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Exempt from Fees  
(Gov. Code, § 6103(a))

Rec'd  
OCT 16 2023

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SOLANO

COPY

**THE PEOPLE OF THE STATE OF  
CALIFORNIA, EX REL. ROB BONTA,  
ATTORNEY GENERAL OF THE STATE  
OF CALIFORNIA,**

Case No. **CU23-04676**

Plaintiff, **STIPULATED JUDGMENT**

v.

**CITY OF VALLEJO and  
THE VALLEJO POLICE DEPARTMENT,**

Defendants.

1 **INTRODUCTION**

2 The People of the State of California, ex rel. Rob Bonta, Attorney General of the State of  
3 California (Attorney General), filed a complaint in the Superior Court of Solano County against  
4 the City of Vallejo (City) and the Vallejo Police Department (VPD) simultaneously with the  
5 filing of this document pursuant to the authority granted to the State of California under  
6 California Civil Code section 52.3, to seek declaratory and equitable relief to address alleged  
7 incidents of conduct by law enforcement officers that deprive individuals of rights, privileges, or  
8 immunities secured by the state or federal Constitution or state or federal law. The Attorney  
9 General, the City, and VPD (collectively, "Parties") enter into this Stipulated Judgment (hereafter  
10 "Agreement") for the common good of the people of the City of Vallejo.

11 The Attorney General, City, and VPD are committed to effective, constitutional law  
12 enforcement that protects individuals' statutory and constitutional rights, treats individuals with  
13 dignity and respect, and promotes public safety in a manner that is responsive to the community's  
14 priorities and accomplished in a manner that is fiscally responsible. The Parties herein agree to  
15 the entry of judgment without the taking of proof, trial, or the adjudication of any fact or law,  
16 without this Agreement constituting evidence of liability of the City or VPD, or admission by the  
17 City or VPD of any issue of fact or law alleged in the People's complaint, without the City or  
18 VPD admitting any liability, and with all parties waiving their right to appeal. Each party agrees  
19 to bear its own attorneys' fees and costs to date.

20 The purpose of this Agreement is to ensure that individuals' statutory and constitutional  
21 rights are protected, individuals are treated with dignity and respect, and public safety is  
22 promoted in a manner that is fiscally responsible and responsive to community priorities. The  
23 Parties recognize that these outcomes require a partnership between VPD and the community it  
24 serves in which VPD is transparent about its processes and provides community members with a  
25 voice in its functions. This Agreement is designed to enhance VPD's relationship with its  
26 community through increased transparency and public input, improved oversight and  
27 accountability systems, and enhanced support for officers through effective law enforcement  
28 policies, training, and supervision.

1           The Parties entered into an agreement (MOU) on June 5, 2020, for VPD to collaborate on a  
2 comprehensive modernized policing plan that included a review of 45 reform recommendations  
3 made by VPD's expert consultants, as well as additional assistance and review from DOJ to  
4 expand upon and add any additional recommendations needed to modernize VPD's current  
5 policies and practices, assist with implementation of the recommendations, and independently  
6 evaluate VPD's compliance with the recommendations. The 45 recommendations were  
7 established by an independent audit of VPD conducted by an outside consultant and included  
8 recommendations on use of force, community engagement, bias, and accountability. The MOU  
9 expired on June 5, 2023. Prior to the date of this Agreement, VPD substantially complied with 20  
10 of the agreed-upon recommendations but was unable to fully complete the remaining 25  
11 recommendations. The Attorney General acknowledges that during the course of the MOU, both  
12 VPD and the City have taken action to improve their law enforcement services and  
13 accountability, including but not limited to: (1) updating important policies and practices  
14 (including the use of force, critical incident review, bias-free policing, and body-worn camera  
15 policies), (2) implementing a new use of force reporting, review, and data collection process, (3)  
16 creating the model and passing an ordinance that authorizes independent police oversight, and (4)  
17 achieving a substantial compliance determination from the California Department of Justice  
18 (DOJ) on 20 of the reforms, including the reforms relating to the policies on the review of critical  
19 incidents, internal affairs, and body-worn cameras. However, given VPD's inability to complete  
20 all the agreed-upon reforms under the MOU prior to the date of this Agreement, and the need to  
21 evaluate the effectiveness of recently implemented reforms, the Parties agree that entering into  
22 this Agreement with oversight from both the court and an independent Oversight and Reform  
23 Evaluator will better effectuate the desired reforms within the City and VPD. The "Effective  
24 Date" of this Agreement is the date the Judgment is entered by the court.

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1 THE COURT, HAVING CONSIDERED THE MATTER, AND GOOD CAUSE APPEARING:

2 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

3 This court has jurisdiction over the allegations and subject matter of the People's complaint  
4 filed in this action, and the Parties to this action; venue is proper in this county; and the court has  
5 jurisdiction to enter judgment as stipulated here as follows:

6 **AGREED UPON RECOMMENDATIONS**

7 1. VPD will implement the remaining recommendations that have not been completed from  
8 the 45 Recommendations contained in the May 2020 report titled "Vallejo Police Department:  
9 Independent Assessment of Operations, Internal Review Systems and Agency Culture" ("2020  
10 Recommendations"). (Report attached hereto as Exhibit A).

11 2. VPD's implementation of the 2020 Recommendations will be based on the compliance  
12 measures and proofs that the Parties prepared and utilized during the collaborative reform effort.  
13 (Recommendations, Compliance Measures, and Proofs attached hereto as Exhibit B). VPD will  
14 work with the Oversight and Reform Evaluator (Evaluator) to review and evaluate the 2020  
15 Recommendations as well as the 2023 Solano County Officer Involved Fatal Incident Protocol  
16 (Protocol). VPD and the Evaluator will work to resolve any conflicts with the 2020  
17 Recommendations, VPD Policy 306 (Officer-Involved Shootings and Deaths), and the Protocol in  
18 order to obtain substantial compliance.

19 3. To date, the California Department of Justice (DOJ) has determined that VPD has  
20 substantially complied with 20 of the 2020 Recommendations. During the term of the MOU, the  
21 Parties worked with DOJ's consultant, Jensen Hughes (hereafter "JH"), to provide expertise and  
22 input into the collaborative process, the Compliance Measures and Proofs, and the work leading  
23 to the achievement of substantial compliance on the remaining 25 of the 2020 Recommendations.  
24 The Evaluator selected under this Agreement will build upon this foundation and monitor and  
25 evaluate the implementation of those recommendations to ensure VPD's ongoing compliance  
26 under this Agreement.

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1 4. VPD will ensure that those recommendations, policies, and practices that the DOJ has  
2 determined to be substantially compliant under the Agreement will continue to be implemented to  
3 ensure ongoing substantial compliance.

4 5. VPD will continue to implement and utilize the audits, reviews, and ongoing improvement  
5 processes identified in the Recommendations, Compliance Measures, and Proofs.

6 **I. USE OF FORCE**

7 **A. Use of Force Policies, Practices, Reporting, Review, and Evaluation**

8 6. VPD revised its use of force policy under the MOU and has a use of force policy that is  
9 strong and includes, but is not limited to, provisions to ensure the sanctity of life, transparency  
10 and accountability, prohibiting the pointing of a firearm at a person unless deadly force is  
11 reasonable and necessary, reporting as a use of force the pointing of a firearm at an individual,  
12 prohibiting the firing of a firearm from a moving vehicle and severely limiting the firing of a  
13 firearm at a moving vehicle, and ensuring use of force data is properly collected, analyzed, and  
14 reviewed. VPD's revised use of force policy has made many improvements towards achieving  
15 substantial compliance with several recommendations related to use of force from the 2020  
16 Recommendations.

17 7. VPD agrees to continue to ensure that its use of force policies, practices, and training  
18 reflect its commitment to upholding the rights secured or protected by the Constitution of the  
19 State of California and the United States Constitution, and federal and state laws, protecting  
20 human life and the dignity of every individual. VPD will continue to evaluate, review, and revise  
21 its policies, practices, and training related to the use of force to ensure compliance with the 2020  
22 Recommendations, the requirements of this Agreement, and California law, including Penal Code  
23 section 835a and Government Code section 7286.

24 8. VPD implemented a new and improved use of force reporting and data collection process  
25 under the MOU. VPD will work with the expert retained to oversee and monitor this Agreement  
26 as discussed below (hereafter, the Oversight and Reform Evaluator, or "Evaluator") to review and  
27 evaluate the ongoing use of force reporting and data process to help ensure its compliance with  
28 the newly established policy and process.

1 9. VPD will conduct an ongoing audit of incidents where an officer points a firearm at a  
2 member of the public or brandishes a firearm in the presence of a member of the public. VPD will  
3 ensure that its officers are not drawing a firearm solely based on the mere existence of a potential  
4 risk (e.g., public contact, pedestrian/traffic stop), but when circumstances create an objectively  
5 reasonable belief that it may be immediately necessary for the officer to use deadly force. The  
6 audit will include a review of all civilian complaints, an appropriate sample of body-worn camera  
7 footage, and an appropriate sample of police reports, including use of force incidents and the  
8 Racial and Identity Profiling Act of 2015 (AB 953) (RIPA) data reports related to any use,  
9 pointing, or brandishing of a firearm.

10 10. VPD and the Evaluator will conduct an initial review of VPD's policies, practices, and  
11 trainings regarding each type of force instrument that it authorizes officers to carry or use,  
12 including canines. The Evaluator will make any applicable recommendations for VPD to update  
13 its policies, practices, and trainings regarding each type of force instrument in accordance with  
14 constitutional policing and best practices, and will then monitor the policies, practices, and  
15 trainings for compliance with the agreed-upon reforms.

16 11. VPD will hold officers accountable for uses of force that violate policy or law, and  
17 continue to require Sergeants and Lieutenants to refer uses of force that may violate law or VPD's  
18 use of force policy to Professional Standards for further investigation or review and/or any  
19 investigation or review required by the Police Oversight and Accountability Ordinance.

20 12. VPD will hold supervisors accountable for not identifying, adequately investigating, or  
21 addressing force that is unreasonable or otherwise contrary to VPD policy.

22 13. VPD will be responsible for identifying and reporting force trends and for taking  
23 preventive steps to curb problematic trends, including issuing or revising policies, directives,  
24 training, or training bulletins, or providing additional training, mentoring, and supervision to  
25 individual officers.

26 14. VPD revised and adopted a new Critical Incident Review Board (CIRB) policy under the  
27 MOU and has created a strong and progressive CIRB policy. VPD and the Evaluator will review  
28 and evaluate adherence to the updated CIRB policy and process to support ongoing

1 implementation of the revised policy and ensure that updates and improvements are incorporated  
2 when appropriate.

3 15. VPD, in consultation with the Evaluator, will evaluate the updated CIRB policy and  
4 process to evaluate the shooting that occurred in June 2023.

5 16. VPD will work with the Evaluator to include, as part of its commendation policy, an  
6 award or commendation that recognizes employees who demonstrate exceptional skill in  
7 employing de-escalation and bias-free community policing practices in the field.

8 **B. Use-of-Force Training**

9 17. VPD will work with the Evaluator to evaluate use of force training to be provided to all  
10 officers to ensure the training complies with the requirements set forth in the use of force policy  
11 and with best practices of constitutional policing. The topics for the training shall include the  
12 following:

- 13 a. proper use of force decision making, including when force may be unnecessary in  
14 response to minor resistance (biennial);
- 15 b. interactive scenarios and exercises that illustrate proper use of force decision making,  
16 including training officers on the importance and impact of ethical decision making  
17 and peer intervention (biennial);
- 18 c. principles of procedural justice, and avoiding the use of force in response to minor  
19 resistance (biennial);
- 20 d. de-escalation techniques that encourage officers to make arrests without using force  
21 (annual);
- 22 e. threat assessment, including how race, identity, and/or bias can impact officers' threat  
23 assessments (biennial); and
- 24 f. for supervisors, initial and annual refresher training—internal if VPD is unable to  
25 access outside training—on conducting use of force investigations, how to effectively  
26 direct officers to minimize uses of force and to intervene effectively to prevent or stop  
27 unreasonable force, using VPD's accountability and disciplinary systems after  
28 encountering a potentially unreasonable use of force, and supporting officers who

1 report unreasonable or unreported force or who are retaliated against for using only  
2 reasonable force or attempting to prevent unreasonable force (annual).

3 18. VPD will utilize the Force Options Team and any necessary use of force experts to assess  
4 the effectiveness of the use of force curricula against current policies and the integration of use of  
5 force scenario-based training and adult learning theory on a yearly basis. Nothing prevents VPD  
6 from using existing reports and data trend analysis for this purpose.

7 19. VPD shall work with the Evaluator to evaluate and update, where appropriate, current  
8 guidelines for selecting training instructors and/or entities to provide trainings, with prior  
9 performance quality and proposed curriculum being significant factors in the selection criteria for  
10 instructors on the issues identified in Paragraph 17. Nothing in this paragraph prevents VPD from  
11 selecting its own training instructors.

12 20. VPD shall convene its Field Training Officers and the force-related training instructors no  
13 less than once a year to review, update, and ensure VPD is providing consistent, high-quality, and  
14 contemporary training in the use of force that is consistent with VPD policies. VPD use of force  
15 training that is particularly relevant to organizational roles and responsibilities shall also be  
16 provided to supervisors, managers, and command staff.

17 **C. Use-of-Force Analysis**

18 21. VPD will continue to analyze the VPD use of force data and the force-related outcome  
19 data to identify significant trends and identify and correct deficiencies revealed by this analysis.  
20 VPD will work with the Evaluator to ensure that the analysis is effective and designed to achieve  
21 the goals of this Agreement.

22 22. VPD's force analysis will continue to include an assessment of the frequency and nature  
23 of uses of force that are: referred to Internal Affairs for investigation and the number of cases  
24 retained for investigation; the subject of misconduct complaints; the subject of civil lawsuits;  
25 related to criminal obstruction- or resisting-arrest-type charges that are dismissed or declined by  
26 the prosecutor; or that involve repeat officers or units.

27 23. VPD will continue to determine whether policy or training curricula changes must be  
28 made as a result of its analysis of use of force incidents.

1 24. VPD will continue to document the results of the use of force analysis in a public report.  
2 VPD will agree to a specifically delineated framework to meaningfully engage with community  
3 stakeholders when revising policies described above.

4 25. VPD will continue to use the Chief's Advisory Board (CAB) to provide input into policy  
5 and procedure, provide insight into the community's concerns, and educate the community about  
6 VPD. The CAB will continue to hold monthly meetings that are attended by the Chief of Police  
7 and/or a Deputy Chief of Police. VPD will make a good faith effort to have representatives from  
8 various diverse stakeholder groups, including those that may be critical of the VPD, on the CAB.  
9 The Evaluator will review and evaluate the CAB, including how VPD utilizes this important  
10 resource for community engagement.

11 26. VPD will work with the Evaluator to provide technical assistance as needed to the  
12 Independent Police Auditor and Legal Counsel assigned to the Community Police Oversight and  
13 Accountability Commission (POAC) regarding the POAC's role in developing policy within  
14 VPD.

15 **II. BIAS-FREE POLICING**

16 27. VPD commits to providing bias-free services and enforcing laws in a way that is  
17 professional, nondiscriminatory, fair, and equitable. The Bias-Free Policing policy applies to  
18 sworn officers, communications staff, and non-sworn personnel of the Department.

19 28. VPD shall provide all officers with initial training and periodic roll-call training and  
20 dispatch personnel with initial and refresher training on its Bias-Free Policing Policy, to ensure  
21 personnel are capable of conducting their service responsibilities in a manner consistent with the  
22 provisions and expectations of this section. Bias-free policing training and updates to VPD  
23 policies will be informed by applicable recommendations made by the RIPA Board's annual  
24 reports and other recognized police best practices resources. VPD will work with the Evaluator to  
25 ensure that the training will include, but not be limited to:

- 26 a. Identification of key indices and perspectives that make up racial, identity, and  
27 cultural differences among residents;

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- 1           b. Negative impact of intentional and implicit biases, prejudices, and stereotyping on
- 2           effective law enforcement, including examination of how historical discriminatory
- 3           enforcement practices have harmed police-community relations and contributed to
- 4           injury, death, disparities in arrest, detention and incarceration rights, and wrongful
- 5           convictions;
- 6           c. The history and role of the civil and human rights movement and struggles and their
- 7           impact on law enforcement, and law enforcement's impact on these movements;
- 8           d. Specific obligations of peace officers in preventing, reporting, and responding to
- 9           discriminatory or biased practices by fellow peace officers;
- 10          e. Perspectives of diverse, local constituency groups and experts on particular racial,
- 11          identity, and cultural differences and police-community relations; and
- 12          f. The prohibition against racial or identity profiling.

13 29. Each sworn member of VPD who receives initial bias-based policing training will  
14 thereafter be required by VPD to complete an approved refresher course every year, or sooner if  
15 deemed necessary, in order to keep current with changing racial, identity, and cultural trends.

16 30. Each year, the Deputy Chief shall review the efforts of the Department to prevent bias-  
17 based policing pursuant to revised Policy 401 – Bias-Free Policing, and submit an overview to  
18 the Chief of Police. On an annual basis, the Deputy Chief will submit an overview of the  
19 complaints received that assert bias-based policing or racial or identity profiling. The report  
20 shall be reviewed by the Chief of Police to identify any trends or issues that would inform  
21 changes that should be made in training or operations to improve service.

22 31. Additionally, the Deputy Chief will submit to the Evaluator an overview of the annual  
23 RIPA data submitted to the DOJ to assess trends, deficiencies, and sufficiency of the data and its  
24 submission under RIPA requirements. The Professional Standards Division will prepare an  
25 annual report that describes and analyzes department data on the year's bias-based policing  
26 allegations, including the number of allegations, whether bias-based policing allegations have  
27 increased or decreased, and RIPA data on disparities in police actions based on protected  
28 characteristics. The report will also include the outcomes in Paragraph 30 and the status of the

1 Department's effort to prevent bias-based policing and strategies to decrease such complaints  
2 and disparities identified through RIPA data.

3 **III. STOPS, SEIZURES, AND SEARCHES**

4 32. VPD will train, emphasize, and ensure that all investigatory stops, seizures, and searches  
5 are conducted in accordance with the rights, privileges, and immunities secured or protected by  
6 the Constitution or laws of the State of California and the United States. VPD will train,  
7 emphasize, and ensure that investigatory stops and searches are part of an effective overall crime  
8 prevention strategy, are conducted in a professional manner, and are adequately documented for  
9 tracking and supervision purposes. To achieve these outcomes, VPD shall implement the  
10 requirements below.

11 33. VPD will implement policies to be developed in consultation with the Evaluator, to ensure  
12 that officers document and VPD supervisors review and evaluate: (1) investigatory stops, to  
13 determine whether they are supported by reasonable suspicion; (2) pat-down searches, to  
14 determine whether they are supported by an objectively reasonable belief that a person may be  
15 armed and dangerous; (3) arrests, to determine whether they are supported by probable cause and  
16 VPD policy; (4) stops, searches, and seizures, to determine whether they are compliant with this  
17 Agreement; and (5) investigatory stops, searches, and arrests, even if comporting with law and  
18 policy, to determine whether there is a need for corrective action or review of agency policy,  
19 strategy, tactics, or training.

20 34. VPD officers will identify themselves by name and rank at the beginning of encounters  
21 with individuals unless doing so is not safe.

22 35. VPD officers will inform individuals stopped of the reason for the stop and document it on  
23 any citation, police report, or stop data entry resulting from the stop unless not doing so is  
24 necessary to protect life or property from imminent threat, including, but not limited to, cases of  
25 terrorism or kidnapping. (See Vehicle Code, section 2806.5.)

26 36. VPD agrees to work with the Evaluator to enhance, as appropriate, its policy that  
27 recognizes and supports the right of members of the public to observe and record police actions  
28 consistent with the law. To ensure implementation of this foundational right, VPD agrees to

1 prohibit interfering, threatening, intimidating, blocking, or otherwise discouraging a member of  
2 the public who is not violating any other law from observing a stop or search and/or taking  
3 photographs or recording video (including photographs or video of police activities) in any place  
4 the member of the public is lawfully present.

5 **A. Investigatory Stops and Detentions**

6 37. VPD will reiterate, train, and emphasize that officers will only conduct investigatory stops  
7 or detentions where the officer has reasonable suspicion that a person is in the process of  
8 committing a crime, or has committed a crime.

9 38. VPD will enhance and revise its current training with respect to investigatory stops,  
10 including pedestrian, bicycle, or vehicle stops, by emphasizing the following elements: (1)  
11 introducing themselves by their name and rank at the initiation of contact with a civilian when  
12 reasonable and practical; (2) stating the reason for an investigatory stop or detention as soon as  
13 practicable; (3) ensuring that an investigatory stop or detention is no longer than necessary to take  
14 appropriate action; (4) acting with professionalism and courtesy throughout the interaction; (5)  
15 when practical and safe, answering questions the person may have regarding the stop, including  
16 an explanation of options for traffic citation disposition, if relevant; (6) providing the member's  
17 business card for all detentions (which shall contain the website or telephone information  
18 regarding how an individual can file a commendation or complaint); and (7) conducting a pat-  
19 down search only if the officer has specific and articulable facts justifying the pat-down search in  
20 accord with *Terry v. Ohio* (1968) 392 U.S 1, and cases interpreting *Terry*.

21 39. VPD will reiterate, train, and emphasize to officers that race, color, ethnicity, national  
22 origin, age, religion, gender, gender identity, sexual orientation, or mental or physical disability  
23 are not to be used as a factor, to any extent or degree, in deciding who to stop, or what actions to  
24 take during and following a stop, or in establishing reasonable suspicion or probable cause,  
25 except as part of actual and credible description(s) of a specific suspect or suspects in any  
26 criminal investigation.

27 40. VPD officers shall document all stop data required by RIPA and the statute's  
28 implementing regulations.

1 41. VPD will reiterate, train, and emphasize that officers should use accurate and specific  
2 descriptive language and not rely solely on “boilerplate” or form language in any reports  
3 describing factual circumstances of investigatory stops, detentions, and searches.

4 42. VPD will work with the Evaluator to develop a policy that defines and limits the use of  
5 pretextual stops. This will include considering eliminating pretextual stops, restricting pretextual  
6 stops, or limiting law enforcement responses to certain infractions and addressing exceptions for  
7 public safety.

8 **B. Searches**

9 43. VPD will reiterate, train, and emphasize to officers that race, color, ethnicity, national  
10 origin, age, religion, gender, gender identity, sexual orientation, or mental or physical disability  
11 are not to be used in exercising discretion to conduct a search, except as part of an actual and  
12 credible description of a specific suspect or suspects in any criminal investigation. An officer  
13 must be able to articulate a valid reason under law and VPD policy for initially having stopped an  
14 individual.

15 44. VPD officers will not conduct arbitrary searches. VPD will clearly set forth in policy and  
16 training that searches must be made pursuant to a warrant or a pre-trial or probationary release  
17 term (as explained in Paragraph 45), except in the limited circumstances when searches may be  
18 made without a warrant under the law. VPD will prohibit officers from conducting searches based  
19 on consent during consensual encounters. Consistent with the law and the terms of this  
20 Agreement, officers may not conduct a consent search after detaining a subject unless an officer  
21 reasonably suspects that the subject has contraband or evidence related to that detention. In those  
22 limited cases where consent may be sought to search, valid consent must be voluntary and  
23 expressed, and the officer must inform the subject that they can lawfully refuse consent. Any  
24 interactions seeking consent to search must be captured on body-worn camera and/or via a signed  
25 VPD consent form. The policy will include a provision stating that any officer who fails to obtain  
26 informed consent in this manner will be subject to discipline.

27 45. VPD will prohibit all officers from asking a person for their probation or parole status in  
28 all consensual encounters. In addition, VPD will work with the Evaluator to develop a policy that

1 prohibits randomly or presumptively asking individuals for their probation or parole status,  
2 including during routine traffic stops. The policy will allow an officer to ask if a person is on  
3 parole or probation only if the officer has articulable facts creating a reasonable suspicion that a  
4 person committed, is committing, or is about to commit a crime separate from any infraction that  
5 initiated a stop. The officer will document the facts that gave rise to the reasonable suspicion on  
6 their body worn camera video or on a written form.

7 46. VPD will make clear that to conduct a pat search, an officer must have specific and  
8 articulable facts causing them to believe the suspect is armed and dangerous, and that the validity  
9 of the search is based on what a reasonably prudent officer would believe under the totality of the  
10 circumstances. VPD officers will not use pat-down searches to search for evidence or contraband.  
11 VPD will reiterate, train, and emphasize to officers that pat-down searches must be limited to  
12 those which are necessary for the discovery of guns, knives, clubs, or other hidden instruments  
13 which might be used to harm officers or others nearby. VPD will make clear that it is the law and  
14 VPD policy that once officers realize an object is not a weapon or an object that can be used as a  
15 weapon, they may not further manipulate the object and must move on.

16 47. VPD shall collect and analyze the RIPA and any other data related to searches based on  
17 probation or parole status. VPD shall assess the efficacy of this tactic and its impact on the  
18 community and make additional policy changes accordingly.

19 48. VPD shall continue to ensure that all employees, including non-sworn personnel, have  
20 completed the initial racial and identity profiling training required by Penal Code section 13519.4,  
21 subd. (g), and the required refresher courses every year, or sooner if deemed necessary.

22 **C. Stop, Search, and Seizure Policies and Training**

23 49. VPD shall provide all officers with training on stops, searches, and seizures in their initial  
24 training and periodic roll call training to ensure sworn personnel are capable of conducting these  
25 activities in a manner consistent with the provisions and expectations of this section and the  
26 Agreement. In addition, VPD will work with the Evaluator to develop training that shall:

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- 1 a. ensure officers understand the Fourth and Fourteenth Amendments and related legal
- 2 restrictions on searches and seizures, including consent searches, probation and parole
- 3 searches, as well as additional limitations under VPD policy;
- 4 b. address the differences between various police contacts by:
  - 5 i. the scope and level of police intrusion;
  - 6 ii. differences between probable cause, reasonable suspicion, and mere
  - 7 speculation; and
  - 8 iii. true voluntary consent;
- 9 c. provide guidance on the facts and circumstances, in addition to legal and policy
- 10 limitations, that should be considered in initiating, conducting, terminating, and
- 11 expanding a stop or search, including consent searches and probation and parole
- 12 searches;
- 13 d. incorporate role-playing scenarios and other adult-learning mechanisms to facilitate
- 14 officers' ability to exercise good judgment about whether and how to stop and search
- 15 individuals;
- 16 e. provide guidance on consensual encounters, stopping and/or searching individuals for
- 17 discretionary and non-violent offenses, including providing guidance about procedural
- 18 justice, alternatives to conducting investigatory stops and searches, and the impact on
- 19 civilians of conducting arbitrary stops and searches.

20 50. VPD will work with the Evaluator to develop measures to determine the effectiveness of  
21 their trainings.

22 **D. Supervisory Review**

23 51. VPD agrees to implement additional accountability and supervision practices outlined  
24 below, and ensure that existing policies are followed, to ensure that unlawful stops, searches, and  
25 seizures are detected and effectively addressed.

26 52. VPD will work with the Evaluator to establish a process for Sergeants and Lieutenants to  
27 regularly review the activity of officers. Sergeants shall continue to review and approve all their  
28 assigned officers' crime and arrest reports, citations, and RIPA stop reports for completeness,

1 accuracy, and legal sufficiency. Lieutenants shall utilize the Department's randomized body worn  
2 camera auditing software to review at least five (5) randomized videos from officers within their  
3 command each month. Of the five (5) videos, at least three (3) must contain a review of an  
4 incident involving a search or detention/arrest situation. If the Lieutenant conducting the random  
5 review determines there is a concern, a Sergeant shall be directed to conduct further review of the  
6 incident, including a comparison of the RIPA stop data reports, additional body worn camera  
7 footage, and any other documentation to ensure policy accountability. The Sergeant shall  
8 document their findings and submit that documentation for review and approval to their  
9 Lieutenant.

10 53. If the review determines that an officer's stop, search, or seizure documentation does not  
11 provide sufficient detail or articulate sufficient legal and policy justification for the action, the  
12 supervisor shall review the action with the officer to determine whether there was sufficient legal  
13 and VPD policy justification, as well as address any deficiencies to ensure they are corrected.

14 54. VPD Sergeants and Lieutenants shall evaluate and enhance VPD's processes and  
15 procedures to address all violations or deficiencies in stops, searches, and seizures, including non-  
16 disciplinary corrective action for the involved officer and/or referring the incident for disciplinary  
17 action when other corrective measures have been ineffective or ignored.

18 55. VPD agrees to continue to hold accountable Sergeants and Lieutenants for appropriately  
19 and thoroughly reviewing reports and documentation related to stops, searches, and seizures, and  
20 requiring officers to articulate sufficient rationale under law and VPD policy.

21 56. VPD will analyze the stop data it collects under RIPA, and consult with the Evaluator on  
22 an annual basis to obtain supplemental recommendations from the Evaluator for revisions to its  
23 policies and training based upon that analysis.

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1 **IV. RESPONDING TO AND INTERACTING WITH PEOPLE WITH BEHAVIORAL HEALTH**  
2 **DISABILITIES OR IN CRISIS**

3 57. VPD will evaluate and improve its policies with respect to calls or encounters involving a  
4 person in mental health crisis or suffering from a mental health disability. VPD and the City will  
5 work with the Evaluator to develop a policy and protocol for responding to calls involving a  
6 person in mental health crisis or suffering from a mental health disability. The policy and protocol  
7 will include utilizing professional civilian staff, who are trained professionals in responding to  
8 mental health crises, to respond when appropriate and available, taking into account available  
9 resources including county participation and volunteer and/or funding availability.

10 58. Sworn staff, call takers, dispatch personnel, and professional civilian staff will receive  
11 training that emphasizes recognizing a person may be suspected of having a behavioral health  
12 disability or be in crisis by taking into account a number of factors, including self-reporting,  
13 information provided by witnesses or informants, VPD's previous knowledge of the individual, or  
14 an officer's direct observation.

15 59. Officers will be trained not to make assumptions regarding the dangerousness of an  
16 individual based on that individual's disability, including mental health status.

17 60. VPD will work with the Evaluator to develop a Crisis Intervention Team Training (CIT)  
18 first-responder model of community-based crisis intervention with community, health care, and  
19 advocacy partnerships to assist individuals with behavioral health disabilities and individuals who  
20 are in crisis. VPD will work with the Evaluator to implement the CIT model dependent upon  
21 available resources including county participation and volunteer and/or funding availability.  
22 VPD will work with the Evaluator to attempt to identify and pursue funding resources.

23 61. The goals of the CIT program will be to equip dispatchers and officers with methods to  
24 properly interact safely with persons with behavioral health disabilities or in crisis; determine  
25 whether a non-sworn response is appropriate; de-escalate crises; reduce the unnecessary use of  
26 force against individuals with behavioral health disabilities or in crisis when an officer response is  
27 required; minimize arrests; improve the safety of patrol officers, individuals with behavioral  
28 health disabilities or in crisis, and their families, and others within the community; refer

1 individuals to county social services and/or behavior health systems, including Solano County  
2 Behavioral Health; and reduce the potential for an inappropriate involvement of individuals with  
3 behavioral health disabilities with the criminal justice system.

4 62. VPD will ensure that all patrol officers, inclusive of supervisors, receive CIT training.  
5 VPD will provide CIT training to all new officers, including lateral transfers. In addition, sworn  
6 personnel who are newly promoted to a supervisory position shall receive a refresher CIT training  
7 as part of their leadership training. VPD will work with the Evaluator to identify appropriate  
8 training, and to determine the necessary amount of in-service training.

9 63. All VPD dispatchers and their supervisors will receive CIT training that is adequate to  
10 enable them to identify, dispatch, and appropriately respond to calls for service that involve  
11 individuals in crisis.

12 64. VPD will develop a protocol to evaluate the effectiveness of its policies for interacting  
13 with individuals and/or responding to calls for service involving a person in crisis or with a  
14 mental health disability. The protocol will include audits and improvement loops to be developed  
15 by the Evaluator in consultation with the DOJ.

16 65. VPD will work with the Evaluator to include, as part of its commendation policy, an  
17 award or commendation that recognizes employees who demonstrate exceptional skill in  
18 employing their CIT training in the field.

#### 19 **V. MANAGEMENT AND SUPERVISORY OVERSIGHT**

20 66. VPD will, in consultation with the Evaluator and with approval by the DOJ, develop and  
21 implement policies, guidelines, and training to ensure all supervisors and managers: (a) exercise  
22 appropriate supervisory oversight, (b) conduct objective and impartial investigations, (c) are held  
23 accountable for meeting agency standards and expectations, (d) engage with and listen to  
24 community feedback, (e) incorporate community feedback when able and appropriate, and (f)  
25 develop and evaluate policing strategies and tactics reflective of contemporary best community-  
26 policing practices.

27 67. VPD will, in consultation with the Evaluator and with approval by DOJ, develop and  
28 implement mandatory supervisory training in accord with contemporary police practices that will

1 include techniques for effectively guiding and directing the actions of their subordinate personnel,  
2 promoting effective and constitutional police practices, and stressing the importance of de-  
3 escalating conflict situations whenever possible.

4 68. VPD will, in consultation with the Evaluator and with approval by DOJ, develop specific  
5 metrics to be incorporated into the annual evaluations of supervisors. Based on its review of this  
6 practice, the Evaluator and/or DOJ will make supplemental recommendations as to revisions to  
7 the metrics and to continue to improve the effectiveness of the supervision of VPD's officers.

8 69. VPD will work with the Evaluator to ensure that all policies, metrics, and guidelines  
9 regarding management and supervisory oversight will incorporate processes for internal or  
10 external reviews, audits, and/or continuous improvement loops in order to ensure the reforms are  
11 effective and sustainable.

12 70. After the expiration of the successor memorandum of understanding between the Vallejo  
13 Police Officers Association and the City of Vallejo (VPD MOU) to the VPD MOU that expired  
14 on March 31, 2022, or after January 1, 2025, the City will, in consultation with the Evaluator,  
15 explore options for VPD's Command Staff (Lieutenant and higher) to have their own bargaining  
16 group and/or labor representatives separate from the rank and file.

17 71. VPD and the Chief will, in consultation with the Evaluator, explore options to address the  
18 role played by officers in positions like internal affairs and the CIRB that require the supervision,  
19 investigation, and/or evaluation of officers.

20 72. VPD and the City will, in consultation with the Evaluator, explore contracting and/or  
21 coordinating with community groups and other local organizations to support and/or augment the  
22 work of the VPD, such as mental health services, resources for the unhoused, youth programs,  
23 and safety education.

## 24 **VI. COMMUNITY POLICING**

25 73. VPD agrees to enhance, promote, and strengthen partnerships within the community, to  
26 continue engaging constructively with the community to ensure collaborative problem-solving  
27 and bias-free policing, and to increase transparency and community confidence in VPD. VPD  
28 also agrees to continue utilize its Chief's Advisory Board (CAB) and the Police Oversight and

1 Accountability Commission (POAC) and to continue to develop and amend significant policies  
2 that impact the community, including but not limited to its use of force policies, community-  
3 policing strategy and policies, bias-free policing policies, and civilian complaint policies.

4 74. VPD will work with the Evaluator, CAB, and POAC to develop a community policing  
5 strategic plan that incorporates best practices focused on positive community-law enforcement  
6 relationships, taking into account the staff and resources available.

7 **A. Community and Problem-Oriented Policing**

8 75. VPD agrees to work with the Evaluator to broaden its current efforts to actively  
9 participate in community engagement efforts, including participating in local community  
10 meetings or events, engaging and addressing community feedback, and working with the  
11 community on the development of diversion programs, taking into account staffing and resources.  
12 VPD agrees to enhance its engagement with all members of the community, including its critics.  
13 VPD agrees to create additional easy points of access for community feedback and input, such as  
14 providing “community feedback” or “talk to your Lieutenant” links on its website and social  
15 media pages.

16 76. A variety of sworn personnel, up through the chain of command, shall continue to actively  
17 attend community meetings and events. VPD agrees to develop a plan for such attendance. The  
18 plan shall indicate the number and types of events to be attended on a regular basis and take into  
19 account the need to enhance relationships with particular groups within the community,  
20 including, but not limited to, youth, limited English proficiency (“LEP”), immigrant, LGBTQ+  
21 and communities of color. VPD will work with the Evaluator on developing the plan in  
22 conjunction with Recommendations 7 and 8 of the 2020 Recommendations to avoid unnecessary  
23 duplication.

