
2023-2024 Annual Report

Covering October 1, 2023 – September 30, 2024

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Office of the Independent Police Auditor for the City of San Leandro

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INTRODUCTION

On April 3, 2022, the San Leandro City Council enacted an ordinance creating the San Leandro Independent Police Auditor (the “IPA”), a contract position reporting directly to the City Manager. The IPA is responsible for reviewing and evaluating complaints against city police officers, examining local policing policy, and conducting assorted audits relating to the operations and activities of the San Leandro Police Department (“SLPD” or the “Department”).

In addition to the IPA, there was established a nine member San Leandro Community Police Review Board (“CPRB”), which is responsible for receiving community feedback and complaints about the SLPD, evaluating the more critical of the Department’s policies, and making recommendations to the City Manager about the hiring of officers and prospective Chiefs of Police.

The IPA and the CPRB work together to ensure that community feedback is received and considered, that allegations of officer misconduct are investigated and reviewed, and that SLPD policies and practices are developed and implemented to make policing more effective and accountable in the City of San Leandro.

After issuing a solicitation for candidates, the City Council selected Jeff Schlanger and the IntegrAssure team to serve as the City’s first Independent Police Auditor. IntegrAssure officially assumed its role as IPA in September 2022.

FOUNDATIONAL PHILOSOPHY OF THE INDEPENDENT POLICE AUDITOR

IntegrAssure embraces the notion that effective policing must be rooted in a philosophy of continuous improvement. IntegrAssure has Subject Matter Experts (“SMEs”) drawn from various law-enforcement related fields including executives and rank-and-file staff from numerous large and small police agencies from California and across the country. We also have lawyers and legal experts, public policy makers, and academia - all bringing their individual expertise to the City of San Leandro. The team 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 and other 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 to police officers, the vast majority of whom want only to do the right thing and crave the guidance to do it in accordance with best policing practices.

The City of San Leandro, through the creation of the CPRB and the IPA, is addressing these issues, and with the creation of the IPA, the City has provided a mechanism of police oversight that brings us back to the Peelian principles to build public trust to create a healthy ecosystem of public safety, fairness, transparency, accountability, and officer 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 and the domino effect of positive change can begin; starting with better collaboration with the Community and greater crime reduction which makes officers feel better about themselves. This creates an environment that enhances officer safety and makes policing for the City of San Leandro a more appealing career choice, easing the burden of recruitment and hiring. At the same time the San Leandro Police Department will become a more attractive place to work and the City an even better place to live.

The goal of our oversight is to ensure that policies, training, operational integrity, and accountability all reflect best policing practices. Our approach to the oversight process is to be collaborative while maintaining our independence and objectivity. In that quest, we have been and will continue to work closely with the SLPD and the City to ensure that best practices are employed in every aspect of policing.

LEADERSHIP CHANGE

On June 3, 2024, the City of San Leandro appointed Chief Angela Averiett, a local and well-respected veteran of law enforcement, as San Leandro's Chief of Police. This was a significant step towards much needed stability within the department given the lack of a permanent chief since September 2023 when the former chief was placed on leave.¹ Since September 2023, the SLPD was commanded first by Acting Chief Luis Torres, and then Interim Chief Kevin Hart to fill the gap until a permanent chief could be selected. Chief Averiett took the helm from Chief Hart serving as SLPD's Interim Chief from April 2024 until being selected as the permanent Chief in June. Chief Averiett brings over 30 years of law enforcement experience, most recently as the Chief for the Los Altos Police Department and spent the majority of her career in the Bay Area working in several police agencies specifically Alameda County Sheriff's Office, Hayward Police Department, and the Bay Area Rapid Transit (BART) Police Department.

THE ROLE OF THE IPA

The role of the IPA is laid out in both the enabling legislation and the City's contract with IntegrAssure.² The IPA's role includes:

¹Chief Pridgen was subsequently terminated by the City Manager in February of 2024.

² Effective April 1, 2023, the City Manager added the review of all uses of force, pursuits, and an analysis of RIPA data to the IPA the responsibilities.

- Review of all complaint investigations undertaken by the police department, including both internal and citizen complaints
- Direct Receipt of Complaints
- Review of Critical Incidents
- Review of all reported uses of force, including the supervisory and internal review of those uses of force
- Audits of Complaints and Discipline
- Audits of Policies and Training
- Analysis of data collected by SLPD under the California Racial and Identity Profiling Act (RIPA)
- Independent Investigations as needed
- Public Reporting of IPA activities

STAKEHOLDER ENGAGEMENT

Soon after being selected, the IPA team established collaborative relationships with stakeholders, including the City Manager’s Office, the City Attorney’s Office, SLPD, and CPRB.

The IPA encourages open communication and collaboration through regular meetings with SLPD leadership to discuss the IPA’s review of uses of force and pursuits, complaint investigations, significant events and any pending requests for data. During these meetings, the IPA team presents their preliminary findings and recommendations to SLPD and listens to any concerns expressed by the Department in response before finalizing the issuance of its incident review reports and recommendations.

In addition to the meetings with SLPD leadership, the IPA team also participates in monthly meetings with the City Manager’s office, City Attorney’s Office, City Clerk’s office, and SLPD to update all stakeholders on the work of the IPA and prepare for the upcoming CPRB meetings.

Lastly, the IPA attends all CPRB meetings and confers regularly with the Board.

REVIEW OF INCIDENTS

In reviewing SLPD incidents, the IPA utilizes its “operational integrity” assessment template for its reviews of uses of force and pursuit incidents to determine whether SLPD officers complied with the operational, or functional aspects of the SLPD’s policies. These assessments are conducted using a 360-degree review template (see Appendix A to this report) to determine if the actions of the officers on the street have “operational integrity” through their effective and appropriate implementation of SLPD’s policies and the training they have received.

The 360-degree incident reviews serve as the basis of the IPA’s philosophy relative to police performance improvement: identify and correct small mistakes before they become larger and, whenever possible, correct them through coaching, mentoring, and training. This methodology provides the best early warning system, as performance issues are identified and corrected as they arise rather than waiting for multiple events to occur. Its main purpose is to make all officers the best that they can be, and derivatively make the department all that it can be.

