTS AND DISCIPLINE

One of the duties of the IPA is to review all complaint investigations conducted by, or on behalf of, the Petaluma Police Department and any corrective measures taken by the Department. 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 the IPA disagrees with or objects to any portion of PPD's investigation or corrective measures, it is incumbent on the IPA to work with the Department to address those disagreements. IPA reviews occur through a review of summaries and recordings of witness 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 against members of PPD, as laid out earlier in this report. Members of the public may make complaints directly to PPD in any form, including in writing, by email, in person, or by telephone. Additionally, supervisors may initiate complaints based upon observing alleged misconduct or learning of alleged misconduct from any source, including other PPD members. Finally, lawsuits may generate a personnel complaint. PPD's

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<sup>5</sup> The Police Executive Research Foundation (PERF) released a study of best practices in pursuits in September of 2023.

internal policy (Policy #1020) governs the intake and the investigation process for complaints made against employees of PPD.

In general, the involved PPD member's immediate supervisor is responsible for the investigation of a personnel complaint, unless the supervisor is the complainant, is the ultimate decision-maker regarding disciplinary action, or has any involvement regarding the alleged misconduct. For any complaints where a supervisor is disallowed from conducting an investigation by any of these circumstances, the Chief of Police may direct that another supervisor investigates the complaint. Some complaints may be referred to PPD's Professional Standards Unit based on the seriousness and complexity of the investigation. All investigations must adhere to the requirements of the Public Safety Officers Procedural Bill of Rights (POBR) (Government Code Section 3303)<sup>6</sup>.

In 2021, the City of Petaluma contracted with the Center for Public Safety Management (CPSM) to review the operations of the Petaluma Police Department. While the analysis covered all aspects of the department's operations, one of the areas focused on Professional Standards, specifically updating the department webpage to provide electronic complaint submission, and to process all "informal" complaints as internal or external complaints. The transition away from investigating a complaint as "informal" versus "formal" marked a significant shift in how complaint data is reported and analyzed. The shift to investigating all complaints, regardless of their perceived severity, ensured more comprehensive oversight of police conduct. In an informal system, minor complaints or those considered less serious may be overlooked or not recorded, potentially allowing patterns of misconduct or areas needing improvement to remain unaddressed. By adopting a policy of investigating all complaints, the department sends a clear message that all aspects of police conduct are subject to scrutiny.

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<sup>6</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 PPD 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 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.

To accommodate the change in process, the department transitioned to LEFTA Systems. The adoption of LEFTA Systems allowed the department the ability to add an electronic complaint submission form in Spanish and English to automate the complaint process using the Employee Conduct Tracking (EMCOT) software. The new revised process allows community members and employees to file reports relative to employee conduct and track the status of the complaint. If the complaint involves less serious allegations, including no allegation of prohibited harassment, then the subject employee's supervisor or watch commander may attempt to resolve the complaint, provided that the investigation of the complaint would not require confidentiality and would not be jeopardized by the supervisor's involvement. The Professional Standards Division (PSD) reviews all complaint investigations to determine whether the alleged conduct could lead to discipline or if the complaint required a higher level of investigation. If determined that a higher level of review, including notifying the involved officers, is necessary, then, rather than forwarding the complaint to a supervisor, the complaint is retained by PSD for investigation and adjudication. If the complaints are not elevated, completed supervisory review of EMCOTs are routed to IPA for review and the IPA reviews EMCOTs in similar manner as internal affairs investigations described below.

When a formal investigation is completed, an investigation report is sent to the Chief of Police through the Department's chain of command. All levels of command review the report and include their comments in writing before forwarding the report further along the chain. The Chief of Police has final say over any disciplinary actions taken in response to the investigation's findings and may accept or modify any classification or recommendation for disciplinary action.

There are four potential adjudications for a complaint: unfounded, exonerated, sustained, and not sustained. An unfounded complaint is one where the alleged acts are found not to have 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 or to deem the allegations unfounded. Once PPD concludes its investigation and has preliminarily determined appropriate remediation, the entire case is forwarded to the IPA for 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. This 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 function<sup>7</sup> 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 accountability process.

A well-functioning process promotes accountability in two ways. First, it addresses misconduct by appropriately remediating the conduct of 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 PPD 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. These areas include an assessment of whether all relevant witnesses are interviewed, the quality of witness interviews, inspection of all relevant evidence including any 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 was properly documented and whether there were appropriate internal quality controls 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, discussed with command staff and may lead to broader findings and recommendations.

## COMPLAINTS REVIEWED DURING THIS REPORTING PERIOD

A total of two internal affairs investigations were reviewed by the IPA during this reporting period. In both the IPA agreed with the outcomes of the investigations despite identifying some procedural issues that were shared with PPD along with accompanying recommendations for addressing them.

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<sup>7</sup> This function may in some departments be referred to as Professional Standards, Internal Affairs, Risk Management, or other name. In Petaluma it is the Professional Standards Division.

Collectively, the two investigations involved alleged violations of Policy 707 (Cash Handling, Security, and Management), Policy 804 (Property and Evidence), Policy 902 (Custodial Searches), Policy 340 (Standards of Conduct), and Policy 318 (Canines). The complaint in one of the investigations was found to be not sustained and the complaint in the other investigation was found to be exonerated.

Upon conclusion of each of the reviews of these investigations, the IPA issued recommendations on how PPD could improve its investigative process and modify relevant policies and procedures. The IPA’s recommendations mostly centered around the investigative and review process identifying some potential inefficiencies, ensuring all relevant witnesses were interviewed, and requiring additional guidance in Policy 318 regarding the use of canines.

A brief summary of the investigations are as follows:

- 1) A complaint received from an individual who claims he was attacked by a dog belonging to an off-duty K-9 officer; and
- 2) A complaint received from an individual who was arrested and who claimed that some of the individual’s money was missing after it had been vouchered for safekeeping by officers after the individual’s arrest.

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

Additionally, the IPA after beginning its work, reviewed 24<sup>8</sup> out of 57 EMCOTs PPD received in 2023. Below is current status and/or adjudication of the 57 EMCOTs.

<b>Year</b>	<b>EMCOT Complaints</b>	<b>Unfounded</b>	<b>Exonerated</b>	<b>Not Sustained</b>	<b>Sustained</b>	<b>PSD Training/IA</b>	<b>Pending</b>
<b>2023</b>	<b>57</b>	<b>4</b>	<b>25</b>	<b>2</b>	<b>15</b>	<b>4</b>	<b>7</b>

A total of four community member complaints were elevated to internal affairs investigations<sup>9</sup>. The community member complaints received included allegations of negligence in the

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<sup>8</sup> The IPA did not review all of EMCOTs for the calendar year in 2023 because it didn’t start its services until April of 2023. In addition, not all EMCOTs that were begun in 2023 were concluded.

<sup>9</sup> The IPA did not review all four IA cases as one is still under review of the IPA and PPD has not yet completed its internal investigation yet.

performance of duties, lack of thoroughness and judgement, unlawful use of force, violation of policy, and theft. All of the community member-initiated complaints were thoroughly investigated to completion and led to adjudications of either exonerated or not sustained by the Professional Standards Division.

In all of the EMCOTs reviewed by the IPA, the IPA agreed with the outcomes and commended the department on the proactive mentoring and coaching provided to the subject officers by supervisors. Collectively, EMCOTs involved alleged violations of Policy 802 (The Communications Center), Policy 340 (Standards of Conduct), Policy 322 (Search and Seizure), Policy 316 (Officer Response to Calls), Policy 344 (Report Preparation), Policy 300 (Use of Force), Policy 439 (Contacts and Temporary Detentions), and Policy 510 (Vehicle Towing and Release). Out of the EMCOTs the IPA reviewed, 15 were exonerated, 5 were sustained, 2 were not sustained, and 2 were unfounded. These cases involved allegations of minor policy violations, such as tardiness, vehicle damage, unsafe driving, and parking violations. With IPA's real-time access to EMCOTs, it allows for the IPA to provide checks and balances of appropriate categorization of complaints as EMCOTs as opposed to internal affairs investigation. There has not been an incident where the IPA found EMCOT classification to be inappropriate in 2023. In fact, the IPA has noted comprehensive investigations of EMCOTs in its reviews as well as coaching and mentoring offered to officers to course correct any ancillary issues identified in the investigations even if there was no violation identified.