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1 77. VPD agrees to provide structured annual in-service training on community policing and  
2 problem-oriented policing methods and skills for all officers, including unit supervisors and  
3 Lieutenants. This training shall include:

- 4 a. methods and strategies to improve public safety and crime prevention through  
5 community engagement;
- 6 b. scenario-based training, including roll call training, that promotes the development of  
7 new partnerships between VPD and the community, targeting problem solving and  
8 prevention;
- 9 c. leadership, ethics, and interpersonal skills;
- 10 d. community engagement techniques, including how to establish formal partnerships  
11 and actively engage community organizations, including youth, immigrant, LEP,  
12 communities of color, and LGBTQ+ communities;
- 13 e. procedural justice;
- 14 f. intelligence-led and problem-oriented policing tactics for both employees and  
15 community members;
- 16 g. conflict resolution and verbal de-escalation of conflict; and
- 17 h. cultural awareness, bias, and sensitivity training.

18 78. VPD will continue to incorporate into its organizational strategies and policing philosophy  
19 the Final Report of The President's Task Force on 21st Century Policing.

20 79. To continually improve police-community partnerships, VPD will assess and report on the  
21 outcome of community engagement initiatives as identified in the community policing strategic  
22 plan. VPD will continue to issue annual public reports and post them on its website regarding its  
23 community engagement efforts. VPD will review its reports and will identify successes,  
24 obstacles, and recommendations for future improvement and will make adjustments to the  
25 engagement efforts based upon such review.

26 80. VPD agrees to seek the assistance of the CAB, the Police Oversight and Accountability  
27 Commission, and community advocates in widely disseminating information to the public, in  
28 English and Spanish, and as set forth in other requirements of this Agreement.

1 **VII. PERSONNEL COMPLAINT REVIEW**

2 81. VPD will continue to ensure that all allegations of personnel misconduct are received and  
3 documented, fully and impartially investigated, adjudicated based on a preponderance of the  
4 evidence, and that all personnel who commit misconduct are held accountable pursuant to a  
5 disciplinary system that is fair and consistent. VPD will work with the Evaluator to revise and  
6 update its Civilian Complaints policy in accordance with best practices. VPD will also ensure that  
7 exemplary officer performance is recognized. To achieve these outcomes, VPD and the City  
8 agree to implement the requirements below.

9 **A. Complaint/Commendation Intake**

10 82. In order to ensure that all personnel complaint investigations are thorough, fair, and  
11 resolved in a timely and appropriate manner, VPD will continue to designate Internal Affairs to  
12 serve as the central coordinator and quality control hub for all personnel complaint intake,  
13 investigation, adjudication, and review processes, even for those cases not requiring a full  
14 administrative investigation. VPD will work with the Evaluator to enhance this process.

15 83. VPD shall continue to make personnel complaint and commendation forms and  
16 informational materials, including brochures and posters, available at appropriate City properties  
17 in Vallejo, including, at a minimum, VPD stations and on the VPD website, and shall make a  
18 concerted effort to provide them to community groups, churches, and other non-governmental  
19 stakeholders. VPD will make its complaint brochure explaining the complaint procedures  
20 available in Spanish or any other language that the City must provide to voters during an election.  
21 VPD will also amend its website so that complaint forms can be submitted electronically.

22 84. VPD will continue to accept all personnel complaints and commendations, including  
23 anonymous and third-party complaints, for review and investigation. Complaints may be made in  
24 writing or verbally, in person or by mail, telephone (or TDD), facsimile, or electronic mail, as  
25 well as in the field. Any LEP individual who wishes to file a complaint about a VPD officer or  
26 employee shall be provided with a complaint form and informational materials in all non-English  
27 languages required to be provided to voters in election. VPD will make every reasonable effort to  
28 provide appropriate translation services for other languages. The refusal to accept a personnel

1 complaint, discouraging the filing of a complaint, or providing false or misleading information  
2 about filing a complaint, shall continue to be grounds for discipline, up to and including  
3 termination.

4 85. VPD will work with the Evaluator to identify, consider, and implement the best practices  
5 contained in the RIPA Advisory Board's 2023 Annual Report, pages 179-194, that are applicable  
6 and achievable, and which have not yet been implemented by VPD. Similarly, VPD shall review  
7 prior RIPA reports and work with the Evaluator to consider future recommendations designed to  
8 improve the openness and transparency of the complaint process.

9 86. VPD will work with the Evaluator to amend its complaint form to collect the applicable  
10 information delineated in the RIPA Board's 2020 Annual Report at pages 81-84. The complaint  
11 form and information provided on the website shall be amended to state that retaliation for  
12 making a complaint or cooperating in a complaint investigation is contrary to VPD policy.

13 **B. Complaint Classification**

14 87. VPD will enhance its policies regarding complaint investigations to ensure that they are  
15 complete, clear, and consistent. VPD will implement mechanisms to ensure that all personnel  
16 allegations are accurately classified at all investigative stages, from intake through adjudication,  
17 so that each allegation receives the appropriate level of review required under policy.

18 88. VPD will ensure that personnel complaints are properly classified. Toward this end, VPD  
19 will adopt the following definition of civilian complaint recommended by the RIPA Board in its  
20 2023 Report:

21 (1) Complaint means either of the following: (A) any issue brought to a department or agency  
22 where the complainant perceives that a department or agency employee engaged in criminal  
23 conduct, abusive or discriminatory behavior, inappropriate or discourteous conduct, or violation  
24 of any law or rules, policies, and regulations of the department or agency; or (B) disagreement  
25 solely with the policies, procedures, or services of the department or agency and not with the  
26 performance of any personnel. If during the course of investigating this type of complaint,  
27 conduct is discovered that could be the basis of a complaint under subdivision (1)(A), the  
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1 investigator shall report this conduct to a supervisor, which should be logged, tracked, and  
2 investigated separately from the original complaint.

3 89. Any contact from the public designated as a public inquiry must also be reviewed by  
4 Internal Affairs. Internal Affairs shall independently review the contact to determine whether it  
5 should be categorized as a civilian complaint or public inquiry.

6 90. VPD shall continue to investigate every allegation of misconduct that arises during an  
7 investigation, even if an allegation is not specifically articulated as such by the complainant, and  
8 will work with the Evaluator to enhance this process.

9 91. In order to ensure that all personnel complaint investigations are thorough, fair, and  
10 resolved in a timely and appropriate manner, VPD will continue to designate Internal Affairs to  
11 serve as the central coordinator and quality control hub for all personnel complaint intake,  
12 investigation, adjudication, and review processes, even for those cases not requiring a full  
13 administrative investigation. VPD will work with the Evaluator to enhance this process.

#### 14 **C. Investigations**

15 92. All investigations of VPD personnel complaints, including reviews, shall continue to be as  
16 thorough as necessary to reach reliable and complete findings, and the investigation shall address  
17 all substantive issues raised by the reporting party. In each investigation, VPD shall consider all  
18 relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and  
19 make credibility determinations based upon that evidence. The investigators shall not use leading  
20 questions when interviewing officers and shall not permit officers to submit a written statement in  
21 lieu of an interview with investigators. There shall be no automatic preference for an officer's  
22 statement over a non-officer's statement, nor shall VPD disregard a witness' statement merely  
23 because the witness has some connection to the complainant or because of any criminal history.  
24 VPD and any investigators shall make efforts to resolve material inconsistencies between witness  
25 statements. VPD will work with the Evaluator to further develop this process in accord with  
26 current best practice standards related to investigations.

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1 93. VPD will not permit any involved supervisor, any supervisor who authorized the conduct  
2 that led to the complaint, or any supervisor who has a conflict with the VPD personnel involved  
3 to conduct that complaint investigation.

4 94. The investigator shall seek to identify all persons at the scene giving rise to a misconduct  
5 allegation, including all VPD officers. The investigator will make all reasonable efforts to  
6 separate and interview all witnesses and any other person at the scene giving rise to the  
7 misconduct allegation. The investigator shall note in the investigative report the identities of all  
8 officers and persons who were on the scene, and identify if they did not witness or were not  
9 involved in the incident. The investigator shall conduct further investigation of any such  
10 assertions that appear unsupported by the evidence.

11 95. All witnesses, including, if authorized by the Public Safety Officers Procedural Bill of  
12 Rights Act (POBR), officers witnessing or involved in an incident that become the subject of a  
13 personnel complaint, shall provide a written statement regarding their involvement in and/or  
14 observations of the incident, or be interviewed as described below. All witnesses and subjects of  
15 an investigation shall be admonished not to discuss the issues underlying the investigation with  
16 others and especially with witnesses to the events.

17 96. Interviews shall be recorded. All interviews of all witnesses will be conducted separately.  
18 An interpreter not involved in the underlying incident will be used when taking statements or  
19 conducting interviews of any LEP complainant or witness.

20 97. Every VPD misconduct investigation should include a comprehensive investigative  
21 summary to ensure that the evidentiary bases for the investigation's findings are clearly supported  
22 and accessible to command staff who make disciplinary recommendations.

23 **D. Management Review and Adjudication of Complaints**

24 98. All personnel investigations shall be reviewed and approved in writing by the accused  
25 employee's commanding officer. The reviewing commanding officer shall ensure that all  
26 substantive allegations were identified and investigated, even if the allegation was not specifically  
27 articulated by the complainant. VPD will work with the Evaluator to enhance this process.

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1 99. The reviewing commanding officer will continue to adjudicate each substantive allegation  
2 using the preponderance of evidence standard and classify each allegation using the Penal Code  
3 standards of Sustained, Not Sustained, Exonerated, or Unfounded (Pen. Code, §§ 832.5, 13012).

4 100. When an allegation is sustained, the reviewing commanding officers will continue to use  
5 the corrective action guidelines developed pursuant to the MOU and will recommend the  
6 appropriate corrective action or penalty, taking into consideration the seriousness of the offense,  
7 the totality of the circumstances, including mitigating and aggravating circumstances, and the  
8 employee's work history. VPD will work with the Evaluator to monitor this process.

9 101. To ensure fairness, transparency, and predictability, VPD will formalize its disciplinary  
10 recommendation process to ensure that discipline is uniformly applied and takes into account the  
11 1) seriousness of the offense; 2) impact or potential impact on the Department and its members;  
12 3) employee's work history and acceptance of responsibility; and 4) employee's prior disciplinary  
13 history.

14 102. The reviewing commanding officers will ensure that the disposition of each complaint and  
15 allegation(s) therein are recorded accurately in the Department's database used to track such  
16 employee actions.

17 **E. Complaint Review and Investigation Training**

18 103. VPD agrees to provide initial training to officers and supervisors about proper complaint  
19 intake, classification, and investigation techniques, and then annual training thereafter. VPD will  
20 provide training about how to record complaints from individuals who may not be proficient in  
21 English, and the consequences for failing to properly take and objectively investigate complaints  
22 from the public.

23 104. All VPD personnel involved in conducting personnel complaint investigations at VPD  
24 shall receive initial training on conducting these misconduct investigations and shall receive  
25 refresher training each year. This training shall include instruction in the practical application of:

- 26 a. investigative skills, including proper interrogation and interview techniques, gathering  
27 and objectively analyzing evidence, and data and case management;

- 1 b. the particular challenges of personnel complaint reviews/investigations, including
- 2 identifying alleged misconduct that is not clearly stated in the complaint or that
- 3 becomes apparent during the investigation, properly weighing credibility of both
- 4 civilian witnesses and officers, using objective evidence to resolve inconsistent
- 5 statements, and the proper application of the preponderance of the evidence standard;
- 6 c. relevant state, local, and federal law, including state employment law related to
- 7 officers and the rights of public employees, as well as criminal discovery rules such as
- 8 those set out in *Garrity v. New Jersey* (1967) 385 U.S. 493, *Lybarger v. City of Los*
- 9 *Angeles* (1985) 40 Cal.3d 822, and *Brady v. Maryland* (1963) 373 U. S. 83; and
- 10 d. VPD rules and policies, including the requirements of this Agreement, and protocols
- 11 related to criminal and administrative investigations of alleged officer misconduct.
- 12 e. Independent Investigators retained to conduct investigations shall meet the
- 13 requirements of the Police Oversight and Accountability Ordinance and shall be well
- 14 versed in the application of items a – d above.

15 105. All personnel responsible for the review of personnel complaint investigations at VPD  
16 shall receive initial training on reviewing personnel complaint investigations and shall receive  
17 refresher training annually thereafter. The training shall include instruction in the practical  
18 application of:

- 19 a. Ensuring that all witnesses and accused officers are accounted for in the investigation
- 20 and that they are asked about allegations they may have witnessed or in which they
- 21 were allegedly involved;
- 22 b. Ensuring that summarized statements accurately reflect the recorded interviews;
- 23 c. Ensuring that evidence is identified, analyzed, and interpreted in the investigation;
- 24 d. Ensuring any risk-management issues are identified and addressed, such as inadequate
- 25 policies, insufficient training, inadequate or inoperable safety equipment, and
- 26 ineffective field supervision;
- 27 e. Determining the appropriate corrective action and/or penalty, when appropriate; and
- 28

1 f. Relevant state and local laws dealing with conducting personnel investigations and  
2 disciplinary actions.

3 **F. Personnel Complaint Audits**

4 106. VPD shall continue to conduct an annual audit of VPD's complaint intake, classification,  
5 investigations, and the adjudication of those matters. This audit will assess whether complaints  
6 are accepted and classified consistent with policy, investigations are complete, and complaint  
7 dispositions are consistent with a preponderance of the evidence. Audits will be submitted  
8 through the chain of command to the Chief for a determination regarding recommendations made  
9 and further action required.

10 107. VPD will, on an annual basis, provide information as requested by the Evaluator regarding  
11 all complaints received, including cases in which employees were found to have committed  
12 misconduct and the steps taken to hold them accountable for their conduct. The Evaluator will  
13 then submit a report to VPD and to DOJ providing its expert opinion as to whether the cases  
14 identified and the steps taken have been sufficient or insufficient, and provide recommendations  
15 as to improvements, if any, that should be made to the process for holding such personnel  
16 accountable.

17 108. VPD's Professional Standards Division will regularly assess the effectiveness of the  
18 complaint process, including the assignment of cases to the field; analyze the complaints to  
19 determine if there is a need for a re-evaluation of existing policies, procedures, or trainings;  
20 ensure regular audits of complaint investigations to ensure the quality of those investigations, that  
21 summarized statements accurately reflect recorded interviews, and that standards are being met;  
22 and make reports of complaint statistics available to the public on a regular basis.

23 109. VPD will publish an annual report of personnel complaint data that reflects the categories  
24 of complaints received (including complaints detailing allegations of racial and/or identity  
25 profiling) and the final disposition of those complaint investigations that have been completed as  
26 well as the number of any complaint investigations still pending. The report will be made  
27 available to the public on VPD's public website after being approved by the Chief and the  
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1 Evaluator. This report will reflect data for the preceding calendar year and will be released by  
2 April 1 of each year.

3 **VIII. OVERSIGHT AND REFORM**

4 110. This Agreement shall be overseen by a qualified third-party Evaluator who reports to the  
5 DOJ. The Evaluator and DOJ will be provided full and complete access to VPD's and the City's  
6 information and documents to ensure compliance with this Agreement as more fully set forth  
7 below. The City is committed to allocating all costs necessary to comply with the terms of this  
8 Agreement, and will pay all reasonable costs and expenses of the Evaluator as set forth in this  
9 Agreement.

10 **A. Selection of Evaluator**

11 111. Within 30 days of the service of the Notice of Entry of Judgment, the Parties shall begin  
12 to meet and confer to select an Evaluator and/or evaluation team (Evaluator) to oversee the terms  
13 of this Agreement. The Evaluator shall have sufficient expertise and available time to perform the  
14 duties set forth in this Agreement. As described in greater detail below, the Evaluator will assess  
15 the City's progress in implementing and achieving compliance with the Agreement and report on  
16 the status of implementation to the Parties and the Court; work with the Parties to address any  
17 barriers to compliance; and assist the Parties to informally resolve disputes or differences should  
18 they emerge.

19 112. The Evaluator shall be subject to the supervision of DOJ, consistent with this Agreement  
20 and the Oversight and Reform Plan. The Evaluator shall have the duties, responsibilities, and  
21 authority necessary to carry out the terms of this Agreement. The Evaluator shall not, and is not  
22 intended to, replace or assume the role and duties of the Chief of Police or of the DOJ. The DOJ  
23 will ultimately decide whether VPD is in Substantial Compliance with the provisions herein.

24 113. In order to assess and report on VPD's implementation of this Agreement and whether  
25 implementation is resulting in constitutional policing, the Evaluator shall conduct qualitative and  
26 quantitative compliance reviews, audits, and outcome assessments as specified below, and such  
27 additional audits, reviews, and assessments that the Evaluator or Parties deem appropriate.

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1           **B. Compliance Reviews and Audits**

2   114. The Evaluator shall conduct compliance reviews or audits as necessary to determine  
3 whether VPD has implemented and continues to comply with the Material Requirements of this  
4 Agreement. A “Material Requirement” is a requirement that has a significant relationship to  
5 achieving the purposes of this Agreement.

6   115. This Agreement will be evaluated under the standard of Substantial Compliance. To  
7 achieve “Substantial Compliance” hereunder, the City and VPD must demonstrate that they have  
8 (a) incorporated all Material Requirements into policy, (b) trained relevant personnel as necessary  
9 to fulfill their responsibilities pursuant to the Material Requirements, and (c) ensured that each  
10 Material Requirement is being carried out in practice. No specific numerical test shall be required  
11 to demonstrate Substantial Compliance, so long as VPD is demonstrating Substantial Compliance  
12 and adherence with the Material Requirements, continual improvement, and the overall purpose  
13 of the Material Requirements has been met. Non-compliance with mere technicalities, or  
14 temporary or isolated failure to comply during a period of otherwise sustained compliance, will  
15 not constitute failure to achieve or maintain Substantial Compliance. At the same time, temporary  
16 compliance during a period of otherwise sustained noncompliance will not constitute compliance.

17   116. Compliance reviews and audits will contain both qualitative and quantitative elements as  
18 necessary for reliability and comprehensiveness. Where appropriate, the Evaluator will make use  
19 of audits conducted by VPD’s Professional Standards Division, taking into account the  
20 importance of internal auditing capacity and independent assessment of this Agreement.

21   117. Where the Evaluator recommends and the Parties agree, the Evaluator may refrain from  
22 conducting a compliance audit or review of a requirement previously and consistently found to be  
23 in compliance by the Evaluator pursuant to audit or review. Thereafter, VPD and/or the City will  
24 be deemed to have achieved compliance with those requirements for purposes of this Agreement,  
25 absent evidence to the contrary.

26           **C. Outcome Assessments**

27   118. In addition to compliance reviews and audits, the Evaluator shall conduct qualitative and  
28 quantitative outcome assessments to measure whether VPD’s implementation of this Agreement

1 has achieved the desired results. These outcome assessments may include collection and analysis,  
2 both quantitative and qualitative, of the following outcome data:

3 a. Use of Force Measurements, including:

- 4 i. the rate of force used by VPD per arrest, reporting district (i.e., street address,  
5 neighborhood, or reporting district), type of arrest, and demographic category;
- 6 ii. the number and rate of uses of force resulting in training or tactical reviews,  
7 with formal discipline and/or with informal corrective action; and
- 8 iii. the number and rate of use of external force complaints that result in formal  
9 administrative investigations/reviews, and in which each finding is supported  
10 by a preponderance of the evidence.

11 b. Stop and Search Measurements, including:

- 12 i. the number and rate of stops and searches for which there is sufficient  
13 documented reasonable suspicion, overall and broken down by geographic  
14 area, type of arrest, and demographic category;
- 15 ii. the number and rate of searches that result in a finding of contraband, overall  
16 and broken down by authority to conduct search, reporting district, type of  
17 arrest, and demographic category;
- 18 iii. the number and rate of arrests, overall and broken down by type of arrest and  
19 demographic category;
- 20 iv. the number of consensual searches conducted overall and broken down by  
21 reporting area, type of arrest and demographic category;

22 c. Supervision Measurements, including initial identification of officer violations and  
23 performance problems by supervisors (including Sergeants, Lieutenants, and  
24 Captains), and effectiveness of supervisory response.

25 d. Complaints made by the public, the various categories of those complaints, and the  
26 findings made.

27 //

28

1 119. In conducting audits, reviews, and outcome assessments, the Evaluator may use any  
2 relevant data collected and maintained by VPD that the Evaluator and Parties deem reasonably  
3 reliable and sufficiently complete.

4 **D. Oversight and Reform Plan and Review Methodology**

5 **1. Oversight and Reform Plan**

6 120. The Evaluator will develop and complete an annual Oversight and Reform Plan, including  
7 proposed deadlines for implementation for conducting the compliance reviews and audits  
8 (Oversight and Reform Plan). It is the Parties' intent that the development of the annual Oversight  
9 and Reform Plan will require input from VPD, and VPD agrees to work with the Evaluator  
10 toward this end. This Oversight and Reform Plan will include specific deadlines and timelines for  
11 the implementation of this Agreement, including: (1) deadlines for the development of policies  
12 and training materials, (2) schedules for conducting compliance reviews and outcome  
13 assessments, and (3) the evaluation team assignments, which will include individuals with  
14 sufficient expertise and available time to perform the tasks under the Oversight and Reform Plan.  
15 The Oversight and Reform Plan shall take into account available City and VPD resources and  
16 staffing and shall be designed with the intent that the work required by this Agreement can be  
17 completed within the five-year term hereof. The first Oversight and Reform Plan will cover the  
18 period from entry of this Agreement through June 30, 2024, and July 1, 2024, through June 30,  
19 2025. All subsequent yearly Oversight and Reform Plans will cover each subsequent fiscal year.

20 121. The Oversight and Reform Plan will include standardized processes and timelines for  
21 efficiently reviewing submitted materials and responding to inquiries related to the requirements  
22 of this Agreement. The Evaluator will provide technical assistance through regularly scheduled  
23 meetings and in response to VPD inquiries. The Evaluator will generally provide written  
24 feedback after group meetings within ten business days. The feedback will include identifying  
25 gaps in VPD's compliance and providing direction and guidance on improvements and next steps  
26 for efficiently achieving substantial compliance.

27 122. The Oversight and Reform Plan will be submitted to DOJ for approval within 120 days of  
28 the Evaluator's appointment.

1 123. Upon approval by DOJ, the Evaluator will submit the Oversight and Reform Plan to VPD  
2 for final review and approval. VPD will have 30 days to either approve or propose changes to the  
3 Oversight and Reform Plan. If VPD proposes changes, the Evaluator and DOJ will have 15 days  
4 to accept or object to those changes. If the Evaluator and DOJ object to any of the proposed  
5 changes, the Evaluator will provide the rationale for the objection in writing, and the Parties will  
6 attempt to confer to resolve the disagreement.

7 124. If after good-faith attempts, disagreement regarding the Oversight and Reform Plan  
8 remains unresolved between the Parties and/or Evaluator so that the Oversight and Reform Plan is  
9 not approved by the Parties, and the disagreement remains unresolved, the DOJ will make the  
10 final determination. Nothing in this paragraph prevents Vallejo from invoking the court for  
11 dispute resolution under this Agreement.

12 125. For each subsequent year, the Evaluator will develop a detailed Oversight and Reform  
13 Plan for implementation hereof. The approval of the subsequent Oversight and Reform Plans will  
14 follow the same process as that set forth in paragraphs 120 through 124 of this Agreement.

15 126. At least 30 days prior to the initiation of any outcome measure assessment or compliance  
16 review, the Evaluator shall submit a proposed methodology for the assessment or review to the  
17 Parties. The Parties shall submit any comments or concerns they have regarding the proposed  
18 methodology to the Evaluator within 21 days of receipt of the Evaluator's notification. The  
19 Evaluator shall modify the methodology as necessary to address any concerns, or shall inform the  
20 Parties in writing of the reasons they are not modifying the methodology as proposed.

## 21 **2. Development of Policies, Procedures, and Training**

22 127. VPD will submit all related policies, training curricula, and lesson plans required to be  
23 written, revised, or maintained by the Agreement to the Evaluator and DOJ prior to publication  
24 and implementation. The Parties will share draft policies and meet as needed to reach agreement  
25 on whether revised policies and training materials are in compliance with the requirements of this  
26 Agreement, the Constitution, federal and statutory law, best practices, and current professional  
27 standards.

28

1 128. Forty-five days before a compliance deadline, as set out in the Oversight and Reform  
2 Plan, the Parties will submit the policy, training curriculum, or lesson plan to the Evaluator for  
3 review. The Evaluator will provide written comments to DOJ and VPD, which the DOJ shall  
4 consider in determining whether to approve the policy, training curriculum, and lesson plan.

5 129. If VPD, DOJ, and the Evaluator do not all agree that the policy, training curriculum, or  
6 lesson plan is consistent with this Agreement, legal requirements, best practices, and current  
7 professional standards, either Party or the Evaluator will provide the rationale for its objection in  
8 writing and the Parties and Evaluator will attempt to confer to resolve the disagreement. If the  
9 disagreement remains unresolved, DOJ will make the final determination.

10 130. VPD will begin implementation of policies and procedures within 30 days of DOJ  
11 approval or the court's decision if a dispute arises (see Paragraph 171), unless otherwise specified  
12 or agreed to by the Parties in the Oversight and Reform Plan.

13 131. Within 30 days after issuing a policy or procedure pursuant to this Agreement, VPD shall  
14 ensure that all relevant VPD personnel have received, read, and understand their responsibilities  
15 pursuant to the policy or procedure, including the requirement that each officer or employee  
16 report violations of policy; that supervisors of all ranks shall be held accountable for identifying  
17 and responding to policy or procedure violations by personnel under their command; and that  
18 personnel will be held accountable for policy and procedure violations. VPD shall document that  
19 each relevant VPD officer or other employee has received, read, and sufficiently understands the  
20 policy. Training beyond roll call or similar training will be necessary for many new policies to  
21 ensure officers understand and can perform their duties pursuant to the policy.

22 132. Within 90 days from the effective date of the Agreement, VPD shall ensure that each VPD  
23 personnel member is advised of the contents of this Agreement and the responsibilities of each  
24 officer and employee pursuant to it. VPD will provide the Evaluator with evidence of completion  
25 of this provision 30 days thereafter.

26 133. All training will include evaluating that employees are appropriately comprehending,  
27 retaining, and applying the knowledge and skills conveyed during the training required by this  
28 Agreement. Based on results of testing, audits, complaints, investigations or other reviews, if a

1 need for remediation is identified, VPD will provide additional training as needed to officers,  
2 supervisors, and Lieutenants that is sufficient in duration and scope to ensure that all officers can  
3 consistently and effectively carry out VPD's policies.

4 134. VPD shall completely and accurately record information regarding VPD officers' training  
5 attendance.

6 **E. Evaluator Recommendations and Assessments**

7 135. The Evaluator may also make recommendations to the Parties regarding measures  
8 necessary to ensure timely, Substantial Compliance with this Agreement and its underlying  
9 objectives. Such recommendations may include a recommendation to change, modify, or amend a  
10 provision of this Agreement, a recommendation for additional training, or a recommendation to  
11 seek technical assistance.

12 136. The Evaluator may also, at the request of either Party, provide technical assistance  
13 consistent with this Agreement.

14 137. The Evaluator shall conduct a comprehensive assessment covering the Effective Date to  
15 June 30, 2025, to determine whether and to what extent: (1) the outcomes intended by this  
16 Agreement have been achieved, and (2) any modifications to this Agreement are necessary for  
17 continued achievement in light of changed circumstances or unanticipated impact (or lack of  
18 impact) of a requirement. The Parties may also propose modifications to the Evaluator. Based  
19 upon this comprehensive assessment, the Evaluator shall recommend what modifications to this  
20 Agreement, if any, are necessary to achieve and sustain intended outcomes. Where the Parties  
21 agree with the Evaluator's recommendations, the Parties shall work to adopt mutually acceptable  
22 modifications of this Agreement. All subsequent yearly comprehensive assessments will cover  
23 each subsequent fiscal year.

24 **F. Evaluator Reports**

25 138. The Evaluator will issue to DOJ and VPD a report every year that details the progress in  
26 implementing the Agreement and achieving compliance with the Agreement. The DOJ will file  
27 the yearly progress report with the court. The reports will include:

- 28 a. a description of the work conducted by the Evaluator during the reporting period;

- 1 b. a listing of each requirement of this Agreement indicating which requirements have  
2 been: (1) incorporated into policy; (2) the subject of sufficient training for all relevant  
3 VPD officers and employees; (3) reviewed or audited by the Evaluator to determine  
4 whether they have been fully implemented in actual practice, including the date of the  
5 review or audit; and (4) found by the Evaluator to have been fully implemented in  
6 practice;
- 7 c. the methodology and specific findings for each audit or review conducted, redacted as  
8 necessary for privacy concerns. The underlying data for each audit or review will not  
9 be publicly available but will be retained by the Evaluator and provided to either or  
10 both Parties upon request;
- 11 d. for any requirements that were reviewed or audited and found not to have been fully  
12 implemented in practice, the Evaluator's recommendations regarding necessary steps  
13 to achieve compliance;
- 14 e. the methodology and specific findings for each outcome assessment conducted;
- 15 f. a qualitative assessment of VPD's progress in achieving the desired outcomes for each  
16 area covered by this Agreement, noting issues of concern or particular achievement;  
17 and a projection of the work to be completed during the upcoming reporting period  
18 and any anticipated challenges or concerns related to implementation of, and  
19 achieving compliance, herewith.

20 139. The Evaluator shall provide a copy of the reports to the Parties in draft form at least 45  
21 days prior to its due date. The Parties will meet to discuss any comments on the report, and the  
22 Evaluator shall consider the Parties' comments and edit the report if appropriate before issuing  
23 the report. The Parties may submit to the court a response to any report within 30 days of the  
24 submission of the report to the court. The Evaluator may submit a reply within 7 days.

25 140. The reports shall be public with the exception of material covered by applicable privacy or  
26 confidentiality laws. Any parts of the reports that identify specific officers or supervisors will not  
27 be made public. To facilitate public access to the reports, VPD shall issue a public statement  
28 letting the community know that the report has been issued, and it will post the reports to its

1 public website. VPD will also hold a community forum to discuss its progress on the reforms and  
2 to address any questions regarding the annual report.

3 **G. Public Statements, Testimony, and Conflicts of Interest**

4 141. Except as required or authorized by the terms of this Agreement or the Parties acting  
5 together, the Evaluator, including for the purposes of this paragraph, any agent, employee, or  
6 independent contractor thereof, shall not make any public statements or issue findings with regard  
7 to any act or omission of VPD, or their agents, representatives, or employees, or disclose non-  
8 public information provided to the Evaluator pursuant to this Agreement. Prior to making any  
9 press statement regarding their employment or monitoring activities under this Agreement, the  
10 Evaluator shall first provide notice to both the DOJ and VPD and obtain prior authorization from  
11 DOJ.

12 142. The Evaluator may testify as to their observations, findings, and recommendations before  
13 the Court with jurisdiction over this matter. The Evaluator or any member of the Evaluator shall  
14 not testify or be compelled to testify in any other litigation or proceeding with regard to any act or  
15 omission of VPD or any of its agents, representatives, or employees related to this Agreement or  
16 regarding any matter or subject that the Evaluator may have received knowledge of as a result of  
17 their performance under this Agreement. This paragraph does not apply to any proceeding before  
18 a court related to performance of contracts or subcontracts for monitoring related to this  
19 Agreement.

20 143. Unless such conflict is waived by the Parties, the Evaluator shall not accept employment  
21 or provide consulting services that would present a conflict of interest with the Evaluator's  
22 responsibilities under this Agreement, including being retained (on a paid or unpaid basis) by any  
23 current or future litigant or claimant, or such litigant's or claimant's attorney, in connection with a  
24 claim or suit against VPD, the City, or its departments, officers, agents, or employees. This  
25 provision does not preclude the Evaluator from being retained by DOJ on other matters unrelated  
26 to VPD.

27 144. The Evaluator is not a state or local agency or an agent thereof, but has the authority to  
28 carry out the terms of this Agreement. As such, the Evaluator shall not be considered a "member

1 of the public” within the meaning of Government Code section 6254.5 when requesting and  
2 receiving confidential and/or privileged information from the City or VPD pursuant to this  
3 Agreement. Accordingly, the records maintained by the Evaluator shall not be deemed public  
4 records subject to public inspection, nor shall the City or VPD’s confidential nonpublic  
5 information be deemed public records upon their disclosure to the Evaluator.

6 145. The Evaluator shall not be liable for any claim, lawsuit, or demand arising out of the  
7 Evaluator’s performance pursuant to this Agreement.

8 **H. Communication Between Evaluator and Parties**

9 146. The Evaluator and VPD will be in regular communication in order to implement the terms  
10 of this Agreement. The Evaluator will also maintain regular contact with the Parties in order to  
11 ensure effective and timely communication regarding the status of the VPD’s implementation of,  
12 and compliance with, this Agreement. To facilitate this communication, the Evaluator will  
13 conduct meetings every two months, or as needed, which will include participation by VPD,  
14 representatives of the City, and DOJ.

15 **I. Access and Confidentiality**

16 147. To facilitate its work, the Evaluator may conduct on-site visits and assessments without  
17 prior notice to the City or VPD. The Evaluator shall have access to all necessary individuals,  
18 facilities, and documents, which shall include access to trainings, meetings, and reviews, such as  
19 critical incident reviews, other reviews of use of force incidents, and disciplinary hearings relating  
20 to the work under this Agreement.

21 148. The City or VPD shall provide the Evaluator with office space and reasonable office  
22 support, such as office furniture, secure internet access, telephone, secure document storage, and  
23 photocopying, faxing, and scanning equipment, that the Evaluator may require while in the City.

24 149. VPD shall ensure that the Evaluator shall have full and direct access to all City and VPD  
25 staff, employees, and facilities that the Evaluator reasonably deems necessary to carry out the  
26 duties assigned to the Evaluator by this Agreement. The Evaluator shall cooperate with the City  
27 and VPD to access people and facilities in a reasonable manner that, consistent with the  
28 Evaluator’s responsibilities, minimizes interference with daily operations.

1 150. VPD shall ensure that the Evaluator and DOJ shall have full and direct access to all VPD  
2 documents and data that the Evaluator reasonably deems necessary to carry out the duties  
3 assigned to the Evaluator by this Agreement, except any documents or data protected by the  
4 attorney-client privilege. The attorney-client privilege may not be used to prevent the Evaluator  
5 or DOJ from observing reviews, meetings, and trainings such as use of force review boards;  
6 disciplinary hearings; or discussions of misconduct complaint investigations. If VPD declines to  
7 provide access to documents or data based on attorney-client privilege, VPD shall inform the  
8 Evaluator and DOJ that it is withholding documents or data on this basis and shall provide the  
9 Evaluator and DOJ with a log describing the documents or data.

10 151. For the purpose of implementing this Agreement, DOJ and its consultative experts and  
11 agents shall have full and direct access to all VPD staff, employees, facilities, documents, and  
12 data that have pertinent information about VPD. DOJ and its consultative experts and agents shall  
13 cooperate with VPD to access involved personnel, facilities, and documents in a reasonable  
14 manner that, consistent with DOJ's responsibilities to enforce this Agreement, minimizes  
15 interference with daily operations.

16 152. The Evaluator or DOJ shall provide the City with reasonable notice of a request for copies  
17 of documents or data. Upon such request, the City and/or VPD shall provide in a timely manner  
18 copies (electronic, where readily available) of the requested documents to the Evaluator and DOJ.

19 153. The Evaluator shall have access to all records and information relating to criminal  
20 investigations of VPD officers as permissible by law and in the possession and control of VPD.  
21 The Evaluator shall have access to all documents in criminal investigation files that have been  
22 closed by VPD. The Evaluator shall also have reasonable access to all arrest reports, warrants,  
23 and warrant applications whether or not contained in open criminal investigation files. Where  
24 practicable, arrest reports, warrants, and warrant applications shall be obtained from sources other  
25 than open criminal investigation files.