The IPA’s approach, using this method, is aimed at reviewing these incidents holistically, from all points of view including the constitutionality of the initial interaction between an officer and individual, conformance to all SLPD policies, professionalism, internal communication both before and during the incident, communication with the subject, tactics utilized, pre-event planning, and supervision. This full circle review can help determine if the theoretical framework outlined in SLPD’s policies and training are effectively translated into positive results in day-to-day police operations.

In this second year of operation, the IPA reviewed a total of 84 incidents, broken down to 7 complaint investigations; 49 use of force incidents, 13 of which involved a pursuit; 28 additional pursuits where no force was used. We made a total of 51 recommendations relative to those reviews. The findings of our reviews and any resultant recommendations are shared on an ongoing basis with SLPD leadership and are summarized below, under the heading “*IPA Activities During this Reporting Period*” beginning on page 11.

USE OF FORCE INCIDENTS

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 police uses of 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 protest 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. Its centrality to both public perception and police identity and authority requires police departments to take seriously how their officers use force.

As described in our prior annual report, the City Manager tasked the IPA with conducting reviews and assessments of all SLPD uses of force to ensure that SLPD officers are using their authority consistent 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 force was necessary or advisable, and whether less forceful means could have been used to achieve a similar—or better—result.

As described above, the IPA utilizes its 360 Review template when reviewing uses of force. In each review, the IPA reviews the supervisory review of the incident conducted by a first line supervisor of the involved officer as well as independently reviewing body worn camera footage of the incident and the police reports associated with the incident. The IPA review of the incident

determines whether the incident comports with policy, procedures, and state and federal law, as well as determining whether the supervisory investigation was conducted appropriately and reached the right conclusions, not only with respect to whether the use of force was justified and within policy, but whether the action of the involved officers comported with best practice in a number of different areas.

The justifiability of police use of force is a critical aspect of ensuring accountability and maintaining public trust. While the specific requirements may vary based on the 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 (including flight) 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 detain and the reasonableness of the degree of force used to overcome that resistance, or the reasonableness of the officer's belief in an imminent threat of physical harm. Specifically, in *Graham v. Connor*, the U.S. Supreme Court established a key legal standard for evaluating the use of force by law enforcement officers under the Fourth Amendment. The case originated when Dethorne Graham, a diabetic experiencing a medical emergency, was detained by Officer M.S. Connor under suspicion of theft. During the stop, Graham was subjected to physical restraint, resulting in injuries. Graham later filed a lawsuit alleging excessive force. The Court ruled that claims of excessive force must be analyzed under the Fourth Amendment's "objective reasonableness" standard, considering factors such as the severity of the crime, whether the suspect poses an immediate threat, and if they are actively resisting arrest. This decision underscored that the reasonableness of force must be judged from the perspective of a reasonable officer on the scene, without the benefit of hindsight, and taking into account the rapidly evolving nature of such encounters.
2. **Reasonable Belief and Objectivity:** The officer's use of force must be based on a reasonable belief that such force is necessary under the circumstances as they appeared at that moment. Any assessment of the use of force should be made objectively, taking into account the information available to the officer at the time, rather than relying on hindsight.
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.

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 this second year of operation, we reviewed 49 uses of force, 13 of which also involved a pursuit. These reviews are shared on an on-going basis with SLPD leadership and are summarized below.

PURSUIT

Pursuit analysis is a critical component of ensuring accountability and safety within modern policing. Pursuits, while sometimes necessary to apprehend suspects, pose significant risks to both law enforcement officers and the public. Pursuits can quickly escalate, leading to property damage, serious injury, or loss of life. By thoroughly analyzing each pursuit, police departments can evaluate whether proper protocols were followed, assess the decision-making process in real-time, and determine if alternative methods could have been employed to mitigate risk. Moreover, analyzing pursuits allows departments to assess the proportionality of the response relative to the severity of the crime, ensuring that the pursuit's justification aligns with department policies and best practices.

In-depth pursuit analysis also provides a platform for continuous improvement and training. Reviewing the circumstances leading up to a pursuit and its outcomes can help identify trends, such as which types of incidents most frequently result in pursuits or whether certain individuals or units are involved in a disproportionate number of these events. These insights are valuable for guiding future training initiatives, updating policies, and enhancing the department's overall approach to high-risk situations. In this way, regular pursuit analysis helps to ensure that police actions remain aligned with the goals of public safety and responsible law enforcement.

In this second year of operation, we reviewed 41 pursuits 13 of which also involved the use of force. These reviews are shared on an on-going basis with SLPD leadership and are summarized below.

DETAILED ANALYSIS OF TOUR ACTIVITY (D.A.T.A.) AUDITS

The Detailed Analysis of Tour Activity (DATA) Audit is a key component of the IPA's approach to comprehensive oversight and accountability. Unlike on-going reviews that focus primarily on

specific categories such as use of force, pursuits, or complaints, the DATA Audit provides a broader, periodic examination of all incidents occurring within a defined timeframe. This audit ensures that every aspect of policing, from routine stops and calls for service, is conducted in alignment with departmental policies and best practices. By encompassing all types of incidents, the DATA Audit offers a more holistic, albeit limited, view of officer performance and the department's operational integrity.

Through this periodic review, the DATA Audit helps identify patterns of behavior and areas for improvement that may otherwise go unnoticed in traditional, more narrowly focused audits. It ensures that officers are consistently adhering to protocols across the full spectrum of their duties, not just in high-profile or critical incidents. This proactive approach allows for early detection of potential policy violations, training gaps, or emerging trends that may warrant additional attention. The DATA Audit ultimately strengthens the department's commitment to transparency, accountability, and continuous improvement in policing practices across San Leandro.

REVIEW AND AUDIT OF COMPLAINTS AND DISCIPLINE

The IPA is charged with reviewing all internal and external complaints regarding the conduct of SLPD officers. The goal of the review is to ensure that the complaint investigations are complete, thorough, objective, and fair, and that they reach the right conclusions based on the facts and applicable policy. To this end, IPA has the ability to attend interviews of any witnesses, whether civilian or police. To the extent that any investigation is found to be deficient, the IPA would consult with the Chief of Police and, if necessary, the City Manager, to ensure that those deficiencies are corrected. In addition, with respect to each complaint that is reviewed by the IPA, the IPA may make recommendations on broad issues of policy, training, and accountability, and other relevant issues uncovered through the review.