Ten EMCOTs were community member complaints regarding perceived rudeness from the officers and dispatchers. For these complaints, even when the allegations were exonerated, the supervisors recommended remedial counseling and/or training on how these encounters could have been improved. Five EMCOTs were community member complaints regarding perceived inappropriate driving by the officers. Similar to rudeness EMCOTs, even when the allegations were exonerated, remedial counseling was provided to the officers. When the allegations were sustained, they were the results of thorough investigations. Two EMCOTs were related to allegations of excessive use of force and four were regarding unlawful search and seizure<sup>10</sup>. Lastly, the remaining two were allegations regarding improper report preparation and improper towing. Similar to the other EMCOTs found exonerated, remedial counseling and/or training were provided on ancillary issues identified during the investigation and the review of the investigations. When sustained, the outcomes were the results of thorough investigations. Upon conclusion of each of the reviews of the investigations discussed above, the IPA discussed any ancillary issues with the command staff and the City Attorney's Office in real-time during the weekly check-ins.

## AUDIT OF POLICIES AND TRAINING

Among the IPA's most important responsibilities is the mandate to review the internal policies and trainings of the PPD and to evaluate how those policies and trainings conform to, or depart

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<sup>10</sup> These were not elevated to Professional Standards Division as it was clear on the evidence that either the alleged conduct occurred, but it was clearly legal and not in violation of the policy or the alleged conduct did not occur.

from, established best practices. Although PPD 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 Petaluma community members and officials and selects different policies and training to review and assess on an on-going basis. We have started with those policies which have been implicated in our operational reviews and assessments. But, over time, the vast majority of all policies and training will be reviewed.

The policies and trainings reviewed and assessed in our first eight months covered by this report include those relating to pursuits, handcuffing, officers' use of profanity, body-worn cameras, biased policing, and internal investigations and disciplinary procedures. These areas not only have been implicated in our operational assessments but also govern how PPD officers interact with community members when conducting investigations, enforcing laws, or responding to calls for service. Accordingly, they, more than others, determine how PPD officers perform their duties and how Petaluma residents, in turn, experience policing.

Below, we report on our policy and training audit in order to provide the community with a better understanding of those policies and training and recommendations which we have made to improve them.

The IPA is committed to a collaborative process in improving performance in the areas discussed below.

## POLICIES AND TRAINING REVIEWED DURING THIS REPORTING PERIOD

Over the eight months the IPA assessed and provided PPD with recommended changes based on discussions with the PPD executive team on issues identified by the IPA as well as best practices on the following topics: body-worn cameras, pursuits, handcuffing, officers' use of profanity, and internal investigations and disciplinary procedures. PPD reviewed the recommendations, and then discussed them with the IPA. The vast majority of the recommendations were quickly accepted and embraced by PPD, but there were a few recommendations that required more in-depth discussion. In each instance, the IPA and PPD agreed upon a draft policy modification that would be sent to Department members for additional feedback before finalization. This process is ongoing, and the IPA anticipates that the updated policies will soon be published by PPD. Lastly, the IPA also reviewed and made no recommendations to modify Policy 613 (Unmanned Aerial Systems and Unmanned Ground Vehicles) and Policy 709 (Military Equipment Funding, Acquisition, and Use Policy).

In the upcoming year, the IPA will work with PPD on policies relating to stops, searches and seizures, and use of force, to ensure that each of those polices comports with best practice.

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### BODY-WORN CAMERAS

The deployment of body-worn cameras among officers has significantly impacted how officers do their job and how they are held accountable for their actions. Central to these developments is the implementation of a policy that governs how body-worn cameras are used in the field and how the audio and video recordings they capture are used to investigate crimes and disciplinary

complaints and to evaluate overall police performance. As noted above, in our review and assessments we determine whether BWC usage in that incident comported with the policy. PPD currently uses body-worn camera equipment from Axon.

This section examines current PPD policies on body-worn cameras and discusses recognized best practices.

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### *CURRENT POLICY*

The goal of Policy 449 (“Portable Audio/Video Recorders”) is to create guidelines to instruct officers on the use of recording devices in the course of their duties. These devices include body-worn cameras, hand-held cameras, and other forms of portable recording equipment.

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### *OFFICER RESPONSIBILITIES*

All uniformed members are responsible for making sure that they are equipped with a body-worn camera (BWC) and that the BWC is in good working order. Uniformed officers must generally wear the BWC in a conspicuous manner or notify civilians that they are being recorded.

Officers have the discretion to activate the BWC any time they believe it would be appropriate or valuable to record an incident, and the policy advises that officers should activate the BWC during all enforcement and investigative contacts, field interviews, traffic stops, self-initiated activity in which a member would normally notify the Communications Center, and any other contact that becomes adversarial after the initial contact. When using the BWC, officers are instructed that they should record their name, PPD identification number, and the current date and time.

Officers are not allowed to record another PPD member secretly without a court order, or unless lawfully authorized by the Chief of Police.

Once activated, the BWC should remain on continuously until the officer reasonably believes that their direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may also be stopped during significant periods of inactivity such as report writing, booking or transporting prisoners, while holding static or perimeter positions on field events, or other breaks from direct participation in the incident.

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### *SUPERVISOR RESPONSIBILITIES*

Supervisors are responsible for taking custody of a BWC as soon as practicable and downloading the data when the device may have captured an incident involving the use of force, an officer-involved shooting or death, or another serious incident.

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### *FILE REVIEW*

Officers must save any body-worn camera video recordings at the end of each shift under the applicable case number for the event or incident. When preparing written reports, officers should review their recordings as a resource. Supervisors are authorized to review relevant recordings

when investigating alleged misconduct or whenever such recordings would be beneficial in reviewing the member's performance. Recorded files may also be reviewed by any PPD member participating in an official investigation, by court personnel who are otherwise authorized to review evidence in a related case, by media personnel with permission of the Chief of Police, and in compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy. All recordings should be reviewed by the Custodian of Records prior to public release.

### ***RETENTION***

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All recordings should be retained for at least 180 days, and some should be retained for a minimum of two years. These includes recordings that capture an officer's use of force, officer-involved shootings, incidents that lead to the detention or arrest of an individual, and recordings relevant to a complaint against an officer or the PPD. Records or logs of access and deletion of recordings should be retained permanently.

### ***BEST PRACTICES***

Body-Worn Cameras (BWC) are a staple of modern policing. They provide a means for officers to clearly document information related to their activities, while also serving a necessary monitoring function by ensuring that the behavior of officers in performing their daily tasks is recorded and maintained for review. As the use of BWCs has become more prevalent throughout the country, best practices have been developed to ensure that their use, and the use of the data created by them, are as effective as possible in furthering the overall goals of modern policing.

