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DATE:	March 18, 2024
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TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Aarón Zavala, Senior Management Analyst  
Brian Miller, Deputy Police Chief  
Nick McGowan, Lieutenant  
Peggy Flynn, City Manager  
Eric Danly, City Attorney

SUBJECT: Receive and review the 2023 Independent Police Auditor's (IPA) Annual Report, covering the period from April 19, 2023, to December 31, 2023 and the 2024 Independent Police Auditor's Work Plan.

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### **RECOMMENDATION**

Receive and review the 2023 Independent Police Auditor's (IPA) Annual Report, covering the period from April 19, 2023, to December 31, 2023 and the 2024 Independent Police Auditor's Work Plan.

### **BACKGROUND**

Following the nationwide focus on community race relations and public safety, the City of Petaluma established a 28-community member Ad Hoc Community Advisory Committee (AHCAC), comprised of representatives from various groups, including many representing our black, indigenous, and people of color (BIPOC) communities, to discuss race relations and identify opportunities for meaningful change in our City. The AHCAC provided 31 recommendations, including the implementation of a Hybrid Police Oversight Model and Citywide Diversity, Equity, and Inclusion Efforts.

In [May 2022](#), the City Council identified the establishment of a hybrid model for civilian police oversight as one of its top 10 goals and priorities. The hybrid model consisted of the Officer of the Independent Police Auditor, Public Safety Advisory Group (PSAG), and the Commission on Accreditation for Law Enforcement Agencies (CALEA) Accreditation. Together, these components aim to strengthen community trust and improve police oversight by engaging an Independent Police Auditor, fostering collaboration with community members, and seeking professional accreditation.

In an effort to meet the objectives established by the hybrid model for civilian oversight and adhere to best practices, the Department restructured the organization to create the Professional Standards Division (PSD) that is responsible for the oversight and compliance of the entire department. In our efforts for transparency and accountability, the PSD is responsible for recruitment, retention, training, and oversight, which includes, but is not limited to employee training, Internal Affairs Investigations, liaison to Human Resources, compliance management, employee conduct, coordination with the Independent Police Auditor, CALEA accreditation (pending), and the issuance and auditing of departmental equipment.

Based upon a comprehensive evaluation of all the proposals received, the interviews conducted, and the alignment with the requirements outlined in the RFP, IntegrAssure, Inc. emerged as the most qualified and best fit to serve as the City of Petaluma's first Independent Police Auditor. The selection process was rigorous and included feedback from a variety of stakeholders, such as community leaders and existing clients, to ensure that the City picked the most suitable candidate for the job.

IntegrAssure, Inc. is a consulting firm with more than 40 years of expertise in law, investigations, and law enforcement and deep subject matter expertise in law enforcement oversight, having performed similar oversight services for various cities, designing police auditing mechanisms, and conducting independent reviews of police departments, including policy review, training, de-escalation strategies, use of force practices and critical incident and officer-involved shooting investigations and after-action review. The team brings a diverse and robust skill set to the IPA role, specializing in law enforcement reform, legal expertise, and community-oriented policing, underlining their commitment to accountability, transparency, and continuous improvement in police practices. Comprehensive biographies for the IPA team members are included on pages 3-6 in the attached 2023 Annual Report.

On [April 17, 2023](#), staff recommended a resolution approving a professional services agreement with IntegrAssure, Inc. to serve as the City of Petaluma's Independent Police Auditor, which was approved by Council. Over the next 30 days, IntegrAssure spent significant time establishing collaborative relationships and familiarity with stakeholders, including the City Manager's Office, the City Attorney's Office, and PPD. 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 also met with the leadership of the Peace Officers Association of Petaluma (POAP), which serves as the labor union for PPD officers. 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. IntegrAssure spent significant time to establish collaborative relationships and familiarity with stakeholders, including the City Manager's Office, the City Attorney's Office, and PPD. 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 also met with the leadership of the Peace Officers Association of Petaluma (POAP), which serves as the labor union for PPD officers. 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.

## **DISCUSSION**

The attached 2023 Annual Report completed by the Independent Police Auditor offers a detailed overview of the IPA's inaugural year of operation. It encapsulates the foundational philosophy guiding the IPA, introduces the IPA team, and outlines the various roles and responsibilities of the IPA. The report emphasizes the IPA's commitment to transparency, accountability, and continuous improvement in policing practices within the City of Petaluma. Furthermore, the report discusses the IPA's methodologies used in reviewing and assessing our police operations, including critical incidents, uses of force, vehicular pursuits, audits of complaints, discipline, and police policies and training, to offer insights into the findings and recommendations aimed at improving policing standards and practices in Petaluma.

The goal of the IPA's oversight has been to ensure that policies, training, operational integrity, and accountability all reflect best policing practices. The IPA's approach to oversight has been collaborative with the Department and the City to ensure that best practices are employed in every aspect of policing and our service to the community.