There are several ways complaints can be filed against members of SLPD. Community members can file a complaint directly to SLPD against any of its members, sworn or civilian, by reporting it in person at SLPD headquarters, calling SLPD, and/or submitting an online complaint. Additionally, an internal complaint can be filed by any member of SLPD against another member of SLPD. Lastly, the San Leandro Chief of Police can direct that an internal investigation be conducted against any member(s) of SLPD. SLPD's internal policy (Policy #1012) governs the intake and the investigation process for all complaints made against any employees of SLPD.

In brief, if the complaint involves less serious or minor allegations, including no allegation of prohibited harassment, then the subject employee's supervisor may attempt to resolve the complaint, provided that the investigation would not be jeopardized by that supervisor's involvement. More serious allegations are required to be investigated by the Department's Professional Standards Unit (PSU).

There are four potential findings for a complaint: 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.

Once SLPD concludes its investigation and issues associated discipline, the entire case is forwarded to the IPA for review to determine the thoroughness, adequacy, and lack of bias of the investigation. 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. Some examples of the areas that are assessed for each review are whether all relevant witnesses are interviewed, the quality of witness interviews, inspection of all relevant evidence including the body-worn camera footage, and whether the investigation was conducted fairly. In addition to assessing whether the investigation was conducted appropriately, the IPA also assessed whether the investigation was properly documented. The IPA also assesses whether there was appropriate internal quality control 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 and may lead to broader findings and recommendations.

During this annual period, the SLPD opted to outsource to external investigative vendors who conducted all seven of the complaint investigations reviewed by the IPA, rather than completing them in-house utilizing SLPD investigators due to continuing staffing shortages and to ensure timely resolutions. Decisions on whether to use an outside firm to conduct an investigation are made on a case-by-case basis with considerations given to the seriousness of the allegation as well as staffing availability. In any complaint, however, the Chief can decide which unit (or outside vendor) will investigate. All investigations must be conducted under the Public Safety Officers Procedural Bill of Rights (POBR) (Government Code Section 3303)³.

³ 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 SLPD 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 to 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.

Regardless of which entity conducts the initial investigation, 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 there is any disagreement, it is incumbent on the IPA to work with the Department to address those issues. While the IPA has the authority to attend interviews of the complainant and all civilian and Department witnesses, most reviews are conducted through a review of summaries and recordings of interviews after they have been conducted rather than through the in-person attendance of interviews as they are conducted.

In this second year of operation, the IPA reviewed a total of seven complaint investigations and made nine recommendations with respect to those reviews. These recommendations are shared on an on-going basis with SLPD leadership and are summarized below.

DIRECT RECEIPT OF COMPLAINTS

The IPA is charged with receiving direct complaints from the community regarding the conduct of its officers. The IPA established two different ways to directly receive complaints from the community. First was through a multilingual public website with information about the IPA and a form the community can use to submit any complaints about SLPD directly to IPA. Second, the IPA also has an email address (info@integrassure.com) that community members can use to directly submit a complaint to the IPA. Both the website and the email addresses were provided to the community at multiple CPRB meetings. Upon receipt of any such complaints, the IPA immediately forwards them to SLPD for investigation, and then they are reviewed by the IPA once completed.

During this annual period, the IPA did not receive any complaints directly, either via its website or forwarded from CPRB.

AUDIT OF POLICIES AND TRAINING

Among the IPA's most important responsibilities is the ability to review the internal policies and trainings of the SLPD and to evaluate how those policies and trainings conform to, or depart from, established best practices. Although SLPD 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 San Leandro community members and officials.

These include those relating to stops, searches and seizures, pursuits, body-worn cameras, uses of force, and internal investigations and disciplinary procedures. These areas have been selected for audit because they directly govern how SLPD officers interact with community members when conducting investigations, enforcing laws, or responding to calls for service. Accordingly, they, more than others, determine how SLPD officers perform their duties and how San Leandro residents, in turn, experience policing.

The goal of these reviews is to help officials and community members better understand which SLPD policies and trainings already reflect current best practices, which need modification, and how the City can further improve SLPD’s accountability to San Leandro’s residents.

REVIEW OF CRITICAL INCIDENTS

Critical incidents are defined to include all officer-involved shooting incidents, regardless of whether the person 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 persons occurring while the deceased was in the custodial care of the police department. The IPA is charged with review of all officer-involved shooting incidents and all other critical incident investigations to determine if the investigation was complete, thorough, objective, and fair. Additionally, SLPD is obligated to provide IPA with timely notification of all critical incidents to provide the IPA with the ability to observe the scene at the IPA’s discretion.

SLPD and the IPA established a mechanism for SLPD to notify the IPA in a timely manner when a critical incident occurs. As of the date of this report, there has not been a critical incident at SLPD since the IPA began its work.

REVIEW OF RIPA DATA

The Racial and Identity Profiling Act (RIPA) review is a vital process aimed at ensuring compliance with state-mandated reporting requirements and promoting transparency in policing practices. Under RIPA, the San Leandro Police Department (SLPD) is required to collect and report data on stops, and after-stop actions with a focus on demographic factors such as race, ethnicity, and gender. This process is essential for fostering accountability and building public trust, as it provides a clear record of how law enforcement interactions occur across different segments of the population. The IPA review is not only a means of assuring that SLPD complies with RIPA’s requirements, but also serves as a tool for highlighting patterns and trends in policing practices which may require further analysis and inquiry.

The IPA RIPA review provides a comprehensive presentation of the data in graphical format, allowing for an accessible visualization of the demographic breakdown of stops and after-stop actions conducted by SLPD. These charts and graphs offer the public and department leadership a clear snapshot of the frequency of stops, the outcomes, and the demographic groups involved. Importantly, this review does not include an analysis of potential causes for racial, ethnic, or gender disparities observed within the data. The intent is to provide a representation of the collected data, leaving further investigation and interpretation of any disparities for future discussion and policy considerations.

INDEPENDENT INVESTIGATIONS AS ASSIGNED BY THE CITY MANAGER

The IPA may be called upon from time to time to perform independent investigations as the request of the City Manager.