### ***GENERAL PRINCIPLES***

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The goals of any policy regarding the implementation and use of BWCs should be to promote transparency and safety of the department members. The policy should reinforce the ability of law enforcement officers to effectively document incidents and to take statements from those involved. BWC data should also be preserved for use in investigations, both current and future, and BWC data should be collected and used to enhance officer training and allow officers to critique their own performances. Lastly, the data should be used to improve community-police relations by demonstrating accurate representations of interactions between officers and citizens. Relatedly, and in the spirit of improving police-community relations, all policies related to the use of BWCs should be published and made accessible to the public.<sup>11</sup> Similarly,

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<sup>11</sup> *Principles on Law Enforcement Body-Worn Camera Policies*. American Bar Association. (May 2021), <https://www.americanbar.org/content/dam/aba/administrative/news/2021/08/annual-meeting-resolutions/604.pdf>



departments should seek to include community stakeholders in the decision to incorporate BWCs into the department and the policies surrounding their use.<sup>12</sup>

In addition, any policy should clearly specify the scope of the policy and to which department members it applies. This includes a clear statement regarding which personnel in the department will be required to equip themselves with BWCs, as well as the circumstances under which they will be expected to do so.<sup>13</sup>

#### WHEN TO ACTIVATE

Any BWC policy should clearly specify the circumstances under which officers will be expected to activate their cameras. Policymakers differ, however, on the best practices regarding when the camera should be turned on. Some scholars advocate for the camera being switched on during any and all interactions between the public and the police, except in very narrow circumstances.<sup>14</sup> Others recommend leaving the decision to activate the camera within the discretion of the individual officers, depending on the circumstances in which the officers finds themselves.<sup>15</sup> However, there are some areas in which scholars tend to overlap.

In general, the BWCs should only be activated in those situations where they are recording information connected to a legitimate law enforcement activity or purpose.<sup>16</sup> They should not be activated to record non-work related activity.<sup>17</sup> In addition, they should not be used to record personal conversations between department members which are unrelated to their official duties, encounters between confidential informants and undercover agents, and should not be activated in an area or situation in which the person being recorded has a reasonable expectation of privacy and the officer does not have a legal justification for their presence.<sup>18</sup>

Policies should also positively identify specific situations in which activation is appropriate. First, BWCs should be activated in any situation in which the officer believes that they are interacting with an individual who is suspected or known to be engaging or to have engaged in criminal

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<sup>12</sup> *Id.*

<sup>13</sup> *Body-Worn Cameras A Decade Later: What We Know*. Police Executive Research Forum. (2023), <https://www.policeforum.org/assets/BWCdecadelater.pdf>

<sup>14</sup> *Principles on Law Enforcement Body-Worn Camera Policies*, *supra* note 11

<sup>15</sup> *Body-Worn Camera (“BWC”) Recommended Best Practices*, *supra* note 8

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Body-Worn Cameras*. International Association of Chiefs of Police Law Enforcement Policy Center. (April 2019), <https://www.theiacp.org/sites/default/files/2020-06/BWCs%20June%202020.pdf>

behavior.<sup>19</sup> Specific situations necessitating the activation of the camera include arrests, the issuance of citations, pursuits (on-foot and vehicular), searches, and motor vehicle stops, among others.<sup>20</sup>

In addition, there are general operational policies that officers should follow. Officers should wear their BWCs at all times while on duty and capture the entire incident.<sup>21</sup> Officers are individually responsible for the upkeep of their BWC, and for ensuring that it remains operational.<sup>22</sup> Finally, officers may not delete, edit, or otherwise alter or destroy the recordings.<sup>23</sup>

#### **REPORTING AND FILING**

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Following the activation and use of a BWC, the use should be documented on any forms related to the incident. Similarly, where the recording contains a witness statement, that fact should be included in official documentation.<sup>24</sup> Following the incident, all video files should then be downloaded to a secure server managed by the department within a reasonably short, specified period of time. The files should be provided with reasonable identifiers allowing for them to be connected to the recording officer and the incident.<sup>25</sup> They should also be tagged and labeled in accordance with the department's filing and management scheme, allowing for their easy identification and access as necessary.<sup>26</sup> Policies should specifically state the period of time for which data and recordings will be retained by the department.<sup>27</sup>

#### **VIEWING**

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Finally, any BWC policies should have clear guidelines regarding which individuals will have access to BWC recordings, and under what circumstances.<sup>28</sup> In general, department members may review any BWC that they personally recorded. With respect to critical incidents, experts are divided on the issue of whether officers should be able to view their video prior to giving a

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<sup>19</sup> *Body-Worn Camera ("BWC") Recommended Best Practices*, *supra* note 8; *Body-Worn Cameras*, *supra* note 18

<sup>20</sup> *Body-Worn Cameras*, *supra* note 18

<sup>21</sup> *Body-Worn Camera ("BWC") Recommended Best Practices*, *supra* note **Error! Bookmark not defined.**

<sup>22</sup> *Id.*

<sup>23</sup> *Body-Worn Camera ("BWC") Recommended Best Practices*, *supra* note 1; *Body-Worn Cameras*, *supra* note 8

<sup>24</sup> *Body-Worn Camera ("BWC") Recommended Best Practices*, *supra* note **Error! Bookmark not defined.**

<sup>25</sup> *Body-Worn Cameras*, *supra* note 18

<sup>26</sup> *Id.*

<sup>27</sup> *Principles on Law Enforcement Body-Worn Camera Policies*, *supra* note 11

<sup>28</sup> *Body-Worn Cameras*, *supra* note 18

statement. The viewing of the video is thought to potentially contaminate the recollection of the officer of the event. In those jurisdictions which do not allow for viewing before observation of the video, the practice is generally to first obtain a statement without the officer having viewed the video, break to allow the officer to view the video, and then reconvene allow the officer to explain any discrepancies between their unvarnished recollection and that which the video may have brought to light. PERF recommended in December of 2023 that “officers involved in a critical incident should be interviewed before watching relevant BWC footage. During the ‘perceptual interview,’ they should describe their perceptions (what they saw, heard, felt, believed, experienced before arriving, etc.) before, during, and after an incident. After the perceptual interview, officers should be given the opportunity to provide a video-informed statement by reviewing BWC footage and offering clarifications that they feel are appropriate.”<sup>29</sup>

Specific department members may be allowed to request access to BWC recordings based on limited circumstances set by the individual departments in accordance with their established policies.<sup>30</sup> In addition, departments should take measures to ensure the security and confidentiality of their files. They should have robust protections in place to prevent unauthorized access, while still permitting timely access in all valid cases.<sup>31</sup>

#### ***RANDOM INTERNAL AUDITS***

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Routine audits of BWC footage are essential for obtaining officer compliance with agency policy regarding camera activation and tagging and titling incidents. Departments use a variety of auditing practices. Larger agencies may task internal affairs personnel with conducting random audits or utilize an audit and inspections unit specifically to assess compliance with BWC policies.

Sometimes, audit are also conducted by supervisors, as many agencies do not have the personnel and budgetary resources to dedicate staff exclusively to reviewing body camera footage. These audits are implemented with a view toward identifying and correcting policy violations before they lead to a complaint.<sup>32</sup> Supervisors may also review recordings for training purposes, to conduct performance reviews of officers, to investigate potential misconduct, and more.<sup>33</sup>

#### ***IPA RECOMMENDATIONS***

The IPA provided PPD with its initial assessment of the department’s existing policy as well as recommendations on how to modify the policy to meet best practices. The recommendations

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<sup>29</sup> *Body-Worn Cameras A Decade Later, supra note 8*

<sup>30</sup> *Body-Worn Cameras, supra note 18*

<sup>31</sup> *Principles on Law Enforcement Body-Worn Camera Policies, supra note 11*

<sup>32</sup> *Body-Worn Cameras A Decade Later, supra note 8*

<sup>33</sup> *Body-Worn Cameras, supra note 18*

centered around clarifying the goals of BWC usage, adding definitions, and clarifying officer and supervisor responsibilities. The guiding principles behind the recommendations were to enhance first-line supervision of officers and to remove ambiguity from existing policy so that officers receive more precise direction on how to comply with all departmental requirements.

For example, the IPA's recommended policy would require officers to document the existence of recordings in official reports, document the reason for any premature deactivations, and upload the footage after each shift absent extraordinary circumstances, and even then, only with the approval of a supervisor. These requirements would replace existing language that leaves officers with unguided discretion in these areas.