Historically, the City of Petaluma has demonstrated the philosophy of collaborative multidisciplinary oversight through the constructive partnership of the Department, the City Attorney's Office, the Peace Officers' Association of Petaluma (POAP), City Manager's Office, and the City Council. In order to assist with achieving the most efficient workflow with the IPA, the Department provided them with unfettered access to all of our systems and databases. This access has made it possible for the IPA to review use of force incidents, pursuits, audits of complaints and discipline, recommendations for policy and training enhancements, as well as to provide real-time feedback and discussions with the Department. This access and real-time discourse have allowed the IPA and staff to collectively identify potential risks and remediate them appropriately in a timely manner. The IPA has applauded the way in which the Department has collaborated, providing unfettered access to its systems and meaningful engagement in discussions relative to the improvement of the Department.

To facilitate open communication and further collaboration, weekly meetings with the IPA, were established with departmental leadership to review and discuss 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 the Department. During these meetings, the IPA team presented their preliminary assessments and recommendations to staff 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 review and assessment of incidents conducted by the IPA and the Department have a comprehensive 360-degree field of view. This means that each incident is examined not only as to whether it was lawful and within policy, but whether collateral aspects of the incident meet with operational best practice(s) while also highlighting areas of excellence and identifying opportunities for improvement. This approach aligns with both the Department's and the IPA's 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.

Specifically, these robust reviews examine the following:

- Compliance with the Body Worn Camera policy
- How the incident arose (self-initiated, dispatched, direct community member 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 Racial and Identity Profiling Act form when required
- Supervisory review of incident
- Any exceptional conduct by any involved officer

A review of every supervisor's investigation into each event and incident both in terms of completeness and conclusions is also completed. Following those reviews the IPA makes relevant findings, recommendations, and notes any exceptional conduct. Beyond the lawfulness and adherence to policy, the IPA and Department review and discuss best practices in an attempt to determine whether anything could have been done differently to have potentially achieved a better outcome. Especially, in cases involving the use of force, both the IPA and Department agree that the goal and ultimate outcome is to reduce or eliminate the necessity of using force as much as possible while still providing effective policing services.

The comprehensive examination of each incident by the supervisor, divisional lieutenant, and the Professional Standards Division (PSD) represents a significant change from the Department's traditional approach of singularly having the PSD responsible for review. Additionally, the previous focus of each review was narrow and specific to just the topic area that triggered the review, such as the application of force. In contrast, the current method adopts a thorough, start-to-finish analysis. This shift has greatly expanded the staff time invested across all department levels, enhancing the depth and meticulousness of the review process. Additionally, many of these incidents involve numerous hours of video footage from multiple officers, requiring detailed scrutiny by every reviewer. This robust analyses helps to ensure that supervisors and managers are maximizing opportunities for coaching, mentoring, supervising, and training staff.

The IPA developed and delivered specific recommendations for improving the Department's policies and practices, all of which were accepted by the Department. The Department proactively shared all recommendations and feedback with the POAP for further input prior to implementing or modifying policies or procedures to enhance transparency and trust and assist with successful implementation at all levels of the Department. Collectively, the Department and IPA reviewed and assessed the policies encompassing vehicle pursuits, handcuffing, officers' use of profanity, body-worn cameras, biased policing, and internal investigations and disciplinary procedures.

Ultimately, the shared goal of the Department and the IPA is a process of critical self-evaluation and continuous improvement to enhance the Police Department's culture and become fully integrated in both supervisory reviews and self-assessments by officers. Such integration holds the potential to foster a continuous learning environment where our officers reflect on their actions, particularly considering alternative approaches to incidents, thereby cultivating a mindset geared towards growth, development, 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. These reviews have resulted in numerous training bulletins being issued to departmental staff as well as ongoing coaching and mentoring of the officers to address the issues identified in the reviews.

As an example of how this integrated review process succeeded in 2023, the Department initiated a review and assessment of the vehicular pursuit policy and presented an updated draft policy to the IPA for their consideration. The updated draft embraced best practices in vehicular pursuits and our recommendations sought to clarify the circumstances where vehicular pursuits may be appropriate. The Department's updated policy was aligned with the best practices published by Police Executive Research Forum (PERF), a leading national police research and policy organization. Most notably, updated policy was drafted prior to PERF's report and demonstrated the Department's willingness to develop model policies based on best practices and as well as a complete understanding of the IPA's process.

To continue the productive momentum the Department and IPA worked to propose a work plan for 2024. The plan outlines the work goals and timeframes for specific areas of interest. The will also be working with the City Manager's Office and the Department to draft and develop a framework for the Public Safety Advisory Group for Council consideration this summer.

We look forward to the City Council's review and feedback on the IPA's 2023 Annual Report and the 2024 Work Plan.

### **PUBLIC OUTREACH**

This agenda item appeared on the City's tentative agenda document on March 11th, 2024 which was a publicly-noticed meeting.

### **COUNCIL GOAL ALIGNMENT**

The implementation of the Office of the Independent Police Auditor aligns with the Council's goal to implement a Hybrid Police Oversight Model and Citywide Diversity, Equity, and Inclusion Efforts.

The IPA also aligns with and achieves the City Council's goal of "A Safe Community that Thrives."

### **ENVIRONMENTAL REVIEW**

The proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378.

### **FINANCIAL IMPACTS**

There are no financial impacts associated with this item.

### **ATTACHMENTS**

1. 2023 Independent Police Auditor's Annual Report
2. 2024 Independent Police Auditor's Work Plan