ASSISTANCE TO THE CPRB

The IPA serves as the law enforcement subject matter expert for the Community Police Review Board. The Board’s function includes receiving community feedback and complaints and referring them for further review, as appropriate, to the IPA or the internal affairs function of SLPD. The Board also receives reports from the IPA regarding personnel discipline and complaints, critical incidents, police department policies, and other law enforcement matters. The Board also evaluates the police department policies of compelling community-wide concern based on the trends and data, which is provided by the IPA to the Board. CPRB implements an annual work plan that consists of a community outreach plan to assure all members of the community to have an opportunity to share concerns about policing.

CPRB members are required to complete 30 hours of training in relevant subject matters within 90 days after appointment by Ordinance 1-3-1730. In its role as the law enforcement subject matter expert, the IPA developed and implemented the initial 30-hour curriculum for CPRB, which included courses on the Public Safety Procedural Bill of Rights, Public Records Act, and Brown Act as well as Policing in America, policing oversight overview, and best practices in policing. In addition, the IPA developed and implemented training on SLPD’s processes, including internal investigations and use of force investigations. These courses were provided to the initial core CPRB members via an e-learning platform to fulfill CPRB’s training mandate and will be provided to the new members of the CPRB on an ongoing basis.

CPRB has monthly meetings, and the IPA has been in attendance each month, providing the Board with monthly updates on the IPA’s activities meeting. Moreover, in its role as the law enforcement subject matter expert, the IPA assisted CPRB and City staff in drafting the Administrative Procedure for CPRB to provide better guidance on the functions of the Board beyond what is mandated in the Ordinance.

Lastly, the IPA assists the CRPB in drafting its annual report. The CPRB’s second annual report can be found at <https://www.sanleandro.org/1187/Community-Police-Review-Board-CPRB>.

IPA ACTIVITIES DURING THIS REPORTING PERIOD

During this Reporting Period covering one year of activities from October 1, 2023 to September 30, 2024, the IPA was fully engaged with SLPD, holding regular meetings in which we discussed incidents which the IPA had reviewed and assessed, as well as relevant issues relating to other IPA responsibilities and upcoming work. The following is a more detailed description of our work.

STAKEHOLDER ENGAGEMENT

During this annual reporting period the IPA continued to attend meetings of the Community Police Review Board (“CPRB”) and had several discussions/dialogs with the CPRB Chair regarding various matters of concern to the Board and the San Leandro Community by extension. The IPA also met with City leadership including the City Manager’s office, City Attorney’s Office, City Clerk’s office, and SLPD executives at least monthly to report interim IPA activities. During these

meetings, the IPA also shared noteworthy results of our reviews and to receive input on areas to which the city wanted the IPA to focus resources. During these meetings we also prepared for the upcoming CPRB meetings which the IPA also regularly attends.

We have continued to have open communication and collaboration through our bi-monthly meetings with SLPD leadership to discuss the IPA’s review of uses of force and pursuits, complaint investigations, significant events and any pending requests for data. During these meetings, the IPA team presented their preliminary findings and recommendations to SLPD and listened to any concerns expressed by the Department in response before finalizing the issuance of recommendations.

The IPA notes that during this annual reporting period, through the transition of several significant changes in SLPD and City leadership, both the City and SLPD continued to demonstrate their willingness to cooperate and to fully support the IPA in the performance of its duties. It is clear to the IPA, that City and SLPD leadership are committed to the goal of making every SLPD officer, and the department as a whole, be all that it can and should be.

REVIEW OF INCIDENTS

USES OF FORCE AND PURSUITS REVIEWED DURING THIS REPORTING PERIOD

There were 49 use of force incidents, 13 of which also involved a pursuit. There were also 28 additional pursuit incidents where no force was used that were reviewed by the IPA, encompassing all of the incidents provided to the IPA by the SLPD during this annual period.⁴ The IPA believes 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.

With this philosophy in mind, our reviews, as noted above, are conducted in a 360-degree fashion, going beyond mere examination as to whether a particular use of force or pursuit is within policy, and examining every aspect of the encounter from the constitutionality of the encounter itself, to the tactics employed, the professionalism of the officers, and whether any other breach of policy such as failure to complete a RIPA form or failure to properly activate a body worn camera, has occurred. We also review the supervisor’s investigations both in terms of completeness and its conclusions.

Our findings and recommendations from these reviews were shared with SLPD leadership, and after lengthy and healthy discussions, in the end, there were no disagreements relative to those findings and recommendations. A summary of our findings appears below.

⁴ Given the lack of direct access to the SLPD’s data systems, the IPA relied on the SLPD to provide the population of incidents for review.

While there were no use of force or pursuit incidents that the IPA found to be “out of policy” per se, there were several incidents where the IPA’s findings and recommendations indicated a need to reenforce certain policies, and in some cases illustrated the need to revise and/or clarify SLPD policies.

Generally speaking, the IPA’s reviews found that SLPD 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 certain tactics could have been better with potentially better outcomes, and several incidents where remedial training in certain aspects of constitutional policing was suggested. Our reviews include recommendations on how any given incident could have been handled better, or more specifically, whether in any given incident a different approach by officers could have potentially yielded a better outcome.

For each finding in this area of “continuous Improvement”, together, the IPA team and the SLPD executive staff develop “Agreed Upon Course of Action” on specific areas of remediation and the process therefor.

SLPD leadership has expressed its commitment to remedial training, coaching and mentoring of officers and supervisors to ensure that the philosophy of continuous improvement becomes embedded in the agency. The IPA reviews are 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. SLPD leadership expressed its commitment to having supervisors include the question of what could have been done differently to potentially achieve a better outcome in their investigations

During the bulk of this year’s assessment process, with the exception of the Axon body-worn camera system, the IPA did not have direct independent access to SLPD’s records systems. The inability to provide direct access put a strain on SLPD resources having to pull and provide all relevant paperwork for the assessments to the IPA. In late September 2024, the SLPD switched over to a new system called LEFTA which allows for direct access to the records systems enabling the IPA to better conduct its reviews of uses of force and pursuits, while at the same time lessening the burden on SLPD. Given the reduction in burden, the IPA expects that it will be able to gain access to all incidents, and review and assess them, on a more timely basis.

DETAILED ANALYSIS OF TOUR ACTIVITY (D.A.T.A.) AUDITS DURING THIS PERIOD

Because of certain data related issues, no DATA Audit was conducted during this period. We expect these data issues to be resolved in the near future and will be conducting a DATA audit as soon as possible.