The recommended policy also expands the role of supervisors in reviewing recordings, including reviewing relevant recordings any time the supervisor is investigating alleged misconduct, uses of force, stops, arrests, citations, pursuits or reports of meritorious conduct, or whenever such review would be beneficial in assisting in an ongoing investigation. Supervisors may also be assigned recordings for random review or may review videos at their own discretion in order to determine training needs or review an employee's performance, and these recordings may be used to train employees with the approval of the Professional Standards Division Lieutenant. Lieutenants may authorize the deletion of accidental recordings after reviewing them to ensure that they have no evidentiary or administrative value. Finally, the IPA's recommendations detail how PPD should respond to requests to produce recordings.

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#### *CURRENT STATUS OF POLICY RECOMMENDATIONS*

PPD accepted all of the IPA's recommendations and the updated policy was published on October 10, 2023.

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## HANDCUFFING

Handcuffing is an essential practice in policing during arrest and detention scenarios. Handcuffs can help prevent potential harm or escape and ensure the safety of officers, detainees, and the public. Clear and comprehensive policies ensure that officers use handcuffs judiciously, especially in non-arrest situations, taking into account factors such as the level of resistance, the nature of the offense, and the individual's physical and mental condition. By establishing well-defined guidelines, police departments can strike a balance between ensuring public safety and respecting the rights and dignity of individuals in custody. This section examines current PPD policies on handcuffing and discusses recognized best practices.

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#### *CURRENT POLICY*

The current policy does not differentiate between those individuals who are being placed in custody and those individuals who have been stopped for citable offenses and on reasonable suspicion for further investigation. PPD members who complete Department-approved training on restraint devices are authorized to use handcuffs and other restraints during detentions and arrests (Policy 306). Handcuffing is discretionary, and officers are required to balance safety

concerns with factors that include the circumstances leading to the arrest, the behavior of the arrested person, the age and health of the person, whether the person is pregnant, and whether the person has an apparent disability.

Officers are prohibited from using restraint devices to punish, to display authority, or as a show of force. Officers are prohibited from restraining juveniles under the age of 14 unless the juvenile is suspected of a dangerous felony or the officer has a reasonable suspicion that the juvenile may resist, attempt escape, damage property, or injure themselves or the officer. Officers are also prohibited from restraining persons known to be pregnant with leg irons, waist chains, or handcuffs behind the body unless the officer has a reasonable suspicion that the persons may resist, attempt escape, cause injury to themselves or others, or damage property.

In most other situations, handcuffs are applied with the hands behind the person's back and are double-locked to prevent tightening. Where one pair of handcuffs appears insufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers may consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs. Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility. Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used.

Policy 306 also covers the application of spit hoods, auxiliary restraint devices, and leg restraint devices. Spit hoods are temporary protective devices designed to prevent biting and the transfer of fluids. They are used when the officer reasonably believes the person in custody may bite or spit. Officers must ensure proper ventilation and avoid mingling those wearing spit hoods with other detainees. Spit hoods should not be used in certain medical situations, and individuals wearing them should be continually monitored.

Auxiliary restraint devices, such as transport belts and leg irons, are intended for long-term restraint or transportation, providing security without impeding breathing. Only department-authorized devices are permitted, and individuals in auxiliary restraints should be monitored as necessary.

Leg restraint devices may be used on violent or potentially violent persons during detention, arrest, or transportation. Officers should consider factors such as the risk of injury, the need to protect the person, and the potential for property damage. Guidelines for leg restraint use include notifying a supervisor, securing the person in a seated position with a seat belt, and continuous monitoring to ensure proper breathing.

Finally, the policy requires officers to document details of restraints in reports, including factors leading to the decision to use restraints, supervisor notification, types of restraints used, duration of restraint, and observations of the person's behavior. If a person is restrained and released without arrest, officers must document the details of the detention and the need for restraints.

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### *BEST PRACTICES*

The goal of a handcuffing policy is to ensure the safety of officers, individuals in custody, and the public, while upholding legal standards and respecting constitutional rights. A successful policy promotes both safety and community trust by transparently aligning handcuffing practices with legal standards and community expectations.

In general, in detention situations as opposed to arrest, officers in California are authorized to use handcuffs to restrain an individual when there is reasonable basis to think there is a physical threat, if the officer reasonably believes that the use of such handcuffs is necessary to maintain the safety of the officers, the individual, or the public.<sup>34</sup> Placing handcuffs on a person does not necessarily elevate a detention into an arrest, provided that the use of the handcuffs was reasonably necessary. In evaluating the reasonableness of an officer's assessment of an individual's threat level or risk of flight, and the ensuing decision to use handcuffs or other restraints, courts look to several factors. In general, the reasonableness of such a determination depends on the specificity of the information an officer possesses regarding the individual and the circumstances<sup>35</sup>. Circumstances in which the use of handcuffs is authorized to detain an individual, without elevating the detainment to the level of an arrest, include, but are not limited to: 1) situations in which the suspect is uncooperative; 2) situations in which the suspect acts in a way that causes an officer to believe that there is a reasonable probability of danger or flight; 3) the police have information suggesting that the individual is armed; 4) the stop occurs soon after the commission of a violent crime; 5) the police have information that a violent crime is about to occur; and 6) when officers are outnumbered<sup>36</sup>.

In addition to the circumstances and facts known to the officer at the time of detainment, the reasonableness of the use of handcuffs also depends on the scope and duration of the detainment<sup>37</sup>. Specifically, courts must determine "whether the police diligently pursued a means of investigation reasonably designed to dispel or confirm their suspicions quickly, using the least intrusive means reasonably available under the circumstances."<sup>38</sup> In other words, officers may only use handcuffs or restraints when doing so is the least intrusive method necessary to meet the goals of the lawful detainment. However, where the facts and

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<sup>34</sup> In re Antonio B., 166 Cal.App.4th 435, 442 (2008). "[W]here an officer has a reasonable basis to think that the person stopped poses a present physical threat to the officer or others, the Fourth Amendment permits the officer to take 'necessary measures...to neutralize the threat' without converting a reasonable stop into a *de facto* arrest." People v. Pilster, 138 Cal.App.4th 1395, 1406 (2006) (citing United States v. Newton, 369 F.3d 659, 674 (2004))

<sup>35</sup> "The more specific the information an officer has about a suspect's identity, dangerousness, and flight risk, the more reasonable a decision to detain the suspect in handcuffs will be." Stier, 168 Cal.App.4th at 27 (citing Washington v. Lambert, 98 F.3d 1181, 1190 (1996)).

<sup>36</sup> Lambert, 98 F.3d at 1189-1190.

<sup>37</sup> People v. Celis, 33 Cal.4th 667, 675 (2004)

<sup>38</sup> Id.



circumstances known to the officer do not suggest that the individual is a threat or flight risk, or the use of handcuffs exceeds the scope of the detention, the use will not be authorized<sup>39</sup>.

Departments should promote accountability through clear reporting requirements for officers when handcuffs are used during detentions, including documentation of the factors leading to their use and the duration of application.

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#### *UPDATED DRAFT POLICY PREVIEW*

The IPA provided PPD with recommendations that seek to enhance the procedural safeguards around the use of auxiliary restraints, leg restraints, and restraints of persons who were not arrested. The recommendations suggest that officers immediately notify a supervisor or watch commander whenever an auxiliary restraint device is used, a leg restraint is used, or when a person is restrained and released without an arrest. Additionally, with respect to investigative detentions and citable offenses, we have recommended that clarity be provided as to the requirement of handcuffing being restricted to those situations in which officers are in reasonable fear for their safety or the safety of others or are reasonably concerned about risk of flight.

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#### *CURRENT STATUS OF POLICY RECOMMENDATIONS*

PPD accepted all of IPA's recommendations and the updated handcuffing policy was published on August 8, 2023.

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## PURSUIITS

This section examines current PPD policies on pursuits and discusses recognized best practices. Police pursuits are a complex issue because they are high-risk events that put the lives of officers, suspects, and the public at risk. Moreover, the cost of property damage and litigation can be costly and when pursuits go wrong, public trust in the police is undermined. These risks have to be balanced with many viewing pursuits as a necessary tool for stopping and apprehending dangerous criminals who threaten the public.

