

From: [Jim Duffy](#)
To: [-- City Clerk](#)
Subject: 3/18/24 Agenda 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.
Date: Monday, March 18, 2024 11:42:21 AM

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Dear Mayor McDonnell and Member of the City Council:

Congratulations on and thank you for your leadership in bringing civilian oversight to your local police department!

Please note that civilian oversight is an iterative process and any criticisms and concerns I may express are meant to help you continually improve on your good start!

The weekly meetings between the IPA and PPD are a wonderful example of how oversight is supposed to work. In this aspect, Petaluma is following a model established by IOLERO (Sheriff's Office) and OIR Group with Santa Rosa (SRPD). This type of close relationship is most productive. Unfortunately, OIR Group with Rohnert Park (RPDPS) does not follow this model and RPDPS will be worse off for it.

On page 8 of the report the IPA states: "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." It would be instructive to know how often assessments and recommendations are weakened during this process, if at all.

Also on Page 8 of the report the IPA speaks of its participation in the FY23 Annual Military Equipment Use Report hearing under AB 481. PPD excludes all but sniper rifles from their assault rifle list. PPD, however, owns dozens of assault rifles that are not sniper rifles (LEAs call them 'patrol rifles'), as can be seen in their firearms policy (312), and the American Friends Service Committee has also obtained purchase records showing purchases of dozens of patrol rifles not on PPD's Military Equipment list. They do this by classifying such rifles as "standard issue" and using a loophole in AB481. It would be good to know how IPA feels about the use of this loophole?

The use of Body Worn Cameras (BWC) is discussed in several parts of the IPA's Annual Report. The wording in PPD's Policy Manual Section 449.5 ACTIVATION OF THE BODY-WORN CAMERA uses the word "should" when mandatory activation would use the word "shall", yet the IPAs Annual Report claims that there is a mandatory activation policy (page 10). IPA also alleges that there is legitimate debate on whether BWC activation should be mandatory in many circumstances or left to the discretion of the individual officer. However the footnote that IPA provides to suggest

a credible source for leaving activation decisions at the officer's discretion leads nowhere (Note 15 on page 25). I very much would like to know who this credible source is as my gut tells me it is the same kind of "credible" source who defended Derek Chauvin's actions.

Another area where there appears to me to be some discrepancy between the IPA's Annual Report and the PPD's published policies is in the area of Intervention Standards during Vehicle Pursuits. The IPA states on page 35 that "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." However PPD's Policy 314.7.2 INTERVENTION STANDARDS specifically allows: "...Blocking...The PIT (Pursuit Intervention Technique)...Ramming...and...Box a suspect vehicle..."

With regards to Vehicle Pursuits, I would like to know why "Extended pursuits for non-violent misdemeanors are discouraged" (p32) rather than forbidden and why "With the exception of residential burglary, pursuits are not authorized for property crimes, non-violent misdemeanors or infractions."(p.36) - why the exception for residential burglaries if Vehicle Pursuits are so dangerous to law enforcement and the public shouldn't we be minimizing to the greatest extent possible.

The Use of Force demographic information provided on page 14 are not of much use without some demographic numbers (eg., City Population Demographics, etc.) with which to compare them. In the future some kind of comparative numbers should be provided.

On page 15, the IPA states that it found no incidents "out of policy", but then goes on to list dozens of recommendations provided. This makes me wonder if policy language is too lax, especially in the instances where recommendations were listed as "several incidents where remedial training in certain aspects of constitutional policing". If the policing is unconstitutional, it should also not be within policy.

On page 21 it is stated that "All of the community member-initiated complaints were thoroughly investigated to completion and led to adjudications of either exonerated or not sustained" and "the IPA agreed with the outcomes". If it becomes a pattern over years where community member-initiated complaints are never sustained and the IPA agrees with all of those findings I would submit that those results do not pass the "smell" test.

On Page 4 of the Report, IPA states: "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.". I would note that President Obama's Task Force on 21st Century Policing stated that : "Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community..." and thus reducing uses of force is simply one step along the road to strengthening trust with the community.

I am happy to see that the IPA plans to focus on BWC and RIPA form compliance in

2024! I am requesting that some time in future years the IPA do audits to assure the public that there are no problems with White Supremacy in the ranks at PPD.

(<https://www.brennancenter.org/our-work/research-reports/hidden-plain-sight-racism-white-supremacy-and-far-right-militancy-law>) Personally, I trust that there is none, but I would very much appreciate independent verification and I believe others in the community would also appreciate independent verification.

I look forward to seeing the early drafts for the structure of the PSAG when they are presented to the council and the community at large (the most important stakeholder!). I would expect several iterations before a final structure is approved.

Thank you for considering my comments.

Respectfully,

Jim Duffy
Rohnert Park, CA
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