SUMMARY OF RECOMMENDATIONS MADE DURING THIS REPORTING PERIOD

During the review period covering October 1, 2023, to September 30, 2024, the Independent Police Auditor (IPA) made a total of 51 recommendations based on the analysis of incidents

involving the San Leandro Police Department (SLPD). These recommendations focused on ensuring compliance with departmental policies, improving operational effectiveness, and promoting a culture of continuous improvement within the department. Below is a summary of the key categories of recommendations, followed by a detailed list of the recommendations made:

1. POLICY REVIEW AND UPDATE

Several recommendations highlighted the need for reviewing and updating departmental policies to reflect best practices and improve clarity. Specific recommendations included evaluating Policy 411.9 related to Crisis Intervention Training (CIT) and revisiting the policy on body-worn cameras (BWC) activation to ensure it effectively supports both the interests of the department and the community. Additionally, recommendations were made regarding the pursuit policy, particularly addressing the speed and safety protocols for pursuit incidents.

Detailed Recommendations:

- Evaluate and potentially update Policy 411.9 to better align with the principles of Crisis Intervention Training (CIT). This recommendation was adopted during the annual period.
- Review body-worn camera (BWC) policy, specifically regarding activation during enforcement incidents, to ensure alignment with best practices and the interests of the department and the community. This recommendation was adopted during the annual period.
- Reassess pursuit policies, focusing on the speed and safety measures during pursuit of disabled vehicles, to minimize risk to officers and the public. This recommendation is in process and will be finalized during the next reporting period.

2. TRAINING, COACHING, AND MENTORING

The IPA emphasized the importance of coaching and mentoring as a tool for officer development and operational enhancement. Recommendations in this category called for targeted coaching in areas such as adherence to policy, tactical coordination, and de-escalation techniques. The IPA encouraged providing officers and supervisors with constructive feedback to help improve their response during challenging situations, with an emphasis on better outcomes through non-disciplinary remediation.

Detailed Recommendations:

- Provide coaching to officers involved in incidents where tactical coordination could have been improved to ensure more effective outcomes.
- Conduct mentoring sessions to reinforce adherence to policy, especially in high-stress scenarios.
- Continue and enhance de-escalation training to help officers better handle potentially volatile situations and minimize the use of force.
- Encourage supervisors to engage in non-disciplinary remediation through coaching and mentoring to improve officer behavior and performance.

3. SUPERVISORY ROLES AND RESPONSIBILITIES

Supervisory review processes were identified as areas requiring improvements to ensure effective oversight. Recommendations focused on the need for supervisors to thoroughly document counseling provided to officers following incidents, ensuring that corrective measures are both recorded and communicated clearly. Additionally, suggestions were made to ensure that supervisors comprehensively review officers' performance histories before providing counseling and to clarify responsibilities during high-risk situations like pursuits.

Detailed Recommendations:

- Document all counseling sessions with officers, including the rationale and outcomes, to maintain a record for future reference.
- Ensure that supervisors conduct a comprehensive review of officers' performance histories before providing any form of counseling.
- Add a designated field in incident reports for identifying the reviewing supervisor to improve accountability.
- Clarify supervisory roles during high-risk incidents, such as pursuits, to ensure proper coordination and accountability.

4. OPERATIONAL SAFETY AND TACTICAL CONSIDERATIONS

Recommendations also addressed tactical and operational safety concerns, especially in scenarios involving armed vehicles or high-risk interactions. The IPA suggested that the department consider ensuring better coordination during responses, particularly when additional officers are available to reduce risk. Questions were also raised about secure handling of patrol rifles and other equipment to prevent unauthorized access.

Detailed Recommendations:

- Reinforce the importance of waiting for additional officers to arrive before engaging, when it can be done safely, to enhance officer and public safety.
- Ensure secure handling and storage of patrol rifles and other firearms to prevent unauthorized access, especially when vehicles are left unattended. This recommendation arose out of a single incident of an unattended patrol vehicle and has been addressed.
- Discuss the appropriateness of high-speed pursuits, particularly involving disabled vehicles, to determine whether alternative tactics could be employed.

5. PAPERWORK AND DOCUMENTATION IMPROVEMENTS

Issues related to documentation were highlighted in multiple incidents. Recommendations included adding specific fields to reporting forms to ensure greater traceability of actions and responsibilities, addressing discrepancies in names between reports and video footage, and

ensuring completeness in all supervisory reviews. The aim was to improve transparency and accuracy in incident reporting, thereby fostering accountability.

Detailed Recommendations:

- Add a field in the pursuit review report to clearly indicate which supervisor completed the review. This was not an issue with the previous system but is a technical issue with the new reporting system that will be corrected.
- Implement consistent procedures to ensure that all supervisory reviews are properly documented and traceable. This was not an issue with the previous system but is a technical issue with the new reporting system that will be corrected.
- Address minor paperwork format issues to improve clarity, such as adding a "supervisor reviewing" box to certain forms.

6. QUESTIONS FOR FURTHER CLARIFICATION

In some instances, the IPA presented questions for further discussion, which were intended to refine operational protocols and ensure adherence to best practices. These included questions regarding the management of patrol rifles, the use of equipment, and the consistency of supervisory counseling practices. These recommendations served as prompts for deeper introspection and procedural enhancement.

Detailed Recommendations:

- Clarify whether patrol officers routinely carry patrol rifles or shotguns in their vehicles, and if so, ensure measures are in place to secure these weapons.
- Evaluate whether supervisors are adequately reviewing documented performance history before providing counseling.
- Examine the appropriateness of counseling for substandard performance and whether it is consistently documented beyond incident summaries.

7. INCIDENT-SPECIFIC RECOMMENDATIONS

There were also incident-specific recommendations aimed at improving officer performance in particular situations. These included addressing discrepancies between officer behavior and procedural expectations, verifying accuracy in incident reports, and ensuring effective communication between officers during high-risk scenarios such as pursuits. These recommendations were tailored to the particular circumstances of each incident and were discussed in detail with SLPD leadership.

Detailed Recommendations:

- Verify and rectify discrepancies in incident reports, such as officers' names or other details, to ensure accuracy and consistency. This recommendation arose out of a single incident of an unattended patrol vehicle and has been addressed.