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#### *PRIOR POLICY*

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<sup>39</sup> See *People v. Campbell*, 118 Cal.App.3d 588 (1981) [handcuffing an unarmed defendant and moving him to another area for further investigation exceeded reasonable detention and constituted an arrest]; In *re Antonio B.*, 166 Cal.App.4th at 442 [where officers do not have information to suggest that an individual is or will be involved in a violent crime, officers outnumber the suspects, there are no external threats, and the individual does not attempt to flee, the use of handcuffs is unreasonable and transforms the detention into an arrest.]

Policy 314 outlines the circumstances under which officers are authorized to initiate and terminate pursuits. Officers can initiate a pursuit when they reasonably believe a suspect, who has been signaled to stop, is attempting to evade arrest by fleeing in a vehicle.

Several factors guide the decision to initiate and terminate pursuits, including the seriousness of the crime, the need for immediate capture, and the risks to officers, motorists, and the public. Officers must continuously assess the objective circumstances, weighing the public safety risks associated with pursuit or continued pursuit against the public safety risks associated with the suspect's evasion of capture.

Pursuits should therefore be terminated when the risks of continuing a pursuit outweigh the risks of the suspect's escape. Factors leading to termination include an unreasonable distance between vehicles, the unknown location of the pursued vehicle, damage or mechanical failure of the pursuing vehicle, and risks to bystanders or officers. Extended pursuits for non-violent misdemeanors are discouraged. Pursuits are generally limited to three vehicles—two units and a supervisor—but this may vary based on circumstances. These same considerations should inform the initial decision by officers over whether to commence a pursuit in the first place.

The policy also details specific responsibilities for primary, secondary, and supervisory units.

The “primary unit” — the officer who initiates the pursuit — is responsible for notifying dispatch, providing information on the suspect and conditions, and maintaining control until relieved by a supervisor or secondary unit. The secondary unit plays a supporting role, notifying dispatch, remaining a safe distance behind, broadcasting progress, and serving as backup after the suspect is stopped. The field supervisor's responsibilities include immediately providing on-scene supervision, ensuring proper radio usage, requesting additional resources, and preparing post-pursuit reviews.

Finally, the Communications Center is responsible for clearing radio channels, coordinating pursuit communications, broadcasting updates, notifying supervisors and other agencies, assigning incident numbers, and logging all pursuit activities, and notifying the Watch Commander as soon as practicable. Once notified, the Watch Commander has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command.

Some units are prohibited from joining pursuits. For example, motorcycle officers should switch to marked four-wheel emergency vehicles during pursuits. Officers without emergency equipment are prohibited from joining pursuits. Officers not involved in the pursuit should remain in their assigned area, and they should not become involved with the pursuit unless directed otherwise by a supervisor.

#### *BEST PRACTICES*

Vehicle pursuits present a high risk of danger to officers, suspects, and bystanders. Because these pursuits often involve motor vehicles traveling at high rates of speed while failing to obey traffic laws, officers need clearly delineated policies regarding when pursuits may be initiated, when they may or must be stopped, and the conduct officers must exhibit while engaged in them. The

purpose of any policy must be to provide officers with that knowledge, reduce the probability of injury to those involved, and to successfully balance the risks of the pursuit with the apparent benefits of arresting the fleeing individual.<sup>40</sup>

The guiding principles driving an agency's vehicle pursuit policy should always remain the sanctity of human life.<sup>41</sup> The best practice in vehicular pursuits is when "it takes place only when two very specific standards are met: 1) a violent crime has been committed and 2) the suspect poses an imminent threat to commit another violent crime. If those two conditions are not met, agencies need to look for alternatives to accomplish the same objective."<sup>42</sup>

#### ***DEFINE VEHICULAR PUSUIT***

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An agency should clearly define what constitutes a vehicular pursuit and this definition should include "an active attempt by the officer to apprehend the occupant of the vehicle and 2) the driver refusing to submit to the detention and taking actions to avoid apprehension."<sup>43</sup> The policy should also have an explicit direction to the officers that a driver who fails to yield to the officer's signal to stop but continues to obeying all other traffic laws does not in itself constitute a pursuit. However, a pursuit may be warranted if the officer, after running the driver's information, develops a reasonable suspicion that the driver was involved in a violent crime and presents an imminent threat to the community. Agencies should adopt a restrictive policy that permits pursuits only for a limited and serious set of circumstances, which should be clearly and specifically articulated. The best practices in policing recommend that vehicular pursuits should only be permitted for violent crimes and where failure to immediately apprehend the suspect presents an imminent threat to the public based on the suspect's criminal actions. The policy should also acknowledge that there may be exceptional circumstances for reckless drivers to protect the community from a driver who poses an imminent hazard to the community.

#### ***WHEN TO PURSUE***

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Officers should begin a pursuit only when they consider a list of key factors in assessing the risk of pursuit before initiating a pursuit and continuously assess the situation as the circumstances evolve. The continuous assessment must be documented in the written report to make the officer's decision making process clear to the supervisor.<sup>44</sup> The policy should also dictate that the officers should no longer pursue a vehicle if the suspect's identity is known, the suspect can be

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<sup>40</sup> Vehicular Pursuits: A Guide for Law Enforcement Executives on Managing the Associated Risks. Police Executive Research Forum (2023), <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-r1134-pub.pdf>

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

apprehended later, and delayed apprehension does not significantly increase the risk to the community.<sup>45</sup> The policy should direct that once the officer determines this information, the pursuit should be discontinued immediately.<sup>46</sup>

### ***PURSUIT OPERATIONS***

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Policies should clearly state the roles and responsibilities expected of personnel involved in vehicular pursuits. Policy should detail the exact information that must be communicated by the primary unit once the decision has been made to initiate a pursuit. This information should be: “the identity of the primary pursuit unit; the initial reason for the (attempted stop; the location, direction, and speed of the pursuit; the weather and road conditions; the traffic conditions on the roadway; a description of the pursued vehicle, including license plate number if known; a description of the suspect’s driving behavior; the number, description, and identity of the vehicle’s occupants; and any information concerning the known presence or use of firearms, overt threat of force, or other unusual hazard.”<sup>47</sup> They should include the legal requirements placed on the respective actors, as well as the department’s expectations.<sup>48</sup> They should also provide highly specific details regarding the number of units allowed or required to participate in pursuits, the tactics to be used, and the procedure by which the pursuit will be discontinued.<sup>49</sup> During the pursuit, officers must regularly inform dispatchers of their progress.<sup>50</sup> Dispatchers are responsible for relaying relevant information between pursuing officers, secondary units, and supervisors. In addition, communications personnel may also be provided with the authority to request aerial support.<sup>51</sup>

### ***SUPERVISOR RESPONSIBILITIES***

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Supervisors overseeing a pursuit have three primary responsibilities. First, they are responsible for monitoring the pursuit and managing the actions of the pursuing officers. This involves the discretion to terminate the pursuit in appropriate situations.<sup>52</sup> Second, supervisors must ensure that all of the involved individuals are safe and that the appropriate resources are available to

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<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

ensure that the pursuit goes smoothly. Such resources include aerial pursuit, available units, and appropriate communication channels.<sup>53</sup> Third, supervisors should notify neighboring jurisdictions of the pursuit, particularly where the pursuit is nearing their borders and may pass into their respective areas.<sup>54</sup> They should also consider the officer's experience in pursuit driving when deciding whether to authorize continuing the pursuit. The supervisors should also be responsible for assessing the officer's emotional state throughout the pursuit and should direct the officer to discontinue the pursuit if the officer appears unable to control their emotions<sup>55</sup>.