26 154. Any disclosure of confidential and/or privileged information provided by the City or VPD  
27 to the Evaluator or DOJ and any disclosure of confidential and/or privileged information provided  
28 by the Evaluator to DOJ, the City, or VPD, shall constitute a disclosure made through legal

1 proceedings within the meaning of Government Code section 6254.5, subd (b), and such  
2 disclosure is not a waiver under Government Code section 6254.5. In addition, any disclosure of  
3 confidential and/or privileged information provided by the City or VPD to the Evaluator or DOJ  
4 shall be protected by order of the Court upon entry of this Agreement. Accordingly, the Evaluator  
5 and DOJ shall maintain all non-public information provided by VPD and the City in a  
6 confidential manner. Other than as expressly provided herein, this Agreement shall not be deemed  
7 a waiver of any privilege or right the VPD or City may assert, including those recognized at  
8 common law or created by statute, rule, or regulation, against any other person or entity with  
9 respect to the City's disclosure of any document to the Evaluator or DOJ.

10 **J. VPD Compliance Coordinator**

11 155. The Parties agree that VPD will hire and retain or assign a current VPD management-level  
12 employee to serve as the Compliance Coordinator for the duration hereof. The Compliance  
13 Coordinator will serve as a liaison between VPD, the City, the Evaluator, and DOJ, and will assist  
14 with ensuring VPD's compliance with this Agreement. At a minimum, the Compliance  
15 Coordinator will:

- 16 a. coordinate compliance and implementation activities;
- 17 b. facilitate the timely provision of data, documents, and other access to VPD employees  
18 and material to the Evaluator and DOJ, as needed;
- 19 c. ensure that all documents and records are maintained as provided herein; and
- 20 d. assist in assigning compliance tasks to VPD personnel, as directed by the Chief or his  
21 designee. The Compliance Coordinator will take primary responsibility for collecting  
22 the information the Evaluator requires to carry out the terms of this Agreement.

23 156. The VPD Compliance Coordinator shall track repeated violations of the provisions of this  
24 Agreement or deficiencies and the corrective action taken, if any.

25 **K. Evaluator Budget and Payment**

26 157. Concurrent with Vallejo's receipt of the Oversight and Reform Plan, the Evaluator shall  
27 submit a proposed budget to the Parties for approval. The first proposed budget will run from the  
28 date of entry of the Judgment by the court through June 30, 2024. Thereafter, no later than

1 January 30 of each year, the Evaluator will provide the Parties with a proposed budget each for  
2 the fiscal year from July 1<sup>st</sup> through June 30<sup>th</sup> of the following year.

3 158. The City shall bear all fees and costs of the Evaluator under the proposed budget. In  
4 approving budgets, the Parties recognize the importance of ensuring that all fees and costs borne  
5 by the City are reasonable. The Parties shall work with the Evaluator to reach mutually agreed  
6 upon reasonable limits on the Evaluator's fees and costs.

7 159. In the event that a dispute arises regarding the reasonableness of the Evaluator's proposed  
8 budget or any increase to the budget, including the City's ability to pay and the timing of work  
9 and payment under the Oversight and Reform Plan, the Parties and the Evaluator shall attempt to  
10 resolve such dispute cooperatively. If the Parties, after consultation with the Evaluator, are unable  
11 to resolve the dispute, the City will have the burden of proving to the Court that the proposed  
12 budget is not reasonable under the circumstances.

13 160. Within 15 business days of entry of judgment, the City shall deposit with the California  
14 Department of Justice a minimum of \$300,000, which shall be held in an interest-bearing account.  
15 The Department of Justice shall pay the Evaluator from this account. The Attorney General shall  
16 notify the City any time the balance in said account reaches less than \$100,000, and the City  
17 shall, within 10 business days of receiving such notice, deliver to the California Department of  
18 Justice sufficient funds to return the account's balance to \$300,000, not to exceed the approved  
19 budget in a fiscal year. When the Judgment has been dismissed, all funds remaining in the  
20 account shall be returned to the City.

21 161. The Evaluator will provide the Parties with 30 days notice if it appears that the annual  
22 proposed budget will be exceeded in any fiscal year. In the event of this occurrence, the Parties  
23 and Evaluator will meet as soon as possible, but no later than 5 business days, to discuss the  
24 remaining work and anticipated costs under that year's Oversight and Reform Plan. The Parties  
25 shall work with the Evaluator to reach mutually agreed upon reasonable limits on the Evaluator's  
26 fees and costs for the remainder of the fiscal year, and the Evaluator will provide a new projected  
27 budget for the remainder of the fiscal year. The City shall deposit additional funds with the  
28 California Department of Justice within 30 days of the Evaluator providing the newly projected

1 and agreed-upon budget. In the event that the increased proposed budget is not approved by  
2 Vallejo, the provisions of Paragraph 159 will apply.

3 162. The Evaluator will submit monthly monitoring invoices to the City and VPD for approval,  
4 detailing each expense along with any documentation necessary to justify each expense. The City  
5 will notify the DOJ in writing within 21 days that the DOJ is authorized to pay the Evaluator's  
6 invoice. The City will not unreasonably withhold approval. If the City believes that any of the  
7 Evaluator's costs are not reasonable, the City shall meet and confer with the DOJ within 21 days  
8 of the receipt of each invoice. If the Parties, after consultation with the Evaluator, are unable to  
9 resolve the dispute, the City will have the burden of proving to the Court that the expense  
10 incurred is not reasonable. In the event that the Court rules against the City, the City will be  
11 responsible for any interest owing to the Evaluator from the date of the submission of the invoice  
12 to the City.

13 163. The Evaluator, at any time after their appointment, may request to be allowed to hire,  
14 employ, or contact such additional persons or entities as are reasonably necessary to perform the  
15 tasks assigned to the Evaluator by this Agreement, provided that those expenditures fall within  
16 the approved budget. The Evaluator will notify the City and DOJ in writing if the Evaluator  
17 wishes to select such additional persons or entities. The notice will identify and describe the  
18 qualifications of the person or entity to be hired or employed, the task to be performed, and  
19 confirm that the selected persons or entities to be hired have sufficient professional capacity to  
20 perform the work to be assigned under the Oversight and Reform Plan. The City and DOJ must  
21 both approve of the person or entity before they may be hired or employed, although substantial  
22 deference will be afforded to the Evaluator's choice. Any person or entity hired or otherwise  
23 retained by the Evaluator will be subject to the provisions of this Agreement.

24 164. At any time, the Evaluator may submit proposed revisions to the approved budget to the  
25 Parties for approval, along with any explanation of the reason for the proposed revision. Such  
26 proposed changes may only be implemented upon written agreement of the Parties.

27 165. In the event that the Evaluator is no longer able to perform their functions, the City and  
28 DOJ will together select a replacement Evaluator, acceptable to both. The Parties' selection of the

1 Evaluator will be made pursuant to a method jointly established by DOJ and the City. If the  
2 Parties are unable to agree on an Evaluator or an alternative method of selection within 60 days of  
3 the Evaluator's incapacitation, each Party will submit the names of three candidates, or three  
4 groups of candidates, along with resumes and cost proposals, to the Court, and the Court will  
5 select and appoint the Evaluator from among the qualified candidates.

6 166. Should either of the Parties to this Agreement determine that the Evaluator or any member  
7 of the Evaluator's consulting teams, their agents, employees, or independent contractors have  
8 exceeded their authority or failed to satisfactorily perform the duties required by this Agreement,  
9 the Party may petition the Court for such relief as the Court deems appropriate, including  
10 replacement of the Evaluator, and/or any individual members, agents, employees, or independent  
11 contractors. Any Party bringing such a petition is required to meet and confer with the other Party  
12 at least 21 business days prior to such a petition in a good faith attempt to resolve the concern.

13 **IX. COURT JURISDICTION, MODIFICATION OF THE JUDGMENT, AND ENFORCEMENT**

14 167. The Parties agree jointly to file this Agreement with the Superior Court of the State of  
15 California, County of Solano, in a matter to be captioned *People of the State of California v. City*  
16 *of Vallejo, et. al.*, Civil Action No. \_\_\_\_\_ and stipulate to entry of judgment. The  
17 stipulation shall request that the Court enter the Judgment, and conditionally dismiss the  
18 complaint in this action without prejudice, while retaining jurisdiction to enforce the Judgment.  
19 The stipulation shall further request that this action be removed from the Court's active caseload  
20 until further application by the Parties or order of the Court. The Parties will request that the  
21 Court retain jurisdiction over this action and that the Court's conditional dismissal will not  
22 prejudice any party to the action.

23 168. This Agreement resolves all of the State of California's claims under the state and federal  
24 constitutions and Civil Code section 52.3 against VPD and the City. No prior drafts or prior  
25 contemporaneous communications, oral or written, will be relevant or admissible for the purposes  
26 of determining the meaning of any provisions herein in any litigation or other proceeding.  
27  
28

1 169. This Agreement is binding upon all Parties hereto, by and through their officials, agents,  
2 employees, and successors. If the City establishes or reorganizes a municipal government agency  
3 or entity whose function includes overseeing, regulating, accrediting, investigating, or otherwise  
4 reviewing the operations of VPD or any aspect thereof, the City agrees to ensure these functions  
5 and entities are consistent with the terms of the Agreement and will incorporate the terms of the  
6 Agreement into the oversight, regulatory, accreditation, investigation, or review functions of the  
7 government agency or entity as necessary to ensure consistency. If there comes a time when the  
8 Vallejo Police Department ceases to operate and the City must contract with a municipal, county  
9 or state law enforcement agency to completely take over law enforcement services, the  
10 Agreement shall not apply to those agencies, and will be suspended until such time that the City  
11 reconstitutes its police department. The City will ensure to the best of its abilities that any agency  
12 it may contract with to assist VPD in carrying out its law enforcement operations will engage in  
13 constitutional policing within the spirit of this Agreement.

14 170. The Agreement is enforceable only by the Parties. No person or entity is intended to be a  
15 third-party beneficiary of the provisions of the Agreement for purposes of any civil, criminal, or  
16 administrative action, and accordingly, no person or entity may assert any claim or right as a  
17 beneficiary or protected class under the Agreement. The City and VPD deny the allegations in the  
18 Complaint. This Agreement is the product of a settlement agreement between the parties and does  
19 not constitute any admission regarding allegations or a finding of a pattern or practice of  
20 unconstitutional conduct by the City, VPD or any official, officer, employee, or agent of either of  
21 them. Nothing in this Agreement is intended to or may be used by third parties to create liability  
22 by or against the City or VPD or any of their officials, officers, agents, or employees under any  
23 federal, state, or municipal law, including 42 United States Code section 1983.

24 171. Unless stated otherwise in the Agreement, if either party disagrees with any aspect of the  
25 implementation of the Agreement, that party will engage in good faith consultation with the other  
26 party and the Evaluator to attempt to resolve the disagreement. If the disagreement persists, that  
27 party will, within 10 business days of the apparent impasse, inform the other Parties and the  
28 Evaluator in writing of the fact of the disagreement. Within 21 business days thereafter, the

1 Parties will meet and confer on the disagreement at a mutually agreeable time. If necessary, any  
2 party may petition the Court thereafter to resolve the dispute pursuant to the provisions below.

3 172. This provision applies only to partial termination of the Agreement. If VPD has  
4 maintained substantial compliance of a specific requirement of this Agreement for two years,  
5 with only minor or isolated deviations, the Evaluator may recommend terminating court oversight  
6 over that specific requirement. The Parties, either jointly or individually, may petition the court to  
7 remove from further court oversight that requirement and remove the applicable paragraph or  
8 sections of this Agreement after the two-year period of sustained substantial compliance.

9 173. To ensure that the requirements of the Agreement are properly and timely implemented,  
10 the Court will retain jurisdiction of this action for all purposes, including but not limited to any  
11 disputed changes to the Oversight and Reform Plan, policies, procedures, training, and practices.  
12 The court will terminate jurisdiction to (a) specific requirements only upon partial termination as  
13 specified in Paragraph 172, or (b) when the City has achieved substantial compliance with all  
14 material requirements of the Agreement and has substantially maintained such compliance for no  
15 less than one year.

16 174. The State of California acknowledges the good faith of the City and VPD in trying to  
17 address the measures that will ensure constitutional policing in the City. The State of California,  
18 however, reserves its right to seek enforcement of the provisions of the Agreement if it  
19 determines that the City and/or VPD have failed to fully comply with any provision of this  
20 Agreement. The State of California agrees to consult with officials from the City and VPD before  
21 commencing enforcement proceedings.

22 175. The Evaluator, City, and DOJ may jointly stipulate to make changes, modifications, and  
23 amendments to the Agreement. Such changes, modifications, and amendments to the Agreement  
24 will be encouraged when the Parties agree, or where the reviews, assessments, and/or audits of  
25 the Evaluator demonstrate, that provision of the Agreement as drafted is not furthering the  
26 purpose of the Agreement or that there is a preferable alternative that will achieve the same  
27 purpose. The Parties may jointly move for approval of any proposed changes, modifications,  
28 and/or amendments, which will become effective upon approval by the Court. No change,

1 modification, or amendment to the Agreement will have any force or effect if not set forth in  
2 writing, signed by all the Parties to the Agreement, and approved by the Court.

3 176. Any time limits for performance imposed by the Agreement may be extended by the  
4 mutual agreement, in writing, of DOJ, VPD, and the City, and/or by order of the Court for good  
5 cause shown by any Party.

6 177. The Parties shall notify each other of any court or administrative challenge to this  
7 Agreement and will oppose any third-party intervention to the Agreement.

8 178. Nothing in this Agreement is intended to: (a) alter the existing collective bargaining  
9 agreements; (b) impede the City's compliance with the Meyers Miliias Brown Act (MMBA); or  
10 (c) impair the collective bargaining rights of employees under State and local law. Nothing in this  
11 Agreement is intended to amend or supersede any provision of State or local law. The City shall  
12 not be determined to be out of compliance with or in violation of any requirement of this  
13 Agreement by reason of its good faith participation in collective bargaining obligations.

14 179. The Attorney General's Office may make reasonable requests to VPD for additional  
15 information demonstrating its compliance with any provision(s) of this Agreement. VPD shall  
16 furnish such information within 30 days after the request is made unless another date is agreed  
17 upon in writing.

18 180. Jurisdiction is retained by the Court to enforce the Agreement for a period of five years,  
19 unless that time is extended pursuant to Paragraph 176 above, or reduced pursuant to Paragraph  
20 186 below, for the purpose of enabling any party to the Agreement to apply to the Court at any  
21 time for such further orders and directions as may be necessary or appropriate for the construction  
22 or the carrying out of this Agreement, for the modification of any of the injunctive provisions  
23 hereof, for enforcement of compliance herewith, and for the punishment of violations hereof, if  
24 any.

25 181. This Agreement shall take effect immediately upon entry by the Court.

26 182. Nothing in this Agreement alters the requirements of federal or state law to the extent  
27 these laws may currently, or upon future amendment will, offer greater protection.

28 //

1 183. Nothing in this Agreement limits the powers vested in the Attorney General by the  
2 California Constitution and state statutory law, including Government Code section 11180 et seq.,  
3 to oversee or enforce any California laws or regulations, whether addressed in this Agreement or  
4 not. The Attorney General may utilize these powers to monitor the City's and VPD's compliance  
5 with the terms of the Agreement, or to address distinct and unrelated investigation or enforcement  
6 of the laws of the State of California. Nothing in this Agreement shall abrogate the  
7 confidentiality of any materials or information obtained by DOJ during its investigation of VPD,  
8 except as provided by law.

9 184. The injunctive provisions of this Agreement shall apply to the City and VPD, as well as  
10 their successors, directors, officers, employees, agents, independent contractors, partners,  
11 associates, and representatives of each of them, except as specified in Paragraph 169, with respect  
12 to their activities in the State of California.

13 **X. TERMINATION OF THE JUDGMENT AND DISMISSAL**

14 185. The Parties anticipate that VPD and the City can reach Substantial Compliance with the  
15 Material Requirements of this Agreement within five years of the Effective Date.

16 186. The Parties may jointly petition the Court to terminate this Agreement and dismiss the  
17 case at any time after three years of the Effective Date if the Parties believe that VPD has reached  
18 Substantial Compliance with the Material Requirements of this Agreement, and has maintained  
19 that compliance for one year. If, at any time after three years from the Effective Date, the Parties  
20 disagree about whether VPD has been in Substantial Compliance for one year, either party may  
21 seek to terminate the Agreement, by petitioning the court for an order terminating the Agreement  
22 and dismissing the case with prejudice. In the case of termination sought by the City or VPD,  
23 prior to filing a motion to terminate, the City and VPD agree to notify DOJ in writing when the  
24 City or VPD has determined that VPD is in Substantial Compliance with this Agreement, and that  
25 such compliance has been maintained for no less than one year. Thereafter, the Parties shall  
26 promptly confer as to the status of compliance. The Evaluator will certify whether he or she  
27 agrees that the City and VPD are in Substantial Compliance with the Material Requirements of  
28 this Agreement, or portions of the Agreement, for at least one year, at the time of the notification.

1 No later than 21 business days thereafter, the Parties will meet and confer at a mutually agreeable  
2 time as to the status of compliance. If, after a reasonable period of consultation and the  
3 completion of any additional audit or evaluation that DOJ and/or the Evaluator may wish to  
4 undertake, including on-site observations, document review, or interviews with the City and VPD  
5 personnel, the Parties cannot resolve any compliance issues, the City and/or VPD may file a  
6 petition to terminate the Agreement and dismiss the case. The Evaluator's certification shall be  
7 admissible at the hearing on said petition. At all times, VPD shall bear the burden of  
8 demonstrating Substantial Compliance with the Material Requirements of this Agreement.

9 **IT IS SO STIPULATED.**

10 Respectfully submitted this 16<sup>th</sup> day of October, 2023.

11  
12 For the STATE OF CALIFORNIA:

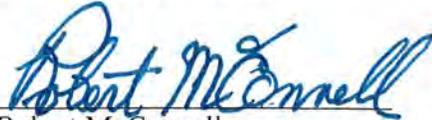
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Attorney General of the State of California  
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20 By: Nancy A. Beninati  
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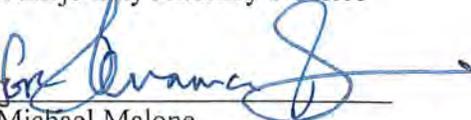
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For the CITY OF VALLEJO and the VALLEJO POLICE DEPARTMENT:

By:   
Robert McConnell  
Mayor  
City of Vallejo

By:   
Veronica A. F. Nebb  
City Attorney  
Vallejo City Attorney's Office

By:   
Michael Malone  
City Manager  
City of Vallejo

By:   
Jason Ta  
Vallejo Police Department Interim Chief  
of Police

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED.**

DATE:

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

Exhibit A

VALLEJO POLICE DEPARTMENT:

Independent Assessment of  
Operations, Internal Review Systems,  
and Agency Culture

May 2020

OIR GROUP

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Stephen Connolly  
Julie Ruhlin

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# Introduction

In the summer of 2019, Vallejo officials were responding to a time of transition for the City's Police Department ("VPD," or "the Department"). The chief was newly retired, and the search for a new leader was underway against a backdrop of recent incidents – including fatal officer-involved shootings – that had prompted public concern and even demonstrations. It seemed as if a number of individual encounters were fitting all too well into larger, troubling narratives about American law enforcement: deadly force under disputed circumstances that affected minority subjects to a disproportionate extent, and strained relationships with residents that arose from and contributed to that reality while raising issues of trust and public confidence.

To be sure, there were other perspectives besides those of the Department's most engaged detractors. A significant number of residents and groups within the City continued to be supportive of the police – both quietly and more overtly. And several new outreach initiatives, started under the now retired Chief, showed a commitment to positive connections outside of traditional enforcement contexts.

Nonetheless, leadership within Vallejo's city government decided that the time was right to take a step back and to assess the Department's strengths, challenges, and opportunities in a new way. We have been advised that a key impetus for the Council's decision to commission this report was the City's risk management crisis, which brought the prospect of radically higher insurance premiums. The Council also was concerned about the perception that Vallejo had not developed a sufficient plan to address the negative claim trends and other community voiced concerns. As a result, the City engaged an outside consultant with the goal of refashioning an overarching professional risk management program. In addition to assisting with the insurance issue, the firm also recommended that the City take a deeper dive into the departments that were the source of most claims – Police, Fire, and Public Works – and the Council and City Manager accordingly sought further review of their operating practices.

It was against that backdrop that the City commissioned OIR Group to conduct an independent assessment of the Police Department – not through the prism of a specific case but in a more holistic way. The goal was to gain an objective, constructive analysis that would put VPD’s operational approaches into a larger context of best practices and potential reforms.

This Report is the product of that review. It was prepared by OIR Group, a team of private consultants that specializes in police practices and the civilian oversight of law enforcement. Since 2001, OIR Group has worked exclusively with government entities in a variety of contexts related to independent outside review of law enforcement, from investigation to monitoring to systems evaluation. Our members have provided oversight in jurisdictions throughout California, as well as in several other states.

As discussed below, our impressions are mixed. We recognize the unique, significant hurdles that VPD has faced in terms of staffing, resources, and a challenging socio-economic environment – and at the same time recommend several new, attainable best practices as gleaned from our prior experience. We appreciate the dedication that we encountered from VPD officers of all ranks – and at the same time believe that a shift from the “siege mentality” of recent years would redound to the benefit of officers and residents alike. We understand how the high volume of daily demands has made review and retrospection seem like less of a priority – and at the same time have sought to emphasize the value and necessity of these internal practices. And we acknowledge that a foundation of support for VPD within Vallejo already exists – and at the same time hope that structural changes and additional resources will provide a basis for strengthened relations and positive new philosophies.

Many of the most glaring realities of policing in Vallejo are a function of the 2008 financial crisis that led to bankruptcy and the massive retrenchment of the Department. Huge cuts to the number of sworn officers – and to the compensation of those who remained or came along later – were obviously not accompanied by reductions in crime and calls for service. What it meant, then, was that a relatively small cadre did its best to manage the high volume of serious calls, while service levels for other matters deteriorated (to the frustration of officers and victims alike). The line-of-duty shooting death of a VPD officer by a robbery suspect in 2011 undoubtedly added to the perception of a uniquely dangerous and disadvantaged environment.

Even as the City began to climb back from the worst of its budgetary woes, the impacts on the Department lingered. The headquarters building itself has deteriorated and is plagued with asbestos and faulty plumbing; its sub-optimal status as a facility makes it emblematic in the staff's eyes of the challenging circumstances that perpetually confront them. Equipment is notoriously old and faulty. And, while the ranks of sworn officers are back over 100 (after a low of 77), those numbers remain well below the peak staffing levels that preceded 2008. There are other residual difficulties as well: salaries are below the market average, the workload is highly demanding, forced overtime is routine. All these factors make it difficult to attract and retain excellent officers.

The impacts on performance are multi-faceted. One of them that we noted is an "us against the world" mindset that, while understandable, is also fraught with potential pitfalls – particularly in an era of shifting social attitudes and expectations regarding law enforcement accountability and responsiveness to the community. Much of the Department seems to have an aggrieved perspective toward local politicians, the media, and its critics in the activist and legal communities (including an active plaintiffs' bar). It becomes easy in such circumstances to perceive even the most fair-minded critiques from outsiders as attacks, and to let the less fair-minded ones become a breeding ground for defensiveness and resentment.

In such an environment, even internal review processes – to the extent that there is time and energy for them at all – become sensitive matters. Shortcomings are chalked up to the inherent limitations of an under-resourced agency, and scrutiny or correction feels like one more burden on a beleaguered workforce. In our assessment of several VPD internal investigations into uses of force, officer-involved shootings, critical incidents, and misconduct allegations, we noted an apparent reticence when it came to finding fault or going beyond the "bottom line" questions of whether specific conduct was within or outside of policy.

This is not to say that the Department lacks talent or insight or the *potential* to shift toward new paradigms of external engagement and internal commitments to improvement. We met a number of VPD members who impressed us greatly – not only with their expertise and dedication, but also by revealing their insights into changing community expectations. They clearly recognize the difference between something being "in policy" and "effective" when it came to officer performance, and seem committed to building equity amongst members of the public through their approaches to enforcement. With more resources, new priorities, and a commitment to constructive but rigorous internal review, the

agency can harness the ability of its personnel and move in positive new directions.

Our recommendations, then, fall into a few categories. The goals are as follows:

- To utilize newly available resources in order to improve officer morale and working conditions, and to enhance problem-solving, relational, and responsive approaches to policing.
- To promote an internal culture that benefits from diverse perspectives and a more positive mindset toward the Department's role in the city.
- To strengthen officer performance by formalizing supervisory review processes across a range of key areas, and developing mechanisms for constructive accountability.
- To increase transparency and public trust through changes in policy, new types of outreach, and the creation of a suitable form of independent oversight.

When it comes to the viability of these goals, our timing is opportune. In the months since we began our work, a new chief has been appointed. He comes from outside the agency, and his selection was the result of a careful, multi-phased process that involved significant community input. His mandate is to lead the Department into a new era while drawing upon the insights, experience, and commitment of the agency's veteran officers and supervisors.

Having met him in our last visit to the City, and hearing the enthusiasm that his first several weeks has generated among several of his new colleagues, we are optimistic about his success. We hope this Report will serve as part of the foundation for building that success.

# Methodology

There were three primary phases to our review process. After receiving some initial background information and familiarizing ourselves with recent history in the city and the Department itself, we made an initial two-day site visit in July of 2019. This gave us the opportunity to meet in person with the interim Chief of the Department – who had only recently been appointed and who himself came to the job with an outsider’s perspective (having spent his whole law enforcement career in another nearby jurisdiction).

We also met at that time with Vallejo officials from outside the Department, gaining insight from them about the city and about the challenges the Department has faced in recent years – structurally, culturally, demographically, economically, and legally. We heard about the varying perspectives that comprise community sentiment about the Department – from the support it enjoys among a faction of local leaders to the pointed criticism it has experienced from activists in the wake of several inciting incidents. And we spoke with a representative from the Community Relations Service of the U.S. Department of Justice. Invited by city officials to offer potential assistance, he was in the midst of facilitating an organized program of community engagement and planning, and offered useful observations about Vallejo’s recent history and dynamics.

Finally, we met several other Department members to gain information about Department processes and hear their views on VPD’s formative history as well as its current circumstances. This included members of the command staff as well as lower-ranking officers and a representative of the officers’ labor association. Predictably – and usefully – these individuals brought distinctive experiences and opinions to the discussion, but a number of common themes emerged nonetheless.

With this visit as a foundation, our next step was to make a request for documents across various categories. This included (but were not limited to) the following:

- Activity reports from a randomly chosen two-day period, as a window into the volume and nature of enforcement work on an “average” series of shifts;
- Reports, memos, recordings, and/or other documentation relating to a sampling of recent use of force incidents;

- Examples of administrative case files from the completed review of five officer-involved shooting cases;
- Documentation showing the Department's critical incident review process for non-shooting events;
- Samples of recently completed administrative discipline investigations and citizen complaint reviews;
- Examples of background investigations for recently hired personnel chosen at random;
- Materials relating to community outreach initiatives;
- Five recently received legal claims against the Department, along with responsive documents; and
- A group of randomly chosen performance evaluations.

The goal was to gain – by extrapolating from individual and specific examples – a broader understanding about various aspects of VPD's operations and internal review systems. The Department worked with us in order to provide responsive materials over the course of several weeks, and we were accordingly able to garner a number of valuable impressions.

We also had a number of follow-up questions as a result of our review, and these were a starting point as we made plans for a follow-up site visit to Vallejo in February of 2020. That trip included an opportunity to sit with the new chief and to learn about his initial weeks on the job and his ambitions for the Department – in terms of operational infrastructure, community relations, and internal culture. We met with several sergeants and lieutenants. And we particularly appreciated the chance to sit with a range of line-level officers who had varying levels of experience in the agency. We also supplemented these conversations with line personnel by participating in ride-alongs with two different patrol officers, who proved to be patient and informative hosts.

The officers with whom we spent time in the field that evening were, in some ways, representative of our larger experience with the Department. They struck us as hard-working, dedicated to the agency and the city, and generous in sharing their point of view – in spite of their acknowledged frustration with recent outside criticism and their leering about the utility of any recommended reforms. We appreciate the cooperation we received from them, from their colleagues at all ranks of the agency, and from the civilian representatives of Vallejo whom we met.

## PART ONE: The Vallejo Police Department: Recent History and Present-Day Realities

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A comprehensive history of the Vallejo Police Department is outside the scope of both our assignment and knowledge base. It's also true that external – and internal – circumstances change quickly in contemporary life; the Department itself has had four different Chiefs (and one Interim Chief) since 2010, each with his own leadership style and priorities and immediate challenges. Accordingly, an emphasis on past events can have limited utility.

At the same time, though, there are several members of the agency whose tenure extends back some 20 years or more. Their perspective is directly shaped by history and some of the dramatic changes that the city and VPD have experienced during that period; they in turn influence newer officers and contribute to the overarching culture through that prism. As for those dramatic changes themselves, the first to consider is the bankruptcy of 2008 and its subsequent influence on VPD.

Most starkly, the city's financial crisis led to a sudden and large-scale reduction in the number of officers in the agency. VPD lost nearly half of its sworn personnel in a short period after the 2008 economic collapse, from approximately 150 officers to 77 at the lowest point. The *impacts* of that severe reduction are in some ways as difficult to quantify as the numbers themselves are straightforward. But they are both significant and far-reaching at every level of the agency and shape its place in the community.

First among these impacts is that the precipitous decline in staffing had obvious implications for the Department's service model and ability to continue meeting the public's needs in comprehensive, efficient ways. Patrol functions became a matter of triage rather than full service. Not only did the ability to engage in discretionary contacts, establish neighborhood relationships, or pursue preventive enforcement strategies become severely compromised, but even the response to calls for service devolved into a constant backlog. Staying abreast of "Priority One" (emergency) responses became, out of necessity, the dominant task of every shift, while lesser crimes (such as stolen property or auto burglaries) could go hours or days without being attended to, if at all. And the closing of local

substations under retrenchment meant that basic physical connections with individual neighborhoods were lost.

That paradigm has continued into the present, even with a gradual, partial recovery in staffing numbers as the budget stabilized. Statistics bear this out: at approximately .8 officers for every 1,000 residents in the city, VPD is operating well-below law enforcement's national averages and recommended standards of 1.5 and 2, respectively. (As of this writing, the Department has 103 filled positions for sworn officers, and is budgeted to hire 19 more.)

It also endures today as a consistent theme in officer descriptions of their work experience and challenges. They are sympathetic to the residents who are not getting the kind of service they would want and expect in addressing their "quality of life" concerns. (Often, victims of property crimes like auto burglaries must resort to filing their own reports with the Department online, or by visiting the lobby of headquarters.) To a person, the officers seem frustrated that they cannot provide that service, that they must process each call so quickly (often at the expense of patience and effectiveness), and that community confidence in the agency has dipped accordingly.

Other factors related to the 2008 financial crash have affected agency operations, culture, and morale. For example, the persistence of short-handed patrol shifts – as well as limited staffing for units such as traffic and investigations – has several significant implications. At the most basic level, it is our understanding that VPD routinely falls below its own "required" staffing numbers for officers who are working patrol at a given time. Beyond the detractions from service capability described above, this dynamic leads to other disadvantages. Not the least of these is that it puts the Department's management in a compromised position: when certain standards are disregarded as a matter of practical necessity, it becomes harder to assert and uphold the importance of others with a straight face.

Another pervasive consequence is that mandatory overtime is routine throughout the agency. For all its financial compensations, the practice inevitably erodes energy levels and takes a toll on both performance and attitude. Officers who are physically tired from both the length and pace of their workdays will inevitably struggle to operate at their most thoughtful levels. Moreover, the cumulative effects on morale of long shifts under demanding conditions also seemed to be in evidence during our visits: burnout, discouragement, and a pervasive sense of being underappreciated by city officials as well as outsiders.

Meanwhile, comparatively low salary rates comprise another problematic legacy of the original financial difficulties. In conjunction with other challenges of the job, this basic reality makes it difficult to recruit desirable candidates<sup>1</sup> and alleviate the workload concerns, even though the current budget would allow for the filling of several more positions.<sup>2</sup> It has also been a factor – dating back to 2008 – in the departure of officers as lateral transfers to other agencies. Collectively, then, VPD has spent more than a decade in which its own experienced officers often leave to go elsewhere, and the experienced officers from other agencies have been less inclined to reciprocate than in the past.

As for the officers who comprise the agency now, they are of course varied in their experience levels, strengths, priorities, and perspectives. We hesitate to characterize them too uniformly or simplistically. But the Department's own more senior members offered interesting opinions about the cumulative profile of the workforce: that many of the younger officers were overmatched by the job they were expected to do (thus making outside criticism of them unfair and counterproductive)<sup>3</sup> and that the only legitimate attraction for capable senior officers was the chance to do "real" police work in an atmosphere of latitude and trust (thus making outside criticism of them unfair and counterproductive). In short, the prevailing sentiment was that officers who are willing to contend with dangerous crime in a thankless environment should at least be empowered to do so without unnecessary scrutiny or interference.

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<sup>1</sup> In our review of several background investigations for newly hired members of the Department, our collective impression is that they were quite solid and even impressive. But they were also a young and inexperienced group, and at least one had past legal/judgment issues that seemed notable if not actively concerning.

<sup>2</sup> These problems have only been exacerbated by the *nation-wide* decrease in applicants for careers in policing in recent years.

<sup>3</sup> We were also informed, at least anecdotally, that the scarcity of officers inevitably means that the Department is more tolerant of performance issues during the probationary period for new hires. (In most law enforcement agencies, full employment protections do not apply until an officer has successfully completed an initial stretch of service time – typically a year – during which he or she can be released at will.) Like any dilution of standards, this can be problematic. However, we should also note a counterweight that deserves attention: The Department's field training program (in which new officers ride for their first several weeks with more senior ones, and must meet certain proficiencies before "passing") seems to be rigorous. We discuss this in more detail below.

This cuts a couple of ways. Certainly, the crime statistics in Vallejo warrant an active enforcement mindset, and we reiterate our respect for the officers and the difficult work officers do. Nor do we have reason to assume that those “hard charging” officers of the Department are motivated by anything other than passion for the work and a genuine desire to protect the community. Certainly, they bring value to the agency.

But it is also crucial for that dedication and work ethic to operate within appropriate parameters. These include a willingness to accept supervision, scrutiny, and accountability as reasonable (or even beneficial) parts of the job – not burdens that add insult to the injury of difficult working conditions. And the ideal paradigm is one in which law enforcement reflects – and engages with – the community as a whole, rather than dividing it into sheep that need protection and wolves that demand aggression.

We recognize that striking the correct balance between distinctive values can be difficult, whether it be action vs. deliberation, oversight vs. autonomy, or a galvanizing resentment of crime vs. an appropriate respect for due process. And we respect the concerns of officers when it comes to reform initiatives that misunderstand or disregard the realities of their work. Nonetheless, it is our view, and for a variety of reasons, that the “scales” at VPD merit realignment in the direction of more contemporary, progressive standards.

Achieving this fairly and constructively will require the City and VPD managers to hold up their end of the bargain. Some of the steps relate to improved infrastructure and budgetary commitments; as discussed below, those steps are already underway to an encouraging extent and should pay many and varied dividends. But it is also incumbent on the Department’s leadership to make sure that any accompanying changes to accountability and supervision are implemented in a context of clear communication and meaningful intention.

Another byproduct of Vallejo’s challenging environment and VPD’s own history within it is a seeming alienation from the community itself. Rather than thinking of the Department as a reflection of the community and an integrated component of it, many officers seem to take the support of most residents as a given while reserving their focus for the criminal element that makes their work so precarious. Indeed, we heard frequent references to how dangerous Vallejo is and to the dichotomy between the “good people” and the problematic ones. In terms of community relations, multiple Department members expressed their sense that “almost everybody supports/loves/is with us,” and that the only ones who don’t

are the criminals or *their* supporters, who “will never be happy no matter what we do.”

We have due respect for the sincerity of those impressions and for the lived experiences that presumably inform them. In fact, VPD was able to provide numerous examples of commendations and letters of appreciation generated by grateful citizens. And a request for information about “community outreach” produced a listing for one year that included several hundred individual events. The City’s Midnight Basketball League, of which VPD has been an active supporter for several years, has rightly generated a significant amount of favorable publicity.

