

Responses to Council Questions and Comments

3/18/2024

Item #10: 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.

- Question: I scanned through the reports by IPA, and it looks like we are off to a good start. The IPA team listed lots of best practices and points of discussion with our PD and seems to say good things about current practices and operations. Within the topics of discussions, they do go over best practices, but I had a hard time discerning the particular points for improvement needed or were met satisfactory. I was hoping to see a list of areas or procedures where improvements might be needed. Overall, it seems like this might be a small list and our PD is already doing all the best practices. With only 2 incidents reported by staff for review, that seems rather low showing high quality work is being done. In report would have liked to see a review statement by our Interim Police Chief to get his point of view on the IPA - a report on how they are doing as viewed by the police staff. I hope we will have chance to discuss the volunteer citizen committee that will be helping with the reviews and auditing.

- Response: The work with the IPA this past year has resulted in significant achievements, from selection and implementation of the IPA to the creation of innovative workflows, the enhancement of our tracking/reporting systems, the development of a comprehensive incident review process, and the elevation of our professional standards review at all levels.

Through our weekly meetings with the IPA and in the Annual Report, the recognition of our department's professionalism, high level of service quality, and openness to self-assessment stands out. It also reinforces our shared commitment to not just maintain, but to elevate our level of service, effectiveness, accountability, and transparency in every aspect of our work. This collaboration and the efforts detailed in the annual report highlight our unwavering dedication to upholding and enhancing the high standards of policing. It reflects our commitment to align with the community's expectations and values, ensuring that every initiative and adjustment we undertake is a step towards a safer, more transparent, and accountable service of policing. The IPA is an essential part of our organizational commitment to continuous improvement and professional development. This approach to policing is not just about adhering to the highest standards; it's about setting new ones. It's about recognizing that excellence in policing is a dynamic goal, one that requires constant evaluation, adaptation, and commitment.

As we look forward to the coming year, we are inspired by the progress we've made and motivated by the opportunities for improvement that lay ahead. Our partnership with our City Team, the IPA, our staff, and our community is paramount, ensuring that our policies and practices not only meet but exceed modeling recommended best practices and the expectations of those we serve.

Specific to the question about policies and procedures that were reviewed and the areas of recommendation within them were as follows:

Most notably we worked to dramatically expand the focus of incident-specific professional standards reviews to a robust 360 comprehensive review following their

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detailed process outlined in the annual report. The success of an incident was also elevated from the level of legal and policy compliance to what more could have been done to further improve the outcome or mitigate the degree of force used or the need for force altogether.

The PD had self-identified the need to modify and improve our personnel complaint, arrest and handcuffing, body-worn camera, and vehicle pursuit policies and the IPA collaborated during that process to support ensuring proposed revisions met best practices.

Some examples of these modifications included directions that expanded the uses and documentation of body-worn cameras while reducing the functionality to prevent late activations, stopping of recording, and the muting of audio.

For the arrest and handcuffing policy, it was recommended that during investigative detentions and citable offenses arrests that the handcuffing of subjects should be limited to situations where officers have a reasonable fear for their safety or are concerned about the risk of flight. This was consistent with our policies and procedures but identified that additional training would assist officers in assessing reasonableness in situations where the legal authority still supported handcuffing.

To further improve the overall professionalism and effectiveness of officers the IPA made recommendations that the conduct policy include language prohibiting officers from using profanity during interactions with members of the public.

The department initiated a substantial policy update on the vehicle pursuit policy to align with being permitted only in circumstances which serious and violent offenses identified in state law are suspected or in incidents in which suspects are armed or believed to be armed ensuring greater safety for the community and safety of staff. These changes were later reinforced as being best practices and were highlighted in a nationally recognized report published by the Police Executive Research Foundation (PERF). Even still all pursuits are continuously evaluated for numerous factors such as speeds, severity, conditions, etc. where officers and supervisors determine whether a pursuit should be initiated, continued, or canceled.

For personnel complaints, the IPA assisted us in implementing an improved process stemming from a CPSM report recommendation regarding informal and formal complaint procedures. Following their recommendations a process has been created in which all complaints are documented, a policy finding is determined and matters requiring a more intensive investigation are referred to our Professional Standards Division for an internal affairs investigation. Since starting in April of 2023, a total of 24 employee conduct complaints (EMCOT) were documented. EMCOTs consist of reports from both the community and the department. These cases involved allegations of minor policy violations such as professionalism, rudeness, tardiness, vehicle damage, unsafe driving, and parking violations. The IPA has had immediate access to the reporting of these cases and assists in confirming that the department assesses and

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appropriately elevates more serious cases to internal affairs investigations. The IPA agreed with all of the department's assessments and only 2 incidents were elevated into internal affairs investigations. As the report details those incidents involved the reporting of mishandling of an off-duty police canine where it was alleged the dog bit a community member and the second involved a report from an arrestee who alleged money was missing from the property collected and inventoried during their arrest. The IPA reviewed the completed investigations and agreed with the findings which were determined to be not sustained and exonerated. They did provide recommendations related to improving inefficiencies in the investigative processes to expedite the timeliness of the investigation completion, ensuring all relevant witnesses are interviewed in these types of investigations, and expanding policy guidance and training for canine handlers and the control of their police canines when off-duty and housed at their homes to ensure they are properly secured and controlled.