### ***PURSUIT TACTICS***

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Upon initiating a pursuit, officers should engage their emergency equipment and relay all appropriate information to dispatchers concerning the pursuit and the suspects involved.<sup>56</sup> In conducting the pursuit, officers should be authorized to use forceful tactics only to the extent that they are objectively reasonable options for resolving the incident while still protecting the public and those involved in the pursuit.<sup>57</sup> An assessment of the reasonableness of any course of action should be made by the individual officers and/or a supervisor, and should be based on the totality of the circumstances as perceived by the officers at the time.<sup>58</sup>

Specific permissible tactics used to stop a vehicle should be clearly delineated and discussed with the parameters for each tactic detailed. Even when authorized, the appropriateness of any approved tactic depends on the officers' assessments of the above factors.<sup>59</sup> For example, the use of roadblocks, boxing-in, channelization, ramming, and any other tactics that involve using a law enforcement vehicle to forcibly stop a fleeing suspect vehicle should be prohibited.<sup>60</sup> Some interventions should not be used against motorcyclists, given the high probability of severe injury or death.<sup>61</sup> The appropriateness of any tactic depends on whether or not the use is safe, whether

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<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

the officers have received adequate training on how to perform the tactic, and whether the supervisor has given approval.<sup>62</sup>

### *REPORTING*

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Pursuit policies should establish clear guidelines for officers regarding the completion of reports and relevant documentation following the conclusion of a vehicle pursuit. The guidelines should establish which personnel must complete these reports, the type of information to be included, and a procedure for supervisory review of completed reports.<sup>63</sup> The policies should also establish a procedure for conducting thorough investigations of any pursuit ending in injury, death, or extensive property damage, as well as any pursuit in which the officers engaged in the use of force.<sup>64</sup>

### *UPDATED POLICY*

PPD undertook their own effort to assess their vehicular pursuit policy and presented their updated draft policy to the IPA for IPA's assessment. The updated draft from PPD embraced best practices in vehicular pursuits and our recommendations sought to clarify the narrow set of circumstances where vehicular pursuits may be appropriate. This was aligned with the best practices published by Police Executive Research Forum (PERF), a leading national police research and policy organization. Most notably, PPD's updated policy was drafted prior to PERF's report and demonstrated PPD's thoughtful and proactive thinking in managing inherent risks associated with vehicular pursuits. Specifically, we recommended that officers engage in vehicular pursuits only when they can articulate that one of the following circumstances applies: they believe that the violator has committed a felony or a violent misdemeanor, is armed, poses a significant and ongoing threat to public safety, or is an intoxicated driver who poses a risk of serious injury or death to persons other than themselves. PPD's policy was updated to permit vehicular pursuits only when it meets the following circumstances:

- 1) Reasonable suspicion that a person has committed a violent or serious felony or is committing a violent or serious felony or are believed to be armed or pose a significant and ongoing risk to public safety. With the exception of residential burglary, pursuits are not authorized for property crimes, non-violent misdemeanors or infractions.
- 2) Special considerations which include allowing officers to pursue persons exhibiting dangerous driving behavior reported or observed before the attempted vehicle stops with the approval from a supervisor.

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<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*



In adopting best practice, PPD’s policy sets forth all of the factors to be met before initiating a pursuit and provides clear circumstances in which a pursuit should be terminated. The policy clearly states the expected roles of the units pursuing a vehicle and the supervisor as well as their reporting requirements. The revision of this policy was a great example of PPD taking proactive steps to improve its practices to meet best practices in policing. The IPA applauds these efforts and was happy to be a partner in refining the policy.

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### *CURRENT STATUS OF POLICY RECOMMENDATIONS*

PPD published its updated policy on October 11, 2023.

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### PROFANITY

Uses of profanity by police officers can adversely impact how the public perceives the legitimacy and trustworthiness of the police. This holds true even when profanity is not accompanied by a use of force. This section examines current PPD policies on profanity and discusses recognized best practices.

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### *PREVIOUS POLICY*

PPD did not have a standalone policy that governed the use of profanity by officers. Instead, profanity was addressed as part of Policy 340, which governs general standards of conduct. The relevant language prohibited the use of profane language while on-duty or in uniform, “except under limited circumstances wherein the profane language is used as a deliberate verbal tactic with the specific intent to gain compliance or avoid a physical confrontation with an individual who is non-compliant, hostile or aggressive.” The policy did not explain what circumstances might warrant the use of profanity as a verbal tactic.

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### *BEST PRACTICES*

A growing body of literature shows that officers’ use of profanity damages the public’s trust in police, leads to negative public evaluations of performance, and tends to escalate, rather than de-escalate, encounters with members of the public.<sup>65</sup> Further, people are more likely to rate an

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<sup>65</sup> Christina Patton, “Police Profanity: How ‘Tactical Language’ Can Lead to Excessive Force Complaints.” APA Div. 18: Psychologists in Public Service. <https://www.apadivisions.org/division-18/publications/newsletters/public-service/2018/01/police-profanity>

officer's use of force as "excessive" when the officer uses profanity because of a perception that the officer was being harsh, disrespectful, and "out of control."<sup>66</sup>

These findings have led to an emerging consensus that profane language should not be used as a verbal tactic, and that police departments should clearly prohibit the use of profane language.

Because this represents a shift in what some officers may have learned in their initial training, new policies should be accompanied by training that emphasizes the correlation between profane language and negative public perception, potential excessive force allegations, and diminished trust in law enforcement.

Finally, supervisors should monitor and evaluate officer interactions with a focus on improving communication strategies. Supervisors should recognize that, because policing involves high-stress situations, these circumstances should be considered when determining the remediation of violations of the profanity policy.

#### *UPDATED DRAFT POLICY PREVIEW*

The IPA provided PPD with its initial assessment of the Department's current policy as well as recommendations on how to modify the policy to meet best practices. The recommendations were formulated to emphasize de-escalation and more clearly prohibit the use of profane or abusive language.

For example, the recommendations emphasize the potential of offensive, derogatory, abusive or profane language to escalate situations and harm the community's trust in the police. With these goals in mind, the recommendations would prohibit such language when directed at, or in the presence of, the public. The recommendations also include that training be provided to all officers regarding appropriate communication techniques and de-escalation strategies.

Under the recommended policy, supervisors who observe an officer using profane or abusive language shall treat it as a minor disciplinary infraction. In the absence of any indication that the offending language is indicative of protected-class animus or bias, or is indicative of incorrigible repeat offenses, or is otherwise egregious under the circumstances, the penalty for a sustained complaint of offensive, derogatory, or abusive language shall be a verbal reprimand with coaching, mentoring, and training designed to correct the issue.

#### *CURRENT STATUS OF POLICY RECOMMENDATIONS*

PPD accepted all of IPA's recommendations and the updated policy was published on October 11, 2023.

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<sup>66</sup> Christina L. Patton and Michael J. Asken. "Police profanity and public perception of use of force." <https://www.police1.com/patrol-issues/articles/police-profanity-and-public-perception-of-use-of-force-15GkdX7ToC5flUch/>

## INTERNAL INVESTIGATIONS AND DISCIPLINARY PROCEDURES

Effective internal accountability processes, including investigations into alleged misconduct and related disciplinary procedures, are ultimately rooted in policies that clearly lay out when and how they apply. Further, they describe the kinds of activities that could trigger disciplinary actions and describe what those disciplinary actions include. In short, effective systems give notice to both complainants and accused officers about how and when misconduct investigations are commenced, conducted, and resolved, so that each side can effectively navigate the process.

This section examines current PPD policies on internal investigations and disciplinary procedures and discusses recognized best practices.

### *PREVIOUS POLICY*

PPD Policy #1020 governs the handling of personnel complaints. These complaints can arise from the public, other department members who become aware of alleged misconduct, supervisors, anonymous third parties, and lawsuits.

When a complaint is made against a PPD member, the officer's immediate supervisor is normally responsible for the investigation of the personnel complaint. Some complaints will be referred to the PPD's Professional Standards Unit based on the seriousness and complexity of the investigation. All investigations adhere to the requirements of the Public Safety Officers Procedural Bill of Rights (POBR).