Nonetheless, and without professing to be experts, we are convinced that the social forces within Vallejo are more complex than the straightforward portrayals of “sheep” and “wolves,” with beleaguered VPD officers in the middle.<sup>4</sup> The *perception* of being embattled public servants in a hostile environment can be self-perpetuating as well as deleterious.

Accordingly, it would very much behoove the Department to focus on bridging gaps and pursuing connections with the City that go beyond the many worthwhile efforts that VPD currently undertakes. We heard from a few different officers that they are collectively “starved” for more positive contacts in the community – a dynamic that presumably cuts both ways.

Accomplishing this means not only building more breathing room into daily staffing – which is indeed greatly needed – but also shifting to a mindset that revolves less around aggressive enforcement and more around problem-solving and engagement. We discuss these dynamics – and potential responses to them – in more detail below.

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<sup>4</sup> For example, as impressive as was the list of “outreach” events, it tended to be limited to one or two executive level Department members.

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## PART TWO: New Resources, New Leadership, and Opportunities for Change

### Staffing and Infrastructure

Our interactions with the new Chief have been limited, but did include a chance to get details about his vision for responding to several of VPD's staffing and resource challenges. As discussed below, we find particular value in several of them. They strike us as being appropriate remedial measures (to bring the number of sworn officers closer to past service levels, and to meet infrastructure needs such as an upgraded headquarters facility) and as worthy approaches to enhancing operational effectiveness and community ties.

Obviously, budgetary considerations are central to the viability of these measures, and the influence of the COVID 19 crisis is certain to be as widespread as it is adverse from both a health and resource perspective. Moreover, we are usually reticent about advocating for police resources, in recognition of the ways that even very worthy expenses are competing for limited dollars with a jurisdiction's other needs. But the Police Department is objectively understaffed and has been for some time. It has effectively made its case that it genuinely needs more personnel and other supports to the degree that City resources exist to fund them – now and in the years to come.

We talk in more detail below about additional sworn officers and some potential approaches to recruiting and retaining them. The following are other structural or staffing changes – each with financial implications – that also deserve consideration.

- *New Station:* The City has supported relocating the police station to an already existing structure on Mare Island Way. The current facility is in poor condition, and a new station will undoubtedly enhance the effectiveness of VPD personnel and improve morale. While, as with most capital projects, the “move in” date for all personnel is months away, the current plan is to move at least some units to the area in short order. Such a staggered approach is prudent because it will demonstrate to personnel a

commitment to relocation and create momentum for effectuating the eventual move.

- *Keeping the Lobby More Accessible to the Public.* Currently, the police lobby is only open four days a week. The Chief's staffing proposal seeks further resources to keep the lobby open to the public more frequently and with longer hours. When a police lobby is "closed" for business, it makes it more difficult for its served community to make inquiries, submit complaints and commendations, or otherwise conduct police-related business. Expenditures to increase the hours in which a station is "open" are, in this way, a method to enhance police-community cohesion.
- *Hiring Community Service Officers to Provide Timely Responses to Property Crimes.* The staffing proposal seeks resources to create community service officers.<sup>5</sup> As detailed above, one particularly problematic result of patrol staffing shortages is the inability of officers to timely respond (or even respond at all) to property crimes in which subjects are not immediately identified. We were advised anecdotally of cases in which an officer would not be cleared to respond to a burglary report until hours later – which often meant a decision about whether to contact the victim for the first time in the middle of the night.

The proposal for a cadre of new community service officers would allow civilians to handle the initial information-gathering and preliminary investigation for certain property crimes. This would ensure both a faster response for those residents, and greater latitude for sworn officers to spend more time and be more responsive to other calls requiring a sworn response.

- *Evidence and Property.* According to VPD, three employees process and maintain over 700,000 items of evidence in an off-site warehouse. Regular maintenance and auditing of evidence is an essential "behind the scenes" law enforcement function – the kind that is little noticed by outsiders until a problem arises with implications for a specific criminal case or broader agency credibility. The proposal to ensure sufficient civilian personnel, overseen by sworn personnel, to ensure effective

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<sup>5</sup>While VPD currently has a civilian "Police Assistant" classification, a Community Service Officer model would more readily lend itself to public recognition and engagement.

internal audits and controls over evidence is an important investment in modern-day policing.

RECOMMENDATION 1: The Department should persevere with the City in its efforts to develop the proposed new headquarters facility, and look for ways to enhance community access and engagement.

RECOMMENDATION 2: In considering requests for staffing, the City should pay particular attention to requests designed to add civilians to assist with making police services more accessible such as the lobby and more timely calls for service.

RECOMMENDATION 3: The City should ensure that VPD has sufficient resources to properly maintain and audit its retained stores of evidence and property.

## Recruitment and Hiring

VPD members of all perspectives share the sense that the agency's most significant need is its simplest: more bodies in uniform. And we agree that the addition of personnel to budgeted levels would inherently go a long way toward resolving some of the dynamics that produce the aforementioned negative implications.

For one, it would reduce the wearying overtime demands. It would also give the Department more flexibility with regard to staffing specialized units, providing opportunities for training, and offering more timely and comprehensive service to the public. And, by better distributing the workload for each shift, it would reduce the strain on individual officers and potentially decompress individual calls for service – affording officers more time to interact and develop relationships with neighborhoods and individual members of the public – to integrate with the community rather than reacting to it or confronting it. Finally, when calls for service do arise, more officers would mean more chances to respond with deliberation and patience and thereby reach safer conclusions.

All of these advantages would presumably contribute to an important collateral benefit: the enhanced desirability of Vallejo as a destination for potential applicants. Along with the obvious issues of pay and benefits, several factors contribute to a law enforcement agency's appeal to new recruits – and to

experienced officers thinking of making a lateral move from another agency.<sup>6</sup> “Working conditions” – which of course covers a range of specific elements – is prominent among these, and the staffing dynamics would presumably make these more favorable on the whole.

However, there are other ways for a police agency to attract recruits (and enhance retention) that the Department would do well to consider. These include opportunities for a range of experiences beyond patrol,<sup>7</sup> and an environment that supports and attracts diversity in the ranks.

One issue we noted is the limited number of special assignments within the agency (such as detective, or traffic officer); combined with the lack of a rotational policy, this means that very few chances arise to cultivate different skills and experience different aspects of police work. We have heard the issue argued both ways: there are times when arbitrary “term limits” can seem counter-productive by removing people with special aptitudes from roles for which they are uniquely well-suited. But in an agency the size of VPD, and given the demands of the City’s patrol environment, there is much to be said for making rotations the default, with exceptions where distinctly warranted. While increasing the total number of officers will provide greater flexibility and address part of the issue, we encourage the Department to revisit its approach to tenure in special assignments.

**RECOMMENDATION 4:** The Department should explore ways to expose officers to a range of possible work experiences by changing to a rotational system for designated special assignments.

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<sup>6</sup> In our conversations with VPD personnel and leadership, a focus on attracting “laterals” was mentioned repeatedly as one approach not only to improved staffing but also improved *performance* – with the idea being that the inexperience of the agency’s many new officers inevitably led to less effectiveness in the field. Adoption of a “hiring bonus” program that offers cash incentives would be one achievable means of helping to accomplish this. Our response is mixed. The concept makes sense, but it has also been our experience that officers change agencies for a variety of reasons – not all of which relate to the challenge of providing highly regarded capabilities in a new environment. Accordingly, any such targeted recruitment should ideally occur in the context of the larger structural – and cultural – shifts we endorse.

<sup>7</sup> We talked to more than one VPD member who spoke very loyally about the Department and positively about their experiences – while saying that they probably would have left by now if not for the chance to promote out of patrol.

We did not have the sense that diversity is a cultural focal point within the agency – in spite of Vallejo’s demographics and the ways in which racial dynamics appear to be a factor in the City’s history and in police-community relations. With certain exceptions (including one enlightening conversation with a veteran officer about the ways in which segregated African American neighborhoods arose and persisted in Vallejo, with longstanding consequences) our general impression was that approaches to community issues were not especially nuanced.

One component of this that we discuss more fully below is seeking out applicants who bring a range of experiences and perspectives to the work, and might have a heightened ability to relate to disparate groups within Vallejo. The recent selection of an African American Chief has obvious significance in this regard. Ideally, though, the powerful and inherent messaging of that change will be accompanied by personnel additions – and philosophical evolutions – at other rank levels.

Similarly, we encourage the Department to focus recruiting efforts on adding female officers. While the challenge of achieving greater gender balance in law enforcement is far from unique to Vallejo, we also got the sense that it was not perceived as a particular value or priority. On the contrary, the view that women were generally not well-suited for policing in Vallejo’s dangerous environment seemed to shape at least part of the culture within the Department. This perspective was not meant to be disparaging or dismissive, but it nonetheless raised questions about how welcoming and supportive an environment the Department provides for women – and how much it takes effective advantage of the distinctive contributions that female officers might be able to bring.

More positively, we note the results of our request for sample background investigations regarding recent applicants who were ultimately accepted for employment. Of the eight that the Department provided, three were of women. This is obviously a concrete step that deserves affirmation. But, given that the total number of sworn officers who are female still remains below 10% of the whole, there is room for further work in this arena.

We emphasize that this is not an issue of superficial quota fulfillment. Instead, it is a way of recognizing that individuals from different backgrounds bring different sets of skills that can enhance a police agency’s ability to connect with the various groups with a community. It is a means of gaining credibility and trust among people who have lacked representation in law enforcement. And it promotes awareness and insight *within* the ranks in ways that strengthen responsiveness and effectiveness.

Moreover, the numbers of female officers of rank provide even starker disparities because currently VPD has none – no female corporals, sergeants, lieutenants, or captains. This reality is troublesome, both on its own and for its implications as a barrier to the aspirations of younger female officers or potential applicants. Addressing it – through concerted efforts to identify, encourage, and develop qualified female personnel – should be a priority.

RECOMMENDATION 5: The Department should commit to strengthening the range and responsiveness of its workforce by continuing to focus on racial, gender, and ethnic diversity in its recruiting efforts.

RECOMMENDATION 6: The Department should find ways to provide promotional opportunities and mentoring for female officers and officers of color.

## Innovative Policing Models

As discussed above, circumstances have shaped the evolution of policing strategies and Department culture in Vallejo – and to some extent the converse is probably true. Staffing shortfalls have meant that responding to calls for service – and sometimes not even all of those – consumes the majority of officer time and attention. Time pressures have even limited options for creative engagement with individual calls – never mind the ability of patrol officers to interact with residents and build constructive relationships across a range of contexts beyond reactive enforcement. However, the confluence of a new Chief and some long-awaited expansions in personnel make this an opportune time for VPD to re-shape some of its operational approaches and pursue strategies that are more pro-active and attuned to community priorities.

Some police agencies have recognized the value of community engagement as a vehicle for identifying and prioritizing problems in keeping with the actual experiences of individual neighborhood residents.<sup>8</sup> These collaborative strategies are a way – supported by data in jurisdictions across the country – to holistically address the roots of criminal activity while heightening public trust through

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<sup>8</sup> We worked with one agency that responded to a spike in bicycle thefts by developing a “bait bike” operation to apprehend offenders in the act – only to get significant negative feedback from residents who disapproved of the strategy for its potential long-term impacts on arrestees (who were often juveniles). Interestingly, the agency moved to a strategy that put greater emphasis on alerts and preventive security measures.

collaboration and communication. To the degree the City provides VPD with additional resources, it should similarly ask that officers begin to reorient to a hybrid enforcement/community engagement model of policing.

To that end, one effective strategy that many agencies have employed is the notion of a neighborhood officer or platoon specially assigned to certain “beats” or neighborhoods. With such assignments, officers connect more substantively with residents and develop a detailed understanding of the area’s dynamics, personalities, and priorities – thereby better recognizing and more effectively responding to those issues that do arise.

We understand that there is no real ability under current staffing for such beat integrity. But as more resources become available, VPD leadership should consider ways for officers to better connect with and assume responsibility for the various neighborhoods of Vallejo.

RECOMMENDATION 7: As additional resources become available, VPD should develop and deploy crime prevention strategies involving problem solving and community engagement.

RECOMMENDATION 8: As additional resources become available, VPD should consider assigning officers to neighborhoods and beats and empower them to devise crime prevention strategies to keep their assigned neighborhoods safe.

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## PART THREE: Internal Review Systems: Assessments and Suggestions

### VPD and Body Cameras

We were interested to learn that VPD officers on patrol had been equipped with body-worn cameras for several years – well before they became a focal point of the movement toward greater transparency and accountability for law enforcement. But the VPD approach is a reminder that the advent of affordable, reliable camera technology has at times made for strange bedfellows: for every activist who sees the cameras as an overdue method for preventing unchecked abuse of police authority, there is an officer who considers the recordings a welcome safeguard against malicious complaints from the public. Put another way, the concept of cameras on officers has received both internal and external support, but the underlying rationales are often quite distinct.

The VPD experience to date has seemingly been more about assisting officers in their work than holding them to established standards or addressing potential performance issues. While the “assistance” feature is certainly a worthwhile one, the best camera programs are ones that encompass *all* the potential appeals of the technology. VPD’s policy and philosophy have historically been limited in this regard. But that is changing for the better.

At the heart of this shift is the policy that governs when and for how long officers are expected to activate the recorders in a given encounter. The version of the policy that prevailed until very recently framed the activation as something the officers “should” do as a precursor to engaging in enforcement activity, traffic stops, or contacts with the public that become adversarial at some point. This standard expresses a clear preference, but it also falls well short of imposing a concrete obligation. The new policy, on the other hand, removes any potential ambiguity: it states that the officers “shall” activate in the same set of situations. Making this shift aligns the VPD policy with numerous other law enforcement agencies, and is more consistent with best practices in this arena.

It was the Chief who identified this as an issue after taking over in November of 2019; he quickly expressed his intentions to revise the policy, and he met with association representatives and his own leadership team in an effort to achieve this in a purposeful fashion. Recently, the updated version was adopted. The importance of this is best understood with a look back at how the previous version was interpreted in practice, as articulated by some of the officers we met and corroborated by our own review of various materials that VPD provided.

The officers' position went something like this: at its best, the body-worn camera helps officers do their jobs by providing valuable evidence and creating a record of matters that might be disputed for various reasons. In their view, the "should" language in the former policy served this objective well. It created a default obligation to activate that both provided guidance and recognized the possibility that an officer might well have a rational basis for not conforming in a given context. In short, "should" created a reasonable exception that kept the requirement from being burdensome – or even unsafe in a rapidly unfolding encounter.

Anything more stringent than that, went the officers' reasoning, would be an attempt to placate adversaries whose agenda was less about objective transparency and more about embarrassing officers for their off-the-cuff remarks, or seeing them disciplined over peripheral and trivial transgressions. The new "shall" requirement took away discretion. And it reflected a lack of trust in the accuracy of any representations not reinforced with a recording.

While the officers' concerns made sense, we disagree with the notion that the change is either inherently hostile or unwarranted. In fact, the prior approach as practiced tipped past reasonability in the *opposite* direction. Officers' justifications for why they didn't or couldn't activate their cameras were accepted so broadly as to border on the "exception that swallowed the rule." And managers were discouraged from formal intervention when body-camera recordings did reveal peripheral issues of potential misconduct or poor performance that were not directly related to the evidence or issue at hand.

Such leeriness about not wanting rank and file personnel to resent or fear the cameras might come from an understandable place, but it can easily be taken too far. The reality is, multiple agencies throughout the state and nation that have body-worn cameras follow the more stringent approach, and have done so for years without their personnel being subject to relentless "gotcha" scenarios. Presumably, VPD management will and should enforce the new policy in a way that puts an emphasis on transparency and *meaningful* accountability.

More significant to the importance of the new policy, though, are the gaps we noticed in our review of incidents for which recordings would have been quite beneficial. This included one of the recent officer-involved shooting cases for which we requested investigative materials. In that incident, an officer shot and killed a young man in defense of a third party when responding to reports of a large-scale fight. What factors shaped the officer's perception of a deadly threat became a matter of dispute, and remains so for family members of the decedent and others. While there was evidence that supported the officers' version, the absence of a recording meant that a source of potentially dispositive information was lost.

This is corrosive from a public trust perspective. We recognize that the *existence* of body-worn camera recordings has hardly ended debate about the legitimacy of certain police actions; in a dynamic encounter, the angles are often imperfect, inconclusive, or even misleading as a representation of what the officer saw and what occurred. But part of the cameras' value is the *signaling* that they represent: that the police are willing to be accountable and to stand by their actions by capturing them to the extent possible. When a recording is expected but not actually created, it obviously nullifies that signal and instead provokes skepticism – even if the involved officer's lapse was justified or inadvertent. For that reason, it is important for agencies to set a high standard for compliance and to reinforce that with their personnel so that activation becomes second nature.

Moreover, the episodes of unrecorded contacts were apparently not restricted to critical incidents. For example, we requested all available materials for a small sampling of use of force cases chosen at random and that occurred in 2019. VPD provided us with body-camera recordings from three such incidents. These encounters each included multiple officers and multiple force options (including one Taser use and one carotid control hold). But only one of the three incidents produced recordings that captured the force itself, and even this was limited to one of the several officers involved and did not provide a useful vantage point. From this admittedly small sample size, our takeaway was that officers did not incline toward recording in a way that suggested the “should activate” language sufficed as guidance.

**RECOMMENDATION 9:** The Department should use the adoption of a new, stricter activation requirement as the foundation for a new approach to its body-worn camera technology.

RECOMMENDATION 10: The Department should implement a graduated program of accountability to ensure that officers are complying with the expectations of the new policy.

RECOMMENDATION 11: The Department's management should consider body-worn camera recordings as, among other things, a forum for identifying performance and training issues and addressing them constructively and progressively – and not through automatic formal discipline for minor issues.

## Officer-Involved-Shootings & Critical Incident Review

When VPD has an officer-involved shooting in which the subject is wounded or killed, a number of responsive processes are initiated right away, both within and outside of the Department. In this respect, the model in Vallejo and Solano County shares much in common with jurisdictions throughout California and even nation-wide. Taking precedence at the outset is a criminal investigation into both the underlying incident and the police use of deadly force. The actions of each officer who shot are scrutinized for their legality; at the end of the process, the District Attorney's Office renders a decision as to whether a basis exist for prosecution exists.

While the review of the completed case, and the ultimate decision about legality, is the purview of the District Attorney, VPD detectives play an active role in the evidence-gathering process. Indeed, VPD and the District Attorney follow a memorandum of understanding about their respective responsibilities.

In reviewing several case files from recent VPD officer-involved shootings, our focus was primarily related to the *administrative* processes we discuss in detail below. These are the Department's internal assessments, not only of officer performance (in terms of compliance with policy and training), but also other aspects of the incident that may have implications for operational effectiveness. These might include officer tactics, equipment, supervision, communication, and elements of post-incident response including medical aid and community outreach. They are also the parts over which the Department has control and sole responsibility.

The assessment of legality under criminal law is of course a critically important element of accountability in these matters. It is also the question to which the public tends to ascribe the most significance. But, for a variety of reasons (including high standards for establishing illegality), the prosecution of officers for their deadly force is extremely rare, and often unsuccessful even when cases do go to trial. Accordingly, a police agency's internal evaluations and adjustments are potentially more influential in terms of accountability, learning opportunities and impacts on future operations.

While expanding on those thoughts in detail below, we do wish to highlight a couple of aspects of the criminal investigation process as it unfolds in Vallejo. Both relate to the interview of the involved officer – obviously a key piece of evidence. The first is the timing of the interviews with the involved officer, and the second relates to whether the officer is afforded the opportunity to review body camera recordings from the relevant incident prior to being questioned.

As for the timing of the voluntary interviews that officers give to criminal investigators (including one or more VPD detectives and a representative from the District Attorney's investigations team), it was noteworthy to see that – at least in the examples we reviewed – these occurred prior to the involved personnel going “off shift” on the day the incident occurred. This is consistent with best investigative practice in terms of promoting the cleanest recollection of events – and minimizing the chances of interference (inadvertent or otherwise) with the purity of that statement. And it is not something that occurs in every agency. Instead, we know of several departments where the officers don't provide an initial statement for days after being involved in a shooting. VPD's approach is better, and we expect it will continue.

While we hesitate to “fix what isn't broken” in terms of current VPD dynamics, we encourage the Department to memorialize this practice by ensuring in policy that this same shift interview will continue to occur – either in the form of a voluntary statement to criminal investigators or a compelled one to the Department administrative reviewers. Like anyone else, officers have a constitutional right not to make statements when they are the focus of a potential criminal case. Important to the nature of the interview that VPD officers currently provide is that it is voluntary for this reason – which means the officer could decline to participate. In our view, though, the timing of this statement matters so much to the integrity of the review that the agency should be prepared to compel an administrative interview if the declination should occur. The officer would be

obligated to participate as a condition of employment (though that statement would be excluded as evidence in the criminal case).

Current policy language focuses on the criminal interview, and includes a reference to the possibility that the officer may not be physically, emotionally, or otherwise not in a position to provide a voluntary statement”; in such an instance, the guidance is to give “consideration” to a later scheduling. We recognize that extraordinary circumstances could militate in favor of delay in rare cases, such as when an officer is seriously injured as a result of the incident and needs medical treatment. However, we advocate a clear emphasis on “same shift” interviews as the standard, even if they are administrative in nature.

RECOMMENDATION 12: The Department should ensure that officers involved in a shooting are interviewed – either criminally or administratively – prior to the end of the shift in which the shooting occurred.

Another debated issue relevant to Vallejo is whether officers should be allowed to review body camera evidence *prior* to offering their initial statement. The practice in VPD appears to be that the officers are invited to “view first.” (Interestingly, not all the officers chose to in the cases we looked at.) There is a tension between the value of refreshing an officer’s recollection vs. the value of a “pure” statement that is not influenced by outside information. The latter is more consistent with best investigative practice. Officers can and should review recordings immediately after providing a pure statement in an interview setting, and then make any corrections that might be prompted. But their initial statements should be based exclusively on their own recollections about what happened and their own state of mind.

We are informed that the Solano County Fatal Incident Protocol, of which the City of Vallejo is a signatory, provides that officers be afforded to view their own body camera videos prior to being interviewed. However, that provision of the Solano County protocol does not conform with best practices and is in conflict with other County-wide protocols in the Northern California area.<sup>9</sup> Vallejo should use its membership to urge revisiting of this issue.

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<sup>9</sup> See, for example, Santa Clara County Police Chiefs’ Association Officer Involved Incident Guidelines (involved officers to provide statement before reviewing video accounts of incident).

RECOMMENDATION 13: The Department should obtain a pure statement in an interview setting from officers involved in a shooting prior to their initial viewing of any recorded evidence from the incident and work to change any County-wide protocols that are in conflict with best practices.

## Administrative Review Process

The Department's "Critical Incident Review Board" ("CIRB") is the current method by which some significant force events are subjected to formal scrutiny. Per policy, the Board will be convened "when the use of force by a member results in very serious injury or death to another." It is to be comprised of a captain, a representative from Professional Standards, a representative from Training, and two "subject matter experts" (sergeant or above) in the force option at issue. The role of the Board is to conduct an administrative review of the incident and to make recommendations to the Chief as to potential further action in the areas of "Policy, Tactics, and Training."

This is promising on its face. It reflects the notion that the Department recognizes the value of careful and thorough scrutiny of such events, and we have seen similar models in other agencies work quite well. At their best, these boards offer a forum for comprehensive issue-spotting and productive discussion – or even debate. They can ensure that individual performance concerns are addressed as needed, and that the larger lessons to be gleaned from the incident are disseminated to all personnel. It's a combination that contributes to future effectiveness and corresponds to the gravity of the underlying incidents themselves.

Unfortunately, though, a process that achieves this constructive result can be easier to devise than to execute. The impulse to be supportive in the aftermath of a deadly force incident is as strong in some agencies as it is understandable. The majority of officers are never involved in a shooting, and the trauma can be real and long-lasting for those who do go through the experience.<sup>10</sup> This reality can

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<sup>10</sup> A very different dynamic that merits consideration by management is when officers are involved in *more* than one shooting in their careers. Vallejo has a few such officers amongst its current personnel. There are certainly many pitfalls to simplistic reactions to such a circumstance. At the same time, though, it behooves the agency and the involved officers to make sure that this anomalous situation has been assessed collectively as well as individually.

easily lead to a “circle the wagons” mindset that treats deference to the shooting officers as a sort of default. And this inclination is only reinforced against a societal backdrop of heightened scrutiny and skepticism. Concerns about civil liability comprise another factor that, in many jurisdictions, militates against robust internal review.

The result of all this can be a culture in which careful evaluation is perceived as morale-harming “Monday morning quarterbacking,” and any criticism or accountability comes across as a problematic lack of support. Accordingly, some agencies steer away from rigorous administrative review and content themselves with a narrow focus on whether the deadly force was “in policy” – an analysis that leans heavily on the criminal investigation and leaves other matters either unexplored or unaddressed.

As for VPD, the current process brings the panel together at some point – usually several months – after the incident occurs. In advance of the meeting, participants have the opportunity to review available materials from the underlying criminal investigation, including reports and recorded evidence. One member of the Board guides a discussion, and the group makes collective assessments across the major subject areas of policy, tactics and training. It then reaches consensus and makes a collective recommendation as to a single, overarching finding about the event. After the meeting, one attendee is entrusted with putting a draft summary together, which is then circulated to the participants for feedback or editing before the document is finalized and submitted for executive approval. After different members of the command staff have the opportunity to review, it is the Chief who issues the final word on the case (usually by adopting the Board’s recommendation without further comment).

We looked at several memos that summarized Critical Incident Review Board discussions and outcomes. This sampling of documents (as well as our discussions with individuals involved in the process) gave us some basic understanding of how – and whether – the process works in Vallejo. Both procedurally and substantively, we saw glimmers of potential. But we also noted a lack of consistency and some significant missed opportunities, along with a seeming reticence to criticize shortcomings in performance. The memos were generally quite short in their summary of the underlying Board discussion. And even when astute observations did emerge, the mechanisms for responding to them were often unclear. Moreover, accountability in the form of administrative consequences was rarely a menu option the Board pursued.

One example from a 2017 case was illustrative of both strengths and limitations. Multiple officers had responded to 911 calls about a party that had devolved into a disturbance. Upon arriving at the residence, the officers encountered individuals fighting outside; one of the officers perceived a deadly threat to a third party and fatally shot the aggressor. Additional issues arose in the aftermath of the shooting in terms of stabilizing the scene and dealing with various upset individuals.

The CIRB met to discuss the case several months later, and produced its memorandum some four months after that. The Chief's signature closing the review occurred four months after that: 17 months after the incident and more than six months after the District Attorney formally declined to prosecute the use of deadly force.<sup>11</sup>

Per the three-page memo, the CIRB recommended "Administrative Approval" of the overall response.<sup>12</sup> (This was the outcome in almost all the analyses we reviewed.) However, and to the Board's credit, the substance of the memo was more nuanced. It featured at least a quick mention of a few different very specific tactical concerns in terms of how officers had communicated with each other and the individuals they encountered, the formation with which they went up an outdoor stairway, the way one officer had handled his weapon and a flashlight at the same time, and the post-shooting response by supervision in terms of command and control of the scene. But the only apparent upshot of this was a concise listing of issues that the Department should address through training. There was no accompanying plan for doing so, or even clarity as to whether the recommendation was directed at involved personnel or the agency as a whole.

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<sup>11</sup> We are familiar with a dynamic in which an agency delays its formal administrative process – or at least its ultimate findings – until after the resolution of the criminal review into the legality of deadly force. There is some justification for this deference to the District Attorney's process, in terms of not wanting to complicate a potential prosecution. Ideally, though, the agency will move forward in the interim with those parts of its response, if any, that are more time sensitive (such as an identified equipment or training issue, or a gap in policy). And in VPD's case, the timing (or slowness) of its CIRB process did not seem directly or consistently related to the status of the parallel criminal investigation.

<sup>12</sup> As stated in the Department policy, the other choices available to the Board include identifying a concern in the area of "Tactics/Decision Making," raising of "Policy/Training" issues, or finding that the force should be met with "Administrative Disapproval" for deviations from policy and VPD expectations. This last category is expressly reserved for "the most serious failures."

Moreover, and significantly, the Board noted that the shooting officer had failed to activate his body-worn camera in apparent violation of Department policy. But this did not lead to a responsive action item of any kind, including a potential disciplinary consequence. Instead, the relevant sentence was quickly followed by one emphasizing that the officer's "tactics and immediate action" had saved the life of the vulnerable third party. This latter fact may well be true. However, the juxtaposition suggests that it makes a moot point of the body-worn camera issue, and this "either/or" approach strikes us as overly simplistic and flawed.

In short, we see a number of ways that the CIRB model does not take full advantage of its structural potential or the analytical skills of its participants. These include the following:

- *Constrained Scope of Review:* The Board often appears to focus on the use of force itself in narrow ways that limit learning opportunities and accountability options in the aftermath of critical incidents. The menu of findings available to the Board is also problematically limited and collective in nature, which flattens assessments into an "all or nothing" approach at the expense of productive nuance.<sup>13</sup>
- *Limited Administrative Investigation:* The lack of a separate administrative investigation process – including separate interviews with involved personnel to complement materials from the criminal case – inhibits the Board's ability to make effective judgements across the optimal range. It has seemingly also contributed to a paradigm in which appropriate accountability for policy violations is rare in the context of a critical incident.
- *Timing Concerns:* As discussed above, the different phases of the process can take months to unfold, with gaps not only before the meeting but also in the subsequent stages. With no clear guidance in policy and no discernible protocols for when

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<sup>13</sup> Our understanding is that a representative from Internal Affairs monitors the interviews that involved officers give as part of the criminal investigation process, and has the opportunity to submit supplemental questions bearing on administrative matters as needed. This strikes us as better than nothing – but also as inherently awkward. We encourage a process that features separate administrative interviews as a standard practice.

the different phases will happen,<sup>14</sup> there are long and avoidable delays before the administrative review is finalized. This vitiates the effectiveness of the review in a couple of ways: by leaving involved officers in an unwelcome state of uncertainty, and by slowing the implementation of agreed-upon remedial measures that could influence the whole Department.

- *Lack of Concrete Follow-Through:* Even on those occasions when the Board identified specific concerns with implications for training, supervision, and individual officer performance, the documentation was generally lacking in terms of concrete actions items and subsequent corroboration. We do not rule out the possibility that beneficial interventions occurred. But, in our experience, a protocol for memorializing particular ideas and then confirming that they came to fruition is very helpful in actualizing good intentions, especially in an agency where the press of daily business could easily allow things to slip through cracks.
- *Role of Legal Counsel:* The terse nature of the memos produced by the CIRB perhaps reflects concerns that more detail (and a more wide-ranging or pointed evaluation) would be problematic in terms of liability exposure – a dynamic that may also relate to the regular (but not automatic) participation of a representative from the City Attorney’s office in the meetings themselves. We recognize the potential benefits of having a lawyer monitoring the process and serving as a resource for the Board’s deliberations. However, our view is that the best role for counsel in this context is as an advisor, rather than a shaper of the discussion’s parameters and consequences. To the extent the Vallejo model is deviating from this, we would encourage the Department and City to reconsider.

We strongly advocate a shift in philosophy that would make holistic, rigorous assessment of the *entirety* of an officer-involved shooting (or other critical incident) a routine and expected component of VPD’s administrative response. This would include looking at all aspects of a given encounter with an eye toward issues that merit further investigation or redress. Such a review should necessarily

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<sup>14</sup> An exception is for the command level approval process once the memo has been finalized by the CIRB. That cover sheet expressly calls for – and tracks – a two-day turnaround for each listed person, which we find to be a simple and effective approach.

encompass the pre-event planning/decision-making, the tactics leading up to the climactic moments themselves, and the effectiveness of any post-incident responses, including the timely provision of medical assistance and crime scene integrity.<sup>15</sup>

Ideally, in our view, the Department would consider the implications of each critical incident through a phased response. Members of its Professional Standards Division would put together an initial presentation for Board members and executives (including the Chief) within a week or two of the incident; the goal at this stage would be to focus less on individual accountability<sup>16</sup> than on identification of potential issues in policy, training, supervision, tactics, or community response that are time sensitive and/or broadly relevant to agency operations. These are matters that could and should be addressed quickly – even during the pendency of the criminal review. This meeting should generate individual “action items” that are assigned to specific people for completion, a process that the Professional Standards Division could help track.

A second phase of more comprehensive administrative investigation – again, performed by Professional Standards Division personnel – could then address individual accountability. Performance issues that implicate policy – even if separate from the legitimacy or justification of the force itself – should be addressed through the discipline process. And administrative interviews of involved personnel should be utilized as a supplement to the criminal investigation and to provide a fuller picture of tactics, decision-making, supervision, and other relevant aspects of the case.

The next gathering of the CIRB – at the completion of the administrative investigation – could be used as a final opportunity to assess the full incident and to craft the different aspects of the Department’s response. Moving away from the current paradigm of limited choices would preserve the flexibility needed to address each incident’s particulars in appropriately tailored ways.

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<sup>15</sup> One example of this latter category would be involved personnel’s responses to “rescue mode” after the incapacitation of a subject. The counter-intuitive aspects of this transition – from reacting to a perceived threat to providing aid for that threat’s source – make it especially important for an agency to train and reinforce this concept where possible.

<sup>16</sup> The exception would be for an incident that quickly exposed clear issues about officer actions as a matter of law, policy, or fitness for duty.

With due respect to officer sensitivity and concerns about deleterious “second-guessing,” we believe critical incidents such as shootings are intrinsically worthy of the highest levels of attention from law enforcement – as much for the sake of future operations as past accountability. And we believe that the process can be undertaken in a way that removes stigma and promotes constructive reinforcement and remediation.

Importantly, the CIRB memos from two more recent cases reflect a significant shift in paradigm and a move toward the comprehensive evaluations we endorse. In one, the then-Chief rejected the recommendation of “Administration Approval” that the Board had agreed upon, and cited two specific areas in which the evidence showed potential policy violations on the part of the officer. The first related to activation of the body-worn camera, and the other to the requirements for conducting a foot pursuit. While these matters were distinct from the deadly force’s justification, there were key issues in their own right – the sorts of thing that might contribute to how confrontations unfold and whether there were realistic alternatives to the ultimate consequence.

In the other case, the Board itself produced a memo that transcended its predecessors in striking ways. While covering a vehicle pursuit that involved several officers and ended in the fatal shooting of an armed and aggressive subject, the Board members found the officers to have acted within policy. But they identified several tactical elements that deviated from training and/or compromised officer safety. It also recognized potential training opportunities for the involved personnel and the Department as a whole. Finally, it offered concrete and applicable recommendations for managerial responses.

While some of this may be a function of that incident’s own unique dynamics (not all cases are the same in their level of situational complexity or tactical nuance), it is interesting to note that the memo was written – and approved – within a few weeks of the new Chief’s arrival.<sup>17</sup> While we believe that further structural adjustments would be beneficial, and urge the Department to consider them, the apparent new vision for the CIRB is a step in the right direction.

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<sup>17</sup> Also interesting is that the Board’s initial meeting about the case had occurred approximately one year earlier. While the delay in finalizing the memo is curious (and something we discuss below), it also suggests that other panel discussions over the years may have featured similarly thoughtful dialogue – but did not lead to documented consequences or a comparable level of responsive action.

RECOMMENDATION 14: The Department should change its protocol for reviewing critical incidents by empowering Professional Standards Division, working in conjunction with the Critical Incident Review Board, to conduct a holistic review and evaluation of all critical incidents to encompass the performance of involved personnel (including non-force users) as well as issues of policy, training, tactics, supervision, equipment, and/or incident aftermath.

RECOMMENDATION 15: The Department should guide the CIRB's analysis by requiring specific findings in each of the following categories: pre-event planning and decision-making, tactics, and post-event response (including timely transition to rescue mode).

RECOMMENDATION 16: The Department should provide the CIRB with greater flexibility to tailor its outcome recommendations across a range of possible categories, rather than limiting it to a blanket finding about the incident as a whole.

RECOMMENDATION 17: The Department should consider ways to conduct its critical incident review in time-appropriate phases, beginning with an initial debrief and issue-spotting and continuing to a more thorough examination of administrative issues including officer performance.