- Conduct a review of body-worn camera (BWC) footage with involved officers to address tactical safety concerns, such as maintaining proper lines of fire.
- Review tactical decisions made during specific incidents, particularly where officers moved into potentially unsafe positions, and provide follow-up training to reinforce safer approaches.

Overall, the recommendations made by the IPA during this period were designed to reinforce best practices, ensure officer safety, and enhance transparency and accountability. By addressing areas such as policy clarity, tactical operations, supervisory accountability, and documentation, the IPA and SLPD continue to work collaboratively towards the shared goal of continuous improvement in policing practices.

COMPLAINTS AND DISCIPLINE REVIEWED DURING THIS REPORTING PERIOD

In the seven investigations reviewed by the IPA, the IPA agreed with all of the outcomes. There were however findings made with respect to some of the work done by external investigators with recommendations made to SLPD to be passed along to the external investigators, designed to improve the investigative process. Specifically, with regard to one of the investigations reviewed, the IPA noted that several additional allegations should have but were not included or addressed by the external entity which conducted the investigation. The SLPD did not disagree with that assessment.

The seven investigations involved alleged violations of Policy 300 (Use of Force), Policy 302 (Handcuffing and Restraints), Policy 325 (Report Preparation), Policy 312 (Searches and Seizures), Policy 321 (Standards of Conduct), Policy 600 (Investigation and Prosecution). Each investigation involved more than one allegation.

Upon conclusion of each of the reviews of the investigations discussed above, the IPA issued recommendations on how SLPD, and the contractors used for its investigations, should improve their investigative process and modify relevant policies and procedures.

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

DIRECT COMPLAINTS RECEIVED DURING THIS REPORTING PERIOD

The IPA did not receive any complaints directly, either via its website or forwarded from CPRB. Had we received any such complaints, they would have been immediately forwarded to SLPD for investigation, and then reviewed by the PA once completed.

POLICIES AND TRAINING REVIEWED DURING THIS REPORTING PERIOD

Over the past year the IPA assessed and provided the SLPD with recommended changes based on discussions with the SLPD executive team on issues identified by the IPA as well as best practices on the following policies and topics:

- Body-worn cameras: policy was finalized and published in September 2024
- Use of force: finalized policy is expected to be published by mid-November 2024
- The use of Automatic License Plate Readers:
- The Use of Mobile Audio Video System (MAV)

For each policy reviewed, the IPA submits its suggestions for modifications in draft format to the SLPD executive team. Once discussed and agreed upon, the draft is sent to Department members for additional feedback before finalizing the policy. Drafts are also shared with the City management team, including the City Attorney's Office, for their feedback. For certain topics such as the body-worn camera policy, the ALPR policy and the use of force policy, (both policies that the Board identified as having community-wide concern) the IPA worked along-side the CPRB as well as the Department to collaboratively arrive at the best policy which could be developed.

The IPA will continue to work with SLPD on the review of additional policies such as those relating to 4th amendments issues (stops, searches, and seizures), constitutional policing, and other topics such as pursuits and transparent tactical communication in the coming year.

As for trainings, the IPA attended and observed SLPD's defensive tactics training in part to better understand how officers are being trained with regard to uses of force, and to ensure best practices for training are being implemented. The IPA was impressed with the training content and delivery, as well as the participation of the students/officers. The IPA will periodically attend and/or assess training and training curriculum to ensure SLPD officers are benefitting from the most current best practices in police training.

BODY-WORN CAMERA POLICY

Policy Revision Overview: Body-Worn Camera Policy

As part of SLPD's ongoing efforts to improve operational effectiveness and accountability, significant updates were made to the Body-Worn Camera (BWC) policy this year. The revised policy, effective July 1, 2024, incorporates several key changes compared to the previous version. Below is a summary of the major updates:

1. **Expanded Purpose and Scope:** The new BWC policy emphasizes the multi-faceted role of BWCs, including their use in civil litigation, accountability enhancement, training, and refreshing officer memory for reports. The scope has expanded to reflect these broader applications, underscoring BWCs as a key tool in fostering transparency and building public trust.

2. **Comprehensive Definitions and Terminology:** The updated policy includes detailed definitions for terms such as "Body Worn Camera Device," "Buffering Mode," and "Digital Evidence Management System." This helps ensure clarity around operational concepts, minimizing the risk of misunderstanding or non-compliance.
3. **Detailed Activation and Deactivation Procedures:** The revised policy provides a more detailed list of situations that require activation, including dispatched calls, pursuits, K-9 deployments, and all use of force incidents. The policy emphasizes activation as soon as practicable, without compromising officer safety. Clear guidelines are also provided for deactivation, particularly in sensitive scenarios such as attorney-client conversations.
4. **Privacy Considerations:** The updated policy strengthens privacy considerations, particularly in hospital settings and during medical consultations, ensuring that BWCs are not used inappropriately and that privacy rights are respected.
5. **Enhanced Supervisory Roles and Auditing:** The new policy expands on the responsibilities of supervisors, who are now tasked with promptly retrieving and reviewing BWCs following significant incidents. Supervisors are encouraged to use BWC footage as a training tool to improve officer performance, reinforcing a culture of learning rather than punishment.
6. **Introduction of Evidence.com:** The policy includes the integration of Axon's Evidence.com as the digital evidence management system. This system provides a standardized platform for uploading, storing, and managing BWC footage, ensuring that all evidence is properly cataloged and accessible for authorized personnel.
7. **Policy Alignment with Accountability Goals:** The updated policy aligns BWC usage with the department's broader accountability objectives. It explicitly mentions that supervisors and the Independent Police Auditor may review footage to assess performance, investigate complaints, and ensure adherence to policy, fostering continuous improvement.

Overall, the revised BWC policy reflects a commitment to transparency, accountability, and operational excellence. By clarifying expectations, improving procedural details, and expanding the use of digital evidence management, the updated policy supports both officers and the community in achieving fair and effective policing outcomes.

USE OF FORCE POLICY

The revision of this policy is currently in review and is expected to be published in late November 2024. There was a special committee of CPRB which along with the IPA and the Department have been working collaboratively on the finalization of the policy.