Supervisors have several responsibilities during an investigation. Upon receiving a formal complaint, the supervisor must ensure that a complaint form is completed and directed to the accused member's Watch Commander via the chain of command. Supervisors must respond to all complaints in a timely and professional manner and resolve complaints expeditiously. To these ends, the supervisor must inform the complainant of the investigator's name and the complaint number within three days of the assignment of the investigation to the supervisor.

If a complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor must promptly contact the Petaluma Department of Human Resources and the PPD Watch Commander for direction regarding their roles in responding to the allegations.

Supervisors are required to follow several procedures when investigating a complaint. Among these requirements, supervisors must make reasonable efforts to obtain names, addresses and telephone numbers of witnesses. They must also ensure that the procedural rights of the accused member are followed (Government Code § 3303) and that interviews of the complainant are generally conducted during reasonable hours.

There are four potential findings for a complaint, as stated previously in this report: 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 or to deem the allegations unfounded.

When a formal investigation is completed, an investigation report is provided to the Chief of Police through the chain of command. The Chief of Police makes a recommendation to the City Manager regarding the serious disciplinary actions.

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## BEST PRACTICES

A comprehensive disciplinary policy should describe the disciplinary consequences that an officer may face when an adverse disposition is filed against them. This is an issue that can be addressed with the implementation of a disciplinary matrix. Some departments have found a disciplinary matrix to be beneficial in that it can offer complete guidelines describing potential disciplinary infractions and the specific disciplinary actions that may be taken against offending officers. For example, the San Francisco Police Department has a complete disciplinary matrix on its website that details the kinds of actions that may result from adverse disciplinary findings. Such guidelines substantially enhance the transparency of the process for both complainants and officers subject to potential discipline.

The policy should also provide set requirements for notice, and a clear timeline for doing so, so the policy does not leave the investigators with substantial discretion on whether and how to keep complainants informed of developments in the investigations into their complaints, including, potentially, the complaint's ultimate disposition.

The policy should distinguish and provide guidance on complaints that may be appropriate to be immediately resolved. Lastly, notwithstanding the appropriate abbreviated process of such an investigation, all investigative reports should include specific details and information rather than a summary of the event and should specify sources that are relied upon to determine findings of fact and final conclusions.

Moreover, it is often the case that additional potential misconduct is uncovered during the investigation of a complaint. This often happens when investigations reveal additional compliance failures that were unknown to the complainant, including those relative to body-worn camera activation and termination and the filing of required paperwork. In such cases, additional misconduct needs to be investigated. In certain cases, this may lead to additional charges being brought against the officer with appropriate notification procedures being followed. Policies should therefore include the requirement to investigate other potential misconduct as it is discovered through the course of an ongoing misconduct investigation. Moreover, the policies should clearly indicate when interviews of officers and other witnesses are required. Finally, the policies should clearly indicate the how an investigative file should be organized as aspects of the investigation that must be documented and recorded, such as all interviews, all evidence reviewed,

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## *IPA RECOMMENDATIONS*

The IPA provided PPD with its initial assessment of PPD’s current policy as well as recommendations on how to modify the policy to meet best practices. The guiding principles behind the recommendations made to this policy were to provide more detailed guidance on how the investigations should be conducted and a clear workflow for different categories of complaints.

The recommendations provide new, clearer definitions of the different inquiry and complaint types. Instead of categorizing complaints as “formal” and “informal,” the recommendations instead classify complaints as external complaints, internal complaints, and “inquiries,” which refers to questions about conduct or performance that, if true, would not violate department policy or any relevant laws.

Additional recommendations centered on providing more specificity for the types of complaints that may, and may not, fall under the category of “immediately resolvable complaints.” For example, this category may include external complaints arising from miscommunication or minor misconduct that can be clarified or addressed through a conversation between the complainant and the officer involved, and internal complaints related to unprofessional behavior or minor procedural errors that can be immediately rectified through mentoring, counseling or additional training.

By contrast, this category of complaint may not include complaints alleging racial profiling, excessive uses of force, unconstitutional policing, harassment or discrimination, retaliation, or potentially criminal conduct. Complaints such as these, which are not immediately resolvable, must be forwarded to the Commanding Officer of the Professional Standards Bureau, who is required to assign the investigation within 48 hours of receiving the complaint.

The recommendations also include new guidelines for the investigation of complaints. For example, investigators must make reasonable efforts to obtain names, addresses, and telephone numbers of witnesses. They must also interview all available civilian and police witnesses using open-ended and non-leading questions with appropriate follow-up questions being asked. These interviews shall be recorded either through a body worn camera or other approved means, shall be conducted separately whenever practicable, and shall be conducted during reasonable hours with deference to the schedule of any complainant and witnesses.

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#### *CURRENT STATUS OF POLICY RECOMMENDATIONS*

PPD accepted all of IPA’s recommendations and the updated policy was published on October 10, 2023.

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#### **BIAS-BASED POLICING**

Policies that seek to promote fair and impartial policing have increasingly been implemented as part of a concerted effort among many police departments and community members to eliminate the influence of both unconscious and overt bias among officers. These have included

everything from non-discrimination policies to data collection requirements that permit departments to track and monitor racial demographic trends in enforcement activities.

This section examines current PPD policies on biased policing, discusses recognized best practices, and offers recommendations for how PPD's current policy can be strengthened to further align them with those best practices.

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### *CURRENT POLICY*

PPD Policy #402 ("Bias-Based Policing") is intended support PPD's goal of ensuring that the Department provides its services equally, without discrimination towards any group or individual. The policy operates to provide guidance to department members to ensure that they do not engage in profiling and/or discrimination on the basis of race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similarly identifiable group. However, the policy notes that officers are allowed to rely on protected characteristics (such as those identified above) when such characteristics are relevant in credibly connecting an individual to an unlawful incident or specific criminal pattern.

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### *DUTIES OF OFFICERS*

Officers are required to act in a fair and objective manner at all times, and have various duties connected to this obligation. When detaining an individual, an officer must be able to provide an explanation of the reasonable suspicion justifying the detention which is independent of any protected characteristics of the individual. In completing any written documentation of the event, officers must provide those facts giving rise to the reasonable suspicion. Furthermore, when conducting stops, officers are required to collect data pursuant to 11 CCR 999.226. Such data includes the perceived race and gender of the stopped individual, whether the person appears to be LGBT, and more. The officer must prepare a stop data report containing all of the required information. However, under the California Religious Freedom Act, Department members are not allowed to collect information from a person regarding their religious practices and beliefs, national origins, or ethnicities, unless otherwise authorized by state or federal law, nor are they allowed to assist the federal government authorities in collecting such data.

Officers are required to monitor each other to ensure compliance with the policy. Officers have a duty to intervene to prevent discriminatory actions undertaken by other officers and must report any suspected or known violations. No retaliatory actions may be taken against officers who report such violations.

Finally, officers are required to attend POST-approved bias-based policing training at least once every five years.

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### *DUTIES OF SUPERVISORS*

The Professional Standards Division is required to collect all data required by the United States Department of Justice regarding any complaints alleging racial bias filed against officers. Supervisors must monitor those under their command to ensure that they are not engaging in



behavior in violation of the policy requirements. If any violations are discovered, the supervisor must speak with the individual and their supervisor and initiate any necessary investigations. Finally, the Professional Standards Division is required to conduct training on fair and objective policing tactics. Such training includes attendance at POST-approved bias-based policing training.

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## BEST PRACTICES

Officers encounter a wide variety of situations and persons in the course of conducting their day-to-day encounters. As such, officers are granted a large amount of discretion in determining the best courses of action depending on their evaluations of the situation and the apparent necessity for action.<sup>67</sup> However, with this discretion comes the opportunity for officers' implicit and explicit biases to impact their behavior. These biases can lead to discriminatory or disparate treatment of certain individuals or groups of individuals, which can have extreme adverse effects on communities and the citizens living within them.<sup>68</sup> It is important for police departments to create policies that address these biases and create procedures and practices for eliminating them.