RECOMMENDATION 18: The Department should set specific goals in writing for the timely completion of different phases of the critical incident review process, to make sure that the appropriate responses and remediations are occurring in as meaningful and productive a way as possible.

RECOMMENDATION 19: The Department should develop a separate administrative investigative package, including separate administrative interviews of involved personnel, to help the CIRB to identify and resolve issues related not only to the use of force but also collateral matters that merit formal attention.

RECOMMENDATION 20: The CIRB should play a direct role in the identification and resolution of individual policy violations or other performance issues associated with a critical incident.

RECOMMENDATION 21: VPD and the City should clarify the role of legal counsel in the CIRB process, so that input on questions of law and liability does not come at the expense of rigorous analysis and necessary remedial measures.

## Other Uses of Force

Although deadly force events are understandably in a category of their own in terms of the scrutiny they receive, *every* use of physical force constitutes an exercise of police power that warrants attention and some level of accountability. This observation is, or should be, an unremarkable one. Law enforcement's job is a challenging and often dangerous one, and the ability to use a reasonable level of force in order to overcome resistance or protect self or others against a physical threat is a necessary component of officers' authority. By its very nature, though, force constitutes a significant imposition on those individuals who are subjected to it.

The deadly force incidents we discuss above are the most obvious manifestations of this concept. They deserve the distinctive attention that they received from the public and the justice system, and our recommendations are consistent with that reality. But *any* use of force – no matter how minor or how fully warranted – is something that a contemporary officer is expected to report, document, and take ownership of. And when there are questions about the necessity or extent of a given force application, those matters deserve careful investigation and, where applicable, responsive consequences.

What we would add to that baseline assessment is the notion that all force incidents deserve at least some level of *holistic* scrutiny that goes beyond legality or technical compliance with policy (as crucial as both those standards are). We have reviewed many hundreds of force incidents over the years. The overwhelming majority of them have been deemed by their agencies to be “in policy” – and we frequently concur with those findings. At the same time, though, a much larger percentage of those cases raise one or more issues that are deserving of, or would benefit from, some sort of managerial feedback. This

could be related to supervision, officer tactics, teamwork and coordination, choice of force option, equipment, policy, or some combination of the above.

In other words, we encourage agencies to push past the simple dichotomy of “in policy or not” when it comes to managerial intervention. The point is not to undermine officers or strain for ways to criticize them. Instead, it is to reinforce important notions that law enforcement should always bear in mind: that force matters, that avoiding it when possible through de-escalation or effective tactics is good, and that there is value to reinforcing effective performance and remediating where appropriate.

There is room for improvement in both thoroughness and consistency in VPD’s use of force review processes. Some of this is a casualty of the strains on time and resources we note elsewhere. Some of it, though, is a managerial judgment that the officers are not “heavy-handed,” and that the volume and nature of the force incidents is an expected by-product of the encounters with volatile individuals that the officers regularly have.

The following impressions emerged from the various parts of our evaluation:

- VPD officers use force regularly, and consider it more a function of their challenging work environment than a philosophy or culture of physical aggression.<sup>18</sup>
- VPD officers are conscious of and well-trained about the various legal and policy justifications for force.
- These principles provide guidance in the field and inform the officers’ framing of their own conduct in reports.
- The supervisory review of force incidents is less formally robust and consistent than it could be.

One Internal Affairs investigation we reviewed is illustrative. The case involved a supervisor who responded to an unfolding incident and used force to take an individual into custody, but failed to report it; the force came to the Department’s attention as a result of the man’s complaint. A VPD force expert formally reviewed the incident as part of the Internal Affairs case – and determined that

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<sup>18</sup> As one high-ranking member of the agency explained it, “A lot of people want to fight us.” Assuming this is true, the challenge for contemporary officers is to use skills to prevent belligerent individuals from dictating that result.

there had been technical justification for what occurred. This analysis was consistent with the case's final outcome, in which the force allegation ended up being "exonerated" while the supervisor was disciplined for the failure to report.

The memo prepared by the VPD force expert is thoughtful, detailed, and convincing. And it does what it was asked to do: make an assessment of the "objective reasonableness" of the force given the totality of the circumstances. In our view, though, this case raised issues of tactics and decision-making that merited attention – and that the narrow emphasis on justifications left unresolved. These included the supervisor's assertive and "hands-on" insertion of himself into the response and some of the communication choices that ended up antagonizing the subject.

Another case involving allegations of improper force, this time involving an officer's off-duty confrontation with a belligerent individual – followed a similar path: a force expert conducted a meticulous and plausible assessment of the officer's physical actions and the justification for each, but left aside "bigger picture" issues about the advisability of engaging physically in the first place.

In fairness, it should be noted that the memos in question were deliberately narrow in focus and were only components of broader investigations – ones that did find other policy violations apart from the force. But they also correlated with our larger impressions of how supervisors viewed force events. The technical aspects of the justification analysis were indeed persuasive. However, there is a "can't see the forest through the trees" quality when the larger context – including communication skills, judgment, tactics, and other options – is not regularly pursued.

As with other areas we evaluated, any limitations in the Department's approach seem to be about culture and practice rather than capability. Our sense is that VPD's *ability* to train and to critically review force is considerable – as reflected in the "Force Options Team" that has emerged over the years as a valued resource for patrol personnel. This group, which is overseen by a high-ranking Department member, consists of some 15 individuals who have gone through extensive training and developed expertise in matters related to force. They serve on the team as a collateral to their regular assignments.

As members, they assess individual incidents and extract lessons for the development of training scenarios; these are shared with Department members during several designated windows throughout the year. The Force Options Team's influence is also reflected in the training curricula that they compile for

VPD personnel's mandatory sessions throughout the year; we had the opportunity to review several of the "lesson plans" that were developed for these blocks of instruction and found them to be thorough and thoughtful. We were especially impressed, for example, by how often "de-escalation" principles were emphasized.<sup>19</sup>

This concept promotes a mindset in which officers look for opportunities to reduce the potential for physical intervention in a given encounter through a range of techniques that emphasize caution, patience, effective communication, and sound tactics. It recognizes that just because officers *can* assert their authority physically in a given situation doesn't mean that they *have* to, or should. And, increasingly, efforts at de-escalation have become an expectation that comprises part of the analysis as to a force application's "reasonableness" under law and policy.

The Department's emphasis on these skills in its training cycles is a positive development. And, to its credit, it has very recently changed its Use of Force policy to give unequivocal prominence to de-escalation principles. The new section on De-Escalation (Policy 300.4) seems exemplary in the philosophy it articulates and the responsibility it imposes on officers to help "avoid physical confrontations and increase the likelihood of voluntary compliance or cooperation" where possible. Our collateral hope is that a focus on these concepts will also become a regular part of VPD's supervisory assessment of individual incidents; it has not seemed to be a point of emphasis in the past.

Finally, it is also our understanding that the Force Options Team members perform the collateral function of consulting with officers who have used force, assisting them with the documentation of their actions. Our review did not extend to comparing officers' written accounts with other available evidence in the context of specific lower level force incidents. From a distance, though, we see this as a coin with two sides: the benefit of expertise when it comes to producing detailed descriptions of what happened and why, and the potential pitfalls of "coaching" that focuses on justifications and does not necessarily encompass or promote broader scrutiny.

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<sup>19</sup> The robust training component stands in significant contrast to the currently less formally robust review component; i.e., whether the use of force being assessed was consistent with training and Departmental expectations. We advocate for discussion and application of how officers are trained regarding de-escalation principles to whether that training was a component of any use of force in the field.

We did not see formalized examples of this scrutiny occurring at other levels of the Department. Our understanding is that force incidents *are* subject to review “up the chain”; supervisors up to the captain level are notified and given the chance to assess force applications, and can direct further investigation or other interventions at their discretion. Moreover, Department policy 300.7 expressly sets forth a number of duties under the heading of “Supervisor Responsibility” that promote evidence-gathering and assessment in potentially effective ways. But our requests for examples of any “Use of Force Report” that emerged from this process did not produce any specific responsive materials from VPD. And Department executives that we spoke to, while confident that force events did receive worthwhile attention, acknowledged that the process was not as routinized, rigorous, or comprehensive as it might be.

The Department also would benefit from standardizing – and building upon – its existing approaches when it comes to the review of individual force uses by its officers. Ensuring that force is not excessive (or otherwise unjustified) is extremely important as a baseline, but less than optimal as a stopping point. Accordingly, we recommend a protocol that looks at individual force events more holistically and with a broader range of potential interventions.

We recognize the challenges of limited resources, and the commitment that any additional mandates can represent. But we also believe that a great deal of good can emerge from a higher level of formalization and consistency – and from a cultural approach that looks at review as an opportunity rather than as a burden or a sign of distrust.

RECOMMENDATION 22: The Department should develop a protocol for standardizing a specific and documented supervisory evaluation of every use of force.

RECOMMENDATION 23: The Department should ensure that the assistance of the Force Options team with officer report-writing does not become a tool for retroactive justification of questionable force deployments or a basis for truncating appropriate scrutiny.

RECOMMENDATION 24: The Department’s analysis of each use of force should include affirmative managerial determinations as to whether the force was in policy, and whether training, tactical, or other considerations were identified.

RECOMMENDATION 25: Each use of force should be reviewed and evaluated to determine whether de-escalation techniques were considered or implemented prior to the application of force, and/or why they were not.

RECOMMENDATION 26: The Department should incorporate its current policies for supervisory review, including detailed evidence gathering by supervisors where applicable, into this process.

RECOMMENDATION 27: The Department should create formal mechanisms for documenting and tracking any action items that emerge from this process, in order to ensure appropriate follow-through.

## Complaints and Allegations of Misconduct

One of the hallmarks of a police agency's effectiveness and community standing is its responsiveness to allegations of officer misconduct. There are several components that contribute to the substance of this responsiveness. They include the following:

- Does the agency facilitate the acceptance of complaints from the public through clear communication and an inclusive intake system?
- Does the agency investigate allegations of misconduct in thorough, fair, and appropriate ways?
- Does the agency uphold its own standards apart from external prompting or allegations?
- Does the agency view its discipline process as a source of potentially useful feedback that extends beyond individual accountability determinations?
- Does the agency promote trust through transparency and notification regarding its processes and the outcome of complaints?

As discussed below, we found the Department's process to be sound in many of the above respects, while noting occasional concerns and areas for potential improvement.

In reaching these impressions, we looked at approximately 40 samples of completed misconduct cases from recent years. These were in three main categories: “Internal Affairs” investigations of more serious allegations (whether initiated by the Department or a member of the public), “Citizen Complaints,” and “Inquiry Resolutions” – a category reserved for the handling of complaints that do not warrant further investigation because, as alleged, are not matters of misconduct but rather service concerns.

## Intake of/Receptivity to External Complaints

It’s a lot to expect of police agencies that they *embrace* the citizen complaint process: the most legitimate complaints are the product of regrettable mistakes (or worse), while the less legitimate ones are often asserted with the most persistence and enthusiasm. Each of them represents extra work and an aggrieved member of the public – neither of which is desirable for any organization.

Ideally, though, police agencies take a deep breath and make the best of this process. They accept the importance of the responsibility, execute it with integrity and diligence, *and* recognize its potential benefits as a source of useful feedback.

The *number* of complaints a police agency receives from members of the public can be difficult to interpret in terms of significance. In short, fewer is not inherently better – a small number might be less a matter of overall “customer satisfaction” or flawless policing than a lack of awareness about (or trust in) the process – or even resistance on the part of the agency to accepting the complaints in the first place. Accordingly, we look instead at the extent to which a department seems to solicit feedback and makes it easy for people to share a concern; then we assess the legitimacy of the subsequent investigation and resolution.

To its credit, Vallejo’s approach to external complaints is inclusive and reasonably well-publicized. It allows members of the public a variety of methods to share their issues, makes written forms (complete with explanatory information) available in the lobby of headquarters, and accepts anonymous complaints (while acknowledging – with justification – that such matters can be more difficult to investigate or otherwise pursue). And the Department’s website features a dedicated link to the complaint process.

VPD also takes a reasonable approach to addressing public concerns through direct communication and explanation where applicable. This arena is

documented most clearly in the “Inquiry Resolution” files we reviewed. These memos capture the nature of the complaint and explain in sufficient detail how the matter was addressed by the handling supervisor. Importantly, these individuals are taking responsibility for their determination and the basis for it.

When it comes to interacting with an unhappy member of the public, there can be a fine line between a constructive conversation that clarifies misunderstanding and a “smoothing over” or “stonewalling” session that may successfully neutralize the complainant but doesn’t address an underlying problem. In our view, the complainant’s subjective frame of mind should be important but not wholly determinative of the agency’s response. A legitimate complaint or misconduct issue deserves attention even if the watch commander somehow mollifies the individual reporting party; similarly, an unreasonable complaint only merits so much investigation, no matter how insistent the citizen. For this reason, the documentation within an “Inquiry Resolution” strikes us as a fine balance between efficiency and accountability. And we are largely in agreement with the appropriateness of the outcomes as explained.

We also noted one case in which a woman strongly objected to VPD’s handling of a custody exchange that she was involved with – an encounter that ended in her arrest. In this incident, though, body-camera footage appeared to support the officers’ actions. When the investigator afforded her the chance to watch the recording and offer her perspective in more detail, she was notably chastened by the video and the way it deviated from her recollection – a factor that presumably made her more accepting when the officers were ultimately exonerated.

In short, several of the complaints we reviewed not only “got to the right place” in terms of outcome, but also featured constructive, clarifying interactions between the involved party and VPD. This is not always attainable. But it should certainly be an underlying goal of the complaint process, and VPD should continue to nurture this aspect of its response.

## Notification Letters

Part of any police agency’s statutory obligation in responding to citizen complaints is to notify the complainant in writing of the outcome within 30 days of the investigation’s completion. At the same time, though, confidentiality protections for officers limit the amount of information and detail that can be shared. (For example, if an allegation is “sustained,” the agency must say so – but cannot elaborate on the specific consequence that the officer received.)

Some agencies have responded to these limitations by issuing concise letters that meet legal obligations but are even less personalized and detailed than they might be. This can leave complainants understandably frustrated. Filing an earnest complaint, waiting for several months, and then receiving a short notification that the investigation ultimately was Unfounded (with no further explanation) is a recipe for dissatisfaction.

Accordingly, we encourage police agencies to make the effort to “show their work” to the extent possible, and at least take steps that can help assure complainants their concerns were understood and taken seriously. This could include a recounting of the allegation itself (which obviously helps to personalize the response), generalized description of the investigative steps that provided the basis for the outcome (which helps to show due diligence) and some effort at conveying a recognition of the complainant’s perspective.

Vallejo’s notification letters were often quite good in this regard. This was not, however, universally the case. There were occasional disconnects between the outcome of the investigation and the notification that was provided (Such as an “Unfounded” notice for a case that could not be fully pursued because of a lack of identified subjects.) Others of the letters were notably terse. And, in at least a couple of instances, we saw the presumably well-intentioned but curious phrasing “Again, on behalf of the police department, I apologize *you felt* you had a bad experience.” (Emphasis added.) At least two of these appeared in letters about a complaint that was sustained, which meant the experience was *objectively* bad. In another, the allegations were refuted, which suggests that the apology was unwarranted (and therefore potentially condescending).

More positively, we saw other examples of letters that made reference to specific allegations, descriptions of the investigation, and/or a sincere straightforward apology. These are small but creditable gestures that are worth the investment in time. And we encourage the Department to achieve this even more comprehensively and consistently with future complaints.

RECOMMENDATION 28: The Department should build on its intermittently successful efforts to make complaint notification letters as detailed and useful to recipients as possible.

Along these same lines, we would also encourage the Department to share with the public more information about the number of complaints and internal investigations, the nature of the allegations, and the outcomes of its cases each

year. Transparency in this regard has traditionally been quite limited across law enforcement, stemming from both the confidentiality rights of officers and a perception that sharing this data (and the attendant acknowledgement of shortcomings) does not redound to an agency's benefit. But this is changing for a few reasons. Not only is the public's scrutiny and expectation level higher than before, but law enforcement is increasingly recognizing that more openness can be a vehicle for increased trust. Accordingly, VPD should look for ways to offer the public more insight into its internal processes.

This same commitment to transparency should also exist with regard to uses of force. VPD should follow other police agencies by regularly publishing the number and types of uses of force periodically.

RECOMMENDATION 29: The Department should compile and periodically publicly produce aggregate data about the number of complaints received, the number of internal investigations conducted, and the number and type of uses of force so as to offer greater insight into the nature and effectiveness of its accountability measures.

## Investigative Issues

In the cases we assessed, there were numerous individual moments of effective, resourceful investigation and thoughtful analysis of the accumulated evidence. We saw instances in which misconduct allegations were sustained and appropriate consequences administered. On the other hand, some case files revealed limitations in the scoping of issues, thoroughness of investigation, and timeliness or efficacy of resolution. Occasionally, attributes and deficiencies were discernible within the same case.

One such example began with an arrestee's complaint of an item that had been lost by the Department at some point after the booking process. Within two weeks, the investigator had conducted interviews, reviewed surveillance camera video and documentary evidence, confirmed that the item had existed and was missing, identified the handling officer, and determined that there had been gaps in the Department's required protocol for collecting and recording of property. The summary memo documents the officer's own "corrective action" plan of learning from the incident and recording future such transactions on body camera – a useful corrective measure of the sort that effective systems emphasize. Finally, and impressively, the case memo also recounts a timely conversation with

the complainant in which the loss was acknowledged and the Department's assistance with the City claim process was offered.

Still, there were curious aspects to VPD's overall approach in the same matter. For one, the possibility that the item had been *taken* (instead of simply not logged properly and misplaced) was seemingly never considered and was not an apparent component of the investigation. Secondly, the case was not finalized (in the form of written notification to the complainant and a responsive consequence for the officer) until some eight months later. The reasons for this delay were not at all discernible from the case file.

Nor was this the only example of this timeliness concern. For instance, it took approximately nine months in one case to sustain an allegation of negligent evidence handling – for an investigation which consisted primarily of one interview in which the subject took full responsibility for the mistake. In another case, an officer's failure to conduct a pat down search of a suspect (who was later determined to be carrying a firearm as well as contraband) took seven months to finalize *after* the completion of the investigation.

It is true that, per state statute, agencies have a full year to potentially issue discipline from the time they first become aware of an allegation. Meeting this deadline has been an issue in other agencies we have evaluated; it should be noted that we are not aware of instances in which VPD forfeited its right to impose a consequence. But, absent an investigation of such complexity that the whole time is needed for effective evidence-gathering and review, a Department should prioritize the efficient resolution of its investigations.

Here, while the investigative work appears to be getting done in a relatively timely way, the final phases of the process unfold quite slowly and for reasons that are not readily apparent. And even if they were explainable, it nonetheless weakens some of the constructive value of a discipline case when so much time passes between the problem and the ultimate resolution or consequence.<sup>20</sup>

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<sup>20</sup> In the training we regularly do with police managers from agencies all over the state, they consistently cite the slow pace of administrative investigations as a key factor in undermining the rank and file's attitudes toward the discipline process. Even when the allegations are ultimately not sustained, officers describe the experience of being "under a cloud" as inherently stressful – and the mere pendency of investigations can disrupt hopes for assignment changes or promotions. And, on the other side of the coin, an untimely resolution can also contribute to a complainant's suspicion that the agency is not taking the matter seriously.

As a result, agencies have developed internal deadlines for completion of investigations and the review process. In particularly complex cases or where there is unavoidable cause for delay, the deadlines can be overridden by supervisory approval.

RECOMMENDATION 30: The Department should develop written internal deadlines to complete an investigation and review process and require supervisory approval for deviation from those deadlines.

### Thoroughness of Investigation/Scope of Review

In our review of individual case files, we saw investigative work that was often thoughtful and meticulous. At times, though, we also noted gaps in thoroughness that potentially undermined the outcomes of cases. One recent example involved a juvenile subject who contacted the Department after being confronted and searched by a pair of VPD officers. In spite of describing a particular date and time – and specifying that it had been one male and one female officer– the complainant’s information went nowhere, and the case was ultimately closed out with a finding of “Unfounded.” It is true that the complainant and his father did not respond to several attempts at re-contacting them, and that there was no documentation of any such contact to support the claim. Still, it was curious that more effort had not been made to match the duty roster for the day with those details that *were* available, and thereby ensure that officers were performing in a manner consistent with VPD expectations.

We also noted two separate instances in which witness officers were not interviewed about encounters that had produced complaints of excessive force. Even though relevant body-camera evidence was available, the perspective of these individuals would presumably have been instructive.

Due diligence is an obvious component of credible and effective investigation. We reiterate that VPD’s work in this arena was often solid and even impressive. But we also advocate a commitment to rigor and thoroughness in the framing and resolution of issues.

RECOMMENDATION 31: The Department should evaluate its individual misconduct investigations to ensure that all relevant issues are identified and pursued to a reasonable extent, including a written standard requiring formal interviews with witness officers.

## Level of Discipline

We noted several examples of cases in which the Department properly established that allegations were sustained by the evidence and that a consequence was warranted. However, the *nature* of that consequence was at times surprisingly minor.<sup>21</sup> This included low-level suspensions – or less, including “documented counseling” or mere training recommendations – for lapses that seemed fairly significant.

It is true that discipline is intended to be corrective instead of punitive, and that – short of a violation for which termination or demotion are necessary outcomes – the severity of the remedial measure is a matter of discretion, appropriately subject to a range of factors. Nor is our inclination toward more significant consequences a matter of hostility or retribution. But we do think there are ways in which outcomes that seem lenient can be problematic.

One concern is that the agency is narrowing its options for progressive discipline in response to similar future offenses that might arise: a low baseline for remediation not only makes less of an impression the first time but has an impact on the potential severity of a subsequent intervention. And “light” discipline also has a messaging function that may not be consistent with management’s goals for conveying its standards and expectations.

We recognize that this dynamic is partly cultural and a reflection of overall perceptions about the discipline process. We are familiar with some agencies in which written reprimands are commonplace and taken in stride, and with others that consider a written reprimand a disconcerting rebuke. It depends in part on what officers are used to, and it is possible that VPD is accomplishing its goals under the current paradigm. But we are concerned that the light level of discipline at VPD is less about the gravity of the misconduct than a reluctance to alienate or discourage the involved officers – and their peers. This is not entirely consistent with a healthy process – one that takes accountability seriously, administers proportional discipline, and recognizes such interventions as necessary and constructive.<sup>22</sup>

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<sup>21</sup> The actual impact of suspensions in Vallejo is further mitigated by the option officers have to use vacation days or compensatory time to “serve” their discipline.

<sup>22</sup> Some agencies have developed disciplinary matrices that set out the expected discipline range as an effort to build consistency and notice to employees about what discipline might be expected based on the nature of the transgression.

RECOMMENDATION 32: The Department should evaluate its levels of discipline for sustained policy violations to ensure that the proper amount of remediation is occurring.

## Other Review Protocols

### Civil Claims

When a person wishes to be compensated for a loss of any kind that was caused by the allegedly improper actions of a government entity, the submitting of a legal claim for damages is a first step. This doesn't always resolve the issue. But, in part because the goal is to settle such matters as efficiently as possible, it is at least a required precursor to filing a lawsuit in state court.<sup>23</sup>

When such claims involve the actions of law enforcement, different jurisdictions have different models for what happens next. The police agency generally has *some* role, at least in information-gathering. But there's a wide range in terms of how much the agency's insights and analyses shape the jurisdiction's legal response – and how much the agency itself treats the claim as a forum for self-scrutiny.

We recognize that legal counsel and risk managers need to maintain ultimate control over the decision-making in such instances; it is their area of expertise, after all, and their distance from the law enforcement perspective is often advantageous in terms of objectivity. But we do think there is value in soliciting meaningful input from the police before that decision is made. And we have long advocated a model in which the police themselves treat legal claims as a form of public feedback that merits attention – a sort of “complaint with a price tag” attached.

To their shared credit, the City and VPD appear to have a refined protocol for formally engaging the Department once a relevant claim is made. We looked at five samples of their process from recent filings. Once received by the City, the claim is forwarded to the Department and assigned to an Internal Affairs

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<sup>23</sup> By statute, the government entity has a set amount of time to respond to a claim, and can either accept it, deny it, or do nothing (which has the effect of a denial and allows the claimant to proceed to litigation). Should the aggrieved choose federal court as the venue, there is no corresponding claim requirement; he/she may file a complaint in court immediately.

reviewer, who has a set deadline to conduct an assessment and submit a recommendation memo. That memo is copied to the various City individuals with risk management responsibilities (including someone in the City Attorney's Office).

The claims we looked at covered an interesting range. In one, the reviewer looked into the matter, corroborated the claimant's version, and recommended a refund of impound fees. At the other end of the spectrum involving a claim for considerable damages for an alleged false arrest, the Department had already conducted a formal administrative investigation and determined – with the assistance of body-camera recordings – that the involved personnel had acted properly in handling the claimant's arrest. A denial of the claim was accordingly recommended.

Both results made sense to us, and seemingly featured the collateral benefit of prompting useful introspection on the part of VPD. It's a paradigm that ideally is repeated across the board. But in one of the five samples we looked at, an allegation of false arrest resulted in no determination – and no documented effort at assessing the underlying circumstances or the claim's legitimacy. Instead, the memo cited guidance from the City Attorney's Office in refraining from weighing in.

There may well be some strategic merit to this approach on those occasions when it is used. However, we consider it critically important that concerns about liability exposure do not undermine or interfere with a police agency's willingness and rigor in taking a hard look at its own actions – and following up with individual accountability or other remedial measures as needed. In the same way that legal counsel can benefit the CIRB process but should not constrain it, we encourage the City and VPD to ensure that the Department's role in the civil claim process is appropriately balancing legal concerns with internal rigor and necessary reform.

**RECOMMENDATION 33:** The Department should continue to use the civil claims process as a vehicle for assessment of its own performance, and should refrain from allowing liability concerns impede the rigor and thoroughness of this process.

## Evaluations

A couple of protocols that, in our experience, are difficult to execute effectively relate to the formal evaluation of employees in a police agency. Various obstacles to meaningful feedback exist. The process is labor-intensive when done well, and the constant flow of other work in conjunction with the various incentives to avoid contention often result in perfunctory end products that have little real value. Worse, they can create a record that glosses over actual performance issues and makes it harder for the agency to take responsive action if and when it needs to in the future.

Our familiarity with the tepid efforts of other agencies means that VPD's robust approach is especially noteworthy. Specifically, we refer to annual performance evaluations that all employees receive, and the extensive daily assessments that trainee officers receive from their field training officers in the early stages their employment. We looked at recent examples of each and were impressed by what we saw.

As for the annual performance evaluations, VPD's format combines different elements in the service of a specific, personalized, and constructive profile. There are pages that call for a supervisor with direct knowledge of the employee to make individual "check the box" findings across several different categories, a narrative section that seemed thoughtful and nuanced, and opportunities for the officers themselves to recount their accomplishments and share goals.

The samples we looked at had several strengths – and largely avoided familiar pitfalls such as "grade inflation" as a path of least resistance.<sup>24</sup> While several officers received overall ratings of "Exceeds Expectations," not all did – and supervisors who gave the higher marks tended to support them with persuasive explanation rather than letting the checks speak for themselves. Individual strengths as well as potential improvement areas were highlighted, and seemingly provided recipients with a genuinely useful document. We hope the examples we saw were representative of VPD's standards, and that the Department will keep up the excellent work.

As for the ongoing training evaluations of new officers as they acclimate to patrol, VPD's approach is as structured, rigorous, and thorough as any we've seen. The Field Training Officer ("FTO") cadre provides lengthy reports in which an

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<sup>24</sup> The annual evaluations also appear to have been completed in a timely fashion, which is a common problem area that VPD has done well to avoid.

individual day's calls for service and specific training focal points are recounted in detail, along with candid assessments of the trainee's performance. There are also "end of segment" reports which offer a more cumulative assessment before a trainee moves on to a new phase.

The FTOs come across on the page as knowledgeable, dedicated, and exacting. These are obviously assets when it comes to preparing new officers to succeed. The mix of compliments and critiques was nicely balanced – and appeared to be constructive in spirit and useful in practice for the trainees and Department management.

In all, we had a high regard for this program, from what we could glean, and commend VPD accordingly.

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## PART FOUR: Other Operational Issues

### Officer-Involved Shootings: Community Outreach and Transparency

There is no police activity that has a greater potential for community division, upheaval, and erosion of trust than the use of deadly force. Legacies of racial discrimination that persevere in contemporary life have particular resonance in the justice system. When combined with decades of problematic enforcement history in minority communities, the recent series of high-profile national cases involving police shootings has contributed to heightened tensions – and expectations for greater accountability.

It's also true each police shooting – whether notorious or not – has potentially traumatic effects on the involved subject's family, friends, and wider neighborhood. It raises fears, questions, and larger concerns – particularly when the incident involves a person of color.

As discussed above, Vallejo has not been immune to this dynamic. Controversial deadly force incidents have resulted in demonstrations that reflect fundamental perceptions: that officers are too willing to shoot, that they treat minority subjects more harshly, and that they are immune from objective investigation or punishment. Above, we have discussed our recommendations about VPD's *internal* review processes at some length, in part with the goal of reducing the likelihood of future uses of deadly force. However, there is also room for improvement in how VPD and the City respond publicly to such incidents when they occur. We made the following observations and recommendations:

#### Designate a Family Liaison

When a deadly force incident occurs, there is obviously a significant amount of responsive activity – including the important initial steps of the various investigations. Just as obviously, a shooting brings upheaval and urgency of various kinds to the family members of the subject. Their need for information

and answers is understandable, but interaction with the law enforcement officials who might have those answers is potentially fraught for a number of reasons. At best, detectives and other personnel are often too busy for the kind of patient, thoughtful exchanges that are required; at worst, insensitivity or even interrogation of the family as witnesses can compound the difficulties they are experiencing.

Recognizing the potential for this dynamic, some agencies assign an individual to serve as a “family liaison” in the aftermath of a deadly force incident and beyond. Free from other responsibilities and with a different orientation (and perhaps even some relevant training), an individual designated to perform this role is helpful both to an agency’s investigative personnel and to its ability to deal effectively and compassionately with aggrieved family members.

RECOMMENDATION 34: The Department should develop a “family liaison” protocol in which, after a shooting or other critical incident, a designated individual will focus on providing family members with information and updates about medical status and subsequent procedural matters.

### Reach Out to Impacted Family Members

In addition to assigning a liaison to impacted family members, as a part of post-shooting protocols, the Chief should reach out to the family and offer to meet with them shortly after the incident. Whenever a person is killed or injured as a result of the use of officer deadly force, it is a tragic outcome, regardless of the circumstances. An offer to meet with the family to offer condolences for the loss or injury of their loved one and explain the investigative and review process is an important outreach. The Chief’s expression of such sentiment does not equate to an admission of any liability or a lack of support for his or her personnel. Rather, it is a recognition of the human toll of any deadly force incident.

RECOMMENDATION 35: The Chief should plan to offer to meet with family members in the aftermath of an officer-involved shooting as a way of acknowledging loss and sending a broader message of empathy and accountability to the community.

## Objectively Disseminate Public Information

After an officer-involved shooting, there is an immediate and understandable public demand for information about the details of the event. In the face of this, police and city officials must struggle to find the right balance between speed and accuracy – a tension that is only complicated by the sensitivity of the subject matter and the ways in which important investigative details can emerge in piecemeal fashion. Nonetheless, and given the credibility and public trust issues that are magnified in this context, all jurisdictions would benefit by following certain key principles.

Foremost among these is making sure that any information disseminated is correct. In our experience, we have seen multiple instances in which aspects of initial reports turn out to be wrong as more or better information is gathered. Often, these are details about weapons or alleged subject behavior that are favorable to the officers' decision to use deadly force and are released in an effort to defuse criticism or accusation. These mistakes of fact, however innocent, can compromise public perception of the official response, to the point where even justified shootings are shadowed by doubt in some circles.

Similarly, the *selective* distribution of evidence can also be problematic. The control that law enforcement has over the information relating to a critical incident means that it has an inherent ability to shape public perception that it must exercise with care. Even accurate information can lead to a perception of bias and pre-determination when it is shared selectively or when the jurisdiction's approach is inconsistent.<sup>25</sup>

RECOMMENDATION 36: The Department should review its information-sharing protocols after officer-involved shootings to ensure that its approach is giving proper weight to accuracy, consistency, and objectivity.

## Conduct Neighborhood Meetings

Whenever an officer-involved shooting occurs, it is a significant event in the neighborhood where it has taken place. Police agencies who recognize the interest in providing information to those neighborhoods will schedule a community meeting within a few days of the event. To publicize the gathering,

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<sup>25</sup> We are familiar from different agencies with a dynamic in which “favorable” evidence is released promptly, while more problematic details are withheld.

police officials prepare and distribute flyers and use the City's social media outlets. At the meeting, preliminary information can be conveyed as well as the information about the investigative and review process, but the primary purpose is for the attendees to raise any concerns or questions and for the police department to be responsive to them to the extent possible. If answers are not yet available, police leadership can commit to providing those answers when they become available, particularly since state legislation has provided police agencies greater leeway to discuss officer-involved shooting events.

These events can be difficult. Tensions are often high, and some individuals can seem determined to be angry regardless of the presentation's substance or merits. But the Department's willingness to conduct this type of outreach and accept negative reaction sends a powerful, constructive message about its commitment to the community at large.

RECOMMENDATION 37: The Department should schedule community meetings within days of an officer-involved shooting as part of its standard incident response.

### Commit to Transparency

Evolving public sentiments have led to changes in the amount of transparency in law enforcement investigations that is both expected and legally required. To its credit, VPD has responded with diligence since new laws took effect in 2019: its website features responsive materials – including body-camera footage – relating to years' worth of incidents that are covered by mandated disclosure statutes. While commending the Department for those efforts, we also encourage it to look beyond the floor of those requirements and embrace an even greater degree of openness and candor.

For example, recent state legislation requires video of an officer-involved shooting to be released within 45 days of an incident, subject to certain exceptions. Progressive police agencies are using the state law as the *outer* requirement of releasing such evidence and have striven to release information sooner in recognition of intense public interest. Doing so enhances the jurisdiction's reputation for transparency.

We also hope that the new requirement to release investigative materials at the conclusion of a shooting investigation will be a forum for the Department to reveal the fullness of its administrative responses – including any necessary corrective actions it identified and implemented. Doing so would provide an

important supplement to the District Attorney's notifications about criminal review; these public letters were a step forward when they emerged in the last several years, but inevitably have a narrow focus, end in a decision not to file charges, and can be unsatisfying to interested observers in terms of substance as well as result.

RECOMMENDATION 38: The Department should strive to exceed the newly established requirements for transparency with regard to officer-involved shootings, by releasing video evidence as soon as it is practicable and by offering detailed explanations to the public about the scope, nature, and outcomes of its internal reviews.

### Keep Litigation Issues Separate from the Official Department Response

In many jurisdictions that have struggled with controversial incidents involving the police, lawyers advocating for the subjects of those incidents (or for their families) often assume a high profile, and their criticism can lead to unwelcome media attention. There is no easy way to handle this dynamic. But one approach we recognize as *less* productive is when agencies or jurisdictions yield to the temptation to blame the lawyers for instigating negative public reaction or unrest.

There are different pitfalls to this tendency. One is that it tends to miss a key point: if there were fewer questionable incidents, there would presumably be less for the plaintiff's bar to be concerned about. More centrally, though, a preoccupation with legal defensiveness or posturing can impede an agency's ability to engage in the productive self-critiques we describe above.

This is not to say that litigation doesn't matter, or that the publication of one-sided versions of sensitive events isn't frustrating. Instead, it is a recognition that the unique challenges of addressing lawsuits and dealing with the plaintiff's bar or the media should be kept separate from the Department and City's public positions about the non-adversarial investigative and review processes that require objective attention.

In the same way, jurisdictions – including Vallejo – should avoid commissioning and then publicly disseminating expert reports that render opinions about the propriety of a shooting prior to the completion of both the criminal and administrative review. In at least one case where the expert found nothing in the officers' decision-making to criticize, the full report was placed on the City website before either the District Attorney or VPD had an opportunity to complete

their own investigation and review.<sup>26</sup> By assigning an expert to conduct a review before the criminal justice and administrative process had been completed and by then disseminating the findings, it potentially compromised those other processes and set up a possibility of contrary and competing findings.