AUTOMATED LICENSE PLATE READER POLICY

Policy Overview: Automated License Plate Reader (ALPR) System Policy

The San Leandro Police Department has implemented a revised Automated License Plate Reader (ALPR) System policy aimed at enhancing public safety through the effective use of technology while ensuring privacy and accountability. The policy, detailed in Section 418 of the San Leandro PD Policy Manual, provides comprehensive guidelines for the use of ALPR technology for official law enforcement purposes. The policy revisions were developed with significant input from the CPRB.

1. **Purpose and Scope:** The ALPR policy is designed to guide the capture, storage, and use of digital data collected by ALPR technology. The primary objective is to utilize ALPR systems to support law enforcement operations, including identifying stolen vehicles, missing persons, and individuals with active warrants, while recognizing the importance of respecting established privacy rights.
2. **Data Use and Privacy Considerations:** The policy places a strong emphasis on privacy and confidentiality. All data collected by ALPR systems is strictly for official law enforcement use and is managed in partnership with the Northern California Regional Intelligence Center (NCRIC). Access to this data is restricted to authorized personnel only, and measures are in place to protect sensitive information, ensuring compliance with applicable privacy laws.
3. **ALPR Operations and Usage:** ALPR systems are used during routine patrols and criminal investigations to automatically detect license plates. The policy specifies that ALPR use must be limited to authorized purposes, including locating stolen vehicles, identifying individuals subject to arrest, and supporting public safety at critical infrastructure and events. Importantly, ALPR use does not require probable cause, allowing it to be a proactive tool in criminal investigations.
4. **Data Retention and Management:** Data collected through ALPR is automatically transferred to the NCRIC server and is retained for a period of one year, unless required for ongoing investigations or legal proceedings. The Bureau of Services Captain oversees the administration of ALPR data, ensuring compliance with state regulations regarding data retention, access, and destruction.
5. **Accountability and Oversight:** The policy outlines strict accountability measures for the use of ALPR data. Access to data is controlled through login and password protections, and the ALPR Administrator is responsible for conducting quarterly audits to ensure compliance. Data sharing is allowed only with law enforcement or prosecutorial agencies, subject to approval by department leadership, thereby maintaining strict oversight of ALPR information.

Conclusion The ALPR System policy aims to balance the benefits of using advanced license plate recognition technology for public safety with the need to safeguard privacy and ensure accountability. By defining clear operational guidelines, emphasizing data security, and ensuring stringent oversight, the policy supports San Leandro PD's commitment to effective, responsible policing that serves the community's needs.

MOBILE AUDIO VIDEO (MAV) SYSTEM POLICY

Policy Overview: Mobile Audio Video (MAV) System Policy Implementation

In an effort to enhance operational transparency, officer accountability, and community trust, the San Leandro Police Department implemented a new Mobile Audio Video (MAV) System policy, effective July 1, 2024. The policy introduces comprehensive guidelines for the use of MAV technology, which integrates traditional video and audio capture with advanced features such as Automated License Plate Recognition (ALPR). The policy was developed with significant input from the CPRB.

1. **Expanded Purpose and Scope:** The new MAV policy establishes this technology as a key component in supporting departmental operations, enhancing accountability, and fostering public confidence. The system is intended to assist in documenting enforcement actions, provide evidentiary support for investigations, and bolster officer training and performance assessments.
2. **Privacy Considerations and Data Protection:** A core aspect of the MAV policy is the focus on privacy and civil liberties. The policy incorporates guidelines to prevent unwarranted invasions of privacy, particularly in sensitive areas such as residences and medical facilities. By establishing strict controls and criteria for data access, storage, and retention, the department aims to ensure that the use of MAV technology respects individual rights while fulfilling its public safety mission.
3. **Supervisory Oversight and Use for Accountability:** Supervisors are given a critical role under the new policy, with responsibilities that include reviewing MAV footage to ensure compliance with departmental procedures and using recorded footage as a training tool for officer development. This ensures that the MAV system is not only a tool for accountability but also a resource for enhancing officer performance through constructive feedback.
4. **Integration of Advanced Features – ALPR:** A significant feature of the MAV system is the integration of Automated License Plate Recognition (ALPR) capabilities. ALPR allows for the automated identification and cataloging of vehicle license plates, enhancing the effectiveness of law enforcement operations, particularly in areas of vehicle-related investigations and public safety initiatives. The use of ALPR is governed by specific policies aimed at ensuring its application is consistent with legal standards and privacy protections.
5. **Evidence Management and Digital Integration:** The MAV policy introduces Axon's Evidence.com as the designated platform for managing all digital evidence, including video, audio, and ALPR data. This integration ensures secure handling, storage, and accessibility of digital evidence, supporting the reliability of information collected and its appropriate use in legal proceedings and departmental reviews.

Overall, the newly implemented MAV System policy represents a strategic effort by the San Leandro Police Department to leverage advanced video technology to enhance accountability, transparency, and public trust. By integrating audio and visual recordings with automated vehicle recognition, and emphasizing privacy protections and supervisory oversight, the policy aims to

support effective policing practices that are fair, transparent, and responsive to community expectations.

CRITICAL INCIDENTS REVIEWED THIS PERIOD

There were no critical incidents that occurred or were reviewed by the IPA during this annual review period.

RIPA REVIEW

Last year, the IPA presented its findings based on the analysis of 2022 RIPA data. The IPA stressed the difference between disparities and bias and that, given the limitations of the data, conclusions could not be drawn about the causation of the disparities. This engendered thoughtful discussions with the department about the appropriate denominator or denominators to benchmark the RIPA data to, including whether San Leandro population is the appropriate benchmark since there is some indication within the department that many SLPD traffic stops are of non-residents. The presentation was a great start to a complex discussion with the department on how to improve the effectiveness of its current policing tactics, especially in the light of continuing departmental staffing shortages.

This year, we examined the data for 2023. The San Leandro Police Department's (SLPD) RIPA data comparison between 2022 and 2023 illustrates significant shifts in stop activity.

Notably, in 2022, the total number of stops recorded was 3,056, while in 2023, the number decreased to 1,897, indicating a notable reduction in police-initiated stops. It is unclear as to what drove this dramatic reduction in stop reports. It is possible that there was significantly greater under-reporting of stops, or that this change is otherwise attributable to evolving departmental policies, resource allocation, or broader trends in public engagement and officer discretion. Notwithstanding the reduction in the number of reported stops, traffic violations remained the predominant reason for stops, with moving violations leading among specific types of traffic-related encounters.