Occasionally, minor collateral issues not necessarily related to the nature of the review were identified and discussed during weekly meetings. The Department used these discussions and reviews to proactively identify areas where additional training appeared appropriate leading to training bulletins, electronic policy quizzes on the topics, supervisory briefing training discussions, and policy reviews being completed. The collateral issues include:

- Officer body-worn camera video not starting in buffering mode for 30s pre-incident recording, the use or overuse of muting, and starting and stopping of recordings as officers transition to different parts of their investigations rather than continuous recording for the duration of the event.
- Better communication by officers throughout investigations (ie commands, advisements, information sharing)
- Timelier notifications to supervisors
- Increased supervisory involvement while monitoring and supervising vehicle pursuits
- Increased review process of pursuit tactics including the use of pursuit intervention equipment such as tire spike strips and GPS speed data for verification of conditions.
- Handcuffing considerations based on the severity of threat versus crime.
- Waiting for backup additional backup, especially in remote areas, areas with large crowds, or encampments
- Additional witness interviews of non-involved patrons downtown after use of force incidents.

We also spent considerable time evaluating our strategic communications, de-escalation tactics, and the consideration to use of the SAFE Team.

- Question: Did the Auditor take the Safe Team into consideration when the PPD needs to respond to a 911 call? Also, when the PPD is interacting with juvenile situations, was the position of a School resource Officers ever considered? There have been so many positives in

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the PPD, outreach (District Meetings), Grants awarded and successful DUI check points etc.

Why aren't the positives mentioned by auditor?

- Response: To clarify the role of the IPA as outlined in their scope of services is to review, assess, and evaluate our Professional Standards processes which include background investigations, personnel complaints, incidents involving the display or use of force, any critical incidents, and vehicle pursuits. Additionally, the IPA is tasked with reviewing departmental policies, procedures, and training. These incidents often encompass and require in-depth analysis of a number of policies and procedures which led to the creation of a robust comprehensive 360 review process for every incident.

Yes, in every incident reviewed the IPA assesses pre-incident planning and de-escalation tactics used by officers. The utilization of the SAFE Team is evaluated and considered in those assessments. Additionally, the IPA met with the SAFE Team and reviewed their response and dispatching to incidents. Organizationally, staff meet with the SAFE Team manager weekly to review calls and policies. SAFE Team members themselves also routinely join officers at our patrol briefings.

The evaluation of programs such as School Resource Officers were not specifically reviewed or assessed, but incidents involving juvenile community members as they occurred following our comprehensive review process and the identified categories of analysis.

The IPA has been complimentary of the efforts and accomplishments of the Department and consistently acknowledge that notable events such as those references are many of the reasons why they sought to work with the City of Petaluma. While those events were not areas of their reviews or focus they do recognize that they play an important part in developing community trust, gathering input, implementing safety programs, and improving overall community safety. The Police Department works to share announcements and information about these types of events through our Nixle messages and Social Media pages and is in the process of creating an annual report of our work and accomplishments in 2023.

- Question: The ethnic breakdown in the report does not match the ethnic breakdown of our community. I realize this is a point in time report and not a trend, but it does imply that bias does exist. Is this misalignment a concern for the PPD? What, if anything, is PPD doing about this?

- Response: The Department is very interested in better understanding our data and the nature of our interactions. Organizationally, the Department was an early adopter of collecting and reporting data on traffic stops and officers contacts that result in a detention, citation, or arrest as legislated by the Racial and Identity Profiling Act (RIPA) of 2015 and started the collection and reporting of our data in 2021 almost two years before being required. All of our RIPA data is immediately sent to the California Department of Justice and is publicly available on their website. We have worked and continue to work with the IPA to ensure that our biased based policing and constitutional policing policies model best practices. As proposed in the IPA 2024 Work

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Plan, it is intended to review and assess our RIPA data to examine the disparities in the data. While disparities, in and of themselves, do not indicate bias they are important to review and evaluate so we can address and inform actions addressing disparities as we strive to promote and maintain fair and equitable policing practices. We look forward to working with the IPA and sharing the results of their analysis.

- Question: The report only provided ethnic breakdown for one category (show and use of force). Does the department track this for other categories (pursuits, etc.)? If so, can it be reported?
 - Response: We will work to address this in the work this coming year with the IPA. As mentioned above we collect all RIPA stop data for interactions and contacts that result in a detention, citation, or arrest. These all would include incidents that involve a use or show of force or vehicle pursuit.

- Question: In general, this report was very thorough in describing its process. I was hoping for more detail on the recommendations and findings. Can the recommendations and findings be shared?
 - Response: See the above response that addresses this and also details additional areas identified.

- Question: Are dispatchers' part of this program?
 - Response: Yes, unlike many other oversight models our scope of services is not specific to just officers and includes all PPD employees. We are evaluating technology products for community surveying on our interactions and look forward to assessing those products with the IPA.

- Question: What training do dispatchers have and is this yearly training?
 - Response: Dispatchers, like officers are required to complete [Public Safety Dispatch Basic Training Academy Course](#). This Dispatch Course is 120 hours in length. All dispatchers upon employment with a department must complete on the job training where they are assigned for multiple months to a Communication Training Officer, who provided one on one training with the employee until they are able to competently perform the job duties of a dispatcher. Dispatchers also are required to complete 24 hours of Certified Continued Professional Training (CPT) every 2 years and these trainings and compliance are monitored by the CA Commission on Peace Officer Standards and Training (POST).

- Question: When and who determines the need to include the safe team?
 - Response: In partnership with the SAFE Team and our mobile crisis intervention program consultant we develop a policy to identify the calls for service that are

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appropriate for the SAFE Team response. The SAFE Team operates on our public safety radio channel and monitors all dispatched calls for service and can join and assist on any calls not assigned if they can assist or help. Most often we work collaboratively with the SAFE Team in a co-response model where we use a multi-disciplinary approach to assist community members in crisis. Staff meet weekly with the SAFE Team and service provides to assess current needs or identify and work through any challenges.