RECOMMENDATION 39: The Department and other City officials should consider new and less contentious ways of dealing with its critics, particularly in the context of pending litigation, and should work to ensure that its litigation posture does not interfere with the rigor and objectivity of its administrative reviews.

## Transparency and Community Engagement

### Department Website

As mentioned above, the Department's website offers a significant amount of new information related to prior officer-involved shootings and other critical incidents. This is a response to new state law requirements. Similarly, another state bill that recently took effect requires police agencies to post their manuals and training materials on-line. VPD has met this new obligation as well.

That said, the current website configuration makes it difficult for a member of the general public to locate the information. Unless an individual was familiar with the relevant statutes or the number of the legislation behind the new transparency mandates, readily finding on-line information is a difficult chore. The police website – and the public – would benefit from addressing this through a re-organization. Clear headings and explanatory materials would make the site easier to navigate, and would reflect a recognition of the spirit as well as the letter of these new laws.

Indeed, we would also encourage the Department to consider additional ways it could use its website to increase public engagement and awareness. Potential examples include offering aggregate data about uses of force and misconduct allegations, and promoting different agency initiatives that might benefit from public involvement. By going beyond requirements and affirmatively sharing

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<sup>26</sup> It seems unlikely that a report finding a shooting out of policy or critical of the officers' performance would have been disseminated the same way.

information about its operations, VPD could not only make itself more accountable but also potentially enhance appreciation for its work.

RECOMMENDATION 40: The Department should enhance the clarity and accessibility of its website in terms of required information, and should consider ways to further utilize the site as a vehicle for informing and engaging the public.

## Community Engagement in Promotional Process

We discussed above how Vallejo's public was very involved in providing feedback to City leadership during the recent Chief selection process. The community should be similarly invited to engage in promotional decisions at all ranks. Community members outside VPD's culture provide insight and a fresh perspective on candidates that the Department already knows. Moreover, during the interviews, community representatives will likely focus on issues such as the candidate's ability to productively engage with the public. VPD would be well-served to bring community members into this discussion as these important decisions are being made to select the supervisors and leaders of its organization.

RECOMMENDATION 41: VPD should engage community members at the interview stage of its promotional process.

## Surveys and other Feedback

The idea of "customer outreach" is of course widespread in private industry; companies value it so much that they persist in asking for survey responses and even offer incentives for people to do so. Public entities have less of a tradition in this regard, but it is nonetheless an avenue worth exploring.

In part because of the recent controversy surrounding uses of deadly force, the City has stepped up its public outreach town hall meetings and providing a way for its community to learn more and engage about police affairs through the City website. In addition to what has already been done, there are a variety of new approaches to this that agencies around the country are trying, and that might prove useful in Vallejo. For example, there are "text messaging-based" approaches that facilitate quick feedback from people who have just encountered the police in one context or another. A related initiative could take advantage of technology to automatically generate a short survey for individuals whose contact

information is in a police report – as reporting parties, witnesses, victims, and even arrestees.

In addition to endeavoring to seek feedback from a broader array of individuals in the Vallejo community, VPD should also target input from its criminal justice and social services partners. VPD officers regularly interact with prosecutors, jail supervisors, judges, public defenders, juvenile justice administrators, probation officers, and social workers. Because of those interactions, individuals in these other agencies have significant insight into the performance of individual officers and VPD as an organization. We urge VPD to actively and regularly seek such feedback from these professionals.

RECOMMENDATION 42: VPD should devise additional ways to solicit and encourage feedback from all of its communities regarding the performance of the Department.

RECOMMENDATION 43: VPD should devise a feedback loop for its criminal justice partners (including the District Attorney, Sheriff, Judges, Public Defenders, Juvenile Justice Administrators, Probation Officers, and Social Workers) regarding the performance of its officers and the Department as a whole.

## Independent Oversight

One pillar of President Obama’s Task Force on 21<sup>st</sup> Century Policing addressed the importance of oversight and community collaboration and recommended that law enforcement agencies establish civilian oversight mechanisms: “Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community.”

(Recommendation 2.8)

This call for formal oversight reflects a growing sentiment in the United States, where the outcomes of individual high-profile incidents in recent years have heightened a sense of division between police and segments of the public. Expanding public involvement – and increasing the extent to which police officers are accountable to entities outside their own agency – is an important way of bridging gaps of distrust, alienation, and misunderstanding.

Jurisdictions throughout the country have addressed their distinctive needs by creating models of oversight that range in name, size, budget, scope of authority, and specific roles. But these different forms of oversight share the same basic goal – finding ways to give the public a greater voice in how the police operate within their communities.

One mechanism that we have seen used successfully is the creation of a Chief’s Advisory Board that meets regularly and provides informal advice to Department leadership. Comprised of a diverse cross-section of the community – including those who historically have been critical of law enforcement as well as traditional supporters – the board can be an important source of information and an effective sounding board on subjects such as public safety strategies, critical policy development, and hiring and promotions.

Beyond this type of community-based board, many jurisdictions also have a layer of outside scrutiny and input in various forms of professional oversight. With knowledge of progressive police practices and experience with conducting qualitative audits of sensitive police responsibilities, an independent police monitor or auditor can advise on policy changes, recommend training initiatives, identify trends or issues of concern, work with the agency to create solutions, and report to the public in a substantive way. Effective monitors build collaborative relationships with both the police department and various communities – and serve as a bridge between the two – to enhance transparency, increase accountability, and improve public awareness and involvement.

As President Obama’s Task Force recognized, every community should evaluate its own needs to define to form of oversight that will work best in the context of its particular challenges and concerns. We cannot say which model best suits Vallejo, but given the level of tension between the police and community – indeed, the reason we were engaged to prepare this report – we can say with confidence that the City and the Department will benefit from adopting some form of independent outside review. VPD should welcome this development. A police agency oriented toward giving a greater voice to its community on how best to perform its public safety responsibilities will increase the public’s trust in its performance and operations.

**RECOMMENDATION 44:** VPD should develop a way to obtain feedback and input from its community when contemplating major policy changes or public safety strategies.

RECOMMENDATION 45: VPD should work with City leadership to create a model of independent oversight specifically tailored to meet the needs of Vallejo.

# Conclusion

As the Covid-19 crisis continues with no definitive end in sight, any effort at projecting into the near future – in any arena – becomes that much more complicated. The City of Vallejo, its residents, and its Police Department are grappling like everyone else with health concerns, new paradigms for interaction, and daunting financial setbacks. We submit this report in the midst of a very unusual time, and we acknowledge that the circumstances that shaped our various recommendations are shifting with unusual levels of speed and uncertainty. Some key components of our analysis – including the City’s commitment of significant resources to VPD staffing and infrastructure – are potentially affected by that uncertainty.

In another way, though, the disruption created by the pandemic creates opportunities for positive innovation amidst the hardships. Individual people, organizations, institutions, and whole communities are being called upon to adapt – to evaluate their priorities and find new ways of achieving them. There is nothing welcome about the *need* to do this, or the suffering and loss that are the persistent backdrop for this time period. Nonetheless, and however much timelines need to be re-imagined or priorities reconsidered, the current challenges need not completely derail whatever constructive initiatives remain viable.

As we have tried to convey throughout this report, our belief is that VPD now has the leadership, the potential, the support, and even the desire to change longstanding dynamics for the better. Many of these are dependent on money for hiring and other neglected supports; we hope that the concrete plans to accomplish this can still be realized in spite of the pandemic’s tremendous strain on City coffers. Others, though, are matters of culture and enforcement philosophy that relate to resource allocation without depending on it completely. And some are matters of internal policy that could happen as quickly as VPD has the institutional will to do so.

In speaking with current Department leadership and reviewing their policies and protocols, we saw a real potential for implementing meaningful reform, and for changing the fundamental relationship with the Vallejo community into something more trusting and collaborative in both directions. A very thoughtful member of the command staff spoke to us about the important distinction between police actions that are technically lawful and/or “in policy,” and those that build

equity in the community. The concepts are not mutually exclusive, of course, but they are also not inherently in sync. We offer the above recommendations in a spirit of helping to close gaps to the extent possible. We extend our thanks for the full cooperation we received. And we send good wishes to VPD and the Vallejo community as both move forward in this difficult time.

# Recommendations

- 1 The Department should persevere with the City in its efforts to develop the proposed new headquarters facility, and look for ways to enhance community access and engagement.
- 2 In considering requests for staffing, the City should pay particular attention to requests designed to add civilians to assist with making police services more accessible such as the lobby and more timely calls for service.
- 3 The City should ensure that VPD has sufficient resources to properly maintain and audit its retained stores of evidence and property.
- 4 The Department should explore ways to expose officers to a range of possible work experiences by changing to a rotational system for designated special assignments.
- 5 The Department should commit to strengthening the range and responsiveness of its workforce by continuing to focus on racial, gender, and ethnic diversity in its recruiting efforts.
- 6 The Department should find ways to provide promotional opportunities and mentoring for female officers and officers of color.
- 7 As additional resources become available, VPD should develop and deploy crime prevention strategies involving problem solving and community engagement.
- 8 As additional resources become available, VPD should consider assigning officers to neighborhoods and beats and empower them to devise crime prevention strategies to keep their assigned neighborhoods safe.

- 9 The Department should use the adoption of a new, stricter activation requirement as the foundation for a new approach to its body-worn camera technology.
- 10 The Department should implement a graduated program of accountability to ensure that officers are complying with the expectations of the new policy.
- 11 The Department's management should consider body-worn camera recordings as, among other things, a forum for identifying performance and training issues and addressing them constructively and progressively – and not through automatic formal discipline for minor issues.
- 12 The Department should ensure that officers involved in a shooting are interviewed – either criminally or administratively – prior to the end of the shift in which the shooting occurred.
- 13 The Department should obtain a pure statement in an interview setting from officers involved in a shooting prior to their initial viewing of any recorded evidence from the incident and work to change any County-wide protocols that are in conflict with best practices.
- 14 The Department should change its protocol for reviewing critical incidents by empowering Professional Standards Division, working in conjunction with the Critical Incident Review Board, to conduct a holistic review and evaluation of all critical incidents to encompass the performance of involved personnel (including non-force users) as well as issues of policy, training, tactics, supervision, equipment, and/or incident aftermath.
- 15 The Department should guide the CIRB's analysis by requiring specific findings in each of the following categories: pre-event planning and decision-making, tactics, and post-event response (including timely transition to rescue mode).
- 16 The Department should provide the CIRB with greater flexibility to tailor its outcome recommendations across a range of possible categories, rather than limiting it to a blanket finding about the incident as a whole.

- 17 The Department should consider ways to conduct its critical incident review in time-appropriate phases, beginning with an initial debrief and issue-spotting and continuing to a more thorough examination of administrative issues including officer performance.
- 18 The Department should set specific goals in writing for the timely completion of different phases of the critical incident review process, to make sure that the appropriate responses and remediations are occurring in as meaningful and productive a way as possible.
- 19 The Department should develop a separate administrative investigative package, including separate administrative interviews of involved personnel, to help the CIRB to identify and resolve issues related not only to the use of force but also collateral matters that merit formal attention.
- 20 The CIRB should play a direct role in the identification and resolution of individual policy violations or other performance issues associated with a critical incident.
- 21 VPD and the City should clarify the role of legal counsel in the CIRB process, so that input on questions of law and liability does not come at the expense of rigorous analysis and necessary remedial measures.
- 22 The Department should develop a protocol for standardizing a specific and documented supervisory evaluation of every use of force.
- 23 The Department should ensure that the assistance of the Force Options team with officer report-writing does not become a tool for retroactive justification of questionable force deployments or a basis for truncating appropriate scrutiny.
- 24 The Department's analysis of each use of force should include affirmative managerial determinations as to whether the force was in policy, and whether training, tactical, or other considerations were identified.

- 25 Each use of force should be reviewed and evaluated to determine whether de-escalation techniques were considered or implemented prior to the application of force, and/or why they were not.
- 26 The Department should incorporate its current policies for supervisory review, including detailed evidence gathering by supervisors where applicable, into this process.
- 27 The Department should create formal mechanisms for documenting and tracking any action items that emerge from this process, in order to ensure appropriate follow-through.
- 28 The Department should build on its intermittently successful efforts to make complaint notification letters as detailed and useful to recipients as possible.
- 29 The Department should compile and periodically publicly produce aggregate data about the number of complaints received, the number of internal investigations conducted, and the number and type of uses of force so as to offer greater insight into the nature and effectiveness of its accountability measures.
- 30 The Department should develop written internal deadlines to complete an investigation and review process and require supervisory approval for deviation from those deadlines.
- 31 The Department should evaluate its individual misconduct investigations to ensure that all relevant issues are identified and pursued to a reasonable extent, including a written standard requiring formal interviews with witness officers.
- 32 The Department should evaluate its levels of discipline for sustained policy violations to ensure that the proper amount of remediation is occurring.
- 33 The Department should continue to use the civil claims process as a vehicle for assessment of its own performance, and should refrain from allowing liability concerns impede the rigor and thoroughness of this process.

- 34 The Department should develop a “family liaison” protocol in which, after a shooting or other critical incident, a designated individual will focus on providing family members with information and updates about medical status and subsequent procedural matters.
- 35 The Chief should plan to offer to meet with family members in the aftermath of an officer-involved shooting as a way of acknowledging loss and sending a broader message of empathy and accountability to the community.
- 36 The Department should review its information-sharing protocols after officer-involved shootings to ensure that its approach is giving proper weight to accuracy, consistency, and objectivity.
- 37 The Department should schedule community meetings within days of an officer-involved shooting as part of its standard incident response.
- 38 The Department should strive to exceed the newly established requirements for transparency with regard to officer-involved shootings, by releasing video evidence as soon as it is practicable and by offering detailed explanations to the public about the scope, nature, and outcomes of its internal reviews.
- 39 The Department and other City officials should consider new and less contentious ways of dealing with its critics, particularly in the context of pending litigation, and should work to ensure that its litigation posture does not interfere with the rigor and objectivity of its administrative reviews.
- 40 The Department should enhance the clarity and accessibility of its website in terms of required information, and should consider ways to further utilize the site as a vehicle for informing and engaging the public.
- 41 VPD should engage community members at the interview stage of its promotional process.

- 42 VPD should devise additional ways to solicit and encourage feedback from all of its communities regarding the performance of the Department.
- 43 VPD should devise a feedback loop for its criminal justice partners (including the District Attorney, Sheriff, Judges, Public Defenders, Juvenile Justice Administrators, Probation Officers, and Social Workers) regarding the performance of its officers and the Department as a whole.
- 44 VPD should develop a way to obtain feedback and input from its community when contemplating major policy changes or public safety strategies.
- 45 VPD should work with City leadership to create a model of independent oversight specifically tailored to meet the needs of Vallejo.

Exhibit B

**Recommendation Topic: Staffing & Infrastructure**

#	Initial Recommendation	Compliance Measures	Proofs	
1	<p>The Department should persevere with the City in its efforts to develop the proposed new headquarters facility and look for ways to enhance community access and engagement.</p> <p><u>NOTE:</u> CalDOJ will not evaluate nor track progress on the Headquarters facility.</p>	<p>1 Identify barriers to community access to VPD facilities to include review of hours, location, language, and other factors that limit access.</p> <p>2 Consult with CAB and other stakeholders to identify barriers and other issues faced by the community issues for access to VPD facilities. Determine whether remote locations support the engagement goals and identified barriers to access.</p> <p>3 Evaluate and implement options to address the barriers and issues raised including review of digital access options.</p> <p>4 Develop a customer service plan to better facilitate community access to VPD service.</p> <p>5 Work with the City to identify options to improve facilities and to identify potential remote service locations.</p> <p>6 Develop and implement a communications plan to help inform the public about where and how to access VPD services.</p>	<p>1. Evidence of review of community concerns regarding access to VPD buildings and services</p> <p>2. Evidence of consideration of survey and/or other planning processes to question residents</p> <p>3. Summary of the barriers to residents</p> <p>1. Evidence of consultation with CAB and others regarding barriers</p> <p>2. Discussion regarding the value to the community regarding remote locations versus one location</p> <p>3. Review of the barriers identified here and above to determine best options for enhancing access to VPD</p> <p>1. Identified options for the barriers identified</p> <p>2. Evidence of review of options</p> <p>3. Evidence of review of digital access options</p> <p>4. Decisions based on barriers identified</p> <p>5. Consistent with CM1.3, share decisions with residents on decisions regarding improvements</p> <p>6. Implement improvements based on evaluation of options</p> <p>1. Customer service plan built to address barriers</p> <p>2. Implementation strategy to support the plan</p> <p>1. Consistent with other CMs, engage City services to assess whether remote location needs exist</p> <p>2. Evaluate location, operating hours and access to facilities to address barriers identified</p> <p>3. Determine improvements needed to facilities to address barriers identified in these compliance measures</p> <p>1. Consistent with CM#4, develop a communications plan to inform the public about how and where to access the whole of VPD services</p> <p>2. Ensure plan is focused on multiple communication platforms to include web, social media, public meetings and public posting</p> <p>3. Evidence of communication plan being implemented</p>	
2	<p>In considering requests for staffing, the City should pay particular attention to requests designed to add civilians to assist with making police services more accessible such as the lobby and more timely calls for service.</p> <p><u>NOTE:</u> CalDOJ will not evaluate how the City addresses staffing requests, but rather the placement and utilization of staff.</p>	<p>1 Analyze the use and peaks for public reporting and service requirements at the lobby service area.</p> <p>2 Align staffing with the demand.</p> <p>3 Identify potential remote service locations.</p> <p>4 Evaluate staffing needs, including times of service, for remote community service locations.</p> <p>5 Assess the use of professional (civilian) staff to support public access and reporting functions.</p> <p>6 Assess the use of light duty staff to intake telephone reports and other alternative reporting, including use of an appointment systems and online reporting for non-emergency reporting.</p> <p>7 Use professional staff to enter and upload reports.</p>	<p>1. Develop and analyze data regarding public engagement with lobby reporting</p> <p>2. Use data including reports generated and other contacts at the public lobby</p> <p>3. Assess whether the barrier analysis identified from Recommendation 1 identified any challenges for lobby access and reporting</p> <p>4. Identify and report the customer flow for the lobby by day of week and time</p> <p>1. Develop a staffing model that ensures staffing aligns with peak demands</p> <p>2. Identify needs to support the staffing demands</p> <p>1. Consistent with 1.2 and 1.5, determine whether remote service locations will alleviate peak demand</p> <p>1. Identify whether staffing at remote locations will reduce demand at the lobby</p> <p>2. Assess whether staffing at remote locations, if implemented, is warranted at specific times</p> <p>3. Determine what hours and service would address the public need</p> <p>1. Evaluate the value of using professional staff to staff lobby and remote services</p> <p>2. Consider use of cadets and other such personnel to support lobby work demands</p> <p>3. Evidence of a focused review on whether such personnel are viable and helpful to include time, fiscal and legal analysis</p> <p>1. Expand the use of limited duty staff to support law enforcement specific activities of the lobby staff</p> <p>2. Evidence of evaluation of an appointment system for the public to access to set-up times for engagement rather than waiting in the lobby</p> <p>3. Evidence of evaluation of use of an online reporting system for non-emergency reporting to include fiscal and technology analysis</p> <p>1. Use professional staff to enter and upload reports</p> <p>2. Re-assignment/tasking of sworn staff currently performing this work</p> <p>3. Evidence of re-assignment</p>	
3	<p>The City should ensure that VPD has sufficient resources to properly maintain and audit its retained stores of evidence and property.</p> <p><u>NOTE:</u> Management of the system is addressed in these compliance measures as well as the City's role in providing resource support.</p>	<p>1 VPD should establish policies and protocols for control, access and oversight of evidence and property, including an appropriate destruction schedule.</p>	<p>1. Evidence of review of staffing standards and practices for evidence and property storage for similarly sized departments, including any best practice</p> <p>2. Policy tasks specific role with control of the property and evidence storage</p> <p>3. Policy limits access to the facility and require logged entry and exit</p> <p>4. Policy establishes a storage process for each type of property/evidence -e.g., bio, physical, firearms</p> <p>5. Policy establishes a retention schedule for each type of property/evidence</p> <p>6. Policy requires evidence to follow established legal</p>	

			<p>standards for chain of custody with documentat., each point of transfer</p> <p>7. Policy requires signature of transfer and receipt for each transfer point for property</p> <p>8. Policy requires prior to removing any evidence or property, a supervisor's written approval or a court order is presented and logged with the evidence file</p> <p>9. Consideration be given to placing currency not specifically needed as evidence in an identified bank account</p> <p>10. Policy tasks specific person/entity with responsibility for destruction and notification of property</p>	
	2	VPD should conduct annual audit of evidence and property.	<p>Annual Review of Policy Requirements Including:</p> <p>1. Inventorying officer to identify where recovered and what the property/evidence is needed</p> <p>2. Ensure the property intake identifies - in a database or other trackable system- when the normal destruction date is for the property received</p> <p>4. Notifications to inventorying officers when property is within 60 days of destruction with requirement to return status of property/evidence</p> <p>5. Adherence to the destruction process for firearms, narcotics, funds, evidence and all other property</p> <p>6. Task PSB with annual audit of property and evidence storage</p>	
	3	VPD should affix responsibility for security of facility.	<p>1. Policy tasks individual with security of facility</p> <p>2. Policy defines processes to support security</p>	
	4	Consideration should be given to creating an electronic tracking system for evidence intake, storage, production, and destruction.	<p>1. Evidence of review of automated tracking systems to support timely and defined evidence and property management</p> <p>2. Evaluation of applicability, cost and ease of implementation for identified systems</p>	
	5	The City and VPD should establish an appropriate budget to ensure the proper maintenance and security for evidence and recovered property.	<p>1. Evidence of analysis of staffing needs for property/evidence storage, including when and where demand peaks</p> <p>2. Assessment of the budget needed to maintain a secure, efficient property system</p> <p>3. Budget projects for annual and a five year plan that includes build out for security, staffing, retention, management and destruction of property and electronic management of said system</p> <p>4. Evidence of budget discussions specific to evidence storage with the City in developing a budget plan for implementation</p>	

**Recommendation Topic Recruitment & Hiring**

#	Initial Recommendation	Compliance Measures	Proofs	
4	The Department should explore ways to expose officers to a range of possible work experiences by changing to a rotational system for designated special assignments.	1 Identify and define the specialty units within the VPD and task forces that advance career paths and develop officer skills.	<p>1. Define specialty assignment - including internal, external and training assignments</p> <p>2. Conduct a history assessment of existing Detective, Sgt., Lt. and Capt. to assess what units they have worked in and when during their career at VPD</p> <p>3. Use the history assessment to identify commonalities in assignments in prior service areas</p> <p>4. Identify the most common prior specialty assignments for each rank</p>	
		2 Establish term limits for any assignment to a specialty unit that address both retention and rotation.	<p>1. Policy defines term limits for all specialty assignments</p> <p>2. Provide staggered rotation into and out of specialty assignments</p>	
		3 Develop a transparent process for assignment to specialty units that fosters skills identification, career development and equity for VPD staff.	<p>1. Develop an application process for specialty assignment</p> <p>2. Provide open application for all eligible personnel with specific requirements that align with the knowledge, skills and abilities for each assignment</p> <p>3. Provide consistent process for all personnel assigned to any specialty assignment consistent with Recommendation #6</p> <p>4. Publicly report the demographics of individuals in specialty assignment</p> <p>5. Ensure internal postings of the transfer in and out of specialty assignments</p>	
5	The Department should commit to strengthening the range and responsiveness of its workforce by continuing to focus on racial, gender, and ethnic diversity in its recruiting efforts.	1 Provide and analyze the demographic makeup of the department.	<p>1. Develop and report on the demographic makeup at the department to also include breakdown by rank, time on job and unit of assignment</p> <p>2. Conduct annual analysis of trends to determine whether additional focus is needed on ensuring diversity</p> <p>3. Identify hiring goals based upon analysis</p>	
		2 Establish workforce goals that provide for inclusion and equity for hiring and for advancement in the VPD.	<p>1. Develop a workforce strategy with a goal of inclusion</p> <p>2. Establish hiring goals that reflect diversity support in recruiting</p> <p>3. Assess promotional policies to support the assignment goals of Recommendation 4 to ensure appropriate career development for diverse VPD officers</p>	
		3 Develop a recruitment strategy based upon the inclusion goals for the VPD.	<p>1. Develop a recruitment strategy that has focus on diversity and inclusion</p> <p>2. Review hiring practices to assess the progression of diverse candidates from application through hiring</p>	
		4 Staff the recruiting process to support the recruiting goals.	<p>1. Assess the need for full-time and part-time recruiters</p> <p>2. Ensure diversity in the recruiting team</p> <p>3. Task recruiters with specific outreach based upon the recruitment strategy</p> <p>4. Evaluate success of recruiting efforts on an annual basis</p>	

		5	Consider developing community ambassadors to work with the department to encourage recruitment from identified communities.	<ol style="list-style-type: none"> <li>Evidence of the exploration of best practices in recruitment, including community-based ambassadors to support recruiting practices</li> <li>Evidence of review of implementation of community partnerships to sponsor and support candidates for recruitment</li> <li>Leverage community relationships to engage diverse communities on the benefits of work</li> <li>Decisions specific to the above reviews that reflect why or why not they went forward</li> <li>Evidence of the continuing evaluation of the success of such programs with ongoing improvement focus</li> </ol>	
		6	Consider use of the Explorers Program and a cadet program to facilitate identification of and entry for diverse candidates.	<ol style="list-style-type: none"> <li>Evidence of review of the ability to incentivize the Explorers or cadet program for entry into VPD</li> <li>Evidence of best practice review for these programs</li> <li>Strategy to guide and build a hiring pipeline from these programs</li> <li>Evidence of specific tasking and approach</li> <li>Ongoing evaluation and measurement of success and barriers for such a program</li> </ol>	
		7	Establish a review process to evaluate and improve upon the compliance measures 1-6 in this recommendation.	<ol style="list-style-type: none"> <li>Task a specific entity with reviewing the assessments for each of the above compliance measures</li> <li>For each of the compliance measures above, develop strategies to further the success or to address the downtrends in recruiting and advancement strategies</li> <li>Provide tasking on the strategies for improvement</li> <li>Report annually, not only on the progression of strategy, but also on the tasking for improvements</li> </ol>	
6	The Department should find ways to provide promotional opportunities and mentoring for female officers and officers of color.	1	Develop a career framework strategy that focuses on employee development, equity, and inclusion for officers within VPD.	<ol style="list-style-type: none"> <li>Consistent with Recommendation 4, identify the career paths for leaders in the VPD</li> <li>Provide equal opportunity for development of personnel with a goal of ensuring equity and diversity</li> <li>Identify barriers for diverse officers in advancing in VPD</li> <li>Assess possible improvements to facilitate continued diversity in the ranks of VPD</li> <li>Conduct ongoing evaluation of efforts to grow diversity and address barriers as identified</li> </ol>	
		2	Rotational placements (Rec#4) should be focused on ensuring diverse representation for those selected to participate in specialty assignments.	<ol style="list-style-type: none"> <li>Ensure placement in specialty assignments is an open posting with equal opportunity</li> <li>Provide reviewers that are diverse with diverse backgrounds in determining assignments</li> <li>Monitor assignments to ensure ongoing equal opportunity in assignments</li> <li>Assess annually that transparency and equity are being achieved and take corrective action if not</li> </ol>	
		3	Consider using assignments to more challenging roles, such as Professional Standards, for pathways for promotion or placement in certain specialized units.	<ol style="list-style-type: none"> <li>As an outcome of Recommendation #4, determine what assignments are required for a strong leader in VPD</li> <li>Establish a career path for future leaders that reflect this</li> <li>Provide access to these opportunities</li> <li>Ensure successful completion of assignments in these roles through performance reviews and term rotations</li> </ol>	
		4	Develop a mentoring program for future leaders with a focus on inclusion and equity that engages participation by leadership within VPD.	<ol style="list-style-type: none"> <li>Review best practices on mentoring for future leaders</li> <li>Establish a future leaders mentoring program</li> <li>Provide specific tasking to identified roles in supporting a mentoring program</li> <li>Ensure diversity in the participation of any mentoring program</li> </ol>	
		5	Establish a review process to evaluate and improve upon the recommendation and to further refine the compliance measures.	<ol style="list-style-type: none"> <li>Evidence of review of program success and challenges</li> <li>Evidence of the consideration of the use of employee survey to measure the perceived strengths and challenges of the program</li> <li>Identified corrective action to ensure continued growth and success of a mentoring program</li> </ol>	
<b>Recommendation Topic: Innovative Policing Models</b>					
	<b>Initial Recommendation</b>	<b>Compliance Measures</b>		<b>Proofs</b>	
7	As additional resources become available, VPD should develop and deploy crime prevention strategies involving problem solving and community engagement.	1	Develop a crime strategy that is data led and driven in partnership with community input.	<ol style="list-style-type: none"> <li>Published crime strategy that seeks to address current crime trends based upon data</li> <li>Evidence of a crime data analysis program that delineates crime by geographic areas aligned with communities in Vallejo</li> <li>Evidence of ongoing analysis of the trends</li> <li>Public sharing of data on a quarterly basis with assessment and analysis of trends including measurement against the crime strategy</li> <li>Evidence of community input - through meetings, web postings and social media</li> </ol>	
		2	Task every level of the organization with responsibility to supporting the strategy and specific responsibility to address crime within each unit of the VPD.	<ol style="list-style-type: none"> <li>Evidence that the crime strategy tasks every unit within the organization in achieving its goals</li> <li>Specific functions within the units are aligned with the crime strategy for visibility and awareness of shared role and goals</li> </ol>	
		3	Share the strategy internally and externally, identifying the goals, tasking, and metrics for success.	<ol style="list-style-type: none"> <li>Strategy identifies the goals in tasking each unit</li> <li>Success measurements for each unit tasked are defined and measurable</li> <li>Ongoing assessment of performance in support of the strategy</li> </ol>	
		4	Track progress against priorities and report quarterly to the department and community.	<ol style="list-style-type: none"> <li>Specific unit/person is responsible for assessing and reporting on the organizational progress on the crime strategy</li> <li>Quarterly report on updates to strategy and status as informed by data analysis</li> </ol>	

			3. Annual report on crime strategy including goals, progress, modification and community input		
		5	As additional resources become available, incorporate them into the existing strategies and report upon their impact.	<ol style="list-style-type: none"> <li>1. Evidence of plan to expand strategy goals as resources increase</li> <li>2. Plan includes and adapts for professional staff, community access and community engagement</li> <li>3. Written plan for role expansions and/or responsibilities in addressing crime as resources increase</li> </ol>	
B	As additional resources become available, VPD should consider assigning officers to neighborhoods and beats and empower them to devise crime prevention strategies to keep their assigned neighborhoods safe.	1	Ensure the strategy arising out of recommendation 7 includes a community driven focus, one that provides voice and decision in driving policing strategy.	<ol style="list-style-type: none"> <li>1. Crime strategy incorporates community voice as derived from the engagement in development</li> <li>2. Evidence of the analysis of data and its geographical overlay with the identified communities of Vallejo</li> <li>3. Evidence of community engagement on goals for safety and police response</li> </ol>	
		2	Evaluate barriers to implementation of neighborhood strategies.	<ol style="list-style-type: none"> <li>1. Review of best practices in geographical policing and whether they can be implemented in Vallejo</li> <li>2. Identification of barriers to implementing community based policing</li> <li>3. Review of technology systems for any potential barriers in community based policing</li> <li>4. Review of deployment and investigation strategies for any potential barriers to community based policing</li> </ol>	
		3	Identify strategies to address the barriers.	<ol style="list-style-type: none"> <li>1. Evidence of a holistic assessment of barriers</li> <li>2. Evidence of review of all barriers with solutions developed</li> <li>3. If staffing is an issue, evidence of strategies that could be implemented near-term to address</li> <li>4. Ongoing review of barriers and implementation as part of the annual report on Crime Strategy</li> </ol>	
		4	Implement the crime strategy across the VPD communities (R#7) and ensure community focus and engagement.	<ol style="list-style-type: none"> <li>1. Evidence of implementation of the Crime Strategy and the compliance measures in this Recommendation</li> <li>2. Evidence of direct community engagement in planning and implementation</li> </ol>	
		5	Develop long-term planning for strategies not currently achievable due to staffing, budget, or other issues.	<ol style="list-style-type: none"> <li>1. Evidence of implementation in an "as-is" state - based upon existing resources</li> <li>2. Evidence of long-term strategy, based upon growth in personnel</li> <li>3. Evidence of ongoing review of goals and barriers for implementation</li> </ol>	

**Recommendation Topic: Body Worn Cameras**

Initial Recommendation	Compliance Measures	Proofs		
9	The Department should use the adoption of a new, stricter activation requirement as the foundation for a new approach to its body-worn camera technology.	VPD needs to fully define its BWC policy to:		
		1	<p>Establish clear requirements for activation predicated upon best practices, the use of BWC as a routine standard, and emerging technology (e.g., camera activated when door opened, or lights/siren turned on).</p>	<ol style="list-style-type: none"> <li>1. Policy that directs when activation is to occur and how</li> <li>2. Evidence of review of best practices</li> <li>3. Evidence of review and consideration of technology for automated activation <ul style="list-style-type: none"> <li>• Evidence to include meetings, agendas, minutes, and actions taken to consideration of the best practice inclusion for the policy.</li> </ul> </li> </ol>
		2	<p>Establish training for equipment use and a training record.</p>	<ol style="list-style-type: none"> <li>1. Protocol for recording training requirements and how officers are identified as requiring training.</li> <li>2. Copy of curriculum and training.</li> <li>3. Record of training being delivered</li> </ol>
		3	<p>Provide a routine schedule for equipment inspection with mandated supervisory oversight.</p>	<ol style="list-style-type: none"> <li>1. Establish schedule in policy that requires equipment inspection with affixed responsibility and time requirements.</li> <li>2. Evidence of supervisory review of inspection (through written documentation)</li> </ol>
		4	<p>Establish that failure to activate is subject to discipline.</p> <p>A) Establishes a framework focused on training and education for initial infractions.</p> <p>B) Provides for escalating discipline and more serious discipline outcomes for willing failure to activate BWC or destruction/damage of BWC equipment.</p> <p>C) Establishes clear language regarding failure to activate and that it will form the basis for discipline up to and including termination</p>	<ol style="list-style-type: none"> <li>1. Policy identifies that failure to activate is basis for discipline up to and including termination.</li> <li>2. Training curriculum designed to remediate minor infractions.</li> <li>3. Policy that directs increasing discipline for failure to activate, willful failure or destruction.</li> <li>4. Documentation of actions taken - e.g., training, or disciplinary outcomes.</li> </ol>
		5	<p>Audit system to validate use and review for training and leadership.</p>	<ol style="list-style-type: none"> <li>1. Policy on mandated review and randomized review with assigned duty and responsibility.</li> <li>2. Evidence that such review occurs - reports, etc.</li> </ol>