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### GENERAL PRINCIPLES

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Policies addressing bias-based policing should explicitly prohibit any and all forms of profiling on the basis of race or other forms of a person's identity.<sup>69</sup> The policy should elaborate on this principle by further stating that all department personnel are prohibited from taking any action based on the person's race, sex, gender, national origin, ethnicity, sexual orientation, religion, age, or other personal characteristic.<sup>70</sup> The only exception to this rule is when reliable information regarding an individual's personal characteristics ties a specific individual to a specific unlawful incident (e.g., the physical description of a suspect in a robbery is then used to identify and locate the suspect).<sup>71</sup> Beyond explicitly forbidding racial and identity profiling, police department policies should also demonstrate an overall commitment to fair and equitable policing. The department should create policies that provide officers with guidance on how to

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<sup>67</sup> Douglas A. Smith, Christy A. Visher & Laura A. Davidson, 75 EQUITY AND DISCRETIONARY JUSTICE: THE INFLUENCE OF RACE ON POLICE ARREST DECISIONS JOURNAL OF CRIMINAL LAW & CRIMINOLOGY 234–249 (1984).

<sup>68</sup> *Id.*

<sup>69</sup> *Preventing and Countering Racial Profiling of People of African Descent: Good Practices and Challenges*. United Nations. (2019), <https://www.un.org/sites/un2.un.org/files/2019/12/preventracialprofiling-en.pdf>

<sup>70</sup> *Id.*

<sup>71</sup> Racial and Identity Profiling Advisory Board. *2020 Report – Best Practices*. Office of the Attorney General: California Department of Justice. (2020), <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-best-practices-2020.pdf>

shape their behavior in order to adequately and equally meet the needs of all community members.<sup>72</sup>

#### *INTERACTIONS WITH THE PUBLIC*

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In all interactions with the public, officers should treat citizens with respect and dignity.<sup>73</sup> This encompasses the duty of officers to not act with bias or in discriminatory ways. In so doing, officers are expected to be respectful and courteous in their interactions with other persons. Officers must not use any insulting, inflammatory, harassing, or derogatory language.<sup>74</sup> This serves to alienate the officer from the person with whom they are interacting and is a clear indication of prohibited bias.

When the interaction is in the context of a stop, detention, or investigation, officers should be reasonably forthcoming with relevant information, including their identifying information and the reason for conducting the stop.<sup>75</sup> In addition, officers should take care to ensure that they are not overstepping the bounds of their authority when conducting a stop. A detention or stop should continue only as long as necessary to take all of the appropriate actions in connection with the stop. A stop or detention may not be extended unless the officer has a reasonable justification for doing so.<sup>76</sup> These principles, if strictly followed, are beneficial in reducing instances of bias and profiling.

#### *TRAINING*

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Police departments should incorporate anti-bias training into their training regimes in order to reduce instances of discriminatory policing and racial profiling.<sup>77</sup> Training should be extensive, providing employees with concrete knowledge regarding the nature of implicit bias, the ability to recognize it in themselves and others, the laws governing their conduct and the conduct of their fellow officers, and techniques for successfully curtailing their prejudices and biases in their interactions with the public and other officers.<sup>78</sup>

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<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Preventing and Countering Racial Profiling of People of African Descent: Good Practices and Challenges*, *supra* note 67

<sup>78</sup> *Id.*

## DATA COLLECTION

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One of the most important factors in eliminating biased policing is the ability to identify it when it occurs. To that end, it is crucial that police departments incorporate a robust data collection policy that is capable of identifying instances and patterns of discriminatory policing within the institution.<sup>79</sup> Such data systems should catalogue demographic data for all stopped, detained, and arrested individuals, in addition to the routine information typically collected by officers. This demographic data should include the perceived race, gender, age, disability, English fluency, and LGBT status.<sup>80</sup> In addition, the system should contain current and accurate data on all complaints alleging racial or identity profiling.<sup>81</sup>

In addition to collecting the data, police departments should create policies for the systematic review and analysis of the data in order to properly identify these trends, should they exist.<sup>82</sup> These analyses should involve the collaboration of outside entities, such as academics and scholars, civilian review boards, and other professionals.<sup>83</sup> The findings and recommendations stemming from the review of the data should then form the basis for meaningful change and reform, as well as additional training opportunities in order to properly address any discovered disparities.<sup>84</sup>

### CURRENT STATUS OF POLICY RECOMMENDATIONS

This policy was reviewed in connection with assistance provided to PPD and the City in formulating a response to a collection of civil rights organizations in Sonoma County. However, it was not a formal review and assessment of this policy. A more fulsome discussion with PPD regarding this policy will occur in 2024 with recommendations for any changes to comport with best practices and will be reported in the next annual report. It is worth noting that PPD was an early adopter of collecting RIPA data and were reporting on this data before it was legislatively mandated. PPD and the City is looking forward to discussing this very important policy in 2024. The IPA will be analyzing 2023 RIPA data in the upcoming year.

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<sup>79</sup> *Id.*

<sup>80</sup> Racial and Identity Profiling Advisory Board, *supra* note 69.

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*; *Preventing and Countering Racial Profiling of People of African Descent: Good Practices and Challenges*, *supra* note 67

<sup>83</sup> Racial and Identity Profiling Advisory Board, *supra* note 69.

<sup>84</sup> *Id.*

## TRAINING

The IPA did not begin its systematic review of training in its first eight months of operations. The IPA did, however, review a training bulletin prepared by the City Attorney's Office regarding detention of juveniles. The bulletin was engendered by a use of force review which implicated the policy.

The details are below.

### TRAINING BULLETIN

PPD developed a training bulletin to clarify an issue the IPA identified in its ongoing review of use of force incidents. The issue identified by the IPA centered around what PPD could and could not do in detaining juveniles. Based on weekly discussions with PPD regarding a number of incidents involving juveniles, PPD took it up on itself, with the assistance from the City Attorney's Office, to develop a training bulletin to provide clarification and refresher instruction to the Department regarding some of the more nuanced and complex areas of the law, specifically whether or not officers can lawfully detain minors who have been reported missing from a residence but have not otherwise committed a crime.

The training bulletin in its entirety was shared with the IPA and the IPA was impressed with the speed and the quality of the legal analysis that provided clear guidance to the officers. The training was also developed and completed within two weeks of the discussions with the IPA.

The IPA will begin a systematic review of both curricula and actual training during 2024.

## ASSISTANCE IN DEVELOPING PSAG

The IPA will serve as a subject matter expert for the development and implementation of the PSAG. The PSAG was created to act as a community resource for the City of Petaluma for forming new strategies, developing community policing concepts, increasing public awareness of safety issues, and addressing police-community relations. The IPA, along with the City Manager's Office and the Office of the Chief of Police, will work collaboratively with the PSAG to ensure its work progresses productively. The PSAG is intended to provide a forum for discussions concerning community concerns and the goal is to have a broad spectrum of viewpoints represented.

It is envisioned that the rotating membership of the PSAG will represent a range of interests and experience. Members are from diverse backgrounds, including business, education, non-profits, public relations, faith community, youth and more.

This work is ongoing, and the IPA will report more on these efforts in the next annual report.

## CONCLUSION

The decision by Petaluma to proactively and prophylactically engage an Independent Police Auditor is commendable. During our first nine months of operation in calendar year 2023, the IPA has established an excellent working relationship with the City and the Petaluma Police

Department. This collaborative relationship has already yielded significant progress in identifying and remediating potential issues that will allow the PPD to best continue effective, legitimate, and fair policing in Petaluma. To this end the IPA developed and delivered specific recommendations for improving the Department's policies and practices, all of which were accepted by the City. The IPA is working with the City and PPD to ensure the timely implementation of all recommendations. The experience over the past nine months clearly shows that a process of continuous improvement which addresses issues in policing the City of Petaluma in near-real time as those issues are observed through our review process, will serve the City extremely well. We will continue to report annually on our collaborative efforts with the City and PPD and the improvements achieved each year.