The demographic disparities in stops across both years are also notable, with Black/African American individuals constituting 33.37% of stops in 2023, as opposed to 36% in 2022. Hispanic/Latino(a) individuals made up approximately 29.63% of stops, followed by White individuals at 18.45%. While these figures illustrate differences in stop rates across racial and ethnic groups, disparities alone do not account for underlying causes. Many factors, such as neighborhood demographics, crime rates, officer deployment, and call-based responses, can contribute to disparities in stop data. Additionally, some disparities may reflect socio-economic factors that influence the visibility and frequency of interactions with law enforcement. This neutral, graphical presentation of RIPA data facilitates informed discussions on these disparities, helping the department and stakeholders identify patterns that may guide future policy considerations and community engagement efforts.

This year, we looked at the data for both 2022 and 2023 relative to stops made at different times of the day. Specifically, we employed a dual approach in analyzing its RIPA data: a comparison

of daytime versus nighttime stops and a “Veil of Darkness” analysis. These methodologies help control for the impact of visibility on officers’ ability to visually identify demographic characteristics, thereby providing a clearer view of policing practices under different light conditions. The daytime versus nighttime breakdown uses sunrise and sunset to categorize stops based on natural light availability, while the Veil of Darkness analysis focuses on stops occurring between 5:00 PM and 9:11 PM, further subdivided based on visibility. Stops occurring within 35 minutes after sunset are classified as “out of range,” isolating periods of full daylight or darkness where visibility plays a decisive role and keeping the period constant so as to isolate potential other variables such as traffic.

The Veil of Darkness analysis, in particular, seeks to control for potential bias in decision-making by examining stops during the transitional period between daylight and nighttime. Stops that occur after dark theoretically reduce the likelihood that officers can assess demographic characteristics from a distance, making it an important tool for assessing whether and to what extent demographic disparities persist irrespective of visibility. By using these light-based divisions, the department can attempt to better evaluate the influence of potential visual bias on stop demographics, thereby supporting an objective review of stop patterns across various demographic groups.

In our 2022 and 2023 stop data analysis, we examined patterns based on both Daytime vs. Nighttime and Veil of Darkness frameworks, focusing on potential disparities in enforcement during periods of high and low visibility. This analysis aimed to identify if racial disparities persist under different lighting conditions and, by extension, to explore potential visibility-based biases in stops.

DAYTIME VS. NIGHTTIME ANALYSIS

The Daytime vs. Nighttime analysis, which categorized stops based on natural light conditions using sunset as the dividing line, revealed notable differences in stop rates by race:

- 2022: Black and Hispanic individuals were stopped at higher rates during nighttime compared to daytime hours.
- 2023: This trend persisted, with Black and Hispanic individuals experiencing a higher frequency of nighttime stops compared to other groups.

These findings indicate that certain racial groups experience an increased likelihood of stops after dark. Such a pattern may be influenced by patrol deployment strategies, neighborhood demographics, or other environmental factors that result in greater nighttime enforcement in areas with higher concentrations of certain racial demographics.

VEIL OF DARKNESS ANALYSIS

In addition, we conducted a Veil of Darkness analysis for stops occurring between 5 PM and 9:11 PM. This approach categorizes stops based on whether they occurred:

- In daylight (between 5 PM and sunset),

- In darkness (from sunset + 35 minutes until 9:11 PM), or
- Out of Range (stops within the 35 minutes after sunset or occurring outside the 5 PM to 9:11 PM window).

Our findings showed that:

- 2022: Black and Hispanic individuals had higher stop rates during periods categorized as "darkness" compared to those in "daylight."
- 2023: This trend continued, with the highest stop rates for Black and Hispanic individuals occurring under reduced visibility in the darkness category.

Interpretation and Implications

This trend presents a paradox within the Veil of Darkness hypothesis, which posits that bias should diminish as visibility decreases, under the assumption that officers cannot visually ascertain race in darkness. The observed disparities, therefore, indicate that factors beyond just visibility may be contributing to racial differences in stop rates.

CONCLUSION

The persistence of racial disparities in nighttime and Veil of Darkness stop rates for Black and Hispanic individuals highlights a need for further examination into those factors that may be influencing stop decisions. Continued analysis of these factors, coupled with community engagement and policy adjustments, may be required to ensure equitable enforcement practices across all visibility conditions.

The full presentation of our findings both with respect to 2023 data and 2022 and 2023 time of day comparisons can be found in Appendix B.

INDEPENDENT INVESTIGATIONS ASSIGNED AND PERFORMED THIS PERIOD

There were no independent investigations conducted by the IPA in this reporting period.

ASSISTANCE TO THE CPRB

During this annual reporting period, the IPA continued to serve as the for the Community Police Review Board's law enforcement subject matter expert and worked hand in glove to coordinate the Board's evaluation of the SLPD's revised Body-Worn Camera ("BWC") policy, the Automated License Plate Reader policy, Mobile Audio-Visual Policy, and its Use of Force policy. The revised BWC policy was published in September 2024, the revised ALPR policy was published in December 2023, and the Use force policy is expected to be published sometime in November 2024.

During this reporting period, the CPRB replaced two CPRB members. The IPA again coordinated with the City and SLPD to provide the new members with the 30 hours of training in relevant subject matters as required by Ordinance 1-3-1730.

The IPA attended each of the CPRB's monthly meetings during this annual period during which the IPA provided the Board with monthly updates on the IPA's activities and any specific topics required.

CONCLUSION

During the second year of operation, additional important issues have been uncovered through the IPA's auditing and review processes with regard to specific incidents and department-wide policies and procedures. These identified matters resulted in recommendations and agreed upon action items, all of which have been accepted or are on schedule for further discussion and deliberation by the City. These issues are clearly addressable through modifications made to policies and training and to coaching and mentoring of officers. The IPA is working with the City and SLPD to ensure the timely implementation of these recommendations to keep the SLPD on a path of continuous improvement.

APPENDIX A – 360-DEGREE ASSESSMENT EXPLANATION AND TEMPLATE

APPENDIX B – RIPA DATA