		<p>Provide clear directives on what incidents must be reviewed and those that would be subject to a different review/audit process (e.g., serious bodily injury, OIS, taser).</p> <p>B) Creates an audit plan to support compliance with policy and procedures independent of direct supervisory engagement.</p>	<ol style="list-style-type: none"> <li>3. Audit plan to support audit/spot check.</li> <li>4. Audit plan to ensure that supervisory review is occurring.</li> <li>5. Implementation of audit plan or plan to implement.</li> </ol>	
	6	Develop strategy for IT review and equipment renewal planning to support the policy.	<ol style="list-style-type: none"> <li>1. Evidence of long-term planning for IT support of BWC.</li> <li>2. Discussion with budget owner for long-term planning for IT replacement for BWC.</li> <li>3. Documented strategy for replacement; audit functions; review functions.</li> </ol>	
10	The Department should implement a graduated program of accountability to ensure that officers are complying with the expectations of the new policy.		Concurrent with Recommendation (9) and Compliance Measures (4) and (5):	
	1	Establish a strategy that guides officer's use of BWCs, and is based upon policy, training, and accountability.	<ol style="list-style-type: none"> <li>1. Documented strategy that includes all components - policy, training, accountability, to implementation of BWC.</li> <li>2. Strategy for training and accountability.</li> <li>3. Policy that reflects the strategy.</li> <li>4. Publication of the strategy to the VPD communities (ideally with input received).</li> </ol>	
	2	Provides strategy for ongoing IT support and equipment renewal planning to support the policy.	<ol style="list-style-type: none"> <li>4. See Recommendation 9 Compliance Measure 6 for reference.</li> <li>5. Documented strategy for long-term maintenance and support for improved BWC technology.</li> </ol>	
	3	Strategy includes a plan to use BWC footage as a cross-compliance measure for other mandatory policies (i.e., LA OIG found that reviewing BWC footage showed that RIPA data collection, incident reports, and other paperwork were not being completed accurately by officers).	<ol style="list-style-type: none"> <li>3. See Recommendation 9 Compliance Measure 6 for reference.</li> <li>4. Documented review and analysis of cross-compliance areas/issues that BWC would support for VPD (notes, meetings, agendas, research).</li> <li>5. Inclusion of cross-compliance goals and focus on the strategy.</li> <li>6. Policy that supports strategy to include specific responsibility for action in support of the cross-compliance goals.</li> <li>7. Documentation that the strategy implementation is occurring - logs, investigations, data reporting etc.</li> </ol>	
	4	Establish affixed supervisory responsibility and time frames for review in support of the BWC policy.	<ol style="list-style-type: none"> <li>5. Specific policy requirements for supervisory review of BWC - routine, audit, and cross-compliance</li> <li>6. Training on accessing and using the BWC equipment review.</li> <li>7. Support that review is occurring (logs, reports, etc.).</li> </ol>	
11	The Department's management should consider body-worn camera recordings as, among other things, a forum for identifying performance and training issues and addressing them constructively and progressively - and not through automatic formal discipline for minor issues.			
	1	Establish that the BWC audit and review will support identification of performance issues and inform both individual and department-wide training for use of force and best practices for engagement.	<ol style="list-style-type: none"> <li>1. Consistent with Strategy developed in Recommendation 10, policy that specifically identifies that performance review will be part of the BWC program.</li> <li>2. Specific protocols for the formal and informal audit of BWC for performance and training issues.</li> </ol>	
	2	Provide for use of recurring issues in activation or use to inform training, including remedial training for failure to activate and strategies to ensure camera focus is maintained.	<ol style="list-style-type: none"> <li>6. Provide protocol and process that translate audit outcomes into training materials.</li> <li>7. Task the VPD training unit with developing curriculum and training materials for use at roll call.</li> <li>8. Task the VPD training unit for developing training materials for remedial training (See Recc #9 CM#2 &amp; CM#4).</li> <li>9. Evidence of ongoing review and alignment of strategy and practice.</li> </ol>	
	3	Provide for identification of solutions related to technical issues with BWC use to be incorporated into training.	<ol style="list-style-type: none"> <li>8. Evidence of review of activation and use issues - failure to use, equipment failure and other.</li> <li>9. Documentation of discussions, meetings and actions taken to develop strategies to address issues identified.</li> <li>10. Development of training curriculum and materials in response.</li> <li>11. Record of delivery of training.</li> <li>12. Evidence of protocol to include ongoing review and improvement.</li> </ol>	
	4	Highlight good practices, if possible, identified through internal review and national best practice, to incorporate into training on use of force and de-escalation.	<ol style="list-style-type: none"> <li>8. Protocol and practices established in CM#1 also to identify good practices.</li> <li>9. Affixed responsibility for identifying good practice examples.</li> <li>10. Use of good practice examples in training - if not within VPD then from national sources.</li> <li>11. Evidence of training curriculum that includes with good practice examples.</li> </ol>	

Recommendation Topic: OIS and Critical Incident Review

#	Initial Recommendation	Compliance Measures	Proofs
12	The Department should ensure that officers involved in a shooting are interviewed - either criminally or administratively - prior to the end of the shift in which the shooting occurred.	1. Develop a policy and procedure(s) regarding criminal investigation of OIS incidents.	<ol style="list-style-type: none"> <li>Review of best practices for criminal investigation of OIS incidents.</li> <li>Defined protocols for OIS investigations for fatal incidents and non-fatal.</li> <li>Policy and processes for the criminal investigation process for an OIS that meet best practice and standards for law enforcement.</li> <li>Process for the timing and documentation of both the criminal and administrative interviews following an OIS.                             <ul style="list-style-type: none"> <li>Process that addresses the timely sharing of information with VPD when criminal interviews are conducted by Solano County.</li> <li>Policy requirement for the interviews to occur prior to the end of shift.</li> <li>Defined protocols and approvals for any extension in time of either interview.</li> </ul> </li> <li>Evidence that interviews are occurring in accordance with policy.</li> </ol>
		2. Develop a policy and procedure(s) regarding administrative investigation of OIS incidents.	<ol style="list-style-type: none"> <li>Review of best practices for administrative investigation of OIS incidents.</li> <li>Clearly written protocols for administrative OIS investigations.</li> <li>Policy and processes for the administrative investigation process for an OIS that meet best practice and standards for law enforcement.</li> <li>Process for the timing and documentation of both the administrative interviews following an OIS.                             <ul style="list-style-type: none"> <li>Process that addresses the timely sharing of information with VPD when criminal interviews are conducted by Solano County.</li> <li>Policy requirement for the initial interview to occur prior to the end of shift and no later than 24 hours.</li> <li>Defined protocols and approvals for any extension in time of either interview.</li> </ul> </li> <li>Evidence that interviews are occurring in accordance with policy.</li> </ol>
		3. Criminal Investigative policy requires officers be interviewed prior to end of shift (Chief will decide whether any exception listed applies to same day interview but needs to be supported with a citation or document).	<ol style="list-style-type: none"> <li>Published policy that specifies an officer involved in an OIS is to be interviewed before end of shift and by whom.</li> <li>Specific delineation of any variances.</li> <li>Evidence that such interviews occur.</li> <li>Evidence of ongoing review and audit to ensure interviews occur before end of shift.</li> <li>Evidence of remedial action should they not.</li> </ol>
		4. Administrative policy requires officers be interviewed prior to end of shift.	<ol style="list-style-type: none"> <li>Published policy that specifies an officer involved in an OIS is to be interviewed under administrative rights before end of shift and by whom.</li> <li>Policy requirement for the initial interview to occur prior to the end of shift and no later than 24 hours.</li> <li>Policy exceptions defined with command approval required.</li> <li>Evidence that such interviews occur.</li> <li>Evidence of ongoing review and audit to ensure interviews occur before end of shift.</li> <li>Evidence of remedial action should they not.</li> </ol>
		5. Establish review or audit process to determine if policy and procedure(s) followed (VPD to document interim auditing plan and corrective actions from any deficiencies uncovered as well as the permanent auditing plan).	<ol style="list-style-type: none"> <li>Audit plan to ensure adherence to the provisions for OIS investigations and interviews.</li> <li>Specific tasking for ongoing review and audit to ensure interviews occur before end of shift.</li> <li>Specified actions in response to failure to interview, including command review.</li> <li>Evidence of the review.</li> </ol>
		6. Evidence of corrective or remedial action if deficiencies are found (VPD to document interim auditing plan and corrective actions from any deficiencies uncovered as well as the permanent auditing plan).	<ol style="list-style-type: none"> <li>Supervisory training on CM#3.</li> <li>Ongoing review and audit to ensure interviews occur before end of shift.</li> <li>Evidence of the review.</li> <li>Evidence of remedial action should they not.</li> </ol>
13	The Department should obtain a pure statement in an interview setting from officers involved in a shooting prior to their initial viewing of any recorded evidence from the incident and work to change any County-wide protocols that conflict with best practices.	1. Develop policy requiring officer statement taken before officer's review of recorded evidence in OIS incidents.	<ol style="list-style-type: none"> <li>Policy requirement that the initial officer statement is taken prior to the video review by the involved officer.</li> <li>Defined supervisory responsibility and ownership for ensuring this policy is complied with.</li> <li>Tasking the assigned responding supervisor with ensuring the video is not viewed by the officer while on scene.</li> <li>Audit for compliance.</li> <li>Requirement for remedial action for policy non-compliance and evidence of same if non-compliance is identified.</li> </ol>
		2. Ensure policy or protocol clearly defines what "pure statement" means.	<ol style="list-style-type: none"> <li>Define "pure statement."</li> <li>Policy articulates the goal of "pure statement."</li> <li>Policy guidance to ensure the officer(s) involved do not</li> </ol>

			look at the BWC or other video prior to giving a statement.		
		3	Establish VPD long-term review or audit process of investigations to determine if policy and procedure(s) followed.	<ol style="list-style-type: none"> <li>Supervisory training on CM#1 &amp; 2.</li> <li>Ongoing review and audit to ensure interviews occur before video review occurs.</li> <li>Evidence of the statement occurring before review.</li> <li>Documentation and discussion with Solano when interviews occur after or during the video review.</li> </ol>	
<b>Recommendation Topic: Admin Review Process</b>					
#	Initial Recommendation	Compliance Measures	Documentation Included (but not limited to):		
14	The Department should change its protocol for reviewing critical incidents by empowering the Professional Standards Division, working in conjunction with the Critical Incident Review Board, to conduct a holistic review and evaluation of all critical incidents to encompass the performance of involved personnel (including non-force users) as well as issues of policy, training, tactics, supervision, equipment, and/or incident aftermath.	Draft new policy for CIRB to include:			
1		Responsibility for Professional Standards to manage the overall review.	<ol style="list-style-type: none"> <li>Evidence of community engagement on CIRB policy.</li> <li>Publish CIRB policy.</li> <li>Task PSB with responsibility for managing the CIRB process.</li> </ol>		
2		Authority for the CIRB, through the Chief, to direct and task resources across VPD based upon CIRB findings and recommendations.	<ol style="list-style-type: none"> <li>CIRB policy empowers the PSB/CIRB to request follow on action items through the Chief.</li> <li>Authority for CIRB to request additional investigation.</li> <li>Process to track tasking and outcomes.</li> <li>Process for escalating response for delinquent returns.</li> <li>Evidence of remedial action/management of process.</li> </ol>		
3		Defined role and responsibility for Training Division input and review.	<ol style="list-style-type: none"> <li>Formal role for Training Manager on CIRB to inform whether actions were supported by and consistent with training.</li> <li>Process to incorporate CIRB findings and recommendations to inform training, through curriculum updates or roll call development.</li> <li>Mechanism for TD reporting to CIRB of improvements resulting from CIRB review.</li> <li>Evidence of training development and delivery of training based on CIRB recommendations.</li> </ol>		
4		Holistic review of all factors including supervision, communications, equipment, training, policy, and adherence to protocols.	<ol style="list-style-type: none"> <li>Review template to cover all areas for review for every CIRB.</li> <li>Evidence of consistent approach and review of all factors.</li> <li>Documentation as to the review and findings via the template.</li> <li>Evidence of continuous improvement to the template as issues are identified through CIRB meetings.</li> </ol>		
5		Review of on-scene management and coordination.	<ol style="list-style-type: none"> <li>Policy requirements for scene management to include specific tasking and supervisor responsibilities.</li> <li>CIRB reviews all relevant scene actions, including policy and protocol provisions for on-scene management.</li> <li>Evidence of continuous improvement, through training, policy and protocol.</li> <li>Evidence of improvements implemented.</li> </ol>		
6		Established timeline guidance for initial assessment, schedule for review, reporting, tasking, and compliance with CIRB findings requirements.	<ol style="list-style-type: none"> <li>Standardized approach for notification and convening of CIRB.</li> <li>CIRB protocols include: <ol style="list-style-type: none"> <li>Set timelines for initiation post-event, tasking, reporting and compliance.</li> </ol> </li> <li>Tasked responsibility for management of the process.</li> <li>Timeline supports community participation in the CIRB to ensure opportunity to engage. (e.g., sufficient notice, evening hours if required, etc.)</li> </ol>		
7		Establish a process for tasking and return on recommendations.	<ol style="list-style-type: none"> <li>Consistent with CM#2, policy guidance on tasking for recommendations coming out of the CIRB.</li> <li>Process for tasking – identification, assignment, action and return.</li> <li>Command oversight of CIRB to drive participation and to ensure timely return.</li> <li>Annual reporting on recommendations and outcomes of the CIRB tasking process.</li> </ol>		
8		Defined role and responsibility for community input and review in CIRB decisions, particularly as they relate to the organization rather than the individual officer.	<ol style="list-style-type: none"> <li>Specific role for the CIRB community member to include expectations, role and access to CIRB information.</li> <li>Confidentiality requirements and public information parameters for the community member(s).</li> <li>Defined role and process for community member participation in the CIRB. (e.g., roster for by case or appointment for a period of time).</li> <li>Sufficient community members to cover support for the CIRB and to facilitate participation.</li> <li>Defined qualifications, application process and selection process for the community member.</li> <li>Transparent selection and reporting on the selection of community members for CIRB.</li> </ol>		
9		Develop a reporting process that fosters transparent reporting to the community.	<ol style="list-style-type: none"> <li>Public reporting, using the CIRB template, that complies with legal requirements.</li> <li>Set timeframe and cadence for CIRB reports following an OIS.</li> <li>Evidence of the consideration of using a public venue for the initial sharing of the report.</li> </ol>		
10	Defined role and responsibility for the newly	<ol style="list-style-type: none"> <li>Evidence of open access to all meetings and records to the IPA.</li> </ol>			

		<ul style="list-style-type: none"> <li>1. Define role and protocol for IPA in the CIRB process.</li> <li>2. Defined role and protocol for IPA engagement . CIRB given the independence of the IPA.</li> <li>3. Evidence of review of using a formal agreement with the IPA and its role with the CIRB.</li> <li>4. Publication of the agreement and/or policy for the IPA role with CIRB.</li> </ul>	
15	The Department should guide the CIRB's analysis by requiring specific findings in each of the following categories: pre-event planning and decision-making, tactics, and post-event response (including timely transition to rescue mode).	CIRB policy should include requirements that:	
		<ul style="list-style-type: none"> <li>1 Define specific phases of the critical incident and topic areas for review.</li> <li>2 Develop a standard reporting template that will guide consistent review of critical incidents to include pre-event planning; decision making; tactics; post-event response; and review tasking.</li> <li>3 Require distinct review and decision outcomes for each reporting area.</li> <li>4 After the convening of a CIRB, engage in after action review of the effectiveness of the reporting template.</li> </ul>	<ul style="list-style-type: none"> <li>1. Defined phases for review with identified topic areas.</li> <li>2. Template that drives review of the defined phases and topic areas for each incident reviewed by CIRB.</li> <li>1. Consistent with Recommendation #14, use of standard template for CIRB review.</li> <li>2. Consistent with CM #1, published template.</li> <li>1. Evidence of separate summary, finding and recommendation sections for each area of review by CIRB.</li> <li>2. Documentation of the actions taken by area of review.</li> <li>1. Each CIRB provides an overall review of the process and the template.</li> <li>2. Where deficiencies are noted, the recommendations identify the improvements needed.</li> <li>3. Evidence of review of implementation of improvements.</li> </ul>
16	The Department should provide the CIRB with greater flexibility to tailor its outcome recommendations across a range of possible categories, rather than limiting it to a blanket finding about the incident.	Ensure the CIRB policy requires:	
		<ul style="list-style-type: none"> <li>1 Review for all possible issues arising from any action or outcome related to the event. This is consistent with the recommendation for a template for review (see 15).</li> <li>2 Review beyond the individual(s) in the actual OIS incident to ensure a review of the organizational issues.</li> <li>3 Distinct findings and evaluation for each action, area or issue reviewed.</li> <li>4 Ensure that the opinions or votes of each member are recorded in the CIRB report.</li> </ul>	<ul style="list-style-type: none"> <li>1. Consistent with Recommendation 14, a template that addresses key policy, protocol and operational issues for review.</li> <li>2. Template focuses on the range of response requirements and organizational issues.</li> <li>3. Evidence that review identifies ongoing improvement opportunities for the review process.</li> <li>4. Evidence of implementation, as warranted, of improvements to the review process.</li> <li>1. Consistent with CM#1, evidence of an organizational perspective to the review rather than just the specific actions of the involved officer(s).</li> <li>2. Evidence of assessment of organizational areas to include supervision, training, communications, policy and equipment.</li> <li>3. Evidence of specific and detailed findings and, where warranted, recommendations for improvements.</li> <li>4. Evidence of tracking and implementation of recommendations.</li> <li>1. Template requires specific findings and recommendations for each area of review.</li> <li>2. Identify the finding and recommendations, as aligned with the review facts and discussion, from each area of review.</li> <li>3. Task the specific actions required under the recommendation and finding.</li> <li>1. Template records the opinions or votes of each member of the CIRB relative to recommendations and findings.</li> <li>2. The CIRB report and recommendations to the Chief include the opinions or votes of each member, including the dissenting opinions.</li> </ul>
17	The Department should consider ways to conduct its critical incident review in time-appropriate phases, beginning with an initial debrief and issue-spotting and continuing to a more thorough examination of administrative issues including officer performance.	CIRB Policy and Protocols should:	
		<ul style="list-style-type: none"> <li>1 Define the timelines for review of the underlying critical incident.</li> <li>2 Establish requirements for levels of review, e.g., initial triage, immediate after action, investigative and administrative within the standards and protocols for VPD.</li> <li>3 Distinguish between the management and CIRB responsibility for addressing officer actions in the immediate after-effect of the critical incident.</li> <li>4 Allow for open discussion regarding officer improvement, intervention</li> </ul>	<ul style="list-style-type: none"> <li>1. Time frames for each phase of a Critical Incident (CI) Review.</li> <li>2. Time frames are codified in the appropriate policy.</li> <li>3. Evidence of monitoring for adherence to the timeframes.</li> <li>4. Evidence of corrective action as needed.</li> <li>1. CIRB protocols allow for quicker action as appropriate, based upon issue identification and the nature of the CI.</li> <li>2. Review template provides for determination whether action is required at each phase of the CI review.</li> <li>3. Evidence of monitoring for timeliness of recommendations and CI review actions.</li> <li>1. Ensure policies define the role, authority and responsibility of supervisors for corrective action in the event of policy violations and other misconduct identified during a CI initial response and investigation.</li> <li>2. Clearly defined responsibility for recommended action in the event a review identifies officer misconduct or policy violation.</li> <li>3. Defined internal investigation process to address officer misconduct or policy violation as the result of a CI investigation or CIRB review.</li> <li>1. Evidence of review of applicable law, bargaining agreements and policies to ensure focus on transparent discussion of organizational actions in</li> </ul>

		<ul style="list-style-type: none"> <li>plans. Goals for training for involved parties.</li> </ul>	<ul style="list-style-type: none"> <li>response to CIs.</li> <li>2. Established template that drives discussion on the interventions and remedial actions taken in response to the CI.</li> <li>3. Evidence of review and discussion.</li> <li>4. Evidence of tasking for any recommendations that derive.</li> <li>5. Evidence of follow up and completion of the task.</li> </ul>		
		5 Create a mechanism for ongoing evaluation and improvement of the CIRB processes associated with this recommendation.	<ul style="list-style-type: none"> <li>1. Protocol for after action evaluation of CIRB reviews to be led by PSB.</li> <li>2. Process for evaluation of tasking and outcomes arising out of the CIRB process.</li> <li>3. Collation of the ongoing improvement actions, as identified in Recommendations 12- Into a single annual review.</li> <li>4. Evidence of ongoing improvement through update/modifications to the CIRB process.</li> </ul>		
18	The Department should set specific goals in writing for the timely completion of different phases of the critical incident review process, to make sure that the appropriate responses and remediations are occurring in as meaningful and productive a way as possible.	CIRB Protocols should:			
		1 Establish timelines for each phase of the CI review process.	<ul style="list-style-type: none"> <li>1. Timelines for each phase of the CI review that are consistent with Recommendation 14 CM#6 and Recommendation 17 CM#1.</li> </ul>		
		2 Assign responsibility for tasking findings and recommendations for remediation.	<ul style="list-style-type: none"> <li>1. PSB responsible for tasking follow on actions as consistent with Recommendation 14 and Recommendation 16.</li> </ul>		
		3 Affix responsibility for ensuring action upon taskings and recommendations.	<ul style="list-style-type: none"> <li>1. Process that defines oversight and coordination of the tasking for recommendations.</li> <li>2. PSB responsible for monitoring the implementation of recommendations and completion of tasking.</li> <li>3. Evidence the process is implemented.</li> <li>4. Evidence of corrective actions for failure to accomplish and/or outcomes from the tasking.</li> </ul>		
		4 Account for actions in response to taskings by the CIRB with established chain of command responsibility.	<ul style="list-style-type: none"> <li>1. Internal chain of command review and responsibility for taskings arising from CIRB, consistent with Recommendation 12 CM#5, Recommendation 14 CM#7 and Recommendation 18 CM#3.</li> <li>2. Timebound process is timebound with set guidelines for taking action in response to the CIRB recommendations.</li> <li>3. Process for review and remediation for failure to act.</li> </ul>		
		5 Develop a communications strategy and publication process for both internal and external audiences on CIRB actions.	<ul style="list-style-type: none"> <li>1. Plan and strategy to ensure disclosure of CIRB actions are supported by policy and action.</li> <li>2. Time limits for release of CIRB reports, both for in-person and digital release.</li> <li>3. Evidence of monitoring adherence to transparency goals.</li> <li>4. Evidence of remedial action for failure to timely complete or post CIRB reviews.</li> </ul>		
19	The Department should develop a separate administrative investigative package, including separate administrative interviews of involved personnel.	1 Establish a policy that clearly defines the contents and process, including the administrative interview process, for the administrative investigation of an incident that is compliant with the law.	<ul style="list-style-type: none"> <li>1. Policy and protocol for the administrative investigations of OIS incidents and other CI.</li> <li>2. Protocol and template for the specific documents and actions required to complete comprehensive administrative investigations.</li> <li>3. Requirement for administrative interviews to be conducted for each involved officer.</li> <li>4. Evidence of monitoring of the policy requirements.</li> <li>5. Evidence of corrective/remedial action for failure to follow policy.</li> </ul>		
		2 Ensure policy addresses isolation of the administrative statement during the investigation, storage, and retention of the investigative file.	<ul style="list-style-type: none"> <li>1. Protocol and policy that specifically address isolation of the administrative statement.</li> <li>2. Defined responsibility for ensuring the statement isolation, storage and retention of file.</li> <li>3. Evidence of monitoring of the policy requirements.</li> <li>4. Evidence of corrective/remedial action for failure to follow policy.</li> </ul>		
		3 Establish protocols on control and management of internal administrative investigations files.	<ul style="list-style-type: none"> <li>1. Control process to ensure appropriate security for the administrative statement.</li> <li>2. Process addresses how the statement is managed within the investigative file and how the information is shared.</li> <li>3. Audit practice that ensures policy and protocols are followed.</li> <li>4. Evidence of corrective action as needed for failure to follow policy relative to file controls.</li> </ul>		
		4 Establish how and when the CIRB and other internal processes access internal administrative investigations.	<ul style="list-style-type: none"> <li>1. Policy addresses what administrative investigative documents will be shared with CIRB.</li> <li>2. Specific admonishment for the dress the legality of sharing the administrative statement prior to conclusion of the investigation.</li> <li>3. Establish process that will audit and control the sharing of administrative investigative information.</li> </ul>		
		5 Provide annual audit to ensure compliance with policy.	<ul style="list-style-type: none"> <li>1. Consistent with CM#3 &amp; 4, establish audit controls that ensure the security and integrity of administrative investigations.</li> <li>2. Provide annual audit of administrative investigative files.</li> <li>3. Provide evidence of improvements and corrective actions, if any, arising out of the audit.</li> </ul>		
20	The CIRB should play a direct role in the identification and resolution of individual policy	Consistent with the role of the CIRB and Recommendations (14) and (18), the VPD should establish a protocol supported by policy that:			
		1 Establishes template for identification of, reporting of and resolution of identified	<ul style="list-style-type: none"> <li>1. CIRB protocol provides for the identification of potential policy violations by individual officers and supervisors by CIRB.</li> </ul>		

	violations or other performance issues associated with a critical incident.		<p>violations, consistent with Recommendations 15 and 16.</p>	<ol style="list-style-type: none"> <li>2. Template and process for identifying the potential violation and the request for additional investigation.</li> <li>3. Timebound internal investigation and response to the CIRB about the outcomes of the individual policy violation.</li> <li>4. Annual review of the reporting of potential violations and the investigative outcomes.</li> <li>5. Action, as required, to address deficiency in the process.</li> </ol>	
		2	Establishes template for identification of, reporting of and resolution of identified performance issues, consistent with Recommendations 15, 16 and 17.	<ol style="list-style-type: none"> <li>1. CIRB protocol provides for the identification of potential performance issues by individual officers and supervisors.</li> <li>2. Template and process for identifying the performance issue.</li> <li>3. Timebound internal review and response to the CIRB about the outcomes.</li> <li>4. Annual review of the reporting of performance issues and the investigative outcomes.</li> <li>5. Action, as required, to address deficiency in the process.</li> </ol>	
21	VPD and the City should clarify the role of legal counsel in the CIRB process, so that input on questions of law and liability does not come at the expense of rigorous analysis and necessary remedial measures.	1	Review the role and reason for the CAO to attend an internal review process as conducted by the CIRB.	<ol style="list-style-type: none"> <li>1. Analysis of the reason for the CAO to attend the CIRB.</li> <li>2. Defined actions expected of the CAO for the CIRB.</li> <li>3. Definition of the CAO role currently and anticipated in the future.</li> <li>4. Ensure CIRB decisions are based on rigorous analysis of the issues.</li> <li>5. Decisions include and recommend remedial action when necessary.</li> </ol>	
		2	Determine whether the CAO will be involved – if they are involved, the following will need to be considered:	<ol style="list-style-type: none"> <li>1. Analysis and decision whether to retain the CAO based on the transparency and improvement goals of the CIRB and the role of the CAO.</li> <li>2. Determination of whether the CAO continues as a member of the CAO.</li> <li>3. Determine whether the CAO will be involved in CIRB deliberations and decisions.</li> <li>4. Written justification for the decision to retain, or not, the CAO.</li> <li>5. Written description of what role the CAO will hold on the CIRB.</li> </ol>	
		3	Establish the specific need and scope of engagement for the CAO at the CIRB.	<ol style="list-style-type: none"> <li>1. If the CAO retains a position on the CIRB, define the specific role, scope and authority of the CAO as a member of CIRB.</li> </ol>	
		4	Consider whether the need for legal review/support is better served by another legal representative or through a specific engagement process.	<ol style="list-style-type: none"> <li>1. If the CIRB requires legal support, evaluate whether the CAO or another legal professional could support the CIRB role/objectives.</li> <li>2. If the role of the CAO defined as providing legal advisory for the CIRB, make a factual determination as to whether serving on the CIRB is the best way to address this need.</li> </ol>	
		5	Consider whether recusal from certain portions of the CIRB work would support a holistic review of critical incidents.	<ol style="list-style-type: none"> <li>1. Provide evidence of review as the benefit/detriment of the removal of the CAO from the CIRB in its entirety or partially.</li> <li>2. Establish policy that reflects the decision for the CAO role.</li> <li>3. b. establish protocol governing circumstances and process for CAO recusal from CIRB discussions in entirety or partially.</li> </ol>	

Recommendation Topic: Other Uses of Force					
Initial Recommendation	Compliance Measures	Proofs			
22	The Department should develop a protocol for standardizing a specific and documented supervisory evaluation of every use of force.	1	Develop a protocol and policy for reporting force incidents.	<ol style="list-style-type: none"> <li>1. Evidence of standard and best practice review for reporting force incidents.</li> <li>2. Policy for reporting force incidents, including officers who observe force.</li> <li>3. Protocol for reporting force incidents, including officers who observe force.</li> </ol>	
		2	Require officers on scene at the time of incident to complete a UOF report based upon their observations of the incident.	<ol style="list-style-type: none"> <li>1. Develop a reporting standard/template for use of force.</li> <li>2. Policy requirement that officers are to report their use of force before end of shift.</li> <li>3. Policy requirement that all officers are required to report their observations of use of force by other officers by the end of shift.</li> </ol>	
		3	Provide training and policy support for the use of force reporting format.	<ol style="list-style-type: none"> <li>1. Provide training for use of force reporting for officers and supervisors.</li> <li>2. Confirm training conducted and attended.</li> <li>3. Adjust training as needed based upon CM#7.</li> </ol>	
		4	Require all involved officers to complete a use of force report on their own.	<ol style="list-style-type: none"> <li>1. Policy requirement for all officers to document force.</li> <li>2. Define remedial measures for failure to comply.</li> </ol>	
		5	Require all officers on the scene to provide reports on their observations of the use of force.	<ol style="list-style-type: none"> <li>1. Policy requirement that all officers on the scene of a UOF incident provide a written report on their observations.</li> </ol>	
		6	Task each level of supervision with the appropriate review and approval of the officer use of force report, including collection of all required reports.	<ol style="list-style-type: none"> <li>1. Policy defines the role and responsibility for each line of supervision in the review of UOF.</li> <li>2. Consider establishing a UOF reporting checklist for supervisors to ensure complete packages when reporting UOF.</li> <li>3. Task each supervision rank with verifying accuracy and completion of submitted reports.</li> <li>4. Provide a review summary report for each level of</li> </ol>	

			review that requires supervisory action and sig. for approval or return for further work.		
		7	Provide for quarterly and annual audit and review of reporting for adherence to policy requirements.	<ol style="list-style-type: none"> <li>1. Establish a review practice and protocol for review and auditing UOF reporting to include reporting compliance, training compliance and supervisory engagement. (See 23.3)</li> <li>2. Provide routine analysis and/or auditing quarterly.</li> <li>3. Provide an annual report regarding overall compliance with UOF reporting requirements.</li> <li>4. Conduct qualitative reviews of supervisory decisions relative to UOF reporting.</li> </ol>	
		8	Develop a continuing improvement focus that addresses anomalies, issues, and trends.	<ol style="list-style-type: none"> <li>1. Task PSB with responsibility for assessing and measuring compliance with the UOF reporting requirements.</li> <li>2. Provide evidence of review of compliance with reporting</li> <li>3. Provide evidence of review of compliance with quarterly audit.</li> <li>4. Provide evidence of remedial action, if any, to include training modifications.</li> </ol>	
23	The Department should ensure that the assistance of the Force Options team with officer report-writing does not become a tool for retroactive justification of questionable force deployments or a basis for truncating appropriate scrutiny.	Consistent with the update of any Use of Force protocols or policies, and the actions of Recommendations (12) and (22):			
		1	Establish requirements for officers to independently and in their own words complete their own reports regarding use of force.	<ol style="list-style-type: none"> <li>1. Policy requirement that officers not rely on a template and use their own words, without assistance from FO team</li> <li>2. Policy requires a supervisory review to ensure sufficiency of the report.</li> <li>3. Requirements for remediation for failure to adhere to policy.</li> </ol>	
		2	Ensure training on how to complete the reports for officers and supervisors.	<ol style="list-style-type: none"> <li>1. Develop training on how to complete reports to address constitutional/legal requirements and in compliance with UOF policy</li> <li>2. Provide the above training and require full attendance.</li> <li>3. Maintain records of attendance.</li> <li>4. Remediation for failure to attend.</li> </ol>	
		3	Task PSB with providing audit standards for review, quarterly and annually, to ensure adherence and to identify knowledge gaps and corrective action.	<ol style="list-style-type: none"> <li>1. Evidence of review of audit/review standards for UOF reporting.</li> <li>2. Protocol for audit/review of UOF reporting.</li> <li>3. Evidence that review occurs.</li> <li>4. Outcome reporting from review/audit.</li> <li>5. Evidence of tasking and corrective action.</li> </ol>	
24	The Department's analysis of each use of force should include affirmative managerial determinations as to whether the force was in policy, and whether training, tactical, or other considerations were identified.	1	Establish policy for consistent protocols and practices in the review of use of force incidents.	<ol style="list-style-type: none"> <li>1. Policy requires each supervisor to assess whether UOF is in policy or not.</li> <li>2. Report requires supervisor to make determination whether in policy or not.</li> <li>3. Remedial or corrective action when necessary</li> </ol>	
		2	Provide training for supervisors on force incident review.	<ol style="list-style-type: none"> <li>1. Training (22.3, 23.2) provides support to supervisors on assessing whether within policy.</li> <li>2. Require all supervisors attend training.</li> <li>3. Remediation for failure to train.</li> </ol>	
		3	Require supervisors to make an initial determination on the use of force incident and whether it complies with law, policy, and training.	<ol style="list-style-type: none"> <li>1. Mandate adherence to policy that supervisors make initial determination relative to the use of force incident with reference to law, policy, and training compliance.</li> <li>2. Ensure report requires affirmative decisions regarding whether UOF is compliant with law, policy, and training.</li> <li>3. Corrective action for failure of supervisor to follow policy.</li> </ol>	
		4	Ensure that the CIRB review includes the adherence to policy and the sufficiency of the supervisory determination for compliance with policy.	<ol style="list-style-type: none"> <li>1. Checklist and template for CIRB review</li> <li>2. CIRB template to include whether supervisor made a determination of compliance.</li> <li>3. CIRB template to include whether the CIRB agrees with the decision of the supervisor.</li> <li>4. Remediation where CIRB does not find the supervisor's determination to be sufficient and this is supported by the Chief.</li> <li>5. CIRB review decision forwarded to COP with recommendation whether or not supervisor's decision sufficient</li> <li>6. Evidence of remedial or corrective action to correct deficiency</li> </ol>	
		5	Ensure that PSB audits all UOF reports to ensure consistency and sufficiency of supervisory review.	<ol style="list-style-type: none"> <li>1. Consistent with 23.3, ensure PSB provides audit protocol that assesses supervisory compliance.</li> <li>2. Evidence of routine review.</li> <li>3. Evidence of remediation as required.</li> </ol>	
25	Each use of force should be reviewed and evaluated to determine whether de-escalation techniques were considered or implemented prior to the application of force, and/or why they were not.	1	Establish policy requiring review of each UOF incident, to include supervisory roles and responsibilities.	<ol style="list-style-type: none"> <li>1. Policy establishes review roles and responsibilities for each level of supervision.</li> <li>2. Policy specifically requires review of de-escalation.</li> <li>3. Training on de-escalation requirements for supervisors.</li> </ol>	
		2	Supervisors must review each UOF to determine whether de-escalation was possible prior to UOF.	<ol style="list-style-type: none"> <li>1. Review specifically requires evaluation of every single de-escalation action taken by the officer using force for each use of force.</li> <li>2. Determination whether it was feasible to use de-escalation prior to each use of force</li> <li>3. Determination whether de-escalation occurred prior to each use of force.</li> <li>4. Reporting required and reasons as to why de-escalation was not used, if not, for each use of force.</li> </ol>	
		3	Identification of which de-escalation tactics were available prior to UOF and how they were reviewed (either by CIRB or other supervisory review).	<ol style="list-style-type: none"> <li>1. Report template allows for easy identification and reporting of de-escalation options and whether they were utilized - either as de-escalation or prior to each use of force.</li> <li>2. Supervisory review, and as needed, discussion with the involved officer as to the use of de-escalation for each</li> </ol>	

			use of force.	
		4	Evidence and citation of corrective or remedial action if UOF deficiencies are found.	<ol style="list-style-type: none"> <li>1. Policy standards and requirements for de-escalation actions and decisions by officers.</li> <li>2. Policy standards for supervisory review.</li> <li>3. Evidence of supervisory review that appropriately identifies the need for de-escalation and takes appropriate remediation.</li> </ol>
		5	Evidence of corrective or remedial action if review is deficient or does not occur and ensuring supervisors are conducting the reviews they are supposed to, such as checking that the Axon video reviews are occurring.	<ol style="list-style-type: none"> <li>1. Audit/review of supervisory review actions for de-escalation.</li> <li>2. Audit/review of supervisory review of BWC.</li> <li>3. Evidence of remediation and/or continuous improvement to include specific findings, taskings and outcomes.</li> </ol>
26	The Department should incorporate its current policies for supervisory review, including detailed evidence gathering by supervisors where applicable, into this process.	1	Consistent with Recommendation 22 and 24, VPD should ensure its policies define the roles of supervisors.	<ol style="list-style-type: none"> <li>1. Evidence of standard and best practice review for supervisory review of use of force reporting and practices, including evidence collection and identification.</li> <li>2. Established policy and role for supervisory review, including evidence collection.</li> </ol>
		2	Establish protocols for evidence collection roles based on type of incident and type of evidence.	<ol style="list-style-type: none"> <li>1. Protocol describes when and what evidence is appropriate for supervisory collection.</li> <li>2. Task chain of command review with validating evidence collection is appropriate.</li> <li>3. Evidence of audit for adherence to collection requirements.</li> </ol>
		3	Train to protocols.	<ol style="list-style-type: none"> <li>1. Curriculum for supervisory UOF evidence collection.</li> <li>2. Training for supervisors on UOF evidence collection.</li> <li>3. Proof of compliance with training attendance.</li> </ol>
		4	Monitor for continuous improvement of the protocols.	<ol style="list-style-type: none"> <li>1. Established review framework.</li> <li>2. Review to ensure evidence is being appropriately collected.</li> <li>3. Process for identification of any gaps/errors.</li> <li>4. Specific tasking for timebound review for process improvement.</li> <li>5. Evidence, if any, for process improvements.</li> </ol>
27	The Department should create formal mechanisms for documenting and tracking any action items that emerge from this process to ensure appropriate follow-through.	1	Consistent with all policy and protocols, require record of the tasking of any recommendation and the reporting on the outcomes. This will include the recommendations of the CIRB, any internal review of the UOF reporting and review and any future programs that analyze and identify recommendations for improvement.	<ol style="list-style-type: none"> <li>1. Identify a keeper of the record for all process improvements associated with UOF reporting.</li> <li>2. Identify a keeper of the record for all CIRB recommendations.</li> <li>3. Identify a keeper of the record for any internal reviews of UOF reporting.</li> <li>4. Require PSB to create a tracking sheet for all CIRB recommendations, including who is responsible for implementing a recommendation, timeframe for implementation, and status (incomplete/in progress/complete)?</li> </ol>
		2	Task PS with auditing adherence to the reviews, their timing and their subsequent tasking, reporting and outcome measurements. Such audits should be conducted on an annual basis.	<ol style="list-style-type: none"> <li>1. Protocol or policy tasks PSB with audit of reviews and tasking arising out of the control sheet in 1d.</li> <li>2. Evidence that such audits/reviews have occurred on an annual basis.</li> <li>3. Evidence of remediation and process improvements as relevant.</li> </ol>
		3	Ensure sufficient administrative support to continue to review and improve practices around UOF following the initial recommendation process and the subsequent audit of the process.	<ol style="list-style-type: none"> <li>1. Evidence of review of available administrative support for PSB to conduct the annual reviews/audits.</li> <li>2. Administrative support plan to assist PSB in these reviews.</li> <li>3. Evidence of follow-through regarding gaps or improvements identified through the reviews.</li> </ol>

**Recommendation Topic: Complaints / Allegations of Misconduct**

Initial Recommendation	Compliance Measures	Proofs	
28	The Department should build on its intermittently successful efforts to make complaint notification letters as detailed and useful to recipients as possible.	<ol style="list-style-type: none"> <li>a. Protocol requires "receipt" to complainant that provides the tracking information for the complaint.</li> <li>b. Protocol requires first contact with complainant within 48 hours of complaint.</li> <li>c. Protocol requires a timeline and checklist that includes monthly updates to the complainant until conclusion of the complaint investigation.</li> <li>d. Evidence of tracking of the engagement with complainant throughout the investigation from initiation through completion of the investigation.</li> <li>e. Evidence of review of feasibility of the implementation of an online portal for members of the public to prepare, submit, and track their complaints – even as a future goal.</li> </ol>	
	2	Develop a letter template for each phase of the investigation – receipt, request for interview, ongoing update and closing.	<ol style="list-style-type: none"> <li>a. Letter template to ensure timely, consistent contact with complainants.</li> <li>b. Letter template explains the overall investigation process, the classification, the disposition categories and what they mean, how investigations are reviewed, and the options available to the department for corrective action –e.g., training, discipline, termination.</li> <li>c. Publication of the template and explanation of the process, as part of the initiation letter and on the VPD website.</li> </ol>

			<ul style="list-style-type: none"> <li>d. Requirement that the letter is sent at each phase and has the relevant information for each phase.</li> <li>e. Closing letter provides complainant with the investigation determination and investigative steps taken as well as the conclusion of the investigation.</li> <li>f. Tasking to a specific party with sending letter – administrative or investigator.</li> <li>g. Supervisory responsibility for ensuring compliance.</li> </ul>	
		3 Monitor adherence to the outreach requirements and task supervisor with accountability.	<ul style="list-style-type: none"> <li>a. Commander PSB is tasked with ensuring compliance with letter protocols.</li> <li>b. Evidence of compliance review.</li> <li>c. Evidence of remediation for any identified gaps.</li> </ul>	
		4 Audit annually to ensure policy adherence.	<ul style="list-style-type: none"> <li>a. Protocol/policy requiring annual review of compliance with requirements for engagement with complainants.</li> <li>b. Evidence of tasking within PSB for annual audit/review of compliance – letters on record and contained within the complaint file.</li> <li>c. Evidence of review outcomes and remediation as appropriate – e.g., training, discipline, policy adjustment.</li> </ul>	
29	The Department should compile and periodically publicly produce aggregate data about the number of civilian complaints received, the number of internal investigations conducted, and the number and type of uses of force to offer greater insight into the nature and effectiveness of its accountability measures.	1 Develop the data tracking for complaints that allow for identification of number, type, and outcome and to include data demographics that are searchable.	<ul style="list-style-type: none"> <li>a. Develop protocol that identifies complaints by identification number, type, and outcome.</li> <li>b. Capture complaint classification across the range of complaints, e.g. use of force, bias, profiling, search and seizure.</li> <li>c. Protocol includes demographic data for complainants and involved officers.</li> <li>d. Database provides for searches by identification number, type, outcome, complainants, or officer(s).</li> </ul>	
		2 Track Use of Force complaints to include to identification of type of use of force and outcome from the force application.	<ul style="list-style-type: none"> <li>a. Protocol requires tracking UOF to include force used by - type for each officer that used force and outcome from the force application.</li> <li>b. Program that allows search by type and by officer.</li> </ul>	
		3 Track Racial and Profile Identifying complaints to include identification of type of complaint, demographics and outcome from the encounter.	<ul style="list-style-type: none"> <li>a. Task PSB commander with establishing overall review for types of complaints, common actions leading to complaints and outcomes of investigations.</li> <li>b. Evidence of analysis.</li> <li>c. Evidence of actions, if any, taken in response to include training, policy or investigation changes.</li> <li>d. Evidence of continuing improvement as a matter of analysis and review, to include training, policy or practice modifications.</li> </ul>	
		3 Establish systems to monitor and assess complaints for opportunities for improvement, training, and reduction in the overall complaints received by the VPD.	<ul style="list-style-type: none"> <li>a. Task PSB commander with establishing overall review for use of force complaints, to include types of calls leading to force outcomes, officer/civilian factors, common actions leading to complaints and outcomes of investigations.</li> <li>b. Evidence of analysis by PSB.</li> <li>c. Task the CIRB with review of the analysis conducted by the PSB.</li> <li>d. Evidence of analysis by CIRB.</li> <li>e. Evidence of actions, if any, taken in response to include training, policy or investigation changes.</li> <li>f. Evidence of continuing improvement as a matter of analysis and review, to include training, policy or practice modifications.</li> </ul>	
		4 Establish systems to monitor and assess complaints for opportunities for improvement, training, and reduction in the need for use of force.	<ul style="list-style-type: none"> <li>a. Task PSB with bi-annual assessment for CM#3 &amp; #4.</li> <li>b. Task CIRB with review of the assessment.</li> <li>c. Evidence of recommendations/outcomes/improvements.</li> <li>d. Task PSB with publishing an annual report on the outcomes of the review process.</li> <li>e. Evidence of publication of the annual report.</li> <li>f. Evidence of continuing improvement as a matter of analysis and review, to include training, policy or practice modifications.</li> </ul>	
		5 Provide bi-annual assessment and review, with corrective action. Report annually on complaint trends, overall and specific to use of force, and the actions taken by the VPD in response.	<ul style="list-style-type: none"> <li>a. Develop protocol for reporting UOF.</li> <li>b. Task PSB with assessing UOF trends on quarterly basis.</li> <li>c. Identify and implement remediation and corrective action as required.</li> <li>d. Public report on UOF trends and actions in response on quarterly basis.</li> </ul>	
		6 Provide quarterly reporting and analysis on UOF and Racial and Identity Profiling complaint trends and actions in response.	<ul style="list-style-type: none"> <li>a. Develop protocol that identifies complaints by identification number, type, and outcome.</li> <li>b. Capture complaint classification across the range of complaints, e.g. use of force, bias, profiling, search and seizure.</li> <li>c. Protocol includes demographic data for complainants and involved officers.</li> <li>d. Database provides for searches by identification number, type, outcome, complainants, or officer(s).</li> </ul>	
30	The Department should develop written internal deadlines to complete an investigation and review process and require supervisory approval for deviation from those deadlines	1 Establish internal investigations protocol and policy that directs investigative standards, progression, and supervisory review.	<ul style="list-style-type: none"> <li>1. Evidence of best practice review for internal investigations for application to VPD.</li> <li>2. Internal investigations protocol outlines practice and policy for the progression of the investigation.</li> <li>3. Protocol defines specific standards for each internal investigation.</li> <li>4. Policy and protocol ensures investigators are educated and trained in its use prior to conducting internal investigations.</li> <li>5. Protocol defines conflict, requires conflict certification for any investigator to ensure no potential for bias.</li> <li>6. Protocol precludes members engaged in the advocacy for VPD officers at disciplinary hearings from</li> </ul>	

			conducting investigations	
			7. Protocol defines specific requirements for each level of supervision when reviewing investigations.	
		2	Establish timelines for each phase of the investigation to include monthly updates for active investigations.	<ol style="list-style-type: none"> <li>1. Protocol has defined timelines for each phase of an internal investigation including intake, initial complainant contact, internal interviews, submission of the investigation and each level of internal review.</li> <li>2. Protocol establishes monthly update requirement.</li> <li>3. Consider using a reporting template for monthly reporting to facilitate supervisory review.</li> </ol>
		3	Require supervisory review for adherence to timelines.	<ol style="list-style-type: none"> <li>1. Develop tracking mechanism that identifies each phase of the investigation and date completed.</li> <li>2. Ensure supervisors are reviewing for compliance with time requirements.</li> <li>3. Evidence of review.</li> <li>4. Evidence of remediation where appropriate.</li> </ol>
		4	Provide standards and approval requirements for deviation from timelines.	<ol style="list-style-type: none"> <li>1. Protocols define standards and approvals within timelines.</li> <li>2. Policy defines potential remediation and outcomes for failure to meet investigative and supervisory review timelines.</li> </ol>
		5	Audit progression of investigations and address deficiencies as appropriate.	<ol style="list-style-type: none"> <li>1. Evidence of review for compliance.</li> <li>2. Evidence of remediation or process improvement as needed.</li> </ol>
31	The Department should evaluate its individual misconduct investigations to ensure that all relevant issues are identified and pursued to a reasonable extent, including a written standard requiring formal interviews with witness officers.	1	Consistent with Rec#30, establish an investigative template for internal investigations.	<ol style="list-style-type: none"> <li>1. Template used for internal investigations,</li> <li>2. Evidence it is in use.</li> </ol>
		2	Establish policy and protocol to require formal interviews of accused officers.	<ol style="list-style-type: none"> <li>1. Policy requires formal interviews of officers who are alleged to have engaged in misconduct.</li> <li>2. Investigative template requires interviews and tracks for the interviews.</li> <li>3. Evidence that such interviews are occurring.</li> <li>4. Evidence of remediation or process improvement as needed.</li> </ol>
		3	Establish policy and protocol to require formal interviews of witness officers.	<ol style="list-style-type: none"> <li>1. Policy requires formal interviews of officers who are alleged to have witnessed use of force and serious misconduct.</li> <li>2. Investigative template requires interviews and tracks for the interviews.</li> <li>3. Evidence that such interviews are occurring.</li> <li>4. Evidence of remediation or process improvement as needed.</li> </ol>
		4	Train to the template and policy requirements.	<ol style="list-style-type: none"> <li>1. Curriculum and training developed for template and its use.</li> <li>2. Training delivered.</li> <li>3. Compliance with attendance at the training.</li> <li>4. Evidence of ongoing process review and improvement as necessary.</li> </ol>
		5	Require supervisory review for investigations through use of a review checklist.	<ol style="list-style-type: none"> <li>1. Develop template for supervisory review of investigations.</li> <li>2. Train supervisors to the template.</li> <li>3. Ensure adherence to the template.</li> </ol>
		6	Monitor and review for adherence with remediation as required.	<ol style="list-style-type: none"> <li>1. Task responsibility for monitoring review and remediation.</li> <li>2. Task responsibility measuring outcomes associated with review and remediation.</li> <li>3. Monitor adherence to the process.</li> <li>4. Provide annual report on outcomes.</li> </ol>
32	The Department should evaluate its levels of discipline for sustained policy violations to ensure that the proper amount of remediation is occurring.	1	Consider establishing a discipline matrix or other management process to ensure consistent application of discipline, inclusive of training and remediation.	<ol style="list-style-type: none"> <li>1. Review best practices on disciplinary standards/matrices and for complaints and investigations</li> <li>2. Policy that addresses community and departmental goals for effective investigations and disciplinary processes.</li> <li>3. Identify and list standards for consistent corrective action - application.</li> <li>4. Include training and other remediation as part of the defined corrective action and standards.</li> </ol>
		2	Analyze disciplinary outcomes to ensure no disparate outcomes based on type of infraction and range of discipline.	<ol style="list-style-type: none"> <li>1. Pending any collective bargaining issues, take steps to internally review the range in discipline for similar and aligned actions.</li> <li>2. Task specific role to assess variances to identify trends, patterns and issues.</li> <li>3. Develop protocol to consistently align discipline issued. (This could be reviewer role, supervisory or matrix or other approach).</li> </ol>
		3	Audit the issuance of discipline to ensure standards and consistency.	<ol style="list-style-type: none"> <li>1. Protocol establishes annual audit/review of discipline issued.</li> <li>2. Review examines consistency and trends.</li> <li>3. Review is tasked with identifying any disparity. E.g., the review includes officer demographics, complainant demographics, nature of complaint, etc.</li> <li>4. Task specific role with requiring corrective action when issues are identified.</li> <li>5. Require follow through on tasking to ensure corrective action is taken.</li> </ol>
		4	Annual review and publication of disciplinary statistics to ensure transparency, sufficiency, and procedural justice.	<ol style="list-style-type: none"> <li>1. Policy/protocol requires annual review of discipline trends.</li> <li>2. Specific role/unit tasked with accumulating disciplinary data and reporting on it.</li> <li>3. VPD publishes annual report on discipline trends, including breakdowns by type of complaints, type of discipline, and officer demographics.</li> </ol>

Recommendation Topic: Other Review Protocols		
Initial Recommendation	Compliance Measures	Proofs
33 The Department should continue to use the civil claims process as a vehicle for assessment of its own performance and should refrain from allowing liability concerns impede the rigor and thoroughness of this process.	1 Establish and task responsibility for review of civil claims at the City and VPD for misconduct claims, type of complaints and frequency of complaints - including by type and officers involved.	1. Defined role and responsibility for both VPD command member and CAO to oversee review civil complaints for frequency of complaints, members and behaviors 2. Evidence of meeting to address complaints 3. Evidence of outcome of review - e.g., analysis and recommendations.
	2 Identify independent internal review protocols, standards, and reporting for VPD to identify risk issues, including training and policy concerns.	1. Evidence that VPD established its own internal review protocol for civil complaints - focused on identifying conduct and risk issues. 2. Evidence of a format or template that drives the review process. 3. Evidence that review includes training and policy concerns. 4. Evidence of analysis and recommendations arising out of the analysis.
	3 Ensure the CIRB has full authority to review and make recommendations for VPD critical incidents independent of the civil litigation stance of the City.	1. CIRB policy gives CIRB authority for review and recommendations based upon case factors. 2. Specific statement in policy that CIRB will not be limited in its review based upon civil litigation concerns.
	4 Develop a process for VPD improvements based upon the review and risk assessment that allows for corrective actions independent of the litigation posture of the City.	1. Evidence of a role and tasking for action based upon internal review of civil litigation 2. Evidence of the review and recommendations (see 33.1.3, 33.2.4). 3. Evidence of action taken in response to the recommendations and tasking.
	5 Establish tasking, deadlines and reporting of actions taken in response to the internally generated recommendations.	1. Evidence that recommendations are timebound. 2. Evidence that recommendations are tasked and that actions are followed up and monitored for completion.
	6 Establish annual review process for evaluation of issues arising from civil litigation and improvements.	1. Task command individual with responsibility for overseeing the overall improvement process. 2. Annual analysis and review that tracks civil litigation trends and outcomes.
	7 Include community engagement perspectives, as addressed in R#39, in the annual report of the continuous improvement loop of litigation review to provide voice to the community.	1. Annual reporting on actions taken to correct risk issues. 2. Recognition of any connectivity between community concerns and litigation - and how the VPD addressed the issues in its improvement process. 3. Reporting of community outcomes arising from the problem-solving process established in R#39.
Recommendation Topic: OIS Community Outreach / Transparency		
Initial Recommendation	Compliance Measures	Proofs
34 The Department should develop a "family liaison" protocol in which, after a shooting or other critical incident, a designated individual will focus on providing family members with information and updates about medical status and subsequent procedural matters.	Consistent with the OIS and UOF protocols:	
	1 Develop policy and protocol for a family liaison program that is predicated upon timely and appropriate notifications to the family members of subjects injured or killed by a member of the VPD.	1. Evidence of a best practice review for Liaison Programs. 2. Policy and protocol that identifies responsibilities for timely notification, appropriate notification and liaison with families of persons injured or killed by a VPD member. 3. Command member tasked with responsibility to ensure protocols are implemented upon such an event.
	2 Consider use of professional staff rather than sworn staff for the role of family liaison.	1. Evidence of the review of the use of professional staff for such incidents. 2. Formal determination as to why or why not professional staff will be used for such incidents. 3. If professional staff are used - evidence of training and protocols that support coordination.
	3 Task specific duties, responsibilities and communication protocols for the role and key stakeholders to the investigation to ensure coordination around outreach and contact with subject family members and communications with the media to ensure notifications align with public information.	1. Protocols that establish roles and responsibilities for family contacts arising out of an action by a VPD member that kills or injures another. 2. Specific role and responsibility tasked for media coordination. 3. Specific role and responsibility tasked for family liaison. 4. Requirements for internal cooperation between family liaison and investigators. 5. Command member tasked with overseeing coordination.
4 Provide ongoing review of the process for improvement.	1. Evidence of review of such incidents to ensure program goals are met and to identify opportunities for improvement. 2. Evaluation of each incident for communication and coordination. 3. Evidence of continuing review for improvement opportunities.	
35 The Chief should plan to offer to meet with family members in the aftermath of an officer-involved shooting as a way of acknowledging loss and sending a broader	Consistent with the OIS and UOF protocols:	
	1 Designate the Chief or a command point of contact to meet with the family of those subjects injured or killed as the result of a VPD officer's actions.	1. Policy that tasks Chief or command designee to meet with families of persons injured or killed by VPD member. 2. Policy establishes processes for coordination between Chief and Family Liaison. (Consistent with 34.1) 3. Established goal in conducting such meetings.

	message of empathy and accountability to the community.		4. Ongoing review of outcomes of such meeting, ensure continuous improvement.	
		2 Coordinate meeting through the Family Liaison.	1. Evidence of coordination between family liaison and Chief ahead of such meetings.	
36	The Department should review its information-sharing protocols after officer-involved shootings to ensure that its approach is giving proper weight to accuracy, consistency, and objectivity.	Consistent with the OIS and UOF protocols:		
		1 Establish a communication protocol and policy, including roles and responsibilities, following an OIS or critical incident.	1. Evidence of review of best practices for law enforcement communication following critical incidents. 2. Policy establishes roles and responsibilities for outreach to family, media, community and other stakeholders following a critical incident. 3. Policy is predicated upon sharing information rather than withholding information. 4. Policy has set timeframes for communicating information in a manner that is consistent and is consistently applied. 5. Policy establishes the town hall approach for OIS that identifies a set, continuous time following the OIS that a town hall will occur. 6. Policy establishes the town hall approach for other critical incidents as deemed appropriate by the Chief.	
		2 Share communication strategy with internal and external stakeholders, for relevant feedback.	1. Communication strategy is drafted and shared with internal and external stakeholders. 2. Comments are sought and evaluated. 3. Evidence of review in drafting final strategy/policy 4. Ongoing engagement with stakeholders following critical incidents to ensure strategy goals are met.	
		3 Align messages with VPD goals and vision for transparency and building community trust.	1. Strategy specifically identifies organizational goals in informing stakeholders and community following a critical incident. 2. Evidence of draft speaking points, memos, protocols for publishing information following a critical incident. 3. Evidence of specific strategy for sharing information at key junctures – early (evolving), follow-on (within a set time frame), update (as information develops) and closing.	
		4 Share information in a timely and ongoing manner.	1. Evidence of communication – memos, press releases, etc. 2. Communication is happening within relevant time frames.	
		5 Continual improvement/feedback loop for strategy and compliance with strategy.	1. Evidence of continuing review for improvement opportunities. 2. Evidence of modifications to policy or protocol as a result of the review.	
37	The Department should schedule community meetings within days of an officer-involved shooting as part of its standard response.	1 Establish policy and protocol for community information sharing following a critical incident in line with a Town Hall format.	1. Consistent with 36.1, establish the Town Hall approach to post-OIS communication. 2. Task specific roles with publication of the Town Hall, release of information and coordination of questions prior to and during the Town Hall. 3. Establish a time bound time frame less than 2 weeks after the event. 4. Policy includes the guidelines for public comment and questions to ensure consistent practice.	
		2 Validate policy with community advisory board.	1. Evidence that the Town Hall strategy was shared with the CAB. 2. Evidence that the Town Hall strategy was shared with the community consistent with Recommendation 36.2.	
		3 Identify key stakeholders and roles for the event.	1. Policy establishes a consistent practice with defined roles and responsibilities to include the Chief, operations, investigators, media relations and other personnel as deemed warranted.	
		4 Host and publicize the event in the community where OIS occurred.	1. Establish a routine cadence for when the Town Hall will be hosted. 2. Publicize these dates and policy to ensure public awareness of when these will occur. 3. Following an OIS ensure publication of the date of the Town Hall across traditional and social media	
		5 Seek to hold such meetings no later than two weeks following the incident.	1. Evidence that policy and practice follow a two week time frame following an OIS or other designated critical incident.	
		6 Provide transparent factual representation of the events that occurred.	1. Evidence of a script that follows a consistent process in providing all known facts at the time of the Town Hall. 2. Protocol provides for disclosure, consistent with law, should fully disclose all known, relevant information. 3. Protocol allows for public comment, consistent with policy. 4. Protocol allows for public questions, consistent with policy. 5. Protocol requires publication of the Town Hall on department media sites for those who could not attend.	
		7 Monitor and track the policy and town halls for continuing improvement.	1. Evidence of ongoing after-action review of Town Halls. 2. Evidence of remediation as needed to improve process.	
38	The Department should strive to exceed the newly established requirements for transparency regarding officer-involved shootings,	1 Establish a timebound policy and protocol for community information sharing following a critical incident.	1. Policy stresses disclosure over retention in the release of information. 2. Evidence of consideration whether the policy should extend to other critical incidents. 3. Consistent with Recommendation 36, establish the timeframes for when and how information will be	

	by releasing video evidence as soon as it is practicable and by offering detailed explanations to the public about the scope, nature, and outcomes of its internal reviews.		disclosed.	
		2	Implement a policy that seeks to meet the goal of disclosure with the goal of disclosing video and body worn camera video within 10 days of the incident. Failure to disclose should require public posting as to the reason for delay and the expected release date.	<ol style="list-style-type: none"> <li>1. Evidence of review of best practices in release of BWC.</li> <li>2. Policy identifies goals in disclosing BWC based upon preferred time range.</li> <li>3. Policy requires release of raw, unaltered footage.</li> <li>4. Policy establishes a time frame for release with 10 days of the officer-involved shooting.</li> <li>5. Policy requires that the reasons for failure to meet the timeline will be publicly disclosed along with anticipated disclosure date.</li> <li>6. Command member tasked with monitoring process until released.</li> </ol>
		3	Educate VPD members, the City stakeholders, and the community regarding the VPD policies and practices for production of BWC under all types of requests.	<ol style="list-style-type: none"> <li>1. Policy identifies the role and need for public education regarding BWC and what are its strengths and limitations.</li> <li>2. Policy tasks specific person/unit with developing education materials for public and internal stakeholders regarding the value of BWC and its release.</li> <li>3. Evidence that internal BWC training includes how it is retained and released and the conditions where it is applicable.</li> </ol>
		4	Provide update as to the outcome at periodic levels, consistent with investigation progression.	<ol style="list-style-type: none"> <li>1. Policy identifies the role responsible for updates relative to an OIS.</li> <li>2. Policy identifies when and at what timeframes information will be released.</li> <li>3. Policy specifies that critical investigative phases will be reviewed to determine the information to be disclosed, e.g., arrest or decision to not arrest, seeking charges or not, filing of charges or the declination, etc.</li> </ol>
39	The Department and other City officials should consider new and less contentious ways of dealing with its critics, particularly in the context of pending litigation, and should work to ensure that its litigation posture does not interfere with the rigor and objectivity of its administrative reviews.	1	Consistent with R#33, ensure community engagement strategies that inform and address the community's concerns regarding recurring issues identified within the civil complaints filed against the VPD.	<ol style="list-style-type: none"> <li>1. Evidence that VPD review processes are robust and not limited by litigation concerns but rather improvement of operations.</li> <li>2. Evidence of strategies that seek to engage and inform the community relative to VPD review practices.</li> <li>3. Evidence that information is consistently shared with community and other stakeholders consistent with VPD policies – irrespective of litigation concerns.</li> <li>4. Evidence of ongoing discussion with CAB and other stakeholders regarding sufficiency of communication.</li> </ol>
		2	Consider the use of community facilitators for discussions and problem-solving around recurring issues that identify potential misconduct by VPD officers within civil litigation complaints.	<ol style="list-style-type: none"> <li>1. Evidence of review and identification of community stakeholders that are not traditionally partners to the VPD.</li> <li>2. Evidence of assessment of strategies to more fully engage these community stakeholders.</li> <li>3. Evidence of consideration of the use of community facilitators in engaging community on problem-solving on recurring issues that drive civil litigation.</li> </ol>
		3	Track requests and outcome with reporting on actions taken in response.	<ol style="list-style-type: none"> <li>1. Evidence of reported outcomes and subsequent actions following such engagements.</li> <li>2. Use of CIRB reviews to inform process</li> <li>3. Evidence of public reporting by VPD of the actions resulting from such events.</li> </ol>
		4	Provide for annual reporting and analysis that identifies and addresses the concerns raised during engagement strategies and actions taken in response to the VPD's civil litigation review.	<ol style="list-style-type: none"> <li>1. Consistent with Recommendation 33, ensure annual reporting on civil litigation review includes community input and sentiment to their perceptions of the actions giving rise to litigation.</li> </ol>
<b>Recommendation Topic: Transparency &amp; Community Engagement</b>				
	<b>Initial Recommendation</b>	<b>Compliance Measures</b>		<b>Proofs</b>
40	The Department should enhance the clarity and accessibility of its website in terms of required information and should consider ways to further utilize the site as a vehicle for informing and engaging the public.	1	Survey and discuss with community representatives what they feel are effective communications from and with the VPD, including the website and other digital means.	<ol style="list-style-type: none"> <li>1. Develop a survey that will be used to ask the community about what they want to see from VPD for engagement.</li> <li>2. Use the survey for online and in person discussions to assess what the community identifies as effective communication. (Consistent with Recommendation 42).</li> <li>3. Provide a summary of the sentiments of the community.</li> </ol>
		2	Develop a strategy for improved customer experience and communication through the VPD website, as informed by the community engagement and VPD goals.	<ol style="list-style-type: none"> <li>1. Use the community sentiment to inform an engagement strategy.</li> <li>2. Strategy is focused on improved customer experience</li> <li>3. Strategy tasks specific roles with responsibility for implementation, oversight and evaluation.</li> <li>4. Strategy aligns with VPD's community engagement goals.</li> </ol>
		3	Ensure the website, and other communication vehicles provide the opportunity to and encourages public comment and engagement on key policies and actions of the VPD.	<ol style="list-style-type: none"> <li>1. Updated communication vehicles based upon strategy and community input.</li> <li>2. Evidence of community input into and assessment of policy revisions.</li> <li>3. Evidence of adherence to the communication strategy as measured by agendas, opportunities for input, active communication.</li> </ol>
		4	Provide for communication specific to the CRI on the VPD website and for the intranet to share successes and key events with CRI stakeholders.	<ol style="list-style-type: none"> <li>1. Establish a CRI link on the VPD website.</li> <li>2. Establish a CRI link on the internal VPD website.</li> <li>3. Evidence of updated and shared information on the links that relates to CRI or reform.</li> </ol>

		5	Create or update relevant policies regarding use of the website to ensure consistency in the sharing of relevant and critical investigative information.	<ol style="list-style-type: none"> <li>1. Policy that drives how websites are managed.</li> <li>2. Tasking for maintaining updated information.</li> <li>3. Policy requires timebound review of material and refresh of websites.</li> </ol>	
		6	Monitor access and use for improvement opportunities, including other social media tools.	<ol style="list-style-type: none"> <li>1. Tasked individual for engaging on social media/website.</li> <li>2. Evaluation, tracking and reporting on comments and recommendations received.</li> <li>3. Identification of ongoing concerns and review of communication vehicles for improvement.</li> <li>4. Continuous improvement loop that informs and updates strategy and VPD members on concerns, improvements and recommended actions.</li> </ol>	
		7	Provide ongoing survey, at least bi-annually, to allow users and public to provide feedback.	<ol style="list-style-type: none"> <li>1. Evidence that the survey, used in CM#1, is an ongoing instrument that is used to inform and build communication vehicles.</li> <li>2. Evidence of bi-annual opportunity for community input.</li> <li>3. Maintain visibility on the VPD's actions and responses to community responses.</li> </ol>	
41	VPD should engage community members at the interview stage of its promotional process.	1	Review best practices regarding community participation in promotional processes.	<ol style="list-style-type: none"> <li>1. Evidence of review of best practice in promotion processes.</li> <li>2. Documentation of assessment of specific practices around community participation in promotions.</li> </ol>	
		2	Develop policy for community participation with input of key stakeholders to the VPD and the City of Vallejo. Define role and level of participation.	<ol style="list-style-type: none"> <li>1. Policy that provides a role for community engagement in the promotion process consistent with the position in question.</li> <li>2. Policy reflects input of stakeholders.</li> <li>3. The participation of community is identified publicly.</li> </ol>	
		3	Recruit community participation in the process.	<ol style="list-style-type: none"> <li>1. Evidence of strategy in recruiting in community participation in the promotion process.</li> <li>2. Evidence of VPD recruitment of community participation.</li> </ol>	
		4	Monitor feedback and participation for continuing improvement.	<ol style="list-style-type: none"> <li>1. Policy tasks specific individual with evaluation of the community participation process.</li> <li>2. Ongoing review of participation post-promotion process.</li> <li>3. Evidence of discussions with community regarding the participation processes.</li> <li>4. Evidence of continuous improvement and review.</li> </ol>	
42	VPD should devise additional ways to solicit and encourage feedback from all its communities regarding the performance of the Department.	1	Engage and seek input from community members, including the CAB, about ways the VPD could improve interaction and performance with its communities. Consider use of survey, community meetings and public comment sections on the website to gather the data.	<ol style="list-style-type: none"> <li>1. Consistent with Recommendation 40, evidence that the VPD has engaged broadly across the community about how to improve interaction.</li> <li>2. As part of the communications strategy, assess areas for improvement on an annual basis.</li> <li>3. Evidence of continuous improvement focus and resulting improvements.</li> </ol>	
		2	Address community concerns over inequity through policy, assessment and continuous monitoring and training.	<ol style="list-style-type: none"> <li>1. Develop and implement a Bias-Free Policing Policy.</li> <li>2. Share broadly with the community for input and review.</li> <li>3. Assess recommended changes and report on whether they will be implemented.</li> <li>4. Provide training to officers on new policy, including roll-call and in-service.</li> <li>5. Assess data, both through RIPA reporting and internal analysis, to determine progress, challenges and barriers for bias-free policing.</li> <li>6. Report annually on the outcomes of the analysis in a public community meeting with opportunity for comment.</li> <li>7. Continue to work with the community to improve and update practices for review.</li> </ol>	
		3	Develop a strategy to address and resolve the comments received, with a goal of improving performance.	<ol style="list-style-type: none"> <li>8. Evidence of the strategy from Recommendation 40 to collect and address the comments of community.</li> <li>9. Evidence of strategy focused on improving interactions.</li> <li>10. Assessment of outcomes of strategy.</li> </ol>	
		4	Consider use of business cards with officer information for public information and provide link to survey.	<ol style="list-style-type: none"> <li>1. Evidence of review and discussion regarding use of business cards.</li> <li>2. Written evidence of decision and justification.</li> <li>3. Policy that addresses use if approved.</li> <li>4. Remediation for failure to distribute cards if not used.</li> </ol>	
		5	Report back to the community on actions and improvements taken in response to their comments.	<ol style="list-style-type: none"> <li>1. Evidence of ongoing engagement with community relative to strategy and other engagement opportunities that seek input.</li> <li>2. Evidence of changes in practices as a result of comments.</li> </ol>	
		6	Provide for ongoing review and update of public comment and direction for police service goals.	<ol style="list-style-type: none"> <li>1. Posting of comments, review and actions.</li> <li>2. Evidence of discussion regarding community input, review and actions.</li> </ol>	
43	VPD should devise a feedback loop for its criminal justice partners (including the District Attorney, Sheriff, Judges, Public Defenders, Juvenile Justice Administrators, Probation Officers, and Social Workers) regarding the performance of its	1	Establish a routine meeting cadence with identified CJ stakeholders.	<ol style="list-style-type: none"> <li>1. Evidence of routinely scheduled meetings with CJ partners and appropriate VPD staff with decision authority or experience.</li> </ol>	
		2	Follow agenda items for discussion and ensure minutes with tasking regarding issues discussed.	<ol style="list-style-type: none"> <li>1. Evidence of established agendas and minutes from meetings.</li> <li>2. Evidence of tasking and reporting back on tasked items within the minutes.</li> </ol>	
		3	Identify and task action items for VPD improvement. Ensure	<ol style="list-style-type: none"> <li>1. Evidence of VPD follow through on tasked items.</li> <li>2. Actions as appropriate to address tasked items.</li> </ol>	

	officers and Department as a whole.	ongoing review and coordination internally with policy, training, and operations.	
	4	Ensure discussion around challenges and successes with the whole of the VPD team.	1. Evidence that concerns and praise raised by CJ partners is shared with VPD team, e.g., Chief's letters, roll call training, etc.

**Recommendation Topic: Independent Oversight**

#	Initial Recommendation	Compliance Measures	Proofs
44	VPD should develop a way to obtain feedback and input from its community when contemplating major policy changes or public safety strategies.	1	Concurrent with R#7, 39 & 42, establish practice and policy to ensure community input on the development of VPD policies, particularly those that have direct community affect.
		2	Ensure ongoing community engagement for policy review and updates.
		3	Establish feedback process for the community stakeholder engagement to identify whether there is procedural justice and voice within the community.
		4	Evaluate engagement strategies in a continuous improvement loop to ensure continued diverse engagement across communities and VPD stakeholders.
45	VPD should work with City leadership to create a model of independent oversight specifically tailored to meet the needs of Vallejo.	1	Survey the community to learn of concerns and goals for oversight of the VPD.
		2	Develop a framework for independent review based upon the input and goals of the VPD and its communities.
		3	Share the framework with the community and seek input on the proposed framework.
		4	Work with the VPD members to address concerns relative to independent oversight.
		5	Ensure the division between the VPD's need for formal oversight and the litigation strategies for civil matters.
		6	Develop a strategic plan for implementation of independent review that includes timebound investigations, review periods and public